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AMERICAN MOTORCYCLE DEALER

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S&S rejects Harley lawsuit as being 'without legal basis'

HARLEY-DAVIDSON recently filed a lawsuit against S&S Cycle and Delkron alleging infringement of trademarks and patents. Having reviewed the issues raised by Harley, S&S has stated that it intends to defend itself against the charges, which it believes to be "without legal basis."

The Viola, Wisconsin-based engine and performance parts manufacturer says that the products at issue in this lawsuit were the result of its "own engineering design."

S&S added that while the company would obviously prefer never to become involved in these kinds of disputes, it understood that as it continued to grow, there was always the possibility that it would become a target for such lawsuits.

"It is a great disappointment that Harley-Davidson is taking legal action against us," said S&S President Brett Smith. "My grandfather George Smith helped found the V-twin performance aftermarket industry in the mid 1950s and assisted Harley-Davidson with its Bonneville record run in 1970. We have always thought that a mutually beneficial relationship existed between S&S and Harley-Davidson; our 145 Tribute project

in 2003 is evidence of that. We do not understand why, after all this time, Harley-Davidson is raising these claims."

The suit, which was filed on March 17th, includes the specific allegations that S&S is infringing patents related to Harley's Twin Cam 88 engine as well as "alleging that S&S is violating trademarks regarding names such as Evo, Evolution, Shovel and more."

"We want to assure our customers of our continued commitment, and want them to know that we are fully engaged in the situation," said Michael Scaletta, S&S Cycle's Product Engineering Manager and a third generation founding family member.

"We will continue supplying our products, including Twin Cam style engines and components, to our customers", continued Scaletta. "This lawsuit will not change how we approach product development or sales."

This lawsuit is the latest but highest profile to-date in a series of moves that Harley-Davidson has made in the course of the past decade to try and control what it sees as inappropriate use of identities and words associated with its product ranges.

Most notorious and controversial of these was the ill-advised attempt to

trademark the sound made by its 45° air-cooled V-twin engine.

S&S, whose new La Crosse, Wisconsin, plant will soon be fully on stream, is widely regarded as one of the market's 'senior' brands.

It is engaged in an ambitious program of dealer development and training and recently announced a ban on internet sales of its products. The company is proceeding with its new shovelhead-style engine program and is marketing its new dual-sensor closed-loop electronic fuel injection system.

S&S Cycle's growth and product development may be behind Harley's decision to file suit. The company is already the primary engine supplier to several custom OEMs, and rumors link the company to further initiatives in other areas of custom V-twin engineering.

The lawsuit does not name any S&S customers as defendants, but it does co-name Delkron in the action. S&S says that it does not have any connection with Delkron and does not believe that Harley has any basis to name it and Delkron in the same action. S&S has filed a request with the court asking that its case be severed from Delkron. The latter declined to respond formally to AMD about the action.

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This is 'Caligo' – the European Championship winning chopper by Habermann Performance in Germany. A classic of its kind with a dark and unmistakably 'Habermannesque' look, see pages 39 to 41



WINNER



From left: Custom Chrome Europe managing director Holger Mohr, winner Thomas Habermann and partner Dany, and AMD publisher Robin Bradley at the Championship presentation

GOING DARKLY WHERE NO BUILDER HAS GONE BEFORE

This is 'Caligo' – the European Championship winning chopper by Habermann Performance in Germany. A classic of its kind with a dark and unmistakably 'Habermannesque' look, Robin Bradley reports on what made Thomas' fellow competitors judge Caligo to be the European Championship bike for 2005

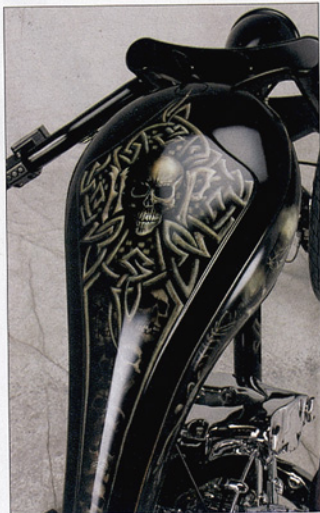


Written by
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Thomas Habermann and his partner Dany are no strangers to success in bike contests around Europe. Indeed, Thomas' 'Skull' took third place at the AMD ProShow in Germany in 2002. Since then, we have also featured his 'Ghul' chopper in AMD.

As the 71 bikes that entered this year's European Championship were wheeled in for registration the day before the show opened, there were a dozen or so that immediately caught the eye as likely contenders for top honors. Caligo was among them.

The European Championship was presented by Custom Chrome at their annual Dealer Show in Mainz, Germany on March 19th and 20th, with the judging carried out by the competitors themselves. When the time came for the announcement of the winners at five o'clock on the Sunday afternoon, Thomas and Dany professed to be "staggered and amazed" to find themselves winners and 2005



Photography by
Horst Rösler
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Official European Champions.

"We just did not expect this," said Dany. "This is amazing because it means that in the opinion of the builders here, we have entered a bike that they think is the best in the show. But there are so many fantastic bikes here, built by great designers and engineers, that to have them think our work is at least as good as their own is just completely unexpected."

Whilst there is not a magazine in the world whose production values could do justice to the detail and finish of Caligo, it should nonetheless be pretty clear from our presentation here that the most surprising thing about Dany's reaction is her surprise.

The quality of all the bikes entered was superb. The builders themselves said that it was the finest collection of custom V-twins they had ever seen in one place at one time, a similar reaction to that from

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the competitors at the first annual Official World Championship at Custom Chrome's American dealer show last October. And as at the World Championship, the judging at the European Championship was very close, with relatively few points separating the top twenty or so bikes.

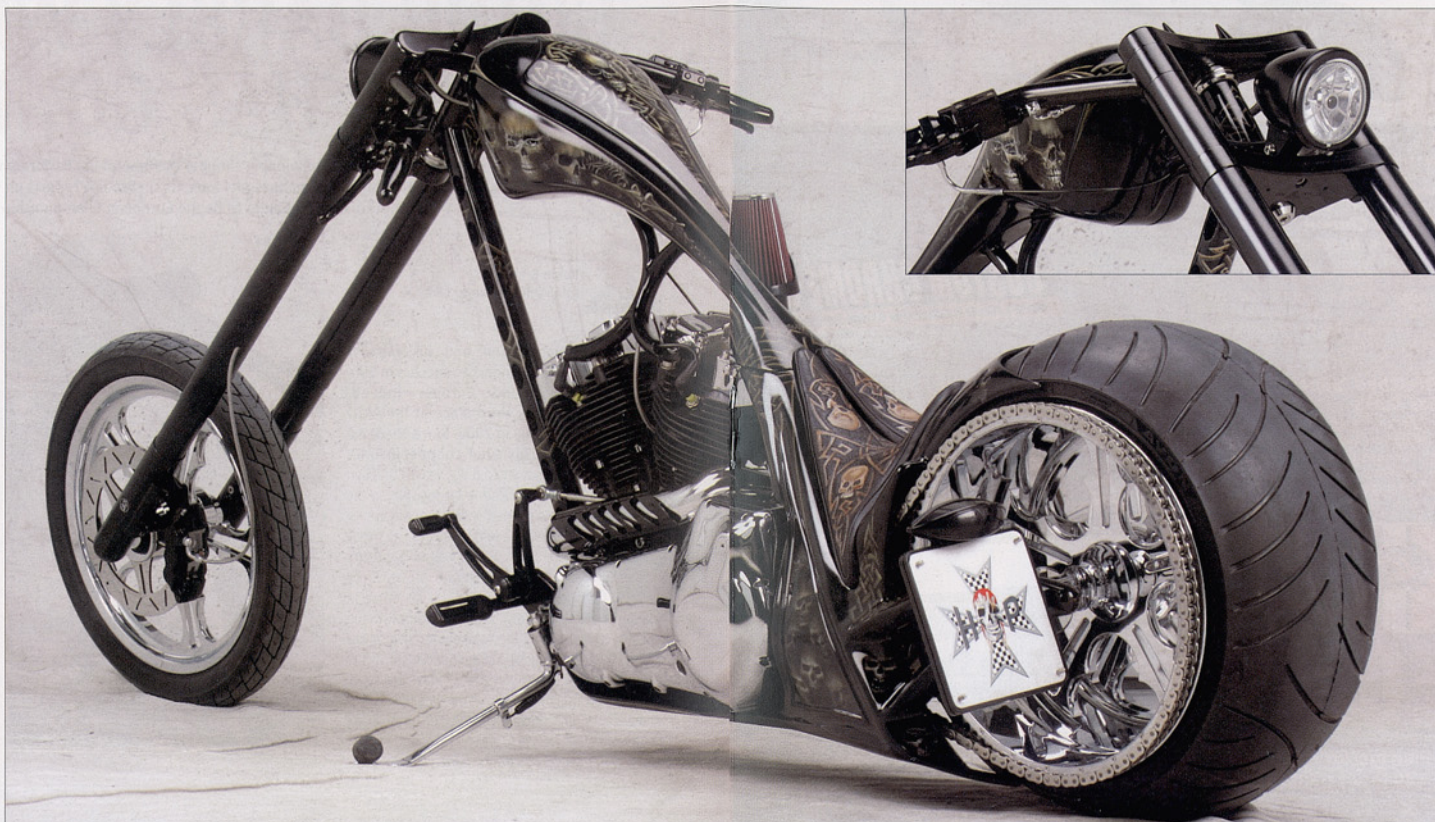
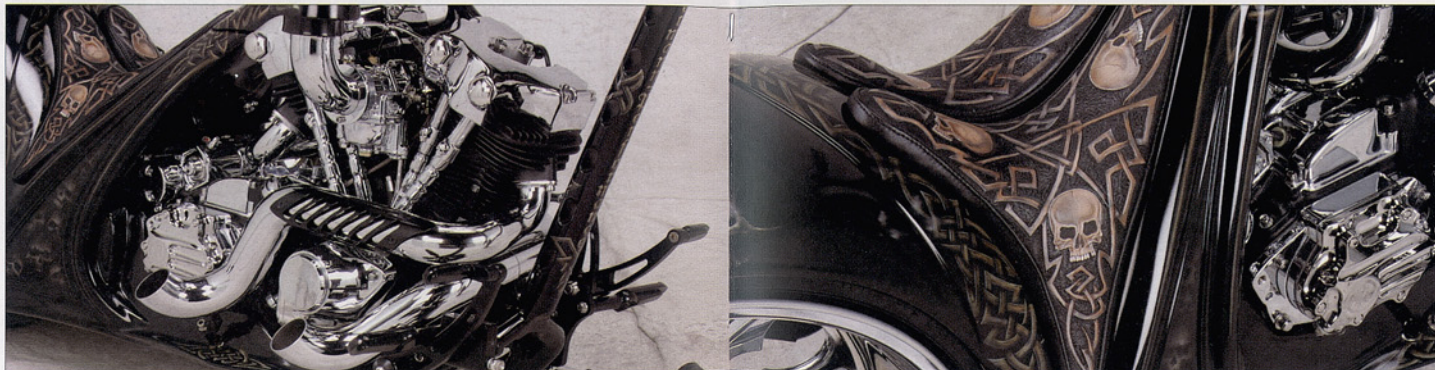
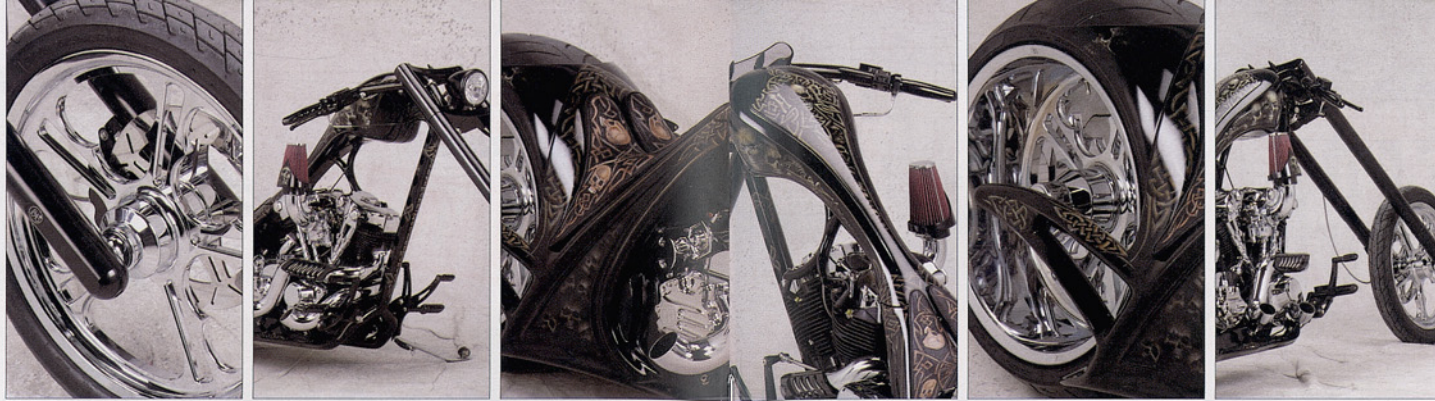
Any one of the top ten or fifteen customs would have been a fine and worthy winner, but one sensed that the view of the judges was that Thomas and Dany's career had been building to a crescendo. There was perhaps a feeling that recognition for Caligo was also recognition for years of consistency and commitment to engineering quality, and a particular design ethic that could well in future years be characterized as 'Habermannesque'.

A rigid fanatic, Dany was responsible for the theme of the paint and graphics, and the bike was built as her own personal ride. Her enjoyment of the iconography and imagery of the 'dark side' is nothing if not thorough. Check out the skulls that have been superbly executed from scanned photographs of medieval plague victims by airbrush genius Bianca Hennig.

The exquisite rendering of Dany's vision (nightmare?) is mirrored by Thomas's attention to engineering detail. Based on a frame of their own design and manufacture, Caligo has forty degrees rake in the headstock and five inches of stretch in the backbone and the downtube. The front end is a Dutch-made SJP 18 inch over design with a Custom Chrome RevTech Creep 2.15x19in front wheel and a PM six piston caliper.

The bike uses a 93ci S&S Shovelhead motor with Knucklehead rockers that Thomas describes as giving a "Knovelhead" hybrid look. The motor has an S&S Super E carb with a skull-embazoned upswept manifold and cone filter, and uses a Dyna S ignition. The clutch and transmission is a stock Harley 5 speed set-up from a 2003 Dyna.

Unsurprisingly, all the bodywork, including the gas tank and the custom-made exhaust system, was done in-house by Thomas. With an estimated three months invested in the construction, the bike was finished in December last year, then modified early in 2005 to take the S&S Shovelhead motor as



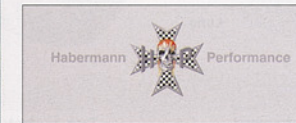
soon as it became available, as an alternative choice to the 1978 Harley original that he had originally assumed he would be using.

The rear end is an Avon 300 on a Custom Chrome RevTech Creep 11.5x18in wheel that features a 'spinner' designed and made by the Habermann Performance team.

The most striking feature of Caligo is the massive 95 tooth perimeter chain final drive that emerges unseen from the transmission. Like all good choppers, Caligo is devoid of clutter and unnecessary accessories, but also with all good choppers, the simplicity is camouflage for design decisions and craftsmanship of the highest order.

Italian-made OMP brand grips and instruments are used on a set of Thomas's own handlebars with a W&W front light. At the back, an RST four piston caliper is discreetly hidden under the bodywork and integrated with the sprocket idler shaft on the right side.

Thomas and Dany want us to say a great big thank you on their behalf to their fellow builders and competitors for voting for them in the European Championship. As someone who was standing close to them on stage when the announcement was made, I can vouch that you will never see a more genuinely humble and surprised reaction.



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Dany and Thomas with Caligo

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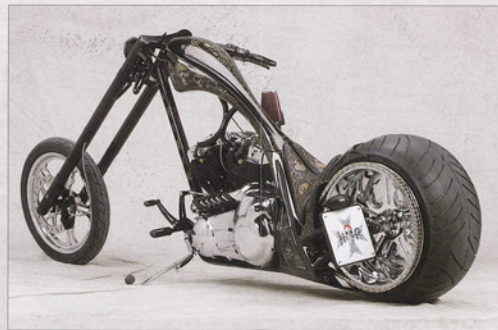
'CALIGO'

WINNER



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