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#### **(S.D.)-Judge Says Jury Should Decide Sturgis Trademark Case**

By: Chris Fankhauser Posted at: 03/13/2013 06:59 AM

STURGIS, S.D. (AP) - Both sides in a legal dispute involving the trademark for the name "Sturgis" say recommendations by a federal magistrate judge are positive.

Judge John Simko says a jury ultimately should decide the matter. Simko is recommending U.S. Chief District Judge Jeffrey Viken deny motions by both sides that he rule in their favor.

Sturgis Motorcycle Rally Inc. has sued Rushmore Photo & Gifts and Wal-Mart Stores Inc. over its Sturgis trademark. The group says the trademark is needed to protect the quality of products connected with the rally that draws hundreds of thousands of people every year.

The defendants say the term is geographically descriptive and shouldn't be trademarked, and that non-licensed vendors have been selling goods bearing "Sturgis" for decades.

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