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Filing date: **01/22/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91181448
Party	Plaintiff Jeff Brown
Correspondence Address	Courtney Bru Doerner Saunders Daniel & Anderson 320 S. Boston Avenue, Suite 500 Tulsa, OK 74103 UNITED STATES rblue@dsla.com, cbru@dsla.com
Submission	Motion for Summary Judgment
Filer's Name	Rachel Blue
Filer's e-mail	rblue@dsla.com, cbru@dsla.com
Signature	/RachelBlue/
Date	01/22/2009
Attachments	eX4-9.pdf ( 93 pages )(7458867 bytes )



IN THE UNITED STATE PATENT & TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JEFF BROWN,	)	CANCELLATION NO.:	91181448
	)		
Petitioner	)	TRADEMARK:	PATRIOT
	)	GUARD RIDERS AND DESIGN	
v.	)		
	)	APPLICATION NO.	77/040379
PATRIOT GUARD RIDERS, INC.,	)		
	)	DATE FILED:	NOVEMBER 9,
Applicant	)	2006	

**PETITIONER'S ANSWER TO APPLICANT'S FIRST SET OF INTERROGATORIES**

Petitioner, Jeff Brown, submits his responses to Applicant Patriot Guard Riders First Set of Interrogatories.

**Objections to Introductory Material, Definitions, and Instructions Contained in Applicant's First Set of Interrogatories.**

1. Petitioner objects to the definitions and instructions contained in Applicant's First Set of Interrogatories to the extent those definitions and instructions seek to impose duties or obligations on Petitioner in addition to or different from those imposed or authorized by the Federal Rules of Civil Procedure the Patent and Trademark Board Rules of Practice. Furthermore, as written, those definitions and instructions are overly broad and unduly burdensome.

2. Petitioner will provide responses according to the Federal Rules of Civil Procedure and the Patent and Trademark Board Rules of Practice. Petitioner considers its obligations to be governed by those rules, and specifically disclaims the acceptance of any additional obligations imposed by your definitions and instructions. For example, Petitioner's

supplementation duties are governed by those rules. Petitioner objects to the supplementation instructions contained in your introductory matter and instructions.

3. Petitioner specifically objects to paragraph 1 of your Definitions insofar as it unreasonably expand the definition of the parties. For example, Rule 33(a) provides the basis for determining what information is available to a party. Petitioner objects to your definitions insofar as it would alter the meaning of Rule 33(a).

4. Petitioner specifically objects to paragraphs 17-20 of your Definitions insofar as, given the context of any particular interrogatory, there may be more appropriate and less burdensome manners to “identify” the requested information.

5. Petitioner specifically objects to paragraph 27 of your Instructions on the basis that the instruction is contrary to Rule 33. Petitioner will state its objections in compliance with Rule 33. Petitioner’s privilege objections are governed by Rule 33 and Rule 26, in particular Rule 26(b)(5), as well as relevant case law interpreting those rules.

6. Petitioner specifically objects to producing any document or providing any information that discloses a confidential communication made for the purpose of facilitating the rendition of professional legal services. Petitioner objects to the extent any request seeks privileged information or information protected by the work product doctrine.

7. Petitioner will exercise the option to produce documents for inspection as they are kept in the usual course of business or organize or label them to correspond with the categories in the requests. See Rule 34(b). Any responsive documents which Petitioner has agreed to produce will be produced as agreed between the parties.

8. Petitioner specifically objects to producing any document that is not relevant to the claim or defense of any party, is not admissible at trial, and does not appear reasonably calculated to lead to the discovery of admissible evidence.

Each of these objections is incorporated in each particular response. This is primarily for brevity, since it adds nothing to the objection to reprint it on a subsequent page. Where more specific problems are presented by an interrogatory, an objection will be made that describes the additional problems presented by the interrogatory.

**INTERROGATORY NO. 1:** Identify all persons providing any information to answer these Interrogatories, as well as the nature of each person's knowledge relating to these Interrogatories.

**ANSWER TO INTERROGATORY NO. 1:** Petitioner responds as follows:

Jeff Brown c/o Tom Q. Ferguson and Rachel E. Blue Doerner, Saunders, Daniel & Anderson, L.L.P. 320 S. Boston Ave, Suite 500, Tulsa, OK 74103 (918)582-1211	Knowledge regarding the use and creation of the marks, communications between the parties; and other matters related to this dispute
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**INTERROGATORY NO. 2:** Identify each consultant, advisor or expert who has been retained or specifically employed by Opposer, Opposer's attorney, or anyone acting on Opposer's behalf, with respect to any issue raised by the documents in this action, in anticipation of litigation, opposition with the Trademark Trial and Appeal Board, or preparation for trial and who is not expected to be called as a witness at trial.

**ANSWER TO INTERROGATORY NO. 2:** No such persons have been retained at this time.

**INTERROGATORY NO. 3:** State the alleged date(s) (*month, day and year*) that Opposer, individually, and not on behalf of Applicant, first selected and adopted one or more of the Marks and produce documentation to support same.

**ANSWER TO INTERROGATORY NO. 3:** Petitioner first selected and adopted the marks sometime after participating in the "Run for the Wall" event in 2005. Petitioner cannot recall the exact date he selected or adopted the marks.

**INTERROGATORY NO. 4:** State how Opposer, individually, and not on behalf of Applicant, performed "association services, namely, promoting the interests of families of deceased military members and families of deceased veterans", as declared in Opposer's trademark application.

**ANSWER TO INTERROGATORY NO. 4:** After attending two or three military funerals with other motorcycle riders and veterans groups, Petitioner decided a nationwide Internet site to disseminate information regarding the information about upcoming funerals would allow more people across the country to participate and show their appreciation for sacrifices made by American men and women who have paid the ultimate price in the defense of the country's freedom. Petitioner started an email campaign to recruit members of a new organization which would ultimately become the Patriot Guard Riders. Petitioner also worked with other new members to develop a website, and an organizational structure to promote the processing of data for the funerals. Over the next several months Petitioner designed, researched, funded and shipped various commercial products that gave the Patriot Guard Riders recognition all over the world and provided substantial financial support to the organization. Petitioner has ridden to well over 100 honor mission across the country to honor America's fallen heroes and continues to do so.

In August of 2006, Petitioner paid for most of the cost and worked with other Patriot Guard Riders members to set up and run "The Healing Fields" in Sturgis, South Dakota. Petitioner helped promote and covered most of the costs for the 2006 Gathering of the Guards in Claremore, Oklahoma. Petitioner purchased thousands of 3 X 5 foot American flags and poles that were distributed to Patriot Guard Riders members across the country to hold in flag lines at military funerals. Petitioner spent countless hours on the phone and in email correspondence with Patriot Guard Riders members, soldiers families, law enforcement officials and others involved in the missions. In May of 2006, Petitioner paid for himself and five other Patriot Guard Riders leaders and their wives to fly to Washington DC and meet with President Bush as his guests and attend the signing ceremony of the "Respect For America's Fallen Heroes Act." Petitioner designed and paid for the manufacturing and shipping of hundreds of plaques to be given to the families of fallen soldiers. Petitioner continues to promote the Patriot Guard Riders so that more people will join and pay tribute to American men and women in uniform.

**INTERROGATORY NO. 5:** Identify the corporation, organization, association or other entity that Opposer was the "Executive Director" of, as declared in the signature block of Opposer's trademark application.

**ANSWER TO INTERROGATORY NO. 5:** When Petitioner filed the application, he intended to file the application in his individual capacity, not as a formal representative of any entity. Petitioner was directed to refer to himself as Executive Director by counsel, nonetheless both counsel and Petitioner intended for the application to be filed in Petitioner's individual capacity.

**INTERROGATORY NO. 6:** Describe John Jacobs personal and/or professional relationship to Opposer and to Applicant from the time of the formation of the PGR organization until the time of the filing of the present Opposition.

**ANSWER TO INTERROGATORY NO. 6:** To the extent this interrogatory seeks information protected by the attorney/client privilege or the attorney work product doctrine, Petitioner objects. Without waiving this objection, Petitioner states that the relationship was that of attorney/client.

**INTERROGATORY NO. 7:** Describe the circumstances and relevant information surrounding Opposer's decision to file Opposer's trademark application.

**ANSWER TO INTERROGATORY NO. 7:** To the extent this interrogatory seeks information protected by the attorney/client privilege or the attorney work product doctrine, Petitioner objects. Without waiving this objection, Petitioner decided to file his trademark application to aid in the protection of his rights in the Marks.

**INTERROGATORY NO. 8:** Explain Opposer's basis for alleging in the Opposition that Opposer, individually, had earlier use of the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT in commerce, as compared to Applicant's use of the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT, and why Opposer's supposed earlier use, claimed in the Opposition to be "at least as early as 2005", did not inure to the benefit of, or was not on behalf of, Applicant.

**ANSWER TO INTERROGATORY NO. 8:** Petitioner objects to the extent this interrogatory seeks a legal conclusion. Without waiving this objection, Petitioner states that his use of the Marks was prior to the use of the Marks by the Applicant. Moreover, Petitioner created the marks and used them on his own behalf.

**INTERROGATORY NO. 9:** Explain Opposer's basis for alleging in the Opposition that the individual who filed Applicant's first trademark application had full knowledge of Opposer's prior, individual rights, in the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT.

**ANSWER TO INTERROGATORY NO. 9:** Upon information and belief, Mr. Jason Wallin filed the Applicant's trademark application. Mr. Wallin was aware of Petitioner's ownership of the marks as Mr. Wallin and Petitioner had several discussions regarding Petitioner's ownership of the marks.

**INTERROGATORY NO. 10:** State whether Opposer ever licensed, either orally or in writing, or otherwise acquiesced to, Applicant's use of any one of the Marks and, if so, identify all persons having knowledge of the license and/or acquiescence and the circumstances surrounding same, such as the date and terms of the license and/or acquiescence, and all documents relating to same.

**ANSWER TO INTERROGATORY NO. 10:** Petitioner recalls discussing with several individuals associated with Applicant that Applicant could use the Marks in a non-commercial manner for the benefit of Applicant. Petitioner does not recall whether this license was ever made in writing.

**INTERROGATORY NO. 11:** Describe all circumstances and relevant information, including, but not limited to, people, dates and places, leading up to the coining of the name "PATRIOT GUARD RIDERS", and provide all documents relating to same.

**ANSWER TO INTERROGATORY NO. 11:** Petitioner recalls hearing someone use the words "Kansas," "patriot" and "guard" to describe the efforts of individuals to show support at military funerals and to prevent the actions of protestors from interfering with the funerals.

Ultimately Petitioner decided "Patriot Guard Riders" would be an appropriate name for the organization Petitioner was forming.

**INTERROGATORY NO. 12:** Describe all circumstances and relevant information, including, but not limited to, people, dates and places, leading up to the forming of the Patriot Guard Riders organization, and provide all documents relating to same.

**ANSWER TO INTERROGATORY NO. 12:** After participating in the "Run for the Wall" event in 2005, Petitioner experienced a new sense of patriotism and pride in his status as a Vietnam era veteran. Some of Petitioner's associates from the Rolling Thunder Chapter 3 in Coweta, Oklahoma, ("Rolling Thunder Associates") contacted Petitioner and told him that there was a group from Topeka, Kansas that would be protesting at a soldier's funeral in Broken Arrow, Oklahoma. These Rolling Thunder Associates stated that they had been contacted by American Legion Riders in Mulvane, Kansas to join them in keeping the protestors from disrupting the funeral service. The Rolling Thunder Associates asked Petitioner to ride with them, which Petitioner did. After that event, Petitioner rode in a similar manner in two or three more funerals.

At a later date, after hearing about a similar protest planned at a funeral in Edmond, Oklahoma by the Westboro Baptist Church, Petitioner was unable to find any further details about the funeral services and resorted to using the Westboro Baptist Church website to obtain the information. During the trip to Edmond to attend the funeral, Petitioner decided to use the Internet to set up a nationwide network and information center designed to alert other bikers and veterans of upcoming military funerals in an effort to increase participation and to express to the families of the service members that their loss was shared and appreciated.

Upon arriving at the service in Edmond, Petitioner located members of the American Legion Riders from Mulvane, Kansas and discussed his idea with them. They indicated interest. After returning home that evening, Petitioner drafted an email detailing his plans and sent the email to various motorcycle and veterans organizations across the country. He received reply emails in support of his idea almost immediately.

One such reply came from Jason Wallin, who indicated that he was an IT specialist. Mr. Wallin offered to build and host a website. On November 11, 2005 Mr. Wallin indicated that he has registered the domain [www.patriotguard.org](http://www.patriotguard.org) and the website was registered in Petitioner's name.

**INTERROGATORY NO. 13:** Describe all circumstances and relevant information, including, but not limited to, people, dates and places, leading up to the registering and development of the website [www.patriotguard.org](http://www.patriotguard.org), and provide all documents relating to same.

**ANSWER TO INTERROGATORY NO. 13:** Petitioner refers Applicant to Petitioner's Answer to Interrogatory No. 12.

**INTERROGATORY NO. 14:** Describe all circumstances and relevant information, including, but not limited to, people, dates and places, leading up to the formation of the original PGR store, and provide all documents relating to same.

**ANSWER TO INTERROGATORY NO. 14:** Shortly after receiving emails of support as described in Answer to Interrogatory No. 12, Petitioner received emails asking if Petitioner could design a PGR patch. Petitioner designed the patch and sent the design to the American Patch and Emblem Company for production quotes. Petitioner's wife, Bonnie Brown formed a new company to operate the store.

**INTERROGATORY NO. 15:** Describe all circumstances and relevant information, including, but not limited to, people, dates and places, leading up to the formation of PGR Store LLC, including why Opposer's wife was chosen to be the registered agent for PGR Store, LLC, instead of Opposer himself, and further including what role Opposer has had in the operation of PGR Store LLC, and provide all documents relating to same.

**ANSWER TO INTERROGATORY NO. 15:** Petitioner refers Applicant to Answer to Interrogatory No. 14. In addition, Petitioner's role in the operation of the store included the use of the couple's personal savings to finance the start-up of the store. Petitioner handled most of the original product design work with his wife's input. Together the couple did the packaging. Shipping and other administrative tasks.

**INTERROGATORY NO. 16:** Describe all circumstances and relevant information, including, but not limited to, people, dates and places, leading up to the formation of the subsequent PGR store, including the registering and development of the website [www.patriotguardstore.org](http://www.patriotguardstore.org), and provide all documents relating to same.

**ANSWER TO INTERROGATORY NO. 16:** After receiving a request for a Patriot Guard Rider patch, in approximately November of 2005, Petitioner designed a patch, researched and chose a manufacturer and placed an initial order. Petitioner received a positive response and requests for other products, and accordingly created the store. Petitioner does not recall the creation date of the website. Mr. Jason Taucher created the website for Petitioner.

**INTERROGATORY NO. 17:** Describe all circumstances and relevant information, including, but not limited to, people, dates and places, leading up to the formation of Twister's PGR store, and provide all documents relating to same.

**ANSWER TO INTERROGATORY NO. 17:** The word “Twister’s” was added to the original store to avoid confusion with the store run by Patriot Guard Riders, Inc.

**INTERROGATORY NO. 18:** Explain what statements or other indicia appeared on either the original PGR store or the subsequent PGR store that would indicate to visitors of either the original PGR store or the subsequent PGR store, that Opposer was operating the stores as an individual, and not as a part of either the PGR organization or the PGR corporation.

**ANSWER TO INTERROGATORY NO. 18:** There were several posts on the PGR forums stating that the store was a privately owned, for-profit business. Upon information and belief these posts have been deleted from the PGR website. Upon information and belief the website also contained language indicating ownership.

**INTERROGATORY NO. 19:** Explain what statements or other indicia appeared on either the original PGR store or the subsequent PGR store that would indicate to visitors of either the original PGR store or the subsequent PGR store, that Opposer, as an individual, rather than either the PGR organization or the PGR corporation, was the owner of one or more of the Marks.

**ANSWER TO INTERROGATORY NO. 19:** Upon information and belief, the website did indicate ownership, however Petitioner does not recall the exact language used.

**INTERROGATORY NO. 20:** Explain what statements or other indicia appeared on invoices received by customers of either the original PGR store or the subsequent PGR store that would indicate to the customers that Opposer was operating the stores as an individual, and not as a part of either the PGR organization or the PGR corporation.

**ANSWER TO INTERROGATORY NO. 20:** The invoices indicated that payments should be made payable to “Bonnie Brown.”

**INTERROGATORY NO. 21:** Explain what statements or other indicia appeared on invoices received by customers of either the original PGR store or the subsequent PGR store that would indicate to the customers that Opposer, as an individual, rather than either the PGR organization or the PGR corporation, was the owner of one or more of the Marks.

**ANSWER TO INTERROGATORY NO. 21:** The invoices indicated that payments should be made payable to "Bonnie Brown."

**INTERROGATORY NO. 22:** State what type of entity Opposer believes the PGR organization to have been and what Opposer's role was in that entity, and provide all documentation to support same.

**ANSWER TO INTERROGATORY NO. 22:** The group originated as a network of individuals interested in acting as guards for veteran's funerals. Until the date of incorporation, the organization was an unincorporated entity. The organization was subsequently incorporated as a not-for-profit corporation. Petitioner's role has changed over the years from founder, to executive director to member.

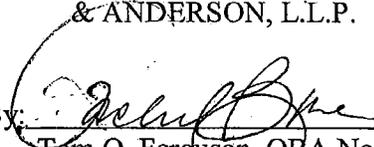
**INTERROGATORY NO. 23:** Describe all circumstances and relevant information, including, but not limited to, people, dates and places, leading up to the forming of the Patriot Guard Riders corporation, and provide all documents relating to same.

**ANSWER TO INTERROGATORY NO. 23:** To the extent this interrogatory seeks information protected by the attorney/client privilege or the attorney work product doctrine, Petitioner objects. Without waiving this objection, incorporation of the entity progressed naturally from the rapid growth of the organization and from the desire of many individuals to make donations to the organization.

**INTERROGATORY NO. 24:** Provide a complete and thorough explanation as to why any use by Opposer of one or more of the Marks was not done of behalf of, or would not inure to the benefit of, Applicant.

**ANSWER TO INTERROGATORY NO. 24:** Petitioner objects to the extent this interrogatory seeks a legal conclusion. Without waiving this objection, Petitioner states that he created and used the marks prior to the incorporation or formalization of Patriot Guard Riders Inc. to identify himself as a source for the products he offered and the association services he created as an individual.

DOERNER, SAUNDERS, DANIEL  
& ANDERSON, L.L.P.

By: 

Tom Q. Ferguson, OBA No. 12288  
Rachel Blue, OBA No. 16789  
320 South Boston Avenue, Suite 500  
Tulsa, Oklahoma 74103-3725  
Telephone (918) 582-1211  
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tferguson@dsla.com  
rblue@dsla.com

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 6<sup>th</sup> day of June, 2008, a true and correct copy of the above and foregoing Petitioners Answer to Applicant's First Set of Interrogatories was sent via electronic delivery to DMarr@trexlaw.com and mailed, with proper postage thereon, to:

David J. Marr  
James R. Foley  
James A. O'Malley  
TREXLER, BUSHNELL, GIANGIORGI,  
BLACKSTONE & MARR, LTD.  
105 West Adams Street, 36th Floor  
Chicago, IL 60603

  
Rachel Blue

1021842.1



IN THE UNITED STATE PATENT & TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JEFF BROWN,

Opposer,

v.

PATRIOT GUARD RIDERS, INC.,

Applicant.

)  
) OPPOSITION NO.: 91181448  
)  
) TRADEMARK: PATRIOT GUARD  
) RIDERS AND DESIGN  
)  
) APPLICATION NO.: 77/040379  
)  
) DATE FILED: NOVEMBER 9, 2006  
)  
)

**EXHIBIT 5**  
**IN SUPPORT OF OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

# Trademark/Service Mark Application, Principal Register

## TEAS Plus Application

Serial Number: 77041061

Filing Date: 11/09/2006

*NOTE: Data fields with the \* are mandatory under TEAS Plus. The wording "(if applicable)" appears where the field is only mandatory under the facts of the particular application.*

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
<b>MARK INFORMATION</b>	
*MARK	<u>PATRIOT GUARD RIDER</u>
*STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	PATRIOT GUARD RIDER
*MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Brown, Jeff
*STREET	8321 S. 8th St.
*CITY	Broken Arrow
*STATE (Required for U.S. applicants)	Oklahoma
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	74801
PHONE	918-449-1652
EMAIL ADDRESS	jeffbrown@valornet.com

AUTHORIZED TO COMMUNICATE VIA EMAIL	No
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	INDIVIDUAL
*COUNTRY OF CITIZENSHIP	United States
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
*INTERNATIONAL CLASS	006
*FIRST USE ANYWHERE DATE	At least as early as 10/27/2005
*FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
*DESCRIPTION	Metal license plates
*FILING BASIS	SECTION 1(a)
*FIRST USE ANYWHERE DATE	At least as early as 10/27/2005
*FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT2\IMAGEOUT2 \\770\410\77041061\xml1\FT K0003.JPG
SPECIMEN DESCRIPTION	Mark displayed by supporter at funeral of deceased member of the military
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
*INTERNATIONAL CLASS	014
*FIRST USE ANYWHERE DATE	At least as early as 10/27/2005
*FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
*DESCRIPTION	Ornamental pins
*FILING BASIS	SECTION 1(a)
*FIRST USE ANYWHERE DATE	At least as early as 10/27/2005
*FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT2\IMAGEOUT2 \\770\410\77041061\xml1\FT K0004.JPG
SPECIMEN DESCRIPTION	lapel pin
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
*INTERNATIONAL CLASS	024
*FIRST USE ANYWHERE DATE	At least as early as 10/27/2005

*FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
*DESCRIPTION	Cloth banners
*FILING BASIS	SECTION 1(a)
*FIRST USE ANYWHERE DATE	At least as early as 10/27/2005
*FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
SPECIMEN FILE NAME(S)	<u>\\TICRS\EXPORT2\IMAGEOUT2</u> <u>\\770\410\77041061\xml1\FT K0005.JPG</u>
SPECIMEN DESCRIPTION	motorcycle banner
*DESCRIPTION	Fabric flags
*FILING BASIS	SECTION 1(a)
*FIRST USE ANYWHERE DATE	At least as early as 10/27/2005
*FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
SPECIMEN FILE NAME(S)	<u>\\TICRS\EXPORT2\IMAGEOUT2</u> <u>\\770\410\77041061\xml1\FT K0006.JPG</u>
SPECIMEN DESCRIPTION	vehicle mounted flag
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
*INTERNATIONAL CLASS	025
*FIRST USE ANYWHERE DATE	At least as early as 10/27/2005
*FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
*DESCRIPTION	Hats
*FILING BASIS	SECTION 1(a)
*FIRST USE ANYWHERE DATE	At least as early as 10/27/2005
*FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
SPECIMEN FILE NAME(S)	<u>\\TICRS\EXPORT2\IMAGEOUT2</u> <u>\\770\410\77041061\xml1\FT K0007.JPG</u>
SPECIMEN DESCRIPTION	baseball-type cap
*DESCRIPTION	Short-sleeved or long-sleeved t-shirts
*FILING BASIS	SECTION 1(a)
*FIRST USE ANYWHERE DATE	At least as early as 10/27/2005
*FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005

SPECIMEN FILE NAME(S)	\\TICRS\EXPORT2\IMAGEOUT2 770\410\77041061\xml1\FT K0008.JPG
SPECIMEN DESCRIPTION	T-shirt
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
*INTERNATIONAL CLASS	026
*FIRST USE ANYWHERE DATE	At least as early as 10/27/2005
*FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
*DESCRIPTION	Embroidered patches for clothing
*FILING BASIS	SECTION 1(a)
*FIRST USE ANYWHERE DATE	At least as early as 10/27/2005
*FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT2\IMAGEOUT2 770\410\77041061\xml1\FT K0009.JPG
SPECIMEN DESCRIPTION	Embroidered patch
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
*INTERNATIONAL CLASS	035
*FIRST USE ANYWHERE DATE	At least as early as 10/27/2005
*FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
*DESCRIPTION	Association services, namely, promoting the interests of <b>families of deceased military members and families of deceased veterans</b>
*FILING BASIS	SECTION 1(a)
*FIRST USE ANYWHERE DATE	At least as early as 10/27/2005
*FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT2\IMAGEOUT2 770\410\77041061\xml1\FT K0010.JPG
SPECIMEN DESCRIPTION	Mark displayed by supporter at funeral of deceased member of the military
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
*TRANSLATION (if applicable)	

*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
DISCLAIMER	No claim is made to the exclusive right to use RIDER apart from the mark as shown.
<b>ATTORNEY INFORMATION</b>	
NAME	John Jacobs
ATTORNEY DOCKET NUMBER	PGR
STREET	406 Beaumont Circle
CITY	West Chester
STATE	Pennsylvania
COUNTRY	United States
ZIP/POSTAL CODE	19380
PHONE	610.918.1595
EMAIL ADDRESS	mnjjacobs@gmail.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>CORRESPONDENCE INFORMATION</b>	
*NAME	John Jacobs
*STREET	406 Beaumont Circle
*CITY	West Chester
*STATE (Required for U.S. applicants)	Pennsylvania
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	19380
PHONE	610.918.1595
*EMAIL ADDRESS	mnjjacobs@gmail.com

* AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>FEE INFORMATION</b>	
NUMBER OF CLASSES	6
FEE PER CLASS	275
TOTAL FEE DUE	1650
<b>SIGNATURE INFORMATION</b>	
* SIGNATURE	/JABrown/
* SIGNATORY'S NAME	Jeff Brown
SIGNATORY'S POSITION	Executive Director
* DATE SIGNED	11/09/2006
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Thu Nov 09 22:44:06 EST 2006
TEAS STAMP	USPTO/FTK-69.30.154.108-2 0061109224406476609-77041 061-35091b65d3e3b66167b9e 649d542a568c6c-CC-1010-20 061109222524468247

PTO Form 1478 (Rev 9/2006)  
OMB No. 0651-0009 (Exp 09/30/2008)

## Trademark/Service Mark Application, Principal Register

### TEAS Plus Application

**Serial Number: 77041061**

**Filing Date: 11/09/2006**

To the Commissioner for Trademarks:

MARK: PATRIOT GUARD RIDER (Standard Characters, see [mark](#))

The literal element of the mark consists of PATRIOT GUARD RIDER. The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Jeff Brown, a citizen of United States, having an address of 8321 S. 8th St., Broken Arrow, Oklahoma, United States, 74801, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 006: Metal license plates

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 014: Ornamental pins

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 024: Cloth banners; Fabric flags

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 025: Hats; Short-sleeved or long-sleeved t-shirts

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 026: Embroidered patches for clothing

**For specific filing basis information for each item, you must view the display within the Input Table.**

International Class 035: Association services, namely, promoting the interests of families of deceased military members and families of deceased veterans

If the applicant is filing under Section 1(b), intent to use, the applicant declares that it has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(b), as amended.

If the applicant is filing under Section 1(a), actual use in commerce, the applicant declares that it is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

If the applicant is filing under Section 44(d), priority based on foreign application, the applicant declares that it has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and asserts a claim of priority based on a specified foreign application(s). 15 U.S.C. Section 1126(d), as amended.

If the applicant is filing under Section 44(e), foreign registration, the applicant declares that it has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and submits a copy of the supporting foreign registration(s), and translation thereof, if appropriate. 15 U.S.C. Section 1126(e), as amended.

No claim is made to the exclusive right to use RIDER apart from the mark as shown.

The applicant hereby appoints John Jacobs, 406 Beaumont Circle, West Chester, Pennsylvania, United States, 19380 to submit this application on behalf of the applicant. The attorney docket/reference number is PGR.

Correspondence Information: John Jacobs

406 Beaumont Circle  
West Chester, Pennsylvania 19380  
610.918.1595(phone)  
mnjjacobs@gmail.com (authorized)

A fee payment in the amount of \$1650 will be submitted with the application, representing payment for 6 class(es).

#### **Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

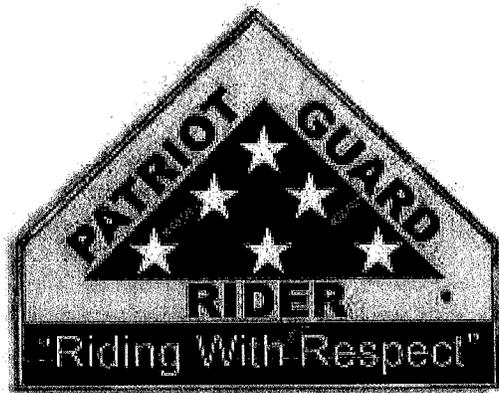
Signature: /JABrown/ Date: 11/09/2006  
Signatory's Name: Jeff Brown  
Signatory's Position: Executive Director

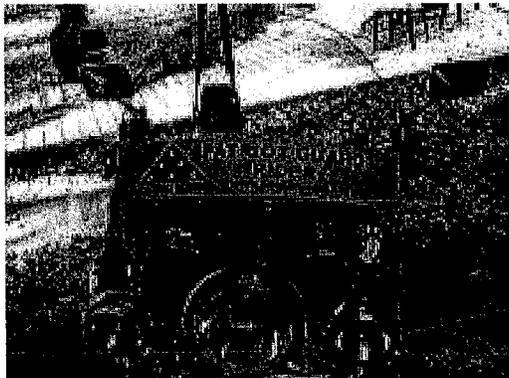
RAM Sale Number: 1010  
RAM Accounting Date: 11/13/2006

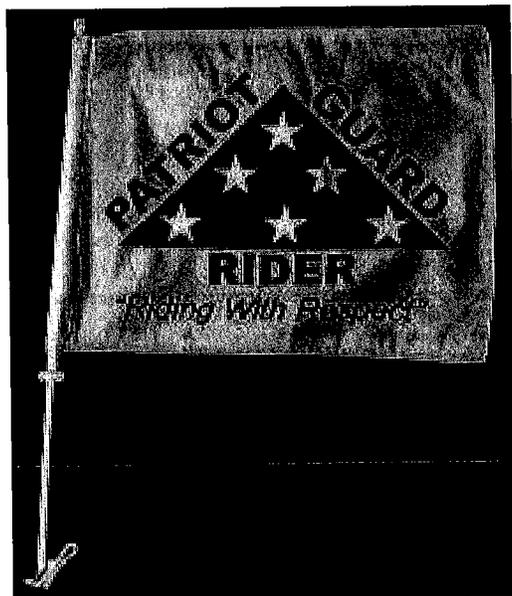
Serial Number: 77041061  
Internet Transmission Date: Thu Nov 09 22:44:06 EST 2006  
TEAS Stamp: USPTO/FTK-69.30.154.108-2006110922440647  
6609-77041061-35091b65d3e3b66167b9e649d5  
42a568c6c-CC-1010-20061109222524468247

**PATRIOT GUARD RIDER**

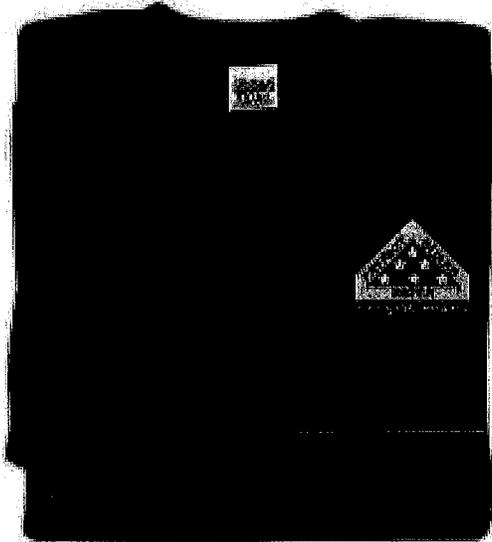




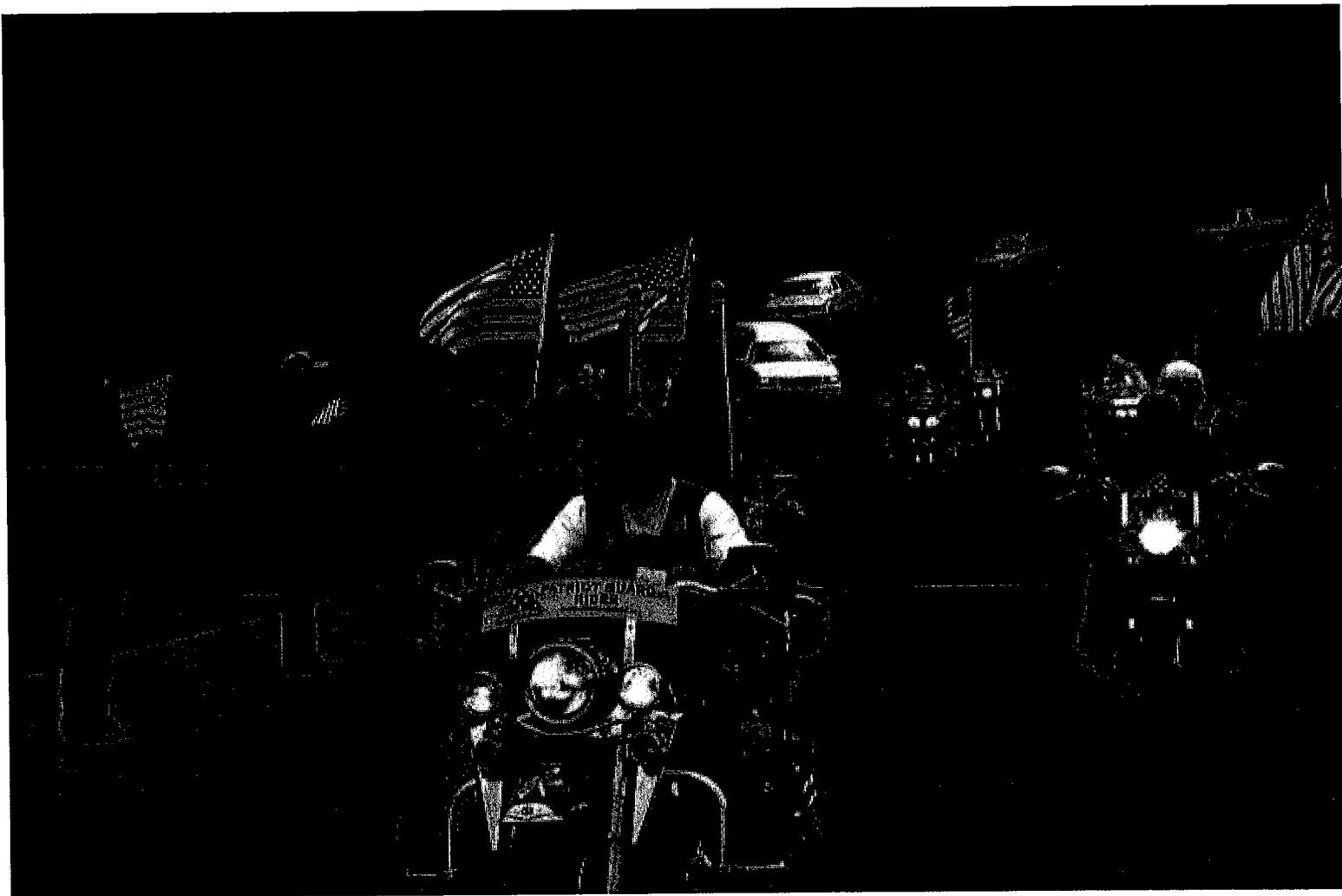












IN THE UNITED STATE PATENT & TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JEFF BROWN,

Opposer,

v.

PATRIOT GUARD RIDERS, INC.,

Applicant.

)  
) OPPOSITION NO.: 91181448  
)  
) TRADEMARK: PATRIOT GUARD  
) RIDERS AND DESIGN  
)  
) APPLICATION NO.: 77/040379  
)  
) DATE FILED: NOVEMBER 9, 2006  
)  
)

**EXHIBIT 6**  
**IN SUPPORT OF OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

## Preliminary Amendment

**The table below presents the data as entered.**

Input Field	Entered
SERIAL NUMBER	77041061
<b>MARK SECTION (no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (1st class)(current)</b>	
INTERNATIONAL CLASS	006
DESCRIPTION	Metal license plates
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/27/2005
FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
<b>GOODS AND/OR SERVICES SECTION (1st class)(proposed)</b>	
INTERNATIONAL CLASS	006
DESCRIPTION	Metal license plates
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/09/2005
FIRST USE IN COMMERCE DATE	At least as early as 12/09/2005
<b>GOODS AND/OR SERVICES SECTION (2nd class)(current)</b>	
INTERNATIONAL CLASS	014
DESCRIPTION	Ornamental pins
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/27/2005
FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
<b>GOODS AND/OR SERVICES SECTION (2nd class)(proposed)</b>	
INTERNATIONAL CLASS	014
DESCRIPTION	Ornamental pins

FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/14/2005
FIRST USE IN COMMERCE DATE	At least as early as 12/14/2005
<b>GOODS AND/OR SERVICES SECTION (3rd class)(current)</b>	
INTERNATIONAL CLASS	024
DESCRIPTION	Cloth banners; Fabric flags
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/27/2005
FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
<b>GOODS AND/OR SERVICES SECTION (3rd class)(proposed)</b>	
INTERNATIONAL CLASS	024
DESCRIPTION	Cloth banners; Fabric flags
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 11/29/2005
FIRST USE IN COMMERCE DATE	At least as early as 11/29/2005
<b>GOODS AND/OR SERVICES SECTION (4th class)(current)</b>	
INTERNATIONAL CLASS	025
DESCRIPTION	Hats; Short-sleeved or long-sleeved t-shirts
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/27/2005
FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
<b>GOODS AND/OR SERVICES SECTION (4th class)(proposed)</b>	
INTERNATIONAL CLASS	025
DESCRIPTION	Hats; Short-sleeved or long-sleeved t-shirts
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/08/2005
FIRST USE IN COMMERCE DATE	At least as early as 12/08/2005
<b>GOODS AND/OR SERVICES SECTION (5th class)(current)</b>	
INTERNATIONAL CLASS	026

DESCRIPTION	Embroidered patches for clothing
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 10/27/2005
FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
<b>GOODS AND/OR SERVICES SECTION (5th class)(proposed)</b>	
INTERNATIONAL CLASS	026
DESCRIPTION	Embroidered patches for clothing
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/23/2005
FIRST USE IN COMMERCE DATE	At least as early as 12/23/2005
<b>GOODS AND/OR SERVICES SECTION (6th class)(no change)</b>	
<b>SIGNATURE SECTION</b>	
SIGNATURE	/JMJ/
SIGNATORY NAME	John Jacobs
SIGNATORY POSITION	Attorney of record
DATE SIGNED	02/08/2007
SIGNATURE	/JMJ/
SIGNATORY NAME	John Jacobs
SIGNATORY POSITION	Attorney of record
DATE SIGNED	02/08/2007
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Thu Feb 08 22:13:10 EST 2007
TEAS STAMP	USPTO/PA-71225109139-2007 0208221310659047-77041061 -200872d7e57f6d148f19fda1 213a6d3c358-N-N-200702082 21237799210

## Preliminary Amendment

### To the Commissioner for Trademarks:

Application serial no. 77041061 is amended as follows:

#### Classification and Listing of Goods/Services

**Applicant hereby amends the following class of goods/services in the application as follows:**

Current: Class 006 for Metal license plates

Original Filing Basis: 1(a).

Proposed: Class 006 for Metal license plates

**Section 1(a), Use in Commerce:** Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 12/09/2005 and first used in commerce at least as early as 12/09/2005, and is now in use in such commerce.

**Applicant hereby amends the following class of goods/services in the application as follows:**

Current: Class 014 for Ornamental pins

Original Filing Basis: 1(a).

Proposed: Class 014 for Ornamental pins

**Section 1(a), Use in Commerce:** Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 12/14/2005 and first used in commerce at least as early as 12/14/2005, and is now in use in such commerce.

**Applicant hereby amends the following class of goods/services in the application as follows:**

Current: Class 024 for Cloth banners; Fabric flags

Original Filing Basis: 1(a).

Proposed: Class 024 for Cloth banners; Fabric flags

**Section 1(a), Use in Commerce:** Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 11/29/2005 and first used in commerce at least as early as 11/29/2005, and is now in use in such commerce.

**Applicant hereby amends the following class of goods/services in the application as follows:**

Current: Class 025 for Hats; Short-sleeved or long-sleeved t-shirts

Original Filing Basis: 1(a).

Proposed: Class 025 for Hats; Short-sleeved or long-sleeved t-shirts

**Section 1(a), Use in Commerce:** Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 12/08/2005 and first used in commerce at least as early as 12/08/2005, and is now in use in such commerce.

**Applicant hereby amends the following class of goods/services in the application as follows:**

Current: Class 026 for Embroidered patches for clothing

Original Filing Basis: 1(a).

Proposed: Class 026 for Embroidered patches for clothing

**Section 1(a), Use in Commerce:** Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended. The mark was first used at least as early as 12/23/2005 and first used in commerce at least as early as 12/23/2005, and is now in use in such commerce.

#### Declaration Signature

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all statements in the original application and this submission made on information and belief are believed to be true.

Signature: /JMJ/ Date: 02/08/2007

Signatory's Name: John Jacobs

Signatory's Position: Attorney of record

#### Preliminary Amendment Signature

Signature: /JMJ/ Date Signed: 02/08/2007

Signatory's Name: John Jacobs

Signatory's Position: Attorney of record

Serial Number: 77041061

Internet Transmission Date: Thu Feb 08 22:13:10 EST 2007

TEAS Stamp: USPTO/PA-71225109139-2007020822131065904

7-77041061-200872d7e57f6d148f19fda1213a6

d3c358-N-N-20070208221237799210

IN THE UNITED STATE PATENT & TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JEFF BROWN,

Opposer,

v.

PATRIOT GUARD RIDERS, INC.,

Applicant.

) OPPOSITION NO.: 91181448

) TRADEMARK: PATRIOT GUARD  
) RIDERS AND DESIGN

) APPLICATION NO.: 77/040379

) DATE FILED: NOVEMBER 9, 2006

**EXHIBIT 7**

**IN SUPPORT OF OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

**From:** Bpcarr3@wmconnect.com  
**Sent:** Tuesday, November 8, 2005 7:44 AM  
**To:** jeffbrown@valornet.com  
**Subject:** Re: Patriot Guard Ride

---

Jeff,

I am discussed and surprised that there is a need to protect a soldiers grieving families from protesters. The Millcreek American Legion Riders will honored to act as Patriot Guards for the Erie Pa. area. you can contact me with any future notifications.

Bill Carr  
Millcreek Chapter 773 President  
bpcarr3@wmconnect.com

BROWN008014



**From:** Wallin Jason D. <jasonw@geoveritas.com>  
**Sent:** Wednesday, November 9, 2005 8:18 PM  
**To:** Jeff Brown <jeffbrown@valornet.com>  
**Cc:** Husky <HuskyNorsky@hotmail.com>  
**Subject:** RE: PGR - Most recent pickets from WBC site

---

I live just outside of Greeley and will be there on Friday with 7 confirmed biker patriots we will be trying to meet up about 11:20 and roll in mass. I am currently working with the hog chapters in the area and some of the motorcycle social clubs. His funeral is listed the whole schedule but not on the main page.

As I know more tomorrow I will update you.

Jason Wallin, CISSP  
John Deere Agri Services  
Fort Collins, CO

970-266-4625  
jasonw@geoveritas.com

-----Original Message-----

From: Jeff Brown [mailto:jeffbrown@valornet.com]  
Sent: Wednesday, November 09, 2005 6:41 PM  
To: Husky; Wallin Jason D.  
Subject: PGR - Most recent pickets from WBC site

Hey Guys,  
Preacher just sent me your email address to put you on the PGR notification list. Either of you near Beatrice, Nebraska? Let me know and I'll send you details on the ride for Spc. Howe.  
Welcome aboard...a couple of things. If you know other riders that want to get involved, regardless of any organization, let me know and I'll put them on the list. Send me any information you want distributed.  
Thanks,  
Jeff Brown "Twister"  
Broken Arrow, OK

=====  
Here's what's listed, in case you've not checked their site recently.  
If you know riders in these areas, regardless of any group affiliation, pass it along and encourage them to join in a Patriot Guard Ride to honor our fallen heroes and support their families.  
If anyone has contact information for rides in these areas, please pass it along to me and I will see it gets out.  
Thanks,  
Jeff Brown "Twister"  
Broken Arrow, OK  
=====

BROWN008012

WBC to picket funeral/visitation of Army Spc. Darren D. Howe - at 4 p.m.  
Thursday, Nov. 10, at Fox Funeral Home, 1116 N. 19th St., Beatrice,  
Nebraska. He was killed by an Iraqi IED.

WBC to picket funeral of Army Spc. Benjamin A. Smith - 10 a.m., Fri.,  
Nov.  
11, at Bethel Lutheran leper colony 920 3rd St., Hudson, Wisc. Killed by  
an  
Iraqi IED

WBC to picket funeral of Army Maj. Gerald M. Bloomfield II - 4 p.m.  
Friday  
Nov. 11, Stemm-Lawson-Peterson Funeral Home, Elkhart, Indiana. Killed by  
Iraqi IED

No virus found in this incoming message.

Checked by AVG.

Version: 7.5.524 / Virus Database: 269.23.16/1432 - Release Date: 5/14/2008 7:49 AM

**BROWN008013**

IN THE UNITED STATE PATENT & TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JEFF BROWN,

Opposer,

v.

PATRIOT GUARD RIDERS, INC.,

Applicant.

) OPPOSITION NO.: 91181448  
)  
) TRADEMARK: PATRIOT GUARD  
) RIDERS AND DESIGN  
)  
) APPLICATION NO.: 77/040379  
)  
) DATE FILED: NOVEMBER 9, 2006  
)  
)

**EXHIBIT 9**  
**IN SUPPORT OF OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

IN THE UNITED STATE PATENT & TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JEFF BROWN,	)	CANCELLATION NO.:	91181448
	)		
Petitioner	)	TRADEMARK:	PATRIOT
	)	GUARD RIDERS AND DESIGN	
v.	)		
	)	APPLICATION NO.	77/040379
PATRIOT GUARD RIDERS, INC.,	)		
	)	DATE FILED:	NOVEMBER 9,
Applicant	)	2006	

**PETITIONER'S RESPONSE TO APPLICANT'S FIRST REQUEST FOR ADMISSION**

Petitioner, Jeff Brown, hereby responds to Applicant's First Request for Admissions, as follows:

**GENERAL OBJECTIONS**

1. Petitioner objects to Applicant's instructions in the First Request for Admissions to the extent they seek to impose duties or obligation upon Petitioner which are beyond the scope and authority of the Federal Rules of Civil Procedure and of the Patent and Trademark Cases Rules of Practice. Petitioner will provide responses to your requests for admission in accordance with the requirements of the Federal Rules of Civil Procedure and of the Patent and Trademark Cases Rules of Practice.

2. Petitioner has not completed discovery in this matter, and therefore, its responses to Applicant's discovery requests may not be complete. Petitioner reserves the right to amend and/or supplement its discovery responses, pursuant to applicable law, and to present additional witnesses, evidence, and documents, as discovery of additional information or documents dictates to be necessary or desirable.

3. Each general objection is specifically incorporated by reference in each response and answer set forth herein. Where more specific problems are presented by a particular request for admission, an objection will be made that describes the additional problem presented.

**REQUEST FOR ADMISSION NO. 1:** Admit that the term "Patriot Guard Riders" was coined in connection with the formation of the PGR organization after the Kansas American Legion Riders' announcement of the name "Patriot Guard" during a mission to honor Spc. Lucas Frantz on October 27, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 1:** Petitioner cannot truthfully admit or deny this request for admission. Petitioner remembers creating the term "Patriot Guard Rider" either during or after a mission to Kansas that was in approximately the fall of 2005. Petitioner also recalls hearing the term "Kansas Patriot Guard" during that time frame.

**REQUEST FOR ADMISSION NO. 2:** Admit that the PGR organization was formed in late October/early November 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 2:** Admitted.

**REQUEST FOR ADMISSION NO. 3:** Admit that Opposer was a founding member of the PGR organization.

**RESPONSE TO REQUEST FOR ADMISSION NO. 3:** Admitted, however Petitioner qualifies this admission with the statement that he was not *a* founding member of the organization, but rather was *the* founding member of the organization.

**REQUEST FOR ADMISSION NO. 4:** Admit that Mr. Hugh Knaus was a founding member of the PGR organization.

**RESPONSE TO REQUEST FOR ADMISSION NO. 4:** Denied. Mr. Knaus joined the organization a few days after Petitioner began seeking other members.

**REQUEST FOR ADMISSION NO. 5:** Admit that Mr. Jason Wallin was a founding member of the PGR organization.

**RESPONSE TO REQUEST FOR ADMISSION NO. 5:** Denied. Mr. Wallin joined the group soon after it was founded by Petitioner. Out of respect and deference to Mr. Wallin's contributions to the group, Petitioner often referred to Mr. Wallin as a founder.

**REQUEST FOR ADMISSION NO. 6:** Admit that after its formation, the PGR organization, as opposed to Opposer acting as an individual, began a nation-wide campaign to garner support for the PGR organization.

**RESPONSE TO REQUEST FOR ADMISSION NO. 6:** Denied. Petitioner began a national email campaign to veteran and motorcycle groups across the country. The majority of these efforts were undertaken by Petitioner.

**REQUEST FOR ADMISSION NO. 7:** Admit that after its formation, the PGR organization, as opposed to Opposer acting as an individual, formulated a mission statement for the PGR organization.

**RESPONSE TO REQUEST FOR ADMISSION NO. 7:** Denied. Petitioner created the mission statement, with some input from other individuals.

**REQUEST FOR ADMISSION NO. 8:** Admit that after its formation, Mr. Jason Wallin, and not Opposer, registered the domain name [www.patriotguard.org](http://www.patriotguard.org) on November 9, 2005 in order to set up a website to garner support for the PGR organization.

**RESPONSE TO REQUEST FOR ADMISSION NO. 8:** Admitted in part and denied in part. Mr. Wallin registered the domain name and indicated to Petitioner that Petitioner was the owner of the domain name.

**REQUEST FOR ADMISSION NO. 9:** Admit that after the registration of the domain name www.patriotguard.org, the PGR organization, as opposed to Opposer acting as an individual, built and launched a website in November 2005 in an effort to garner support for the PGR organization.

**RESPONSE TO REQUEST FOR ADMISSION NO. 9:** Denied. Petitioner and others built and launched the website.

**REQUEST FOR ADMISSION NO. 10:** Admit that Opposer never:

- a. orally advised other members of the PGR organization that he considered himself, rather than the PGR organization, to be the owner of anyone of the Marks; or
- b. advised, in writing, other members of the PGR organization that he considered himself, rather than the PGR organization, to be the owner of anyone of the Marks.

**RESPONSE TO REQUEST FOR ADMISSION NO. 10:** Petitioner gives the following response:

- A. Petitioner denies subsection "a."
- B. Petitioner has made a reasonable inquiry to determine whether he ever advised other persons in writing that he was the owner of the Marks and the information he knows or can readily obtain is insufficient to enable him to admit or deny this request.

**REQUEST FOR ADMISSION NO. 11:** Admit that Opposer never:

- a. orally advised other members of the PGR organization that he considered himself, rather than the PGR organization, to be the only person entitled to use anyone of the Marks; or
- b. advised, in writing, other members of the PGR organization that he considered himself, rather than the PGR organization, to be the only person entitled to use anyone of the Marks.

**RESPONSE TO REQUEST FOR ADMISSION NO. 11:** Petitioner gives the following response:

- C. Petitioner denies subsection "a," and states that while he gave a license to the organization to use the marks for non-commercial purposes, he told several individuals that he considered himself to have exclusive rights to use the marks for commercial purposes.
- D. Petitioner has made a reasonable inquiry to determine whether he ever advised other persons in writing that he considered himself to have exclusive rights to use the marks for commercial purposes and the information he knows or can readily obtain is insufficient to enable him to admit or deny this request.

**REQUEST FOR ADMISSION NO. 12:** Admit that Opposer never entered into any type of written agreement with the PGR organization whereby Opposer granted permission to the PGR organization to use anyone of the Marks.

**RESPONSE TO REQUEST FOR ADMISSION NO. 12:** Admitted.

**REQUEST FOR ADMISSION NO. 13:** Admit that the PGR organization was not formed to be a sole proprietorship that was run and administered solely by Opposer, as an individual.

**RESPONSE TO REQUEST FOR ADMISSION NO. 13:** Admitted.

**REQUEST FOR ADMISSION NO. 14:** Admit that the PGR organization was formed to be an unincorporated, not-for-profit organization.

**RESPONSE TO REQUEST FOR ADMISSION NO. 14:** Denied. At the time of organization, Petitioner had not yet determined whether or not the organization would be incorporated or organized in another fashion.

**REQUEST FOR ADMISSION NO. 15:** Admit that after a few months in existence, the PGR organization filed paperwork with the State of Oklahoma, that was signed by Opposer, to become a not-for-profit corporation, named Patriot Guard Riders, Inc. (the PGR corporation).

**RESPONSE TO REQUEST FOR ADMISSION NO. 15:** Admitted.

**REQUEST FOR ADMISSION NO. 16:** Admit that Opposer never:

- a. orally advised other members of the PGR corporation, prior to the filing of Opposer's trademark application, that he considered himself, rather than the PGR corporation, to be the owner of anyone of the Marks; or
- b. advised, in writing, other members of the PGR corporation, prior to the filing of Opposer's trademark application, that he considered himself, rather than the PGR corporation, to be the owner of anyone of the Marks.

**RESPONSE TO REQUEST FOR ADMISSION NO. 16:** Petitioner gives the following response:

- A. Petitioner denies subsection "a."
- B. Petitioner has made a reasonable inquiry to determine whether he ever advised other persons in writing that he was the owner of the Marks and the information

he knows or can readily obtain is insufficient to enable him to admit or deny this request.

**REQUEST FOR ADMISSION NO. 17:** Admit that Opposer never:

- a. orally advised other members of the PGR corporation, prior to the filing of Opposer's trademark application, that he considered himself, rather than the PGR corporation, to be the only person entitled to use any of the Marks; or
- b. advised, in writing, other members of the PGR corporation, prior to the filing of Opposer's trademark application, that he considered himself, rather than the PGR corporation, to be the only person entitled to use any of the Marks.

**RESPONSE TO REQUEST FOR ADMISSION NO. 17:** Petitioner gives the following response:

- A. Petitioner denies subsection "a," and states that while he gave a license to the organization to use the marks for non-commercial purposes, he told several individuals that he considered himself to have exclusive rights to use the marks for commercial purposes.
- B. Petitioner has made a reasonable inquiry to determine whether he ever advised other persons in writing that he considered himself to have exclusive rights to use the marks for commercial purposes and the information he knows or can readily obtain is insufficient to enable him to admit or deny this request.

**REQUEST FOR ADMISSION NO. 18:** Admit that Opposer never entered into any type of written agreement with the PGR corporation whereby Opposer granted permission to the PGR corporation to use any one of the Marks.

**RESPONSE TO REQUEST FOR ADMISSION NO. 18:** Admitted.

**REQUEST FOR ADMISSION NO. 19:** Admit that the PGR corporation was not formed to be a sole proprietorship that was run and administered solely by Opposer, as an individual.

**RESPONSE TO REQUEST FOR ADMISSION NO. 19:** Petitioner refers Applicant to his response to Request for Admission No. 13.

**REQUEST FOR ADMISSION NO. 20:** Admit that any rights that the PGR organization had obtained in one or more of the Marks inured to the benefit of the PGR corporation upon its incorporation.

**RESPONSE TO REQUEST FOR ADMISSION NO. 20:** Denied.

**REQUEST FOR ADMISSION NO. 21:** Admit that a majority of users of the website [www.patriotguard.org](http://www.patriotguard.org), from its launch date until at least the time of Opposer's removal and/or resignation from the Board, would reasonably believe that the owner of one or more of the Marks, as used in connection with the services identified on the website [www.patriotguard.org](http://www.patriotguard.org), was Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 21:** Petitioner cannot respond as to the thoughts or beliefs of the users of the website, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 22:** Admit that a majority of users of the website [www.patriotguard.org](http://www.patriotguard.org), from its launch date until at least the time of Opposer's removal and/or resignation from the Board, would reasonably believe that the owner of one or more of the Marks, as used in connection with the sale of goods on the website [www.patriotguard.org](http://www.patriotguard.org), was Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 22:** Petitioner cannot respond as to the thoughts or beliefs of the users of the website, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 23:** Admit that a majority of users of the website [www.patriotguard.org](http://www.patriotguard.org), from its launch date until at least the time of Opposer's removal and/or resignation from the Board, would not reasonably believe that the owner of one or more of the Marks, as used in connection with the services identified on the website [www.patriotguard.org](http://www.patriotguard.org), was Opposer, acting as an individual.

**RESPONSE TO REQUEST FOR ADMISSION NO. 23:** Petitioner cannot respond as to the thoughts or beliefs of the users of the website, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 24:** Admit that a majority of users of the website [www.patriotguard.org](http://www.patriotguard.org), from its launch date until at least the time of Opposer's removal and/or resignation from the Board, would not reasonably believe that the owner of one or more of the Marks, as used in connection with the sale of goods on the website [www.patriotguard.org](http://www.patriotguard.org) was Opposer, acting as an individual.

**RESPONSE TO REQUEST FOR ADMISSION NO. 24:** Petitioner cannot respond as to the thoughts or beliefs of the users of the website, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 25:** Admit that the website [www.patriotguard.org](http://www.patriotguard.org) provided a link to the original PGR store, where users of the website [www.patriotguard.org](http://www.patriotguard.org) could purchase goods bearing one or more of the Marks.

**RESPONSE TO REQUEST FOR ADMISSION NO. 25:** Admitted in part and denied in part. Petitioner admits that the link remained on the website until such time as it was removed by the Applicant.

**REQUEST FOR ADMISSION NO. 26:** Admit that the website [www.patriotguard.org](http://www.patriotguard.org) did not advise its users that the original PGR store was owned and operated independently of Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 26:** Denied.

**REQUEST FOR ADMISSION NO. 27:** Admit that the website [www.patriotguard.org](http://www.patriotguard.org) did not advise its users that the original PGR store was owned and operated by Opposer and/or PGR Store, LLC.

**RESPONSE TO REQUEST FOR ADMISSION NO. 27:** Denied.

**REQUEST FOR ADMISSION NO. 28:** Admit that a user of the website [www.patriotguard.org](http://www.patriotguard.org) would reasonably believe that the original PGR store was owned and operated by, and affiliated with, Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 28:** Petitioner cannot respond as to the thoughts or beliefs of the users of the website, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 29:** Admit that the website [www.patriotguard.org](http://www.patriotguard.org) did not provide any reason for its users to believe that any of the profits generated by the original PGR store were used for any purpose other than to ultimately support Applicant's Stated Mission.

**RESPONSE TO REQUEST FOR ADMISSION NO. 29:** Denied.

**REQUEST FOR ADMISSION NO. 30:** Admit that the website [www.patriotguard.org](http://www.patriotguard.org) did not provide any reason for its users to believe that any of the profits generated by the original PGR store were ultimately used for Opposer's and/or PGR Store, LLC's personal use.

**RESPONSE TO REQUEST FOR ADMISSION NO. 30:** Denied.

**REQUEST FOR ADMISSION NO. 31:** Admit that a user of the website [www.patriotguard.org](http://www.patriotguard.org) would reasonably believe that any of the profits generated by the original PGR store would ultimately benefit Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 31:** Petitioner cannot respond as to the thoughts or beliefs of the users of the website, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 32:** Admit that the original PGR store did not advise its users that the original PGR store was owned and operated independently of Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 32:** Denied.

**REQUEST FOR ADMISSION NO. 33:** Admit that the original PGR store did not advise its users that the original PGR store was owned and operated by Opposer and/or PGR Store, LLC.

**RESPONSE TO REQUEST FOR ADMISSION NO. 33:** Denied.

**REQUEST FOR ADMISSION NO. 34:** Admit that a customer of the original PGR store would reasonably believe that the original PGR store was owned and operated by, and affiliated with, Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 34:** Petitioner cannot respond as to the thoughts or beliefs of the customers of the store, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 35:** Admit that the original PGR store did not provide any reason for its customers to believe that any of the profits generated by the original PGR store were used for any purpose other than to ultimately support Applicant's Stated Mission.

**RESPONSE TO REQUEST FOR ADMISSION NO. 35:** Denied.

**REQUEST FOR ADMISSION NO. 36:** Admit that the original PGR store did not provide any reason for its customers to believe that any of the profits generated by the original PGR store were ultimately used for Opposer's and/or PGR Store, LLC's personal use.

**RESPONSE TO REQUEST FOR ADMISSION NO. 36:** Denied.

**REQUEST FOR ADMISSION NO. 37:** Admit that a customer of the original PGR store would reasonably believe that any of the profits generated by the original PGR store would ultimately benefit Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 37:** Petitioner cannot respond as to the thoughts or beliefs of the customers of the store, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 38:** Admit that invoices for purchased goods from the original PGR store did not give any indication that the original PGR store was owned and operated independently of Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 38:** Denied.

**REQUEST FOR ADMISSION NO. 39:** Admit that invoices for purchased goods from the original PGR store did not give any indication that the original PGR store was owned and operated by Opposer and/or PGR Store, LLC.

**RESPONSE TO REQUEST FOR ADMISSION NO. 39:** Denied.

**REQUEST FOR ADMISSION NO. 40:** Admit that some customers of the original PGR store received invoices for purchased products from the original PGR store via e-mail.

**RESPONSE TO REQUEST FOR ADMISSION NO. 40:** Admitted.

**REQUEST FOR ADMISSION NO. 41:** Admit that the invoices referred to in REQUEST FOR ADMISSION NO. 40 did not identify Opposer, as an individual, in any manner.

**RESPONSE TO REQUEST FOR ADMISSION NO. 41:** Denied.

**REQUEST FOR ADMISSION NO. 42:** Admit that the invoices referred to in REQUEST FOR ADMISSION NO. 40 identified the webpage [www.patriotguard.org](http://www.patriotguard.org) thereon.

**RESPONSE TO REQUEST FOR ADMISSION NO. 42:** Petitioner has made a reasonable inquiry to determine whether any invoices contained such language and the information he knows or can readily obtain is insufficient to enable him to admit or deny this request. Copies of invoices in Petitioner's possession do not indicate the [www.patriotguard.org](http://www.patriotguard.org) website

**REQUEST FOR ADMISSION NO. 43:** Admit that:

- a. the invoices referred to in REQUEST FOR ADMISSION NO. 40 identified "PGR" thereon; and
- b. that "PGR" in REQUEST FOR ADMISSION NO. 43(a) did not refer to Opposer, as an individual.

**RESPONSE TO REQUEST FOR ADMISSION NO. 43:** Denied.

**REQUEST FOR ADMISSION NO. 44:** Admit that the e-mail address from at least some of the e-mails identified in REQUEST FOR ADMISSION NO. 40 was [pgr@valornet.com](mailto:pgr@valornet.com).

**RESPONSE TO REQUEST FOR ADMISSION NO. 44:** Admitted.

**REQUEST FOR ADMISSION NO. 45:** Admit that the e-mail address identified in REQUEST FOR ADMISSION NO. 44 does not specifically identify Opposer, as an individual, in any manner.

**RESPONSE TO REQUEST FOR ADMISSION NO. 45:** Admitted.

**REQUEST FOR ADMISSION NO. 46:** Admit that at least some of the e-mails identified in REQUEST FOR ADMISSION NO. 40 stated "Please make checks or MO payable

to: Patriot Guard Riders 3728 S. Elm Place PMB #137 Broken Arrow, OK 74011-1803 Please include your mailing address. Thank you for your continued commitment - we appreciate it very much. Sincerely, PGR".

**RESPONSE TO REQUEST FOR ADMISSION NO. 46:** Petitioner has made a reasonable inquiry to determine whether any emails contained such language and the information he knows or can readily obtain is insufficient to enable him to admit or deny this request. Copies of invoices in Petitioner's possession do not indicate the pgr.org website

**REQUEST FOR ADMISSION NO. 47:** Admit that the e-mails referred to in REQUEST FOR ADMISSION NO. 40 did not refer to Opposer, as an individual, in any manner.

**RESPONSE TO REQUEST FOR ADMISSION NO. 47:** Petitioner has made a reasonable inquiry to determine whether the emails identified Petitioner and the information he knows or can readily obtain is insufficient to enable him to admit or deny this request.

**REQUEST FOR ADMISSION NO. 48:** Admit that the website [www.patriotguard.org](http://www.patriotguard.org) provided a link to the subsequent PGR store, at least until Opposer's removal and/or resignation from the Board, where users of the website [www.patriotguard.org](http://www.patriotguard.org) could purchase goods bearing one or more of the Marks.

**RESPONSE TO REQUEST FOR ADMISSION NO. 48:** Petitioner objects to this request as "subsequent PGR store" is not defined. As such, Petitioner denies this request.

**REQUEST FOR ADMISSION NO. 49:** Admit that the website [www.patriotguard.org](http://www.patriotguard.org), at least until Opposer's removal and/or resignation from the Board, did not advise its users that the subsequent PGR store was owned and operated independently of Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 49:** Petitioner objects to this request as “subsequent PGR store” is not defined. As such, Petitioner denies this request.

**REQUEST FOR ADMISSION NO. 50:** Admit that the website [www.patriotguard.org](http://www.patriotguard.org), at least until Opposer's removal and/or resignation from the Board, did not advise its users that the subsequent PGR store was owned and operated by Opposer and/or PGR Store, LLC.

**RESPONSE TO REQUEST FOR ADMISSION NO. 50:** Petitioner objects to this request as “subsequent PGR store” is not defined. As such, Petitioner denies this request.

**REQUEST FOR ADMISSION NO. 51:** Admit that a user of the website [www.patriotguard.org](http://www.patriotguard.org), at least until Opposer's removal and/or resignation from the Board, would reasonably believe that the subsequent PGR store was owned and operated by, and affiliated with, Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 51:** Petitioner objects to this request as “subsequent PGR store” is not defined. As such, Petitioner denies this request.

**REQUEST FOR ADMISSION NO. 52:** Admit that the website [www.patriotguard.org](http://www.patriotguard.org), at least until Opposer's removal and/or resignation from the Board, did not provide any reason for its users to believe that any of the profits generated by the original PGR store were used for any purpose other than to ultimately support Applicant's Stated Mission.

**RESPONSE TO REQUEST FOR ADMISSION NO. 52:** Denied.

**REQUEST FOR ADMISSION NO. 53:** Admit that the website [www.patriotguard.org](http://www.patriotguard.org), at least until Opposer's removal and/or resignation from the Board, did

not provide any reason for its users to believe that any of the profits generated by the original PGR store were ultimately used for Opposer's and/or PGR Store, LLC's personal use.

**RESPONSE TO REQUEST FOR ADMISSION NO. 53:** Denied

**REQUEST FOR ADMISSION NO. 54:** Admit that a user of the website [www.patriotguard.org](http://www.patriotguard.org), at least until Opposer's removal and/or resignation from the Board, would reasonably believe that any of the profits generated by the original PGR store would ultimately benefit Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 54:** Petitioner cannot respond as to the thoughts or beliefs of the users of the website, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 55:** Admit that the subsequent PGR store, at least until Opposer's removal and/or resignation from the Board, did not advise its users that the subsequent PGR store was owned and operated independently of Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 55:** Petitioner objects to this request as "subsequent PGR store" is not defined. As such, Petitioner denies this request.

**REQUEST FOR ADMISSION NO. 56:** Admit that the subsequent PGR store, at least until Opposer's removal and/or resignation from the Board, did not advise its users that the subsequent PGR store was owned and operated by Opposer and/or PGR Store, LLC.

**RESPONSE TO REQUEST FOR ADMISSION NO. 56:** Petitioner objects to this request as "subsequent PGR store" is not defined. As such, Petitioner denies this request.

**REQUEST FOR ADMISSION NO. 57:** Admit that a customer of the subsequent PGR store, at least until Opposer's removal and/or resignation from the Board, would reasonably believe that the subsequent PGR store was owned and operated by, and affiliated with, Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 57:** Petitioner cannot respond as to the thoughts or beliefs of the customers of the store, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 58:** Admit that the subsequent PGR store, at least until Opposer's removal and/or resignation from the Board, did not provide any reason for its customers to believe that any of the profits generated by the original PGR store were used for any purpose other than to ultimately support Applicant's Stated Mission.

**RESPONSE TO REQUEST FOR ADMISSION NO. 58:** Petitioner objects to this request as "subsequent PGR store" is not defined. As such, Petitioner denies this request.

**REQUEST FOR ADMISSION NO. 59:** Admit that the subsequent PGR store, at least until Opposer's removal and/or resignation from the Board, did not provide any reason for its customers to believe that any of the profits generated by the original PGR store were ultimately used for Opposer's and/or PGR Store, LLC's personal use.

**RESPONSE TO REQUEST FOR ADMISSION NO. 59:** Petitioner objects to this request as "subsequent PGR store" is not defined. As such, Petitioner denies this request.

**REQUEST FOR ADMISSION NO. 60:** Admit that a customer of the subsequent PGR store, at least until Opposer's removal and/or resignation from the Board, would reasonably believe that any of the profits generated by the original PGR store would ultimately benefit Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 60:** Petitioner cannot respond as to the thoughts or beliefs of the customers of the store, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 61:** Admit that invoices for purchased goods from the subsequent PGR store, at least until Opposer's removal and/or resignation from the

Board, did not give any indication that the subsequent PGR store was owned and operated independently of Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 61:** Petitioner objects to this request as "subsequent PGR store" is not defined. As such, Petitioner denies this request.

**REQUEST FOR ADMISSION NO. 62:** Admit that invoices for purchased goods from the subsequent PGR store, at least until Opposer's removal and/or resignation from the Board, did not give any indication that the subsequent PGR store was owned and operated by Opposer and/or PGR Store, LLC.

**RESPONSE TO REQUEST FOR ADMISSION NO. 62:** Petitioner objects to this request as "subsequent PGR store" is not defined. As such, Petitioner denies this request.

**REQUEST FOR ADMISSION NO. 63:** Admit that the website [www.patriotguard.org](http://www.patriotguard.org) had a "PGR F AQ" link provided thereon which provided users of the website [www.patriotguard.org](http://www.patriotguard.org) with information regarding or relating to Applicant, including information regarding the subsequent PGR store.

**RESPONSE TO REQUEST FOR ADMISSION NO. 63:** Petitioner did not prepare the FAQ portion of the website and is unaware of the content. As such, Petitioner denies the request.

**REQUEST FOR ADMISSION NO. 64:** Admit that a portion of the information provided by the "PGR F AQ" link identified in REQUEST FOR ADMISSION NO. 63 stated "PGR is funded through purchases made from the PGR Store, public donations, member donations and member businesses who donate."

**RESPONSE TO REQUEST FOR ADMISSION NO. 64:** Petitioner did not prepare the FAQ portion of the website and is unaware of the content. As such, Petitioner denies the request.

**REQUEST FOR ADMISSION NO. 65:** Admit that a reader of the statement identified in REQUEST FOR ADMISSION NO. 64 would believe that any of the profits made from purchases through the PGR Store would only be used to help fund Applicant in its Stated Mission.

**RESPONSE TO REQUEST FOR ADMISSION NO. 65:** Petitioner cannot respond as to the thoughts or beliefs of a hypothetical reader of the FAQ, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 66:** Admit that a portion of the information provided by the "PGR F AQ" link identified in REQUEST FOR ADMISSION NO. 63 stated "The PGR is NOT a Motorcycle or Riding Club. This back patch is not representative of, nor is it an indication that PGR is a Motorcycle or Riding Club. We do not earn this patch but purchase it from our store."

**RESPONSE TO REQUEST FOR ADMISSION NO. 66:** Petitioner did not prepare the FAQ portion of the website and is unaware of the content. As such, Petitioner denies the request.

**REQUEST FOR ADMISSION NO. 67:** Admit that the term "our" provided in the statement from REQUEST FOR ADMISSION NO. 66 referred to Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 67:** Petitioner did not prepare the FAQ portion of the website and is unaware of the content. As such, Petitioner denies the request.

**REQUEST FOR ADMISSION NO. 68:** Admit that a reader of the statement identified in REQUEST FOR ADMISSION NO. 66 would believe that the PGR Store was owned and operated by Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 68:** Petitioner cannot respond as to the thoughts or beliefs of a hypothetical reader of the FAQ, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 69:** Admit that a portion of the information provided by the "PGR F AQ" link identified in REQUEST FOR ADMISSION NO. 63 stated "The PGR logo and name is copyrighted and restricted to specific use. Anyone wishing to reproduce the logo or name for personal and/or business use in graphics of any form MUST receive permission from National, contact Jeff 'Twister' Brown [ibrown@patriotguard.org](mailto:ibrown@patriotguard.org) before using it."

**RESPONSE TO REQUEST FOR ADMISSION NO. 69:** Petitioner did not prepare the FAQ portion of the website and is unaware of the content. As such, Petitioner denies the request.

**REQUEST FOR ADMISSION NO. 70:** Admit that the term "National" provided in the statement from REQUEST FOR ADMISSION NO. 69 referred to Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 70:** Petitioner did not prepare the FAQ portion of the website and is unaware of the content. As such, Petitioner denies the request.

**REQUEST FOR ADMISSION NO. 71:** Admit that a reader of the statement identified in REQUEST FOR ADMISSION NO. 69 would believe that, in order to reproduce the

PGR logo or name for personal and/or business use in graphics of any form, the reader would have to receive permission from Applicant, and not from Opposer, as an individual.

**RESPONSE TO REQUEST FOR ADMISSION NO. 71:** Petitioner cannot respond as to the thoughts or beliefs of a hypothetical reader of the FAQ, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 72:** Admit that all references to the PGR Store in the information by the "PGR F AQ" link identified in REQUEST FOR ADMISSION NO. 63, would lead a reader of the information to believe that the PGR Store was owned and operated by Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 72:** Petitioner cannot respond as to the thoughts or beliefs of a hypothetical reader of the FAQ, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 73:** Admit that a portion of the information provided by the "PGR F AQ" link: identified in REQUEST FOR ADMISSION NO. 63 stated "Suggestions for the PGR Store can be posted in the National Forums under the heading Patriot Guard Store."

**RESPONSE TO REQUEST FOR ADMISSION NO. 73:** Petitioner did not prepare the FAQ portion of the website and is unaware of the content. As such, Petitioner denies the request.

**REQUEST FOR ADMISSION NO. 74:** Admit that the "Patriot Guard Store" referred to in REQUEST FOR ADMISSION NO. 73 included the subsequent PGR store.

**RESPONSE TO REQUEST FOR ADMISSION NO. 74:** Petitioner did not prepare the FAQ portion of the website and is unaware of the content. As such, Petitioner denies the request.

**REQUEST FOR ADMISSION NO. 75:** Admit that the subsequent PGR store benefited from Applicant's website [www.patriotguard.org](http://www.patriotguard.org) having National Forums where users could post suggestions for the subsequent PGR store.

**RESPONSE TO REQUEST FOR ADMISSION NO. 75:** Petitioner objects to this request as "subsequent PGR store" is not defined. As such, Petitioner denies this request.

**REQUEST FOR ADMISSION NO. 76:** Admit that the subsequent PGR store, on the website [www.patriotguardstore.org](http://www.patriotguardstore.org), provided a "PGR Home" link: that would redirect users to the website [www.patriotguard.org](http://www.patriotguard.org).

**RESPONSE TO REQUEST FOR ADMISSION NO. 76:** Petitioner objects to this request as "subsequent PGR store" is not defined. As such, Petitioner denies this request.

**REQUEST FOR ADMISSION NO. 77:** Admit that Twister's PGR store, on the website [www.patriotguardstore.org](http://www.patriotguardstore.org), provided a "Main PGR Site" link: that functioned to redirect users to the website [www.patriotguard.org](http://www.patriotguard.org).

**RESPONSE TO REQUEST FOR ADMISSION NO. 77:** Admitted.

**REQUEST FOR ADMISSION NO. 78:** Admit that the website [www.patriotguardstore.org](http://www.patriotguardstore.org) posted the following notice for a period of time: "Regarding the PGR Online Store: A couple of people have asked about having a friend offer to duplicate some of our stuff for free to help the cause. Our PGR name and log is copyrighted for a reason. The revenue generated from the sale of PGR products enables us to operate this site and continue to grow the organization without any dues, donations or fees. We also have other plans down the road. All

associations have their own stores (VFW, AL, RFTW, etc.) and do not allow reproductions for the same reasons. We've also tried to keep our pricing lower than comparable products through other associations. I hope you understand and support this policy. Best regards, Jeff 'Twister' Brown".

**RESPONSE TO REQUEST FOR ADMISSION NO. 78:** Admitted.

**REQUEST FOR ADMISSION NO. 79:** Admit that the notice identified in REQUEST FOR ADMISSION NO. 78 identified Opposer as the person writing and/or posting the notice.

**RESPONSE TO REQUEST FOR ADMISSION NO. 79:** Admitted.

**REQUEST FOR ADMISSION NO. 80:** Admit that users of the website [www.patriotguardstore.org](http://www.patriotguardstore.org), upon reading the notice identified in REQUEST FOR ADMISSION NO. 78, would reasonably believe that references to "our", "us" and "we" in the notice would refer to Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 80:** Petitioner cannot respond as to the thoughts or beliefs of the users of the website, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 81:** Admit that users of the website [www.patriotguardstore.org](http://www.patriotguardstore.org), upon reading the notice identified in REQUEST FOR ADMISSION NO. 78, would not reasonably believe that references to "our", "us" and "we" in the notice would refer to any of Opposer, Opposer's wife, Ms. Bonnie Brown, or PGR Store, LLC.

**RESPONSE TO REQUEST FOR ADMISSION NO. 81:** Petitioner cannot respond as to the thoughts or beliefs of the users of the website, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 82:** Admit that a majority of users of the website [www.patriotguardstore.org](http://www.patriotguardstore.org), from its launch date until at least the time of Opposer's removal

and/or resignation from the Board, would reasonably believe that the owner of one or more of the Marks, as used in connection with the sale of goods on the website [www.patriotguardstore.org](http://www.patriotguardstore.org), was Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 82:** Petitioner cannot respond as to the thoughts or beliefs of the users of the website, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 83:** Admit that a majority of users of the website [www.patriotguardstore.org](http://www.patriotguardstore.org), from its launch date until at least the time of Opposer's removal and/or resignation from the Board, would not reasonably believe that the owner of one or more of the Marks, as used in connection with the sale of goods on the website [www.patriotguardstore.org](http://www.patriotguardstore.org), was Opposer, acting as an individual.

**RESPONSE TO REQUEST FOR ADMISSION NO. 83:** Petitioner cannot respond as to the thoughts or beliefs of the users of the website, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 84:** Admit that the top level domain .org is generally associated with an organization, and not an individual.

**RESPONSE TO REQUEST FOR ADMISSION NO. 84:** Denied.

**REQUEST FOR ADMISSION NO. 85:** Admit that the top level domain .org is generally associated with non-profit organizations.

**RESPONSE TO REQUEST FOR ADMISSION NO. 85:** Denied.

**REQUEST FOR ADMISSION NO. 86:** Admit that most users of the website [www.patriotguardstore.org](http://www.patriotguardstore.org) would believe that the subsequent PGR store was owned and operated by Applicant because it used the top level domain .org.

**RESPONSE TO REQUEST FOR ADMISSION NO. 86:** Petitioner cannot respond as to the thoughts or beliefs of the users of the website, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 87:** Admit that most users of the website [www.patriotguardstore.org](http://www.patriotguardstore.org) would believe that the website was associated with a non-profit organization because it used the top level domain .org.

**RESPONSE TO REQUEST FOR ADMISSION NO. 87:** Petitioner cannot respond as to the thoughts or beliefs of the users of the website, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 88:** Admit that most users of the website [www.patriotguardstore.org](http://www.patriotguardstore.org) would not believe that the website was owned and operated by a for-profit entity because it used the top level domain .org.

**RESPONSE TO REQUEST FOR ADMISSION NO. 88:** Petitioner cannot respond as to the thoughts or beliefs of the users of the website, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 89:** Admit that prior to Opposer's removal and/or resignation from the Board, Opposer refused to produce the books for the original PGR store and for the subsequent PGR store to the other members of the Board upon their request.

**RESPONSE TO REQUEST FOR ADMISSION NO. 89:** Admitted in part and denied in part. Petitioner objects to this request as "subsequent PGR store" is not defined. As such, Petitioner denies this request. Petitioner admits that Petitioner did not produce financial records related to the store to the PGR Board of Directors. However, Petitioner did voluntarily release all personal and business financials to the PGR accountant, Mr. Jon Tatum of Tatum & Associates, for him to audit, with the stipulation that he report to Mr. Bill Lines, then PGR Executive Director, only if he found any irregularities. His report to Mr. Lines was that Petitioner's books were in order.

**REQUEST FOR ADMISSION NO. 90:** Admit that upon Opposer refusing to produce the books for the original PGR store and for the subsequent POR store, that the Board, other than Opposer, first definitively learned:

- a. that the original PGR store and the subsequent PGR store did not provide all of their profits to Applicant;
- b. that all of the profits from the original PGR store and the subsequent PGR store went to either Opposer and/or PGR Store, LLC; and
- c. that Opposer and/or PGR Store, LLC, after receiving the profits from the original PGR store and the subsequent PGR store, Opposer and/or PGR Store, LLC, in its sale discretion, then decided how much of the profits to redirect back to Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 90:** Denied.

**REQUEST FOR ADMISSION NO. 91:** Admit that a majority of Applicant's members would reasonably believe that use of any one of the Marks would be done on behalf of, and inure to the benefit of, Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 91:** Petitioner cannot respond as to the thoughts or beliefs of Applicant's members, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 92:** Admit that a majority of Applicant's members would not reasonably believe that use of anyone of the Marks would be done on behalf of, and inure to the benefit of, Opposer, as an individual.

**RESPONSE TO REQUEST FOR ADMISSION NO. 92:** Petitioner cannot respond as to the thoughts or beliefs of such hypothetical persons, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 93:** Admit that a majority of persons, who are, or were not one of, Applicant's members, who personally attended one of Applicant's missions, or who otherwise heard about one of Applicant's missions, would reasonably believe that use of anyone of the Marks would be done on behalf of, and inure to the benefit of, Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 93:** Petitioner cannot respond as to the thoughts or beliefs of such hypothetical persons, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 94:** Admit that a majority of persons, who are, or were not one of, Applicant's members, who personally attended one of Applicant's missions, or who otherwise heard about one of Applicant's missions, would not reasonably believe that use of anyone of the Marks would be done on behalf of, and inure to the benefit of, Opposer, as an individual.

**RESPONSE TO REQUEST FOR ADMISSION NO. 94:** Petitioner cannot respond as to the thoughts or beliefs of such hypothetical persons, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 95:** Admit that Applicant's first trademark application was filed with the United States Patent and Trademark Office prior to the filing of Opposer's trademark application with the United States Patent and Trademark Office.

**RESPONSE TO REQUEST FOR ADMISSION NO. 95:** Petitioner admits that Applicant's application was filed before Petitioner's application, but notes that the applications were filed almost contemporaneously, having been filed on the same date and within minutes of each other.

**REQUEST FOR ADMISSION NO. 96:** Admit that the records of the United States Patent and Trademark Office indicate that Applicant's first trademark application was filed on

behalf of the Patriot Guard Riders corporation by Mr. Jason D. Wallin, the Treasurer for the Patriot Guard Riders corporation.

**RESPONSE TO REQUEST FOR ADMISSION NO. 96:** Admitted.

**REQUEST FOR ADMISSION NO. 97:** Admit that at the time of filing Applicant's first trademark application, Mr. Jason D. Wallin was the Treasurer for the Patriot Guard Riders corporation.

**RESPONSE TO REQUEST FOR ADMISSION NO. 97:** Admitted.

**REQUEST FOR ADMISSION NO. 98:** Admit that the Board authorized Mr. Jason D. Wallin to file Applicant's first trademark application on behalf of the Patriot Guard Riders corporation.

**RESPONSE TO REQUEST FOR ADMISSION NO. 98:** Petitioner cannot respond as to the whether the Board did or did not authorize this application, and therefore denies this request.

**REQUEST FOR ADMISSION NO. 99:** Admit that Opposer, in his Opposition, did not have any factual bases for alleging that Mr. Jason D. Wallin did not have the authorization of the Board to file Applicant's first trademark application on behalf of the Patriot Guard Riders corporation.

**RESPONSE TO REQUEST FOR ADMISSION NO. 99:** Denied.

**REQUEST FOR ADMISSION NO. 100:** Admit that Mr. Jason D. Wallin's dismissal from the Board after the filing of Applicant's first trademark application has no bearing on whether the Patriot Guard Riders corporation is entitled to have Applicant's first trademark application registered.

**RESPONSE TO REQUEST FOR ADMISSION NO. 100:** Denied.

**REQUEST FOR ADMISSION NO. 101:** Admit that Opposer's trademark application identifies Opposer as having signed Opposer's trademark application and that Opposer identified his position in the Signatory Block as "Executive Director".

**RESPONSE TO REQUEST FOR ADMISSION NO. 101:** Admitted in part and denied in part. When Petitioner filed the application, he intended to file the application in his individual capacity, not as a formal representative of any entity. Petitioner was directed to refer to himself as Executive Director by counsel, nonetheless both counsel and Petitioner intended for the application to be filed in Petitioner's individual capacity.

**REQUEST FOR ADMISSION NO. 102:** Admit that Opposer held the title of "Executive Director" of the Board prior to his removal and/or resignation from the Board.

**RESPONSE TO REQUEST FOR ADMISSION NO. 102:** Admitted.

**REQUEST FOR ADMISSION NO. 103:** Admit that since the formation of PGR Store, LLC, Opposer, as an individual, did not use anyone of the Marks in connection with the sale of goods identified in Opposer's trademark application.

**RESPONSE TO REQUEST FOR ADMISSION NO. 103:** Denied.

**REQUEST FOR ADMISSION NO. 104:** Admit that since the formation of PGR Store, LLC, PGR Store, LLC has used one or more of the Marks in connection with the sale of goods identified in Opposer's trademark application.

**RESPONSE TO REQUEST FOR ADMISSION NO. 104:** Admitted.

**REQUEST FOR ADMISSION NO. 105:** Admit that Opposer's trademark application does not state that use of one or more of the Marks in connection with the sale of goods identified therein was done through PGR Store, LLC.

**RESPONSE TO REQUEST FOR ADMISSION NO. 105:** Admitted. PGR Store, LLC was not in existence at the time Petitioner began using the mark. Petitioner has given PGR STORE LLC a license to use the marks.

**REQUEST FOR ADMISSION NO. 106:** Admit that at the time of filing Opposer's trademark application, Opposer knew that Applicant had the right to use one or more of the Marks in commerce.

**RESPONSE TO REQUEST FOR ADMISSION NO. 106:** Denied.

**REQUEST FOR ADMISSION NO. 107:** Admit that prior to the filing of Opposer's trademark application, Opposer never gave any written indication to Applicant that Opposer believed that he, as an individual, was the owner of one or more of the Marks instead of Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 107:** Petitioner has made a reasonable inquiry to determine whether such indication was ever made in writing and the information he knows or can readily obtain is insufficient to enable him to admit or deny this request.

**REQUEST FOR ADMISSION NO. 108:** Admit that prior to the filing of Opposer's trademark application, Opposer never gave any oral indication to Applicant that Opposer believed that he, as an individual, was the owner of one or more of the Marks instead of Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 108:** Denied.

**REQUEST FOR ADMISSION NO. 109:** Admit that prior to the filing of Opposer's trademark application, Opposer never gave any written indication to Applicant that Opposer

believed that he, as an individual, was entitled to use one or more of the Marks instead of Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 109:** Petitioner has made a reasonable inquiry to determine whether such indication was ever made in writing and the information he knows or can readily obtain is insufficient to enable him to admit or deny this request.

**REQUEST FOR ADMISSION NO. 110:** Admit that prior to the filing of Opposer's trademark application, Opposer never gave any oral indication to Applicant that Opposer believed that he, as an individual, was entitled to use one or more of the Marks instead of Applicant.

**RESPONSE TO REQUEST FOR ADMISSION NO. 110:** Denied.

**REQUEST FOR ADMISSION NO. 111:** Admit that on November 6, 2006, just three days prior to the filing of Opposer's trademark application, Opposer sent an e-mail indicating that he intended to close the subsequent PGR store.

**RESPONSE TO REQUEST FOR ADMISSION NO. 111:** Admitted in part and denied in part. In an effort to settle this matter, Petitioner made several different offers, one of which included an offer to close the store.

**REQUEST FOR ADMISSION NO. 112:** Admit that prior to the filing of Opposer's trademark application, Opposer never objected in writing to Applicant's use of one or more of the Marks.

**RESPONSE TO REQUEST FOR ADMISSION NO. 112:** Admitted.

**REQUEST FOR ADMISSION NO. 113:** Admit that prior to the filing of the present Opposition, Opposer never objected in writing to Applicant's use of one or more of the Marks.

**RESPONSE TO REQUEST FOR ADMISSION NO. 113:** Admitted.

**REQUEST FOR ADMISSION NO. 114:** Admit that prior to the filing of Opposer's trademark application, Opposer never orally objected to Applicant's use of one or more of the Marks.

**RESPONSE TO REQUEST FOR ADMISSION NO. 114:** Admitted.

**REQUEST FOR ADMISSION NO. 115:** Admit that prior to the filing of the present Opposition, Opposer never orally objected to Applicant's use of one or more of the Marks.

**RESPONSE TO REQUEST FOR ADMISSION NO. 115:** Admitted.

**REQUEST FOR ADMISSION NO. 116:** Admit that prior to the filing of Opposer's trademark application, Opposer never offered a written license to Applicant to use one or more of the Marks with the understanding that Applicant's use of one or more of the Marks would inure to the benefit of Opposer.

**RESPONSE TO REQUEST FOR ADMISSION NO. 116:** Admitted.

**REQUEST FOR ADMISSION NO. 117:** Admit that prior to the filing of the present Opposition, Opposer never offered a written license to Applicant to use one or more of the Marks with the understanding that Applicant's use of one or more of the Marks would inure to the benefit of Opposer.

**RESPONSE TO REQUEST FOR ADMISSION NO. 117:** Denied.

**REQUEST FOR ADMISSION NO. 118:** Admit that prior to the filing of Opposer's trademark application, Opposer never offered an oral license to use one or more of the Marks to Applicant with the understanding that Applicant's use of one or more of the Marks would inure to the benefit of Opposer.

**RESPONSE TO REQUEST FOR ADMISSION NO. 118:** Denied.

**REQUEST FOR ADMISSION NO. 119:** Admit that prior to the filing of the present Opposition, Opposer never offered an oral license to use one or more of the Marks to Applicant with the understanding that Applicant's use of one or more of the Marks would inure to the benefit of Opposer.

**RESPONSE TO REQUEST FOR ADMISSION NO. 119:** Denied.

**REQUEST FOR ADMISSION NO. 120:** Admit that Opposer, as an individual, never controlled Applicant's use of anyone of the Marks with respect to the nature and quality of the services in connection with which any one of the Marks were used.

**RESPONSE TO REQUEST FOR ADMISSION NO. 120:** Denied.

**REQUEST FOR ADMISSION NO. 121:** Admit that Opposer, as an individual, never controlled Applicant's use of anyone of the Marks with respect to the nature and quality of the goods on which anyone of the Marks were used.

**RESPONSE TO REQUEST FOR ADMISSION NO. 121:** Denied.

**REQUEST FOR ADMISSION NO. 122:** Admit that the Opposition states that the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT was first used in connection with the "organization's services".

**RESPONSE TO REQUEST FOR ADMISSION NO. 122:** Admitted to the extent that Opposer did not view the organization's interests as different from his own at the time of first use.

**REQUEST FOR ADMISSION NO. 123:** Admit that the "organization's services" identified in the Opposition referred to Applicant's services, and not Opposer's individual services.

**RESPONSE TO REQUEST FOR ADMISSION NO. 123:** Admitted to the extent that Opposer did not view the organization's interests as different from his own at the time of first use.

**REQUEST FOR ADMISSION NO. 124:** Admit that Bonnie Brown, Opposer's wife, registered a Limited Liability Company named PGR Store on February 13, 2006.

**RESPONSE TO REQUEST FOR ADMISSION NO. 124:** Admitted.

**REQUEST FOR ADMISSION NO. 125:** Admit that an electronic filing was submitted to the Oklahoma Secretary of State under the name Patriot Guard Riders Inc., a not-for-profit corporation, on February 21, 2006.

**RESPONSE TO REQUEST FOR ADMISSION NO. 125:** Admitted.

**REQUEST FOR ADMISSION NO. 126:** Admit that Opposer was named as the Agent for Patriot Guard Riders Inc. in the electronic filing identified in REQUEST FOR ADMISSION NO. 125.

**RESPONSE TO REQUEST FOR ADMISSION NO. 126:** Admitted.

**REQUEST FOR ADMISSION NO. 127:** Admit that Opposer was named as an incorporator for Patriot Guard Riders Inc. in the electronic filing identified in REQUEST FOR ADMISSION NO. 125.

**RESPONSE TO REQUEST FOR ADMISSION NO. 127:** Admitted.

**REQUEST FOR ADMISSION NO. 128:** Admit that since at least December 10, 2006 to at least February 6, 2007, the website [www.patriotguardstore.org](http://www.patriotguardstore.org) included an Announcement stating: "Contrary to what you may have heard, the store has no plans to close. We will remain open as long as the membership continues to support our efforts and good name."

**RESPONSE TO REQUEST FOR ADMISSION NO. 128:** Admitted in part and denied in part. Petitioner is aware that a similar or identical statement did appear on the website, but does not know the time period during which the statement appeared. Petitioner has made a reasonable inquiry to determine such dates and the information he knows or can readily obtain is insufficient to enable him to admit or deny this request.

**REQUEST FOR ADMISSION NO. 129:** Admit that since at least April 12, 2007 to at least August 9, 2007, the website [www.patriotguardstore.org](http://www.patriotguardstore.org) included an Announcement stating: "Contrary to what you may have heard, Twister's PGR Store has no plans to close. We will remain open as long as the membership continues to support our efforts and good name."

**RESPONSE TO REQUEST FOR ADMISSION NO. 129:** Admitted in part and denied in part. Petitioner is aware that a similar or identical statement did appear on the website, but does not know the time period during which the statement appeared. Petitioner has made a reasonable inquiry to determine such dates and the information he knows or can readily obtain is insufficient to enable him to admit or deny this request.

**REQUEST FOR ADMISSION NO. 130:** Admit that Opposer, as an individual, did not first use one or more of the Marks in connection with metal license plates, as early as December 9, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 130:** Denied.

**REQUEST FOR ADMISSION NO. 131:** Admit that Applicant first used one or more of the Marks in connection with metal license plates, as early as December 9, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 131:** Denied.

**REQUEST FOR ADMISSION NO. 132:** Admit that Opposer, as an individual, did not first use one or more of the Marks in commerce in connection with metal license plates, as early as December 9, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 132:** Denied.

**REQUEST FOR ADMISSION NO. 133:** Admit that Applicant first used one or more of the Marks in commerce in connection with metal license plates, as early as December 9, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 133:** Denied.

**REQUEST FOR ADMISSION NO. 134:** Admit that Opposer, as an individual, did not first use one or more of the Marks in connection with ornamental pins, as early as December 14, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 134:** Denied.

**REQUEST FOR ADMISSION NO. 135:** Admit that Applicant first used one or more of the Marks in connection with ornamental pins, as early as December 14, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 135:** Denied.

**REQUEST FOR ADMISSION NO. 136:** Admit that Opposer, as an individual, did not first use one or more of the Marks in commerce in connection with ornamental pins, as early as December 14, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 136:** Denied.

**REQUEST FOR ADMISSION NO. 137:** Admit that Applicant first used one or more of the Marks in connection with ornamental pins, as early as December 14, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 137:** Denied.

**REQUEST FOR ADMISSION NO. 138:** Admit that Opposer, as an individual, did not first use one or more of the Marks in connection with cloth banners and/or fabric flags, as early as November 29, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 138:** Denied.

**REQUEST FOR ADMISSION NO. 139:** Admit that Applicant first used one or more of the Marks in connection with cloth banners and/or fabric flags, as early as November 29, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 139:** Denied.

**REQUEST FOR ADMISSION NO. 140:** Admit that Opposer, as an individual, did not first use one or more of the Marks in commerce in connection with cloth banners and/or fabric flags, as early as November 29, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 140:** Denied.

**REQUEST FOR ADMISSION NO. 141:** Admit that Applicant first used one or more of the Marks in commerce in connection with cloth banners and/or fabric flags, as early as November 29, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 141:** Denied.

**REQUEST FOR ADMISSION NO. 142:** Admit that Opposer, as an individual, did not first use one or more of the Marks in connection with hats and/or short-sleeved or long-sleeved t-shirts, as early as December 8, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 142:** Denied.

**REQUEST FOR ADMISSION NO. 143:** Admit that Applicant first used one or more of the Marks in connection with hats and/or short-sleeved or long-sleeved t-shirts, as early as December 8, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 143:** Denied.

**REQUEST FOR ADMISSION NO. 144:** Admit that Opposer, as an individual, did not first use one or more of the Marks in commerce in connection with hats and/or short-sleeved or long-sleeved t-shirts, as early as December 8, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 144:** Denied.

**REQUEST FOR ADMISSION NO. 145:** Admit that Applicant first used one or more of the Marks in commerce in connection with hats and/or short-sleeved or long-sleeved t-shirts, as early as December 8, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 145:** Denied.

**REQUEST FOR ADMISSION NO. 146:** Admit that Opposer, as an individual, did not first use one or more of the Marks in connection with embroidered patches for clothing, as early as December 23, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 146:** Denied.

**REQUEST FOR ADMISSION NO. 147:** Admit that Applicant first used one or more of the Marks in connection with embroidered patches for clothing, as early as December 23, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 147:** Denied.

**REQUEST FOR ADMISSION NO. 148:** Admit that Opposer, as an individual, did not first use one or more of the Marks in commerce in connection with embroidered patches for clothing, as early as December 23, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 148:** Denied.

**REQUEST FOR ADMISSION NO. 149:** Admit that Applicant first used one or more of the Marks in commerce in connection with embroidered patches for clothing, as early as December 23, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 149:** Denied.

**REQUEST FOR ADMISSION NO. 150:** Admit that Opposer, as an individual, did not first use one or more of the Marks in connection with association services, namely, promoting the interests of families of deceased military members and families of deceased veterans, as early as October 27, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 150:** Denied.

**REQUEST FOR ADMISSION NO. 151:** Admit that Applicant first used one or more of the Marks in connection with association services, namely, promoting the interests of families of deceased military members and families of deceased veterans, as early as October 27, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 151:** Denied.

**REQUEST FOR ADMISSION NO. 152:** Admit that Opposer identified October 27, 2005 as the date of Opposer's first use of the mark PATRIOT GUARD RIDER in connection with association services, namely, promoting the interests of families of deceased military members and families of deceased veterans in Opposer's trademark application, because October 27, 2005 was the date of a mission to honor Spc. Lucas Frantz.

**RESPONSE TO REQUEST FOR ADMISSION NO. 152:** Denied.

**REQUEST FOR ADMISSION NO. 153:** Admit that the Kansas American Legion Riders, and not Opposer, organized and planned the mission of October 27, 2005 to honor Spc. Lucas Frantz.

**RESPONSE TO REQUEST FOR ADMISSION NO. 153:** Petitioner has made a reasonable inquiry to determine the organizer of the event and the information he knows or can readily obtain is insufficient to enable him to admit or deny this request.

**REQUEST FOR ADMISSION NO. 154:** Admit that the name PATRIOT GUARD was established and announced on October 27, 2005 at the mission to honor Spc. Lucas Frantz by the Kansas American Legion Riders, and not by Opposer.

**RESPONSE TO REQUEST FOR ADMISSION NO. 154:** Admitted in part and denied in part. To the extent that Petitioner does not recall the particular mission when the term was coined, the request is denied. Petitioner admits hearing another individual use the words "Kansas," "patriot," and "guard." Petitioner has made a reasonable inquiry to determine the date of the mission and the information he knows or can readily obtain is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 155:** Admit that any use (as defined by the United States Trademark Laws) of the mark PATRIOT GUARD RIDER in connection with association services, namely, promoting the interests of families of deceased military members and families of deceased veterans, was not done until after October 27, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 155:** Petitioner does not recall whether the term was ever used prior to October 27, 2005. Petitioner has made a reasonable inquiry to determine whether the term was ever used prior to October 27, 2005 and the information he knows or can readily obtain is insufficient to enable him to admit or deny.

**REQUEST FOR ADMISSION NO. 156:** Admit that Opposer, as an individual, did not first use one or more of the Marks in commerce in connection with association services, namely, promoting the interests of families of deceased military members and families of deceased veterans, as early as November 9, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 156:** Denied.

**REQUEST FOR ADMISSION NO. 157:** Admit that Applicant first used one or more of the Marks in commerce in connection with association services, namely, promoting the interests of families of deceased military members and families of deceased veterans, as early as November 9, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 157:** Denied.

**REQUEST FOR ADMISSION NO. 158:** Admit that Opposer identified November 9, 2005 as the date of Opposer's first use of the mark PATRIOT GUARD RIDER in commerce in connection with association services, namely, promoting the interests of families of deceased military members and families of deceased veterans in Opposer's trademark application, was because November 9, 2005 was the date the website [www.patriotguard.org](http://www.patriotguard.org) was registered.

**RESPONSE TO REQUEST FOR ADMISSION NO. 158:** Denied.

**REQUEST FOR ADMISSION NO. 159:** Admit that the information to be provided to the public via the website [www.patriotguard.org](http://www.patriotguard.org) was not accessible to the public until after November 9, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 159:** Admitted.

**REQUEST FOR ADMISSION NO. 160:** Admit that any use in commerce (as defined by the United States Trademark Laws) of the mark PATRIOT GUARD RIDER in connection with association services, namely, promoting the interests of families of deceased military members and families of deceased veterans, was not done until after November 9, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 160:** Denied.

**REQUEST FOR ADMISSION NO. 161:** Admit that Opposer, as an individual, did not first use one or more of the Marks in connection with organizing and conducting support groups in the field of combat veterans and their families, as early as November 11, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 161:** Denied.

**REQUEST FOR ADMISSION NO. 162:** Admit that Applicant first used one or more of the Marks in connection with organizing and conducting support groups in the field of combat veterans and their families, as early as November 11, 2005.

**RESPONSE TO REQUEST FOR ADMISSION NO. 162:** Denied.

**REQUEST FOR ADMISSION NO. 163:** Admit that Opposer, as an individual, did not first use one or more of the Marks in commerce in connection with organizing and conducting support groups in the field of combat veterans and their families, as early as June 1, 2006.

**RESPONSE TO REQUEST FOR ADMISSION NO. 163:** Denied.

**REQUEST FOR ADMISSION NO. 164:** Admit that Applicant first used one or more of the Marks in commerce in connection with organizing and conducting support groups in the field of combat veterans and their families, as early as June 1, 2006.

**RESPONSE TO REQUEST FOR ADMISSION NO. 164:** Denied.

**REQUEST FOR ADMISSION NO. 165:** Admit that Opposer identified John Jacobs as his attorney in Opposer's trademark application.

**RESPONSE TO REQUEST FOR ADMISSION NO. 165:** Admitted.

**REQUEST FOR ADMISSION NO. 166:** Admit that Opposer identified John Jacobs as the person to whom correspondence regarding Opposer's trademark application should be sent.

**RESPONSE TO REQUEST FOR ADMISSION NO. 166:** Admitted.

**REQUEST FOR ADMISSION NO. 167:** Admit that in an e-mail dated October 27, 2006, Opposer solicited legal advice on behalf of the PGR corporation from John Jacobs.

**RESPONSE TO REQUEST FOR ADMISSION NO. 167:** Petitioner objects to this request as it seeks information protected by the attorney/client privilege.

**REQUEST FOR ADMISSION NO. 168:** Admit that in an e-mail dated October 30, 2006, John Jacobs responded to Opposer's email identified in REQUEST FOR ADMISSION NO. 167.

**RESPONSE TO REQUEST FOR ADMISSION NO. 168:** Petitioner objects to this request as it seeks information protected by the attorney/client privilege.

**REQUEST FOR ADMISSION NO. 169:** Admit that in John Jacobs' response e-mail identified in REQUEST FOR ADMISSION NO. 168, John Jacobs stated "PGR is entitled to protect the 'Patriot Guard Rider' name from 'confusingly similar' names used in connection with similar 'goods and services' (missions and current store items)."

**RESPONSE TO REQUEST FOR ADMISSION NO. 169:** Petitioner objects to this request as it seeks information protected by the attorney/client privilege.

**REQUEST FOR ADMISSION NO. 170:** Admit that in John Jacobs' response e-mail identified in REQUEST FOR ADMISSION NO. 168, John Jacobs did not state that Opposer, as an individual, was entitled to protect the "PATRIOT GUARD RIDER" name from "confusingly similar" names used in connection with similar "goods and services" (missions and current store items)."

**RESPONSE TO REQUEST FOR ADMISSION NO. 170:** Petitioner objects to this request as it seeks information protected by the attorney/client privilege.

**REQUEST FOR ADMISSION NO. 171:** Admit that Opposer forwarded John Jacobs' e-mail identified in REQUEST FOR ADMISSION NO. 168 to the "head shed" and stated

"Folks, We need to think about this ..let's discuss it Wed. night. If we decide this is the route to go, we should probably hit Kentucky, Florida and Nevada."

**RESPONSE TO REQUEST FOR ADMISSION NO. 171:** Petitioner has made a reasonable inquiry to determine whether such an email exists and the information he knows or can readily obtain is insufficient to enable him to admit or deny this request.

**REQUEST FOR ADMISSION NO. 172:** Admit that in an e-mail dated November 1, 2006, Opposer solicited legal advice on behalf of the PGR corporation from John Jacobs.

**RESPONSE TO REQUEST FOR ADMISSION NO. 172:** Petitioner objects to this request as it seeks information protected by the attorney/client privilege.

**REQUEST FOR ADMISSION NO. 173:** Admit that in an e-mail dated November 2, 2006, John Jacobs responded to Opposer's email identified in REQUEST FOR ADMISSION NO. 172.

**RESPONSE TO REQUEST FOR ADMISSION NO. 173:** Petitioner objects to this request as it seeks information protected by the attorney/client privilege.

**REQUEST FOR ADMISSION NO. 174:** Admit that Opposer forwarded John Jacobs' e-mail identified in REQUEST FOR ADMISSION NO. 173 to the "head shed" and stated "I think it's time we poll our membership for any attorney members who would be willing to donate their services to look into this case as well as the trademark infringement issues. John is an 'in house' attorney, so cannot take any outside cases. What say ye?"

**RESPONSE TO REQUEST FOR ADMISSION NO. 174:** Petitioner has made a reasonable inquiry to determine whether such an email exists and the information he knows or can readily obtain is insufficient to enable him to admit or deny this request.

**REQUEST FOR ADMISSION NO. 175:** Admit that the "head shed" identified in REQUEST FOR ADMISSION NO. 171 and REQUEST FOR ADMISSION NO. 174 included other members of the Board.

**RESPONSE TO REQUEST FOR ADMISSION NO. 175:** Petitioner objects to this request as Applicant has failed to define the term "head shed." As such, Petitioner denies this request. Moreover, Petitioner does not recall which individuals were included in the group "head shed." Petitioner has made a reasonable inquiry to determine this information and the information he knows or can readily obtain provides no further definition.

**REQUEST FOR ADMISSION NO. 176:** Admit that the statement identified in REQUEST FOR ADMISSION NO. 171 sought the opinions of other members of the Board regarding what the PGR corporation could do about "this".

**RESPONSE TO REQUEST FOR ADMISSION NO. 176:** Petitioner has made a reasonable inquiry to determine whether such an email exists and the information he knows or can readily obtain is insufficient to enable him to admit or deny this request.

**REQUEST FOR ADMISSION NO. 177:** Admit that the statement identified in REQUEST FOR ADMISSION NO. 174 sought the opinions of other members of the Board regarding what the PGR corporation could do about "this case as well as the trademark infringement issues".

**RESPONSE TO REQUEST FOR ADMISSION NO. 177:** Petitioner has made a reasonable inquiry to determine whether such an email exists and the information he knows or can readily obtain is insufficient to enable him to admit or deny this request.

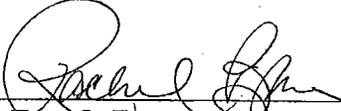
**REQUEST FOR ADMISSION NO. 178:** Admit that John Jacobs did not authorize Opposer to identify him as Opposer's attorney in Opposer's trademark application.

**RESPONSE TO REQUEST FOR ADMISSION NO. 178:** Denied.

**REQUEST FOR ADMISSION NO. 179:** Admit that John Jacobs did not authorize Opposer to identify him as the person to whom correspondence regarding Opposer's trademark application should be sent.

**RESPONSE TO REQUEST FOR ADMISSION NO. 179:** Denied.

DOERNER, SAUNDERS, DANIEL  
& ANDERSON, L.L.P.

By:   
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 6<sup>th</sup> day of June, 2008, a true and correct copy of the above and foregoing Petitioner's Response to Applicant's Request for Admissions was sent via electronic delivery to DMarr@trexlaw.com and mailed, with proper postage thereon, to :

David J. Marr  
James R. Foley  
James A. O'Malley  
Trexler, Bushnell, Giangiorgi,  
Blackstone & Marr, Ltd.  
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