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

Proceeding	91181448
Party	Defendant Patriot Guard Riders, Inc.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

APPLICANT'S OPPOSITION TO
OPPOSER'S MOTION FOR SUMMARY JUDGMENT

Applicant Patriot Guard Riders, Inc. ("Applicant" or "PGR") submits its Opposition to Opposer Jeff Brown's ("Opposer" or "Brown") Motion for Summary Judgment.

I. INTRODUCTION

In his Motion for Summary Judgment ("Motion"), Brown alleges under Trademark Section 2(d) that he used the "PATRIOT GUARD RIDER" mark ("Pleaded Mark") prior to PGR's use of the "PATRIOT GUARD RIDERS 'RIDING WITH RESPECT'" and design mark ("Logo Mark") (collectively "the Marks"), and that there is a likelihood of confusion between the Marks. Brown also alleges that PGR committed fraud in the filing and prosecution of PGR's Logo Mark and PGR's "PATRIOT GUARD RIDERS" mark ("Word Mark"), the latter of which is not at issue in this Opposition proceeding. Brown bases his allegations on forty "Undisputed Facts". Brown's Motion must be denied for the following reasons:

First, Brown has misapplied the legal standard for summary judgment in trademark proceedings. Summary judgment is only proper in the *absence* of any genuine issue of material fact. In the instant matter, Brown cannot establish that there is an absence of genuine issues with regard to his "Undisputed Facts". Further, since all factual allegations must be viewed in the light most favorable to the non-moving party, Brown cannot prevail in a request for summary judgment.

Second, part of Brown's allegation of fraud is based on matters not pleaded by Brown in his Notice of Opposition. The law is clear that a party cannot move for summary judgment on grounds not pleaded, especially where the ground is fraud, which must be pleaded with particularity.

For these reasons, which will be discussed in detail *infra*, PGR respectfully requests that Brown's Motion be denied.

II. THE SUMMARY JUDGMENT STANDARD

The Trademark Trial and Appeal Board ("TTAB") follows the same standards for summary judgment as the federal courts. *See Spraying Sys. Co. v. Delavin, Inc.*, 975 F.2d 387, 392 (7th Cir. 1992). "[T]he party moving for summary judgment, bears the initial burden of demonstrating the absence of any genuine issue of material fact and that it is entitled to judgment as a matter of law." *See Hornblower & Weeks Inc. v. Hornblower & Weeks Inc.*, 60 USPQ2d 1733, 1735 (TTAB 2001). "If opposer meets this burden, then applicant, to avoid entry of an adverse judgment, must present sufficient evidence to show an evidentiary conflict as to one or more material facts in issue." *Id.* Of course, as in any summary judgment evaluation, "the evidence must be viewed in a light most favorable to . . . the non-movant, and all justifiable inferences are to be drawn in the non-movant's favor." *Id.*

III. OPPOSER'S ALLEGATION OF PRIORITY OF USE AND LIKELIHOOD OF CONFUSION UNDER TRADEMARK SECTION 2(d)

In order for Brown to prevail on his Trademark Section 2(d) allegation, Brown must establish: (1) that he has standing to maintain the proceeding; (2) that contemporaneous use of the parties' respective marks would be likely to cause confusion, mistake or deception to customers; and (3) that Brown is the prior user of the Pleaded Mark. *See Mario Diaz v. Servicios de Franquicia Pardo's S.A.C.*, 83 USPQ2d 1320, 1323-24 (TTAB 2007). Contrary to Brown's allegations, Brown cannot establish that there is an absence of genuine issues of material fact with regard to whether he is the prior user of the Pleaded Mark and whether contemporaneous use of the parties' respective marks would be likely to

cause confusion, mistake or deception to customers. As such, Brown's Motion on his Trademark Section 2(d) claim must be denied.

A. Opposer Cannot Prove That He Is The Prior User Of The Pleaded Mark

1. Contrary To Opposer's Assertion, Applicant Does Dispute Whether Opposer Is The Prior User Of The Pleaded Mark

Brown's "Undisputed Fact" 39[1] states: "PGR, Inc. *does not dispute prior use by Opposer*, but maintains that the use of the 'Patriot Guard ***Rider***' mark in connection with the PGR STORE, LLC or otherwise insures [sic] to the benefit of Applicant" (Emphasis Added). Brown alleges that support for this entire statement can be found in PGR's "Answer and Affirmative Defenses (Amended)". This "fact" is simply just not true and, thus, is vehemently denied by PGR.

Only one paragraph of PGR's "Answer and Affirmative Defenses (Amended)" could possibly be used to support this "fact", as it states: "Opposer, Jeff Brown is not entitled to any individual rights in the 'Patriot Guard Riders' mark. As a result of being a Director and Incorporator of PGR, any use by Opposer, Jeff Brown of the 'Patriot Guard Riders' mark in connection with the 'PGR Store' or otherwise inures to the benefit of the Applicant, PGR; therefore, Applicant denies Opposer's assertion to the contrary." (Ex. 1, ¶15). As is evident from the first sentence of this statement, PGR clearly set forth its position that Brown is not entitled to *any* individual rights and, therefore, set forth that Brown does not have prior use rights. While the PGR admits that there is support for the *second* part of Brown's "fact", namely that PGR maintains that Brown's use of the Pleaded Mark, in connection with the PGR Store, LLC or otherwise, inures to the benefit of PGR, PGR adamantly states that there is absolutely no support for the *first* part of Brown's "fact", namely that PGR does not dispute prior use by Brown. It appears that Brown has taken a gigantic leap in logic to arrive at this "fact".

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[1]PGR's Opposition will address only those "Undisputed Facts" that are in dispute or that require further explanation in order to ensure that Brown's "Undisputed Facts" are not taken out of context and/or mischaracterized, and will incorporate same throughout this Opposition Brief, wherever appropriate, rather than individually responding to each of Brown's forty "Undisputed Facts".

Even were the foregoing somehow unclear, PGR's statements during this Opposition should have clued Brown in to the fact that PGR does and always has disputed Brown's prior use of the Pleaded Mark. For instance, PGR's responses to Brown's discovery requests clearly show that PGR has disputed the "fact" that Brown was the prior user of the Pleaded Mark. (Ex. 2, ¶¶4, 6, 11 & 15; Ex. 3, ¶¶6-7). PGR also sent a letter to Brown in which PGR clearly set forth the three items (see above) that Brown would have to establish in order to prevail on his Trademark Section 2(d) claim. (Ex. 4, p. 4). With specific regard to only the second item, namely that Brown would have to prove "that contemporaneous use of the parties' respective marks on their respective goods would be likely to cause confusion, mistake or deception", PGR stipulated that there would be a likelihood of confusion if Brown could "prove that the parties' use of the respective marks was contemporaneous, i.e., if Brown [could] prove that his use of the mark 'PATRIOT GUARD RIDER' was done on his own behalf, as an individual, rather than on behalf of PGR." (*Id.*). This letter clearly made absolutely no concession or stipulation to the third item that Brown would have to prove, namely that Brown was "the prior user of his pleaded mark", as PGR did not discuss this third item in any manner whatsoever. (*Id.*).

Finally, PGR's filing of its Motion for Summary Judgment provides further evidence that PGR does dispute that Brown is the prior user of the Pleaded Mark. (Ex. 5, pp. 16-22).

Thus, it is clear that Brown has not established that there is an absence of genuine issues with regard to whether Brown was the prior user of the Pleaded Mark and, therefore, Brown's Motion with regard to his Trademark Section 2(d) allegation should be denied.

2. *Opposer's Alleged Dates Of First Use In Connection With Association Services Are Not Supported By The Evidence*

Regardless of the foregoing, Brown has not provided any evidence to support his alleged dates of first use of the Pleaded Mark, as an individual, in connection with "association services" and just apparently expects PGR and the TTAB to accept his alleged dates of first use as "fact". Brown's

allegation, however, just doesn't add up upon a detailed study of the record.

a. Opposer's Alleged Dates of First Use in Connection with Association Services

Brown has alleged that he first used the Pleaded Mark, as an individual, in connection with "association services" at least as early as October 27, 2005 and that he first used the Pleaded Mark in commerce, as an individual, in connection with "association services" at least as early as November 9, 2005. (Brown's "Undisputed Facts" 2 & 22). Brown has provided absolutely no verifiable evidence to support these alleged first use dates of the Pleaded Mark, as an individual, in connection with "association services".

b. Facts Relating to the Dates of First Use of the Pleaded Mark in Connection with Association Services

On October 27, 2005, the Kansas American Legion Riders ("Kansas ALR") and others honored United States Army Spc. Lucas Frantz in Tonganoxie, Kansas at his funeral service. (Ex. 6, ¶20). While attending this funeral service, a member of the Kansas ALR *first publicly announced* the name "Patriot Guard" at every pre-staging stop and at the final staging area in connection with all of the riders' presence at the funeral services. (Ex. 6, ¶¶21-22). Brown did not attend this funeral service and therefore was not present for the first announcements of the "Patriot Guard" name. (Ex. 7, ¶12; Ex. 8, ¶2). Brown has also denied that the reason he alleged first use of his Pleaded Mark at least as early as October 27, 2005 is because this was the date of a mission to honor Spc. Lucas Frantz. (Ex. 9, ¶152).

On November 2, 2005, the Kansas ALR and others attended the funeral service of United States Army Sgt. Evan S. Parker in South Haven, Kansas. (Ex. 6, ¶23). Brown did attend this funeral service and asked members of the Kansas ALR about how they handled matters relating to their attendance at funeral services. (Ex. 6, ¶¶24-25). Brown certainly was aware of the name "Patriot Guard" on this day as he signed a "Patriot Guard" sign-up sheet and requested that a "Patriot Guard" patch be sent to him. (Ex. 6, ¶26). Brown, however, has stated that he had never heard of a group identifying itself as the

"Patriot Guard", but admits that he had heard the name "Patriot Guard" before he coined the term "Patriot Guard Riders". (Ex. 7, ¶11; Ex. 9, ¶154; Ex. 10, 88:16-92:22).

Thereafter, on November 8, 2005, a funeral service was held for United States Army Pfc. David Jeffrey Martin in Edmund, Oklahoma. (Ex. 6, ¶28). Prior thereto, Brown has stated that he heard about this funeral service and that the WBC was planning to protest at it, but that he was unable to find any further details about the time or location of the funeral service. (Ex. 7, ¶12). Thus, Brown resorted to using the WBC's website to obtain the information. (Ex. 7, ¶12). In view thereof, during Brown's trip to attend the funeral service, he thought of the idea 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 order to expand on the Kansas ALR's "Patriot Guard" funeral missions. (Ex. 6, ¶29; Ex. 7, ¶12). Upon arriving at the funeral service, Brown located members of the Kansas ALR and discussed his idea with them. (*Id.*).

After returning home from the funeral service of Pfc. David Jeffrey Martin that evening, Brown alleges that he drafted and sent an e-mail to various motorcycle and veterans organizations across the country in order to test his idea.[2] (Ex. 7, ¶12). Feedback to the idea was positive.[3] (Ex. 7, ¶12). One of the responses he received was from Jason Wallin ("Wallin") who, without any prompting by Brown, registered the domain name www.patriotguard.org ("PGR's website") on November 9, 2005 and advised Brown that he would host it for free. (Ex. 11, ¶¶7-9).

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[2]Brown has not produced a copy of this alleged e-mail to the PGR and, therefore, the PGR can neither confirm nor deny whether this alleged e-mail did, in fact, go out on November 8, 2005.

[3]PGR notes that Brown has cited an e-mail sent to him from Bill Carr dated November 8, 2005 (*see* Brown's "Undisputed Fact" 3) as evidence of his sending out his e-mail, but PGR notes that the date/time of this e-mail (November 8, 2005 at *7:44 AM*) does not coincide with the rest of Brown's story, namely that he sent out his e-mail *on the evening of November 8, 2005, after returning home from the funeral*. Regardless, this e-mail does not prove any use of the Pleaded Mark.

c. *The Evidence Proves that Opposer's Alleged Dates of First Use of the Pleaded Mark in Connection with Association Services are False*

The evidence of record proves that Brown knew of the name "Patriot Guard" as used by the Kansas ALR on November 2, 2005 (six days after October 27, 2005)[4], that he coined the name "Patriot Guard Riders" *after* he heard the name "Patriot Guard", and that, by Brown's own statement, his first thought of expanding on what the Kansas ALR was doing, by forming an Internet-based national association, was on his ride to the funeral service for Pfc. David Jeffrey Martin in Edmund, Oklahoma on November 8, 2005 (twelve days after October 27, 2005). In view thereof, PGR cannot comprehend how Brown could have used the Pleaded Mark, *as an individual*, in connection with "association services", at least as early as October 27, 2005, when he clearly took inspiration for the Pleaded Mark from the name "Patriot Guard" as used by the Kansas ALR, that was first publicly announced on October 27, 2005, when the PGR had yet to be formed. The evidence of record necessarily leads to a conclusion that Brown's alleged date of first use of the Pleaded Mark, as an individual, in connection with "association services" at least as early as October 27, 2005, was a material false statement knowingly made by Brown when he filed the trademark application for the Pleaded Mark.

Furthermore, the evidence of record indicates that the PGR was formed on November 9, 2005 when Wallin registered PGR's website because, unlike others who possibly only expressed interest in Brown's idea, Wallin took an active step in order to associate himself with Brown in the "common interest" of executing Brown's plan to "use the Internet to setup a nationwide network and information center".[5] The evidence of record, however, does not support or prove *any* use of the Pleaded Mark by Brown, as an individual, in connection with "association services" prior to the formation of the PGR on November 9, 2005. Thus, all use of the Pleaded Mark in connection with "association services"

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[4]There is no definitive evidence that Brown had heard of or knew about the name "Patriot Guard" prior to November 2, 2005.

[5]An "association" is defined as "an organization of persons having a common interest". (Ex. 12).

necessarily occurred after the PGR was formed. As Brown was one of the founders and leaders of the PGR (which was not run as a sole proprietorship (Ex. 9, ¶13)), all use of the Pleaded Mark in connection with "association services" after its formation, whether by Brown or other PGR volunteers, was necessarily done on behalf of the PGR such that any individual volunteer's use of the Pleaded Mark would inure to the benefit of the PGR. Regardless, the evidence of record establishes that it was Wallin and others, and not Brown, who attended the first funeral service on behalf of the PGR and who first used the Marks by displaying same on their motorcycles. (Ex. 11, ¶¶19-24). The evidence of record further establishes that it was Wallin who placed the Marks on PGR's website along with a description of the services that the PGR provided. (Ex. 11, ¶¶14-18 & 25-28).

3. As Opposer Has Not Proven That He Was The Prior User Of The Pleaded Mark, Opposer's Allegation That He Licensed The Use Of The Marks In Support Of His Trademark Section 2(d) Claim Must Fall

In view of the foregoing, namely that Brown cannot prove that he, as an individual, used the Pleaded Mark in connection with "association services" before the PGR used the Pleaded Mark in connection with "association services", Brown's claim that he licensed the use of the Pleaded Mark to the PGR must necessarily fall; Brown could not have licensed the use of the Pleaded Mark to the PGR when the PGR first used the Pleaded Mark, as the rights in the Pleaded Mark were necessarily born with the PGR upon its first use.[6]

Regardless of the foregoing, were Brown to somehow prove that he did have use, as an individual, of the Pleaded Mark in connection with "association services" before the PGR, Brown's claim of the existence of a license is not supported by the evidence of record.

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[6]PGR notes that Brown has consistently pleaded and alleged that he used the Pleaded Mark prior to the PGR using the Marks and, therefore, Brown cannot now make any claim that even though the first use of the Pleaded Mark was by the PGR, that such first use by the PGR was under license from Brown. *See Pneutek, Inc. v. Scherr*, 211 USPQ 824, 833 (TTAB 1981). PGR further notes that Brown's trademark application for the Pleaded Mark does not identify the possibility that the first use of the Pleaded Mark was through a licensee or a related company who's use inured to Brown's benefit.

Brown alleges that he granted the PGR permission to use the Pleaded Mark on PGR's website at the time it was launched for noncommercial purposes only, and that he intended that this permission would also be applicable when the PGR incorporated as a not-for-profit corporation. (Brown's "Undisputed Facts" 5 & 15). Brown further alleges that he owned the Pleaded Mark and retained the sole right to use the Pleaded Mark in connection with "commercial purposes", namely the production and sale of goods, and that Wallin was aware of this based on discussions Brown had with Wallin. (Brown's "Undisputed Facts" 6 & 7). Brown, however, waffles on whether this alleged license was an express license or an implied license. (Brown's "Undisputed Fact" 32; Brown's Motion at pp. 20-21).

a. An Express License Did Not Exist Between The Parties

Brown has admitted that an express, written agreement never existed between himself and the PGR whereby Brown granted permission to the PGR to use either of the Marks. (Ex. 9, ¶¶12, 18 & 116).

Brown, however, alleged in his initial discovery responses that he had given an express, oral license to the PGR to use the Marks for non-commercial purposes and that he told several *unnamed individuals* that he considered himself to have exclusive rights to use the Marks for commercial purposes. (Ex. 7, ¶10; Ex. 9, ¶¶11 & 17; Ex. 13, ¶25). However, when asked for details about the alleged oral license during his deposition, Brown could not identify any specifics or terms of the alleged oral license (even those previously identified in his responses to PGR's discovery requests). (Ex. 10, 62:16-78:17 & 119:18-120:20). Brown then amended his discovery responses in view of his deposition testimony and included unsupported allegations in which he named those individuals, including Wallin, who knew of the alleged oral license. (Ex. 14, ¶17(a); Ex. 15, ¶10). These individuals, however, as well as other high-ranking personnel of the PGR, have each stated that they were unaware of Brown's claim of ownership in the Marks and to the existence of an oral license granted by Brown to the PGR. (Ex. 11, ¶¶15-18, 44 & 59; Ex. 16, ¶16; Ex. 17, ¶17; Ex. 18, ¶15; Ex. 19, ¶11; Ex. 20, 84:9-14).

The evidence is clear that, prior to the filing of the trademark application for PGR's Logo Mark,

Brown never claimed that an express, oral license existed between Brown and the PGR whereby the PGR could only use the Pleaded Mark in connection with the services it performed. Furthermore, Brown has provided absolutely no evidence that an express, oral license existed and has repeatedly changed his story regarding the existence and terms of this alleged express, oral license.[7]

b. An Implied License Did Not Exist Between The Parties

Although nowhere found in Brown's discovery responses, Brown has now taken the position in his Motion that the license that supposedly existed between the parties was not an express license (contrary to Brown's discovery responses and even contrary to statements made in Brown's Motion), but rather an implied license-in-fact, which arose through the respective parties' non-verbal objective conduct. The evidence of record does not support the existence of an implied license-in-fact.

i. Law Regarding Implied Licenses-in-Fact

An implied license in fact "arises out of the objective conduct of the parties, which a reasonable person would regard as indicating that an agreement has been reached." *Allen-Myland v. Int'l Bus. Mach. Corp.*, 746 F. Supp. 520, 549 (E.D. Pa. 1990). "Permission to use the trademarks coupled with the exercise of reasonable control over such use can lead to the conclusion that an implied license existed between the parties, even where no contract was made." *Villanova Univ. v. Villanova Alumni Educ. Found., Inc.*, 123 F. Supp. 2d 293, 307 (E.D. Pa. 2000). An implied license in fact, however, "cannot arise out of the unilateral expectations of one party." *Allen-Myland*, 746 F. Supp. at 549.

ii. Objective Conduct By The Parties

Brown alleges that PGR's objective conduct proves that an implied license-in-fact existed between the parties. The evidence of record, however, clearly does not support Brown's allegation as the

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[7]Brown notes that he worked with an attorney to grant others a license for the mark and that the attorney advised Brown to formalize the supposed arrangement between Brown and the PGR (*see* Brown's "Undisputed Facts" 17 & 18), but Brown has provided absolutely no evidence to prove that he ever followed through with granting any person or entity such a license or that he ever told any person or entity that he was contemplating such a license.

parties' actions and inactions consistently led the PGR volunteers, as well as PGR's Board of Directors ("Board"), to believe that the PGR owned the Marks and that all of the profits generated from the PGR Store were used to support the PGR and its missions.

(a). Facts Regarding The Parties' Conduct Before Opposer's Resignation

Soon after the formation of the PGR, Brown advised PGR volunteers that he thought it was a good idea to display Patriot Guard Riders products (after the PGR volunteers suggested same) as it would enhance the PGR's presence at funeral services, and further advised the volunteers that he had begun the process of working with a company to provide these products. (Ex. 6, ¶31; Ex. 11, ¶13).

In late November of 2005, a hyperlink named "PGR Store" was added to the homepage of PGR's website which redirected user's to a subpage of PGR's website, namely www.patriotguard.org/PGRStore ("the original PGR Store") where PGR volunteers could purchase PGR products, until approximately Spring of 2006. (Ex. 11, ¶¶29-30). On or about February 13, 2006, Opposer's wife, Mrs. Bonnie Brown, registered a for-profit, limited liability company in the State of Oklahoma under the name "PGR STORE, LLC". (Ex. 9, ¶124).

The PGR became a not-for-profit corporation in the State of Oklahoma on February 21, 2006. (Ex. 11, ¶39; Ex. 18, ¶7). The incorporation papers stated, in part, that "[t]his corporation is not for profit, and as such the corporation does not afford pecuniary gain, *incidentally or otherwise*, to its members" (Emphasis added). (Ex. 10, 80:21-81:6 & 82:13-15). At the time of incorporation, Brown did not advise his co-incorporators, or even the attorney who prepared the incorporation papers for the PGR, that just eight days earlier his wife had registered the for-profit PGR STORE, LLC. (Ex. 10, 83:11-19 & 85:17-25; Ex. 18, ¶¶17-18). Brown also did not advise his co-incorporators of his ownership claim of the Marks or to the supposed existence of a trademark license between himself and the PGR. (Ex. 10, 82:4-7; Ex. 11, ¶44; Ex. 18, ¶14).

On March 27, 2006, Wallin changed the "PGR Store" hyperlink such that it would redirect a visitor to a separate webpage, namely to www.patriotguardstore.org ("the subsequent PGR Store")[8], rather than to the original PGR Store, pursuant to Brown's request. (Ex. 11, ¶37). Brown's co-incorporators believed that this change was made as it had previously been decided that the "PGR Store" needed to be hosted by separate computer servers in order to minimize the amount of web traffic on PGR's website. (Ex. 11, ¶38; Ex. 18, ¶¶20-21).

PGR's website did not give any specific indication that either the original PGR Store or the subsequent PGR Store was owned and/or operated by Brown, his wife and/or PGR STORE, LLC as a for-profit business, nor did it give any indication that Brown as an individual, rather than the PGR, claimed to own any trademarks or service marks that were used by the PGR or the original or subsequent PGR Stores. (Ex. 11, ¶32-33; Ex. 16, ¶¶19-20; Ex. 17, ¶¶21-22; Ex. 18, ¶¶22-23; Ex. 19, ¶¶14-15; Ex. 21, ¶¶11-12). The same is true for the original PGR Store's website and the subsequent PGR Store's website. (*Id.*). These websites, however, *did* give indications to users that the PGR Store was owned and operated by the PGR, and that once Brown recovered his out-of-pocket expenses for getting the PGR Store up and running, that all profits realized from the PGR Store would go to support the PGR's missions. (Ex. 9, ¶78; Ex. 11, ¶¶34-35; Ex. 22, ¶¶2-7). Also, during Brown's tenure as a leader of the PGR, the PGR Store was allowed privileges on the PGR's website that would never have been offered to private, for-profit businesses ("member businesses"), including having a dedicated, separate, individual link on the home page of PGR's website and a dedicated forum on PGR's website that was used

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[8]The fact that the separate webpage for the "PGR Store" used the top level domain ".org" would convey to users the impression that the "PGR Store" was for a not-for-profit organization rather than a for-profit, privately-owned company. *See In re Oppedahl & Larson, LLP*, 373 F.3d 1171, 1176 (Fed. Cir. 2004) (explaining that while domain name registries no longer enforce the use of particular TLDs based on the type of entity seeking to register the domain name, i.e., ".com" for companies and ".org" for non-profit organizations, that the TTAB was correct that the overall impression of ".com" conveyed to consumers the impression of a company or commercial entity on the Internet, regardless of the current state of Internet governance); *but see* Ex. 9, ¶¶84-88.

specifically to provide information and to ask and answer questions about the PGR Store and the products sold therein. (Ex. 10, 97:24-98:25; Ex. 22, ¶¶14-16)

Further, invoices and e-mails from the original PGR Store did not provide any indication to a customer that goods were purchased from Brown, his wife and/or the private, for-profit PGR STORE, LLC, rather than the not-for-profit PGR, and further did not give any indication that the profits obtained from the original PGR Store would go to Brown, his wife and/or PGR STORE, LLC rather than to the PGR; rather, they would have only given the opposite indication because, at a minimum, they identified PGR's website, a supposed address of the "PGR Store", and an e-mail address identified as pgr@valornet.com, and further requested that payment by check or money order be made out to "Patriot Guard Riders". (Ex. 9, ¶¶40, 44 & 45; Ex. 10, 101:13-106:21; Ex. 23; Ex. 24; *but see* Ex. 9, ¶¶38, 39, 41-43, 46 & 47). Upon the setup of the subsequent PGR Store, the invoices for the PGR Store changed slightly in appearance, but the invoices still did not provide any indication to a customer that goods were purchased from Brown, his wife and/or PGR STORE, LLC, rather than the PGR, but did state that payment by checks or money orders were to be made out to someone named Bonnie Brown. (Ex. 7, ¶¶20-21; Ex. 25). The invoices, however, did not give any indication that the profits obtained from the subsequent PGR Store would go to Brown, his wife and/or PGR STORE, LLC rather than to the PGR; rather, they would have only given the opposite indication because, at a minimum, they identified the "Patriot Guard Riders" as the entity thanking the customer for his/her order, a supposed address of the "Patriot Guard Riders", and an e-mail address identified as pgr@valornet.com. (Ex. 9, ¶¶40, 44 & 45; Ex. 25). Only after Brown's resignation from PGR's Board did Brown change the subsequent PGR Store's website to identify it as "Twister's PGR Store", to denote that it was owned and operated by him, as opposed to the PGR. (Ex. 7, ¶17; Ex. 10, 105:14-106:21). Brown then also changed the Invoices to clearly identify that he owned the store and that payment was to be made to him. (Ex. 10, 105:14-106:21; Ex. 26).

Brown advised PGR volunteers that the profits from the PGR Store were used to support the PGR and its missions. (Ex. 9, ¶78). Brown also informed PGR's Board and other PGR volunteers that *the PGR sells stuff* through the PGR Store in order to support the PGR and its missions. (Ex. 27).

Brown consistently acted in a manner that indicated the Marks were owned by the PGR and even advised others (while clearly acting on behalf of the PGR) that the Marks were owned by the PGR. (Ex. 9, ¶78; Ex. 28). Brown had always advised others, including PGR's Board, that the Marks were protected, either by trademark or copyright; but never gave any indication that he, as an individual, rather than the PGR, owned the protected Marks. (Ex. 9, ¶¶78-79; Ex. 11, ¶47; Ex. 16, ¶10; Ex. 17, ¶11; Ex. 18, ¶24; Ex. 19, ¶6; Ex. 21, ¶10; Ex. 29, 44:7-20 & 90:24-91:2; *but see* Brown's "Undisputed Fact" 20).

In truth, however, Brown knew that trademark applications for federal registration had never been filed before his resignation. (*But see* Brown's "Undisputed Fact" 20). The attorney Brown was working with, John Jacobs ("Jacobs"), sent Brown an e-mail in March of 2006 to advise Brown that he was "*holding off completing* the trademark and copyright paperwork to see if incorporation is in the near future" (Emphasis added). (Ex. 30). In October of 2006, Jacobs sent Brown an e-mail to advise that he had "gotten through all searching and [was] ready to *finalize* the trademark application paperwork, and I need your input" (Emphasis added). (Ex. 31). On November 1, 2006, and then again on November 8, 2006 (a day after Brown's resignation), Jacobs sent Brown e-mails instructing Brown on how to use the Trademark Office's online filing system such that Brown could file his trademark application. (Ex. 32; Ex. 33, PGR 003096 - PGR 003097). Brown responded on November 9, 2006 (just hours before his application was filed) requesting that Jacobs urgently contact him; presumably because he needed help in filing his trademark application. (Ex. 33, PGR 003097).

In October of 2006, it became collectively apparent to the leaders of the PGR, as well as to a number of volunteers, that Brown had not been up front and honest about how the profits from the PGR Store were used. (Ex. 11, ¶45; Ex. 16, ¶6; Ex. 17, ¶8; Ex. 19, ¶4; Ex. 20, 81:6-9 & 21-23). Once

confronted on this issue, Brown made a statement on the public forums of PGR's website which admitted that the PGR Store was a for-profit entity in which all of the profits derived from the PGR Store went directly to Brown. (Ex. 34). Brown further alleged that this had always been public knowledge, but could never provide any definitive proof of same. (Ex. 13, ¶29; Ex. 34). The fact that Brown was the leader of a "not-for-profit" corporation who had a duty to not profit, "incidentally or otherwise" from the PGR, led the PGR's Board to threaten to remove Brown from his leadership positions in the PGR unless he agreed to close the PGR Store and honorably resign. (Ex. 11, ¶46; Ex. 16, ¶7; Ex. 17, ¶9; Ex. 19, ¶15; *but see* Brown's unsupported "Undisputed Fact" 19). Brown agreed to resign and, in his resignation letter to the PGR, indicated that he would be closing the PGR Store once his inventory was depleted. (Ex. 11, ¶46; Ex. 16, ¶8; Ex. 17, ¶10; Ex. 19, ¶15; Ex. 21, ¶9). Further, the resignation letter made absolutely no mention of Brown's claim of ownership in the Marks or the supposed existence of any license agreement. (*See, e.g.*, Ex. N of Ex. 11).

(b). Facts Regarding The Parties' Conduct After Brown's Resignation

Instead of walking away quietly as he indicated he would in his resignation letter, Brown went on the offensive and quickly contacted Jacobs in order to complete the filing of his trademark application for the Pleaded Mark, which was filed on November 9, 2006, but after PGR's application for the Logo Mark had been filed. (Ex. 33, PGR 003096 - PGR 003097). After the parties had each filed their respective trademark applications, Brown, for the first time, advised the PGR that he considered himself, rather than the PGR, to be the owner of the Marks, which caused some confusion as PGR's Board believed that the PGR owned the Marks. (Ex. 11, ¶62; Ex. 16, ¶21; Ex. 17, ¶23; Ex. 19, ¶16; Ex. 29, 30:10-19). Having not yet consulted with an attorney, and in view of this confusion, some members of PGR's Board agreed to negotiate with Brown to determine if a fair compromise could be reached whereby both parties were happy with the result in an attempt to avoid any legal expenses and possible future problems between the

parties. (Ex. 11, ¶63; Ex. 16, ¶22; Ex. 17, ¶24; Ex. 19, ¶17; Ex. 29, 90:9-19, 91:3-11 & 92:25-93:6). Around the time of these negotiations, some members of PGR's Board made announcements to the PGR volunteers about the negotiations, including statements about possible plans for ownership and use of the Marks, in an effort to be open with them in view of Brown's secret conduct about how the PGR Store was run which led to his resignation. (Ex. 11, ¶64; Ex. 16, ¶23; Ex. 17, ¶25; Ex. 19, ¶18; Ex. 29, generally at 88:11-104:1). Ultimately, after speaking with an attorney, PGR confirmed its original belief that it owned the marks and had the right to continue using the Marks for any purpose and, therefore, the PGR *never* entered into a license agreement with Brown in which the PGR acknowledged that Brown was the owner of any of the Marks. (Ex. 11, ¶65; Ex. 16, ¶24; Ex. 17, ¶26; Ex. 19, ¶19).

iii. Reasonable Control Over Use Of The Marks

Brown further alleges that his personal designing and arranging for the production of goods, and his maintaining a position of leadership within the PGR proved that Brown exercised "reasonable" control over the use of the Marks. This allegation, however, is unsupported by the facts.

Brown has admitted that the PGR was not run as a sole proprietorship where he made all of the decisions. (Ex. 9, ¶13). Brown further admitted that he did not create and/or maintain the PGR's website, which is basically the backbone of the PGR, or its forums. (Ex. 13, ¶29(e)). PGR's website even had a "PGR FAQ" hyperlink provided on its main page which provided users of the website with all of the information that they might need to know about the PGR. (Ex. 22, ¶8). This "PGR FAQ" section did not give any indication that Brown claimed ownership to the Marks, that PGR's use of the Marks was subject to any type of license, or that the PGR Store was owned and/or operated by Brown, his wife, and/or the PGR STORE, LLC for Brown's personal profit. (Ex. 22, ¶¶9-11). The "PGR FAQ" section also included statements regarding restriction of others' use of PGR's name and logo and advised that permission to use same must be received "from National". (Ex. 22, ¶¶12-13).

Thus, it is clear that no one else in the PGR had any idea that Brown considered himself, as

opposed to the PGR, to be the owner of the Marks. Further, Brown admitted that he did not create or maintain PGR's website and its forums, and further that he didn't monitor important areas of PGR's website as he was completely unaware of statements made on PGR's website that those who wished to use the Marks had to receive permission for same from *National*, i.e., the PGR, as opposed to Brown, as an individual. (Ex. 9, ¶¶63-74; Ex. 22, ¶¶12-13). Furthermore, any "control" exerted by Brown over the use of the Marks was not by Brown, as an individual, exerting control over the PGR's use of the Marks. Rather, the evidence of record only proves that Brown, while acting on behalf of the PGR, exerted control over third parties' use of the Marks so as to ensure that PGR's rights in the Marks were properly protected. (*See, e.g.,* Ex. 28).

iv. Case Law Cited By Brown is Clearly Distinguishable

The case of *Villanova Univ. v. Villanova Alumni Educ. Found., Inc.*, 123 F. Supp. 293 (E.D. Pa. 2000) is clearly distinguishable from the present Opposition. In *Villanova*, the judge found that the parties conduct gave rise to an implied license-in-fact which encompassed the defendant's use of the marks at issue in its name and materials. *Id.* at 307-308. The defendant had deliberately sought out the plaintiff and requested that it be allowed to use the plaintiff's marks, thereby acknowledging the plaintiff's ownership of the marks, and the plaintiff had set forth guidelines under which the defendant would have to act. *Id.* at 296-297. The plaintiff further continually identified and enforced these guidelines for the defendant's operations, such that the plaintiff maintained the requisite level of control. *Id.* at 308. These facts are clearly not applicable to those in the present Opposition, where Brown has not been able to prove that he was ever approached by the PGR to request that it be allowed to use Brown's marks and where the PGR has not acknowledged Brown's ownership of the Marks. Overriding everything is the fact that, contrary to the *Villanova* case, the PGR was the first to use the Marks, whereas in the *Villanova* case, it was the plaintiff who had clearly first used the Marks.

The case of *Monorail Car Wash, Inc. v. McCoy*, 178 USPQ 434 (TTAB 1973) is also clearly distinguishable from the present Opposition. In *Monorail*, the TTAB stated that whether an individual or a corporation is the owner of a mark "must be resolved on a case-by-case basis dependent upon the particular facts adduced in the case." *Monorail*, 178 USPQ at 438. The TTAB found that the individual, rather than the corporation of which he was the President and owner of virtually all of the stock, was the owner of the mark for numerous reasons specific to the facts in that case. *Id.* The TTAB noted that it was significant that the name of the corporation did not appear on any of the goods themselves which supported the individual's assertion that he intended to disassociate these particular goods from the activities of the corporation, and further that the individual always conducted himself as the owner of the Mark. *Id.* In stark contrast, the evidence of record here shows that Brown did not try to disassociate himself from the activities of the PGR as his actions and inactions indicated to others that the PGR was the owner of the Marks and the owner of the PGR Store, rather than Brown.

Finally, *In re Briggs*, 229 USPQ 76 (TTAB 1986) case is also clearly distinguishable from the present Opposition for the primary reason that this was an *ex parte* matter whereby the individual who asserted ownership of the mark, and the corporation, which the Examiner asserted owned the mark, were not at odds over who owned the trademark. Because the individual was also the president of the corporation, he was able to provide the necessary evidence, both on his individual behalf and on behalf of the corporation, to prove that he was the owner of the mark at issue. *Briggs*, 229 USPQ at 76-78. This is clearly not the case here as Brown and the PGR are at odds over who owns the Marks such that Brown cannot just provide whatever evidence might be necessary to prove that he is the owner of the Marks, such as a *nunc pro tunc* license agreement.

Thus, it is clear that an implied license-in-fact did not exist between PGR and Brown. The parties' conduct indicates that the PGR, as well as Brown, always outwardly operated as though the PGR owned the Marks as well as the PGR Store. Furthermore, Brown's position of leadership within the PGR

allowed him to control third parties' use of the Marks, while acting on behalf of the PGR, but there is no evidence that Brown exercised control over the PGR's use of the Marks. While it may have been Brown's expectation that an implied license in fact existed, such an expectation was solely and unilaterally Brown's. *See Allen-Myland*, 746 F. Supp. at 549.

B. Opposer Cannot Prove That Contemporaneous Use Of The Parties' Respective Marks Would Be Likely To Cause Confusion, Mistake Or Deception To Customers

From the foregoing, it is clear that Brown cannot prove that contemporaneous use of the parties' respective marks would be likely to cause confusion, mistake or deception to customers.[9] The reason for this is simple, all use of the Marks in connection with the identified services was done *on behalf of the PGR*, and not separately by Brown in his *individual* capacity. Without proof of individual use of the Marks, Brown cannot prove that he is the prior user of the Pleaded Mark and, therefore, cannot prove that there was any "contemporaneous use of the parties' respective marks" as is required.

IV. OPPOSER'S ALLEGATION OF FRAUD

In his Motion, Brown has alleged fraud on two separate bases: first, that PGR made false material statements regarding specimens submitted to the United States Patent and Trademark Office ("Trademark Office"); and second, that the application for PGR's Logo Mark was filed by an individual without authorization and with full knowledge of Brown's prior rights in the Pleaded Mark. Brown's Motion must be denied on both grounds.

In order for Brown to prevail on his allegations of fraud, he must prove the alleged fraud by clear and convincing evidence. *L.D. Kichler Co. v. Davoil, Inc.*, 192 F.3d 1349, 1351 (Fed. Cir. 1999). "[T]he very nature of the charge of fraud [requires] that it be proven 'to the hilt' with clear and

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[9]As Brown noted in his Motion on p. 19, PGR stipulated that there would be likely confusion, mistake or deception between the parties' respective marks if Brown were able to prove that the parties' use of the respective marks was contemporaneous, i.e., if Brown could prove that his use of the Pleaded Mark was done on his own behalf, as an individual, rather than on behalf of the PGR. Yet for some reason unknown to PGR, Brown's brief still includes over two pages of discussion regarding likelihood of confusion and the *Dupont* factors.

convincing evidence. There is no room for speculation, inference or surmise and, obviously, any doubt must be resolved against the charging party." *Smith Int'l Inc. v. Olin Corp.*, 209 USPQ 1033, 1044 (TTAB 1981). In order to establish fraud, Brown must prove that there was (1) a false representation, (2) regarding a material fact, and (3) that the person making the representation knew or should have known that it was false or misleading. *See Medinol Ltd. v. Neuro Vasx Inc.*, 67 USPQ2d 1205, 1208-10 (TTAB 2003). "Furthermore, fraud will not lie if it can be proven that the statement, though false, was made with a reasonable and honest belief that it was true." *Asics Corp. v. Paragon Dev. Corp.*, Opposition No. 91160352, 2007 WL 775578, at *2 (TTAB Feb. 28, 2007) (non-precedential) (Ex. 35).

A. Opposer's Allegation That Applicant Made False Statements Regarding Specimens Submitted To The Trademark Office Were Not Pleaded

The law is clear that a party cannot move for summary judgment on grounds not pleaded. *Giant Foods, Inc. v. Standard Terry Mills, Inc.*, 229 USPQ 955, 961 (TTAB 1986). While Brown argues that PGR's supposed false material statements regarding specimens submitted to the Trademark Office give rise to a claim of fraud, it is well-known that "in all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity." *See* Fed. R. Civ. P. 9(b); *see also Asics*, 2007 WL 775578, at *3,. None of Brown's allegations that PGR made supposed false material statements regarding specimens submitted to the Trademark Office were included by Brown in his Notice of Opposition. (Ex. 36). Accordingly, Brown cannot obtain summary judgment thereon.

In view of the foregoing, PGR need not address these allegations made by Brown, but the serious nature thereof compels PGR to comment on same.

1. Opposer's Allegation That Applicant Made False Material Statements Regarding Specimens Submitted To The Trademark Office In Connection With PGR's Logo Mark

The trademark application for PGR's Logo Mark was filed on November 9, 2006. (Ex. 37). The specimen submitted at the time of filing the application for PGR's Logo Mark was a photograph of a t-

shirt (front and back) that the PGR sold to help raise money for scholarships for the families of fallen soldiers. (*Id.*). The Examining Attorney advised that the specimen was not acceptable because it showed a mutilated version of PGR's Logo Mark used in an ornamental fashion on a t-shirt. (Ex. 38). The Examining Attorney, however, stated that a substitute specimen could be submitted and that PGR had to verify that "[t]he specimen was in use in commerce at least as early as the filing date of the application." (*Id.*) While the back of the t-shirt did show a mutilated version of PGR's Logo Mark, the t-shirt did display PGR's Logo Mark on the front thereof, over the left breast, although admittedly, the photograph image submitted did not clearly show PGR's Logo Mark on the front thereof. (Ex. 22, ¶18; Ex. 39, ¶¶2-4).

PGR then submitted a substitute specimen of a scanned photograph of a Patriot Guard Riders pin (although it was incorrectly identified as a patch) which is worn by members when promoting and performing the services identified. (Ex. 40). In accordance with the Examining Attorney's requirement, PGR declared that the "specimen was in use in commerce at least as early as the filing date of the application." (*Id.*). The pin displayed PGR's Logo Mark, but the plural word "Riders" of PGR's Logo Mark was instead displayed in its singular form of "Rider" on the substitute specimen.[10] (*Id.*). Regardless of the foregoing, the Examining Attorney accepted this substitute specimen and allowed the trademark application for PGR's Logo Mark to be published for opposition. (Ex. 42).

a. Opposer's Allegation that Applicant Identified the Substitute Specimen as a "Patch" Rather than a "Pin"

Brown has alleged that PGR committed fraud on the Trademark Office because PGR identified its substitute specimen as a "patch" instead of a "pin". PGR's representation that the substitute specimen was a "patch" is admittedly incorrect, as the substitute specimen was, in fact, a "pin". However, PGR states that while this representation was incorrect, it was *not material* as the substitute specimen clearly

[10]PGR used the Logo Mark interchangeably to include either the plural word "Riders" or the singular word "Rider". (Ex. 22, ¶17; Ex. 41, ¶¶2-5).

showed that the substitute specimen was a pin and not a patch. Furthermore, because this representation was made in connection with the submission of a substitute specimen, the Examining Attorney certainly must have examined the substitute specimen and statements made regarding same with great scrutiny. The Examining Attorney, however, apparently did not consider this representation to be material as he allowed the trademark application for the Logo Mark to be published for opposition.

b. Opposer's Allegation that Applicant's Substitute Specimen Used the Word "Rider" Instead of the Word "Riders"

Brown has alleged that PGR committed fraud on the Trademark Office because PGR submitted a substitute specimen that included the singular word "Rider" rather than the plural word "Riders". As explained, the PGR used the Logo Mark with the terms "Rider" and "Riders" interchangeably[11] and inadvertently submitted a substitute specimen depicting the singular word "Rider" rather than the plural word "Riders". "[T]here is no material difference, in a trademark sense, between the singular and the plural form of a word." *Bentwood Television Corp. v. Am. Theatre Wing, Inc.*, Cancellation No. 29,146, 2001 WL 935809, at *4 (TTAB Jul. 31, 2001) (non-precedential) (Ex. 43); *see also Wilson v. Delaunay*, 114 USPQ 339, 341 (CCPA 1957) and *In re Sarjanian*, 136 USPQ 307, 308 (TTAB 1962). Such differences in a mark "do not alter the commercial impression of the mark; rather, the forms create the same, continuing commercial impression." *Bentwood*, 2001 WL 935809, at *4. PGR states that while this substitute specimen did not identically match the Logo Mark, that this substitute specimen did substantially match the Logo Mark as there is no change in the overall commercial impression of the Logo Mark, regardless of which tense of the word "Rider" is used. Furthermore, because this representation was made in connection with the submission of a substitute specimen, the Examining Attorney certainly must have examined the substitute specimen and statements made regarding same with great scrutiny. The Examining Attorney, however, apparently did not consider the minute difference

[11]Brown even notes in his Brief at p. 18 that Marks using the terms "Rider" and "Riders" are virtually identical.

between the substitute specimen and the Logo Mark to be material as he allowed the trademark application for the Logo Mark to be published for opposition.[12]

c. Opposer's Allegation that Applicant's Substitute Specimen Was Not In Use Until After Applicant's Alleged First Use Date

Brown has alleged that PGR committed fraud on the Trademark Office because the substitute specimen submitted by PGR was not in use until December 14, 2005, approximately one month after PGR's alleged first use date of November 11, 2005. Brown, however, bases this allegation on an apparent misunderstanding of the law. As explained by the Examining Attorney, the substitute specimen must have been "in use in commerce at least as early as *the filing date of the application*" (Emphasis added). (Ex. 38; *see also* 37 CFR §2.59(a), TMEP §904.09, and *Hurley Int'l LLC v. Volta*, 82 USPQ2d 1339, 1344 (TTAB 2007)). Thus, the substitute specimen submitted by the PGR must only have been used in commerce at least as early as November 9, 2006 (the filing date of the trademark application for PGR's Logo Mark). Clearly, and as admitted by Brown, the substitute specimen was in use in commerce at least as early as December 14, 2005, almost eleven months prior to the filing date of the trademark application.

2. Opposer's Allegation That Applicant Made False Material Statements Regarding Specimens Submitted To The Trademark Office In Connection With PGR's Word Mark

Brown has alleged that PGR committed fraud on the Trademark Office at the time of filing the application for PGR's Word Mark[13] because the specimens submitted by PGR were not in use until late

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[12]PGR notes that, if necessary, it can provide other substitute specimens that were in use in commerce at least as early as the filing date of the application, and which use the plural word "Riders". (*See, e.g.*, Ex. A of Ex. 41).

[13]PGR notes that the trademark application for PGR's Word Mark is not at issue in this Opposition proceeding as Brown made absolutely no mention of it in his Notice of Opposition (Ex. 36), nor could he have (except by later amendment) as this application was not filed until after Brown filed his Notice of Opposition. (Ex. 36; Ex. 44). PGR further notes that it did informally request that this application be included in the Notice of Opposition in its Amended Answer, but notes that none of the TTAB, Brown or the PGR took any affirmative action to try and make this happen and, as such, PGR has

November or early December of 2006, approximately one year after PGR's alleged first use dates of November 9, 2005. (*See* Brown's Motion at p. 21). Brown, however, again bases this allegation on an apparent misunderstanding of the law.

A specimen must only show use of a mark in commerce as of the filing date of the application; it need not prove evidence of the date of first use in commerce of the mark. *See* TMEP §904; *see also* 37 CFR §2.56. Thus, the specimens submitted by the PGR must only have been used in commerce at least as early as January 29, 2008 (the filing date of the trademark application for PGR's Word Mark). (Ex. 44). Clearly, and as admitted by Brown, the specimens were in use in commerce at least as early as late November or early December of 2006, over one year prior to the filing date of the trademark application. (*But see* Brown's "Undisputed Fact" 31).

B. Opposer's Allegation That The Application For PGR's Logo Mark Was Filed By An Individual Without Authorization And With Full Knowledge Of Opposer's Prior Rights In The Pleaded Mark

While PGR admits that Brown pleaded this aspect of his fraud allegation in his Notice of Opposition, PGR denies that Brown is entitled to summary judgment on this basis. It is clear from the foregoing discussion that all of Brown's use of the Pleaded Mark or PGR's Logo Mark, prior to the time that the trademark application for PGR's Logo Mark was filed, was done on behalf of PGR and not in Brown's individual capacity such that Brown did not have legal rights superior to PGR's rights in the Logo Mark. It is further clear from the foregoing that Brown and PGR were not in a licensor/licensee relationship, whether express or implied. Thus, PGR was under absolutely no obligation to advise the Trademark Office of any matters relating to Brown and/or his alleged individual use or ownership of the Marks, especially in view of the fact that Brown did not allege this individual use or ownership until after the trademark application for PGR's Logo Mark had been filed, and further in view of the fact that

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operated throughout this Opposition with the understanding that PGR's Word Mark application is not a part of the present Opposition proceeding.

PGR's attorney advised the PGR that it had the right to use PGR's Logo Mark without restriction.

In view of the foregoing, Wallin's signature on the verified declaration forming a part of the application for registration was made honestly and in good faith. Wallin and the other members of PGR's Board did not believe that Brown had obtained any rights in the Marks that were superior to PGR's rights in the Logo Mark and, thus, PGR's Board authorized Wallin to file the application for PGR's Logo Mark on behalf of the PGR. (Ex. 3, ¶14; Ex. 11, ¶¶49-61; Ex. 16, ¶¶12-18; Ex. 17, ¶¶13-19; Ex. 19, ¶¶8-13; Ex. 20, 60:18-61:9 & 84:19-85:2). *See Kelly Services Inc. v. Greene's Temporaries Inc.*, 25 USPQ2d 1460, 1463 (TTAB 1992) (explaining that it had previously been held that an Applicant "that believes its right to register a mark is superior to that of another user of the same or similar mark will not be held to have committed fraud by signing an application with the statutorily prescribed ownership statement"). Thus, Brown is not entitled to summary judgment on this aspect of his fraud allegation.

V. CONCLUSION

Brown has not established that there is an absence of genuine issues with regard to his "Undisputed Facts" and, therefore, Brown is not entitled to summary judgment on either his allegation of priority of use and likelihood of confusion under Trademark Section 2(d) or his allegations of fraud. Furthermore, Brown's Motion impermissibly seeks summary judgment based on grounds not pleaded. As such, PGR requests that the TTAB deny Brown's Motion.

Dated:_____

Respectfully submitted,

By:_____

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

DECLARATION OF JAMES A. O'MALLEY IN SUPPORT OF APPLICANT'S OPPOSITION TO OPPOSER'S MOTION FOR SUMMARY JUDGMENT

I, James A. O'Malley, declare and state as follows:

1. I am an attorney with the law firm of Trexler, Bushnell, Giangiorgi, Blackstone & Marr, Ltd., counsel for Applicant Patriot Guard Riders, Inc. in the above-captioned proceeding. As such, I have personal knowledge of the facts set forth below. If called upon and sworn as a witness, I could and would competently testify to the facts set forth below.

2. Exhibit 1 is a true and correct copy of Applicant's "Answer and Affirmative Defenses (Amended)" which was filed with the Trademark Trial and Appeal Board on February 5, 2008.

3. Exhibit 2 is a true and correct copy of "Applicant's Response to Opposer's First Set of Interrogatories", served on Opposer on May 27, 2008.

4. Exhibit 3 is a true and correct copy of "Applicant's Response to Opposer's First Set of Requests for Admissions", served on Opposer on May 27, 2008.

5. Exhibit 4 is a true and correct copy of a letter sent to Opposer's counsel from Applicant's counsel dated December 19, 2008.

6. Exhibit 5 is a true and correct copy of "Applicant's Memorandum in Support of its Motion for Summary Judgment" (not including the exhibits thereto), which was filed with the Trademark Trial and Appeal Board on January 22, 2009, and also served on Opposer's counsel that same day.

7. Exhibit 6 is a true and correct copy of the "Declaration of Terry Houck", executed on January 17, 2009.

8. Exhibit 7 is a true and correct copy of "Petitioner's Answer to Applicant's First Set of Interrogatories", served on Applicant on June 6, 2008.

9. Exhibit 8 is a true and correct copy of the "Supplemental Declaration of Terry Houck", executed on February 20, 2009.

10. Exhibit 9 is a true and correct copy of "Petitioner's Response to Applicant's First Request for Admission", served on Applicant on June 6, 2008.

11. Exhibit 10 is a true and correct copy of excerpts from the "Deposition of Jeff Brown", which was held on October 14, 2008.

12. Exhibit 11 is a true and correct copy of the "Declaration of Jason D. Wallin", executed on January 20, 2009.

13. Exhibit 12 is a true and correct copy of the definition of "association" from the Merriam-Webster Online Dictionary (www.merriam-webster.com/dictionary/association).

14. Exhibit 13 is a true and correct copy of "Opposer's Responses to Applicant's Second Set of Interrogatories", served on Applicant on August 21, 2008.

15. Exhibit 14 is a true and correct copy of "Opposer's Amended/Supplemental Responses to Certain of Applicant's Requests for Admission", served on Applicant on November 24, 2008.

16. Exhibit 15 is a true and correct copy of "Opposer's Amended/Supplemental Responses to Certain of Applicant's First Set of Interrogatories", served upon Applicant on November 24, 2008.

17. Exhibit 16 is a true and correct copy of the "Declaration of Bill Lines", executed on January 16, 2009.

18. Exhibit 17 is a true and correct copy of the "Declaration of Bonnie Perry", executed on January 21, 2009.

19. Exhibit 18 is a true and correct copy of the "Declaration of Kurt Mayer", executed on January 16, 2009.

20. Exhibit 19 is a true and correct copy of the "Declaration of Edwin R. Mueller", executed on January 13, 2009.

21. Exhibit 20 is a true and correct copy of excerpts from the "Telephonic Deposition of Ronny Roy Awtry", which was held on October 28, 2008.

22. Exhibit 21 is a true and correct copy of the "Declaration of William H. Richart, II", executed on January 19, 2009.

23. Exhibit 22 is a true and correct copy of the "Supplemental Declaration of Jason D. Wallin", executed on February 22, 2009.

24. Exhibit 23 is a true and correct copy of an e-mail from the PGR (pgr@valornet.com) to Richard Wilbur (richard@rcfpro.com) dated January 7, 2006 and an Invoice dated December 23, 2005 that was attached to this e-mail, which were served on Opposer by Applicant and identified as Bates Numbers PGR 000805 - PGR 000807.

25. Exhibit 24 is a true and correct copy of an Invoice dated March 18, 2006, which was served on Opposer by Applicant and identified as Bates Number PGR 000536.

26. Exhibit 25 is a true and correct copy of an Invoice (undated), which was served on Applicant by Opposer and identified as Bates Number BROWN008026.

27. Exhibit 26 is a true and correct copy of an Invoice dated June 2, 2008, which was served on Applicant by Opposer and identified as Bates Number BROWN010103.

28. Exhibit 27 is a true and correct copy of an e-mail string between Jeff Brown (jeffbrown@valornet.com) and John Danner (bikerjohnone@hotmail.com) from October 30-31, 2006, which were served on Opposer by Applicant and identified by Bates Numbers PGR 002999 - PGR 003002.

29. Exhibit 28 is a true and correct copy of the following three e-mails:

a. From Jeff Brown (jeffbrown@valornet.com) to an individual named "Chip" dated February 24, 2006, served on Opposer by Applicant and identified as Bates Number PGR 002232;

b. From Jeff Brown (jeffbrown@valornet.com) to an unnamed individual dated May 11, 2006, served on Applicant by Opposer and identified as Bates Number BROWN007994; and

c. From Jeff Brown (twister@patriotguard.org) to Bonnie Cutler and the "head shed" dated June 15, 2006, served on Opposer by Applicant and identified as Bates Number PGR 002238.

30. Exhibit 29 is a true and correct copy of excerpts from the "Deposition of Bonnie Perry", which was held on October 13, 2008.

31. Exhibit 30 is a true and correct copy of an e-mail from John Jacobs (mnjjacobs@gmail.com) to Jeff Brown (jeffbrown@valornet.com) dated March 9, 2006, which was served on Opposer by Applicant and identified by Bates Number PGR 003094.

32. Exhibit 31 is a true and correct copy of an e-mail from John Jacobs (mnjjacobs@gmail.com) to Jeff Brown (twister@patriotguard.org) dated October 3, 2006, which was served on Opposer by Applicant and identified by Bates Number PGR 003140.

33. Exhibit 32 is a true and correct copy of an e-mail string between Jeff Brown (twister@patriotguard.org) and John Jacobs (mnjjacobs@gmail.com) from November 1, 8 & 9, 2006, which were served on Opposer by Applicant and identified by Bates Numbers PGR 003103 - PGR 003107.

34. Exhibit 33 is a true and correct copy of an e-mail string between Jeff Brown (twister@patriotguard.org) and John Jacobs (mnjjacobs@gmail.com) from April 26 & 28, 2006 and November 8-9, 2006, which were served on Opposer by Applicant and identified by Bates Numbers PGR 003095 - PGR 003097.

35. Exhibit 34 is a true and correct copy of a posting made by Jeff "Twister" Brown on the website www.patriotguard.org on October 6, 2006, which was served on Opposer by Applicant and identified as Bates Numbers PGR 001831 - PGR 001833.

36. Exhibit 35 is a true and correct copy of a Westlaw printout (2007 WL 775578) of a non-precedential opinion issued by the Trademark Trial and Appeal Board on February 28, 2007 in Opposition No. 91160352 entitled "Asics Corporation v. Paragon Development Corporation".

37. Exhibit 36 is a true and correct copy of Opposer's "Notice of Opposition" which was filed with the Trademark Trial and Appeal Board on December 21, 2007.

38. Exhibit 37 is a true and correct copy of the "Trademark/Service Mark Application, Principal Register" of United States Trademark Application Serial No. 77/040,379 that was filed with the United States Patent and Trademark Office on November 9, 2006.

39. Exhibit 38 is a true and correct copy of the "Office Action" issued by the United States Patent and Trademark Office on March 16, 2007 in connection with United States Trademark Application Serial No. 77/040,379.

40. Exhibit 39 is a true and correct copy of the "Supplemental Declaration of William H. Richart, II", executed on February 26, 2009.

41. Exhibit 40 is a true and correct copy of the "Response to Office Action" that was filed with the United States Patent and Trademark Office on August 23, 2007 in connection with United States Trademark Application Serial No. 77/040,379.

42. Exhibit 41 is a true and correct copy of the "Supplemental Declaration of Bonnie Perry", executed on February 24, 2009.

43. Exhibit 42 is a true and correct copy of the "Notice of Publication Under 12(a)" issued by the United States Patent and Trademark Office on October 10, 2007 in connection with United States Trademark Application Serial No. 77/040,379.

44. Exhibit 43 is a true and correct copy of a Westlaw printout (2001 WL 935809) of a non-precedential opinion issued by the Trademark Trial and Appeal Board on July 31, 2001 in Cancellation No. 29,146 entitled "Bentwood Television Corporation v. American Theatre Wing, Inc.".

45. Exhibit 44 is a true and correct copy of the "Trademark/Service Mark Application, Principal Register" of United States Trademark Application Serial No. 77/383,586 that was filed with the United States Patent and Trademark Office on January 29, 2008.

Executed on: February 26, 2009

James A. O'Malley

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 26, 2009, true and correct copies of the following documents:

1. "*Applicant's Opposition To Opposer's Motion For Summary Judgment*",

2. "*Declaration Of James A. O'Malley In Support Of Applicant's Opposition To Opposer's Motion For Summary Judgment*", and

3. Exhibits 1-44 in support of "*Applicant's Opposition To Opposer's Motion For Summary Judgment*",

were sent via electronic delivery and mailed, with proper postage thereon, to:

Tom Q. Ferguson (tferguson@dsda.com)
Rachel Blue (rblue@dsda.com)
Courtney Bru (cbru@dsda.com)
DOERNER, SAUNDERS, DANIEL
& ANDERSON, L.L.P.
320 South Boston Avenue, Suite 500
Tulsa, Oklahoma 74103-3725

One of Applicant's Attorneys

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 1

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

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

Jeff Brown	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
vs.	)	Serial No. 77/040,379
	)	
Patriot Guard Riders, Inc.,	)	
	)	
Applicant.	)	

ANSWER AND AFFIRMATIVE DEFENSES (AMENDED)

Note: This Amended "Answer And Affirmative Defenses" is being filed to correct an inadvertent error (three occurrences) discovered in the original "Answer And Affirmative Defenses" filed by Applicant on 1/30/2008. Specifically, United States Trademark Application Serial No. 77/041,061 should have been listed in Paragraphs 14, 17 and 18 where United States Trademark Application Serial No. 77/040,379 appears in those paragraphs.

Preliminary note on improper substance of Complaint filed by Opposer

Applicant notes that the Trademark Trial and Appeal Board Manual of Procedure, §309.03(a)(2) "Elements of Complaint-In General", requires, *inter alia,* that:

> *The elements of a claim should be stated simply, concisely, and directly. However, the pleading should include enough detail to give the defendant fair notice of the basis for each claim.*
>
> *All averments should be made in numbered paragraphs, the contents of each of which should be limited as far as practicable to a statement of a single set of circumstances.* (citations omitted)

Applicant submits that Opposer's unnumbered, two-paragraph Complaint fails to comply with the above-quoted regulations. Nevertheless, Applicant denies the multiple averments incorporated into each of the two paragraphs included in Opposer's Complaint as being either

false and/or irrelevant to the dispositive issues involved. The specific reasons for Applicant's denials are set forth below in proper format.

1. Applicant, Patriot Guard Riders, Inc., was organized and incorporated within a few months thereafter as a not-for-profit in the State of Oklahoma on February 21, 2006. (Hereinafter, "PGR" will be used to refer to Patriot Guard Riders, Inc., and its predecessor organization, collectively).

2. The corporate filing papers name the Opposer, Jeff Brown, as an "Incorporator" and a "Director" of PGR, along with two other individuals - Mr. Jason Wallin and Mr. Kurt Mayer.

3. Opposer, Jeff Brown was named President of PGR, and also served as a Director of the Board.

4 As early as November 9, 2005, PGR began conducting organizational and support services in commerce for United States military personnel and their families who were being harassed at the funerals of fallen soldiers by religious fanatics.

5. PGR established a website on November 9, 2005 to communicate its services, and sell merchandise to help support the cause.

6. PGR merchandise could be purchased either on the main website, or at the "PGR Store", a separate website that was linked to the main website.

7. Opposer, Jeff Brown, operated the "PGR Store" website which sold merchandise associated with the PGR cause.

8. On February 13, 2006, Opposer's wife, Bonnie Brown, registered a Limited

Liability Company in the State of Oklahoma, named the "PGR Store".

9. On or around October, 2006, members of the Board of Directors of PGR obtained information indicating that, unbeknownst to PGR, revenue from the sale of PGR merchandise on the PGR Store was being diverted and retained by Opposer, Jeff Brown for his personal use (contrary to his fiduciary duty owed to PGR, and contrary to PGR's mission), and was not being turned over to PGR to further its mission. The PGR Board of Directors confronted Jeff Brown about this issue.

10. On November 6, 2006, Opposer, Jeff Brown sent an email indicating his intention to resign from his position with PGR and stated that the "PGR Store" would be closed after the current inventory was sold. At that time (and at all times since then) Jeff Brown did not object to PGR using and continuing to use the mark "Patriot Guard Riders". As such, Opposer, Jeff Brown has acquiesced to the fact that the mark "Patriot Guard Riders" belongs to PGR, and therefore this Opposition should be denied.

11. As a result of breaching his fiduciary duties owed to PGR by retaining revenue that belonged to PGR, the PGR Board voted in November, 2006, to remove Opposer, Jeff Brown, from his position as President of PGR and Director of the Board.

12. On November 9, 2006, Mr. Jason Wallin, with full authorization and on behalf of PGR, filed United States Trademark Application Serial No. 77/040,379 claiming rights to the "Patriot Guard Riders" mark on the basis of use by PGR and in the name of PGR; therefore, Applicant denies Opposer's assertion to the contrary.

13. When Applicant filed United States Trademark Application Serial No. 77/040,379, Applicant submitted a Declaration that Applicant believed that Applicant knew of no other party entitled to use the mark. This was, and is still, true. As such, Applicant denies

Opposer's assertion to the contrary that the Declaration was fraudulent.

14. On the same day, Opposer, Jeff Brown, individually, filed United States Trademark Application Serial No. 77/041,061, which also claims rights to the "Patriot Guard Riders" mark.

15. Opposer, Jeff Brown is not entitled to any individual rights in the "Patriot Guard Riders" mark. As a result of being a Director and Incorporator of PGR, any use by Opposer, Jeff Brown of the "Patriot Guard Riders" mark in connection with the "PGR Store" or otherwise inures to the benefit of the Applicant, PGR; therefore, Applicant denies Opposer's assertion to the contrary.

16. Additionally, when the public went to the PGR website and clicked on the link to purchase PGR merchandise, the public would logically assume that the PGR store was part of PGR. As such, any use of the PGR store, and the subject trademark thereon, must inure to the benefit of PGR in order to prevent confusion.

17. Applicant, PGR, has now filed a second United States Trademark Application, Serial No. 77/383,586, which broadly claims its rights in the "Patriot Guard Riders" mark and which is equivalent in scope to Opposer's United States Trademark Application Serial No. 77/041,061 with respect to the goods and services claimed, as well as the dates of first use in commerce claimed.[1]

18. Applicant, PGR, respectfully requests that the board amend the current Opposition Proceeding to include Applicant's recently filed United States Trademark Application, Serial No.

---

[1]Applicant's United States Trademark Application Serial No. 77/040,379 was prepared and filed without the assistance of an attorney and is limited in scope to composite mark and design which incorporates the "Patriot Guard Riders" mark, and seeks registration only in connection with PGR's organizational and support services.

77/383,586, as well Opposer's United States Trademark Application Serial No. 77/041,061, in order to avoid multiple Opposition Proceedings and to conserve both the Board's and the parties resources.

AFFIRMATIVE DEFENSES

19. Paragraphs 1-18 above are hereby incorporated herein by reference as if fully set forth again, and Applicant asserts at least the following affirmative defenses based on the facts contained therein: Unclean Hands, Fraud, Acquiescence.

Respectfully submitted,

PATRIOT GUARD RIDERS, INC.

Dated: February 5, 2008

By: /James R. Foley/

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 2

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Serial No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES

Applicant, Patriot Guard Riders, Inc., hereby responds to *"Petitioner's First Set of Interrogatories"* as follows:

GENERAL OBJECTIONS AND CONDITIONS

1. Applicant objects to these interrogatories to the extent that they seek information which is neither relevant to the issues raised in this Opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

2. Applicant objects to these interrogatories to the extent they seek information which is protected from disclosure under the attorney-client privilege or work product immunity doctrine.

3. Applicant objects to each and every instruction to the extent that it purports to impose obligations beyond those set in the Federal Rules of Civil Procedure.

INTERROGATORIES

Subject to and limited by the foregoing General Objections and Conditions, Applicant responds to Opposer's Interrogatories as follows:

INTERROGATORY NO. 1

Identify the officer or agent answering these interrogatories and indicate the duties and the scope of such duties performed by such officer or agent at all times referred to herein.

RESPONSE TO INTERROGATORY NO. 1

Bill Richart, a resident of Sedalia, Missouri, currently the President for Applicant's Board of Directors. Mr. Richart was previously associated with Applicant in the following capacities: Ride Captain – State of Missouri; Forum Moderator for the Patriot Guard website; Missouri State Captain – State of Missouri, Forum Administrator for the Patriot Guard website, Director of Operations, and Vice President for Applicant's Board of Directors.

INTERROGATORY NO. 2

Identify all persons providing any information to answer these interrogatories. State the nature of each person's knowledge relating to these interrogatories.

RESPONSE TO INTERROGATORY NO. 2

1. Bill Richart, a resident of Sedalia, Missouri, is currently the President for Applicant's Board of Directors. Mr. Richart was previously associated with Applicant in the following capacities: Ride Captain – State of Missouri; Forum Moderator for the Patriot Guard website; Missouri State Captain – State of Missouri, Forum Administrator for the Patriot Guard website, Director of Operations, and Vice President for Applicant's Board of Directors.
2. Bill Lowry, a resident of Round Lake, Illinois, is currently acting as a legal liaison for Applicant's Board of Directors. Mr. Lowry was previously a Patriot Guard Riders' State Captain in North Carolina from January 2006 to November 2006,

the Patriot Guard Riders' Fallen Warrior Scholarship Creator and Administrator from December 2006 to November 2007, and Secretary of Applicant's Board of Directors from November 2007 to February 2008.

3. Ed Mueller, a resident of Park Ridge, Illinois, is currently a Patriot Guard Riders member. Mr. Mueller was previously associated with Applicant in the following capacities: Ride Captain – State of Illinois; Assistant State Captain – State of Illinois; Forum Moderator for the Patriot Guard website; Head Forum Moderator for the Patriot Guard website; Regional Captain – responsible for the States of Illinois, Wisconsin, Iowa, Indiana, Michigan, Ohio and Pennsylvania; Member of Applicant's Board of Directors; and President of Applicant's Board of Directors.
4. Jason Wallin, a resident of Windsor, Colorado, is one of Applicant's incorporators, and is a past Treasurer and Vice President of Applicant's Board of Directors.
5. Kurt Mayer is one of Applicant's incorporators, and is a past Secretary of Applicant's Board of Directors.

INTERROGATORY NO. 3

Identify each consultant, advisor or expert who has been retained or specifically employed by you, your attorney, or anyone acting on your 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.

RESPONSE TO INTERROGATORY NO. 3

Other than Applicant's undersigned attorneys, no such person currently exists.

INTERROGATORY NO. 4

State the alleged date *(month, day and year)* that Applicant first selected and adopted the alleged marks PATRIOT GUARD RIDERS or PATRIOT GUARD RIDERS RIDING WITH RESPECT and produce documentation to support that date.

RESPONSE TO INTERROGATORY NO. 4

With regard to PATRIOT GUARD RIDERS, and upon information and belief, Applicant states that this mark was first selected and adopted on or after October 27, 2005 and at least as early as November 9, 2005. With regard to PATRIOT GUARD RIDERS RIDING WITH RESPECT, and upon information and belief, Applicant states that this mark was first selected and adopted on or after October 27, 2005 and at least as early as November 11, 2005. Documentation supporting these dates has already been produced.

INTERROGATORY NO. 5

Describe the circumstances surrounding the Applicant's decision to file the application for the marks PATRIOT GUARD RIDERS or PATRIOT GUARD RIDERS RIDING WITH RESPECT.

RESPONSE TO INTERROGATORY NO. 5

With regard to the application for the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT, prior to the removal/resignation of Opposer from the Board of Directors for Applicant ("the Board"), the Board believed that Opposer had previously taken the appropriate steps on behalf of Applicant to apply for and secure federal trademark protection on behalf of Applicant in view of Opposer's comments to members of the Board regarding same. After the removal/resignation of Opposer from the Board, the Board, however, came to find out through a check of the Trademark Office's online records, that contrary to Opposer's comments, federal trademark protection had not been sought on behalf of Applicant. As such, the Board authorized Mr. Jason Wallin to file the application for the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT on behalf of Applicant, which he did on November 9, 2006.

With regard to the application for the mark PATRIOT GUARD RIDERS, as noted in

paragraph #17 of Applicant's *Answer and Affirmative Defenses (Amended)*, Applicant filed the application for the mark PATRIOT GUARD RIDERS in order to more broadly claim its rights in the PATRIOT GUARD RIDERS mark. As noted in footnote #1 of the same document, the application for the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT was prepared and filed without the assistance of an attorney and is limited in scope to the composite mark and design which incorporates the PATRIOT GUARD RIDERS mark, and further only claims protection in connection with Applicant's organizational and support services.

INTERROGATORY NO. 6

State the date, manner and extent of first use of PATRIOT GUARD RIDERS, PATRIOT GUARD RIDERS RIDING WITH RESPECT marks by PGR or its licensees, including the goods upon which such marks were used and the amount of such goods sold and distributed and to whom they were sold and distributed and identify and annex a copy of a representative specimen of the goods bearing the alleged mark as initially so adopted and, if applicable, as so used, as well as a copy of any invoice or other documentation which supports such attested first use of the alleged mark.

RESPONSE TO INTERROGATORY NO. 6

With regard to the PATRIOT GUARD RIDERS mark, Applicant states that the date, manner and extent of first use of this mark, the goods upon which such mark was used, and a representative specimen of the goods bearing this mark, can be found in the records of the United States Patent and Trademark Office in connection with United States Trademark Application Serial No. 77/383,586. With regard to the remaining information requested in this Interrogatory regarding the PATRIOT GUARD RIDERS mark, namely, the amount of such goods sold and distributed and to whom they were sold and distributed, as well as an invoice or other documentation which supports the attested first use of the alleged mark, Applicant states that this information and documentation is in the control of Opposer as he was acting on behalf of Applicant when he first sold and distributed the goods bearing the PATRIOT GUARD RIDERS mark through Applicant's website www.patriotguard.org. Upon Applicant requesting information relating to the sale of goods prior to Opposer's removal/resignation from Applicant's

Board of Directors, Opposer refused to provide the requested information to Applicant.

With regard to the PATRIOT GUARD RIDERS RIDING WITH RESPECT mark, Applicant states that the date, manner and extent of first use of this mark can be found in the records of the United States Patent and Trademark Office in connection with United States Trademark Application Serial No. 77/040,379. With regard to the remaining information requested in this Interrogatory regarding the PATRIOT GUARD RIDERS RIDING WITH RESPECT mark, Applicant objects to same as it is clear that Applicant's trademark application for the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT does not currently seek protection of this mark with regard to any goods and, therefore, Applicant objects to this portion of the Interrogatory as being neither relevant to the issues raised in this Opposition, nor reasonably calculated to lead to the discovery of admissible evidence. To the extent that any goods were sold with the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT, Applicant states that the information and documentation supporting the first sale of same is in the control of Opposer as he would have been acting on behalf of Applicant when he first sold and distributed goods bearing the PATRIOT GUARD RIDERS RIDING WITH RESPECT mark through Applicant's website www.patriotguard.org. Upon Applicant requesting information relating to the sale of goods prior to Opposer's removal/resignation from Applicant's Board of Directors, Opposer refused to provide the requested information to Applicant.

INTERROGATORY NO. 7

State whether Applicant considered any alternative *marks* or whether any alternative *forms* of the alleged marks PATRIOT GUARD RIDERS or PATRIOT GUARD RIDERS RIDING WITH RESPECT were considered.

A. If so, list said alternative marks or forms of the alleged marks PATRIOT GUARD RIDERS or PATRIOT GUARD RIDERS RIDING WITH RESPECT.

B. Please state whether any of these alternative marks were publicized. If so, identify and annex a copy of any documents containing such publicity.

RESPONSE TO INTERROGATORY NO. 7

Upon information and belief, Applicant states that prior to the adoption of the marks PATRIOT GUARD RIDERS and PATRIOT GUARD RIDERS RIDING WITH RESPECT, no alternative marks of alternative forms of the marks were considered.

INTERROGATORY NO. 8

Identify those responsible for the ultimate selection of the alleged marks PATRIOT GUARD RIDERS or PATRIOT GUARD RIDERS RIDING WITH RESPECT.

RESPONSE TO INTERROGATORY NO. 8

Upon information and belief, the ultimate selection of the marks PATRIOT GUARD RIDERS and PATRIOT GUARD RIDERS RIDING WITH RESPECT was by at least Jason Wallin and/or Opposer.

INTERROGATORY NO. 9

State whether you have ever used the mark PATRIOT GUARD RIDERS in any other form and identify and annex copies of all documents pertaining in any way thereto.

RESPONSE TO INTERROGATORY NO. 9

The mark PATRIOT GUARD RIDERS has been used in connection with the phrase "RIDING WITH RESPECT" as evidenced by United States Trademark Application Serial No. 77/040,379, and is currently being used in connection with the phrase "STANDING FOR THOSE WHO STOOD FOR US" and in state specific items with the phrase "[state name] Rides With Respect", such as "Missouri Rides With Respect". Documentary evidence supporting the foregoing, to the extent such documentation exists, has either previously been produced or will be produced in connection with *"Applicant's Response to Opposer's First Requests for Production of Documents"*.

INTERROGATORY NO. 10

State whether Applicant obtained any trademark search reports with respect to the PATRIOT GUARD RIDERS or PATRIOT GUARD RIDERS RIDING WITH RESPECT marks prior to Applicant's adoption and/or use thereof, or at any subsequent time. If so, state:

A. The date when each such report was requested or ordered;

B. The date of each such report;

C. The date upon which each such report was received by Applicant; and

D. Identify and annex copies of all documents pertaining in any way to any such trademark search reports.

RESPONSE TO INTERROGATORY NO. 10

To the best of Applicant's knowledge, Applicant has never commissioned any trademark search reports with respect to either the mark PATRIOT GUARD RIDERS or the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT. To the extent that the United States Patent and Trademark Office has performed such a search in connection with the prosecution of the United States Trademark Applications for each of these marks, these searches are a matter of public record and are available to the Opposer.

INTERROGATORY NO. 11

Describe the manner in which the Applicant first become aware of Petitioner's use of the marks PATRIOT GUARD RIDER.

RESPONSE TO INTERROGATORY NO. 11

On October 6, 2006, Opposer posted a notice on Applicant's website www.patriotguard.org in which he alleged that the Patriot Guard Riders store was a for-profit corporation, which was separate from the Patriot Guard Riders not-for-profit corporation, that was run by Opposer and his wife. Mr. Ed Mueller, at that time an advisor to the Board of Directors for Applicant ("the Board"), became aware of this posted notice and brought it to the attention of the Board. Thereafter, the Board confronted Opposer and he verified same to the Board, and further refused to disclose his books regarding the sales made by the store to the Board upon Applicant's request. This was the first time that Applicant became aware that

Opposer may have considered his use of the mark PATRIOT GUARD RIDER not on behalf of Applicant, but on behalf of himself, his wife and/or their store. Opposer, however, indicated to the Board in his resignation e-mail letter of November 6, 2006, that he would be closing the store and, therefore, the Board did not concern itself with Opposer's use of the mark PATRIOT GUARD RIDER at that time, thinking the problem would just go away. Only three days later, on November 9, 2006, and contrary to Opposer's stated intentions to the Board about closing the store, Opposer filed his trademark application for the mark PATRIOT GUARD RIDER. Applicant learned of the filing of this trademark application as discussed in the *"Response to Interrogatory No. 12"*. Only upon learning of the filing of Opposer's trademark application did Applicant definitively learn that Opposer considered such use of the mark PATRIOT GUARD RIDER to be on his own behalf. Applicant maintains that prior thereto, use of the mark PATRIOT GUARD RIDER for all purposes was done for, and on behalf of, Applicant, and therefore inured to Applicant's benefit.

INTERROGATORY NO. 12

State the dates upon which the Applicant first become aware of Petitioner's filed trademark PATRIOT GUARD RIDER in the United States Trademark Office.

RESPONSE TO INTERROGATORY NO. 12

Applicant first became aware of Opposer's trademark application for the mark PATRIOT GUARD RIDER within approximately one week of the filing date of Opposer's trademark application. Applicant became aware of Opposer's trademark application upon accessing the United States Patent and Trademark Office's website www.uspto.gov and running a search for its own trademark application for the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT. The search turned up both Applicant's trademark application as well as Opposer's trademark application.

INTERROGATORY NO. 13

State whether Applicant investigated or objected to Petitioner's use of the marks PATRIOT GUARD RIDER; if so, identify and annex any report, reports, demand letters, correspondence or other documents prepared as a result of such investigation.

RESPONSE TO INTERROGATORY NO. 13

See *"Response to Interrogatory No. 11"*. Applicant also has obviously objected to Opposer's use of the mark PATRIOT GUARD RIDER by its continued participation in the present Opposition. To the extent that any such documents exist to support the foregoing, these documents are either publicly available and/or Applicant has either already produced same or will produce them in *"Applicant's Response to Opposer's First Requests for Production of Documents"*.

INTERROGATORY NO. 14

State whether any trademark protection of the marks PATRIOT GUARD RIDER or PATRIOT GUARD RIDERS RIDING WITH RESPECT – other than the application in question – was sought by Applicant outside the U.S.; and if so, state:

A. The jurisdiction in which an application was filed;

B. Identify the party that authorized the procurement of such trademark registration(s), and when;

C. Identify the party who prepared the trademark application(s);

D. Identify the date upon which the application(s) were filed; and

E. Identify the officer(s) or agent(s) who executed the application(s) for registration for such trademark(s).

RESPONSE TO INTERROGATORY NO. 14

Applicant objects to this Interrogatory to the extent that it suggests that Applicant has sought trademark protection outside of the United States of America for the application in question.

Applicant has not sought trademark protection outside of the United States of America for any mark, including PATRIOT GUARD RIDER, PATRIOT GUARD RIDERS, and PATRIOT GUARD RIDERS RIDING WITH RESPECT.

INTERROGATORY NO. 15

State whether, at any time during prosecution of any such trademark application, Applicant brought to the attention of the relevant trademark office, the existence of Petitioner's mark; and if so, state the date upon which said notice was served.

A. Identify and annex a copy of the trademark application(s) in question.

B. Identify and annex a copy of all correspondence with the relevant trademark offices pertaining to registration of the alleged marks PATRIOT GUARD RIDER.

RESPONSE TO INTERROGATORY NO. 15

As use of the mark PATRIOT GUARD RIDER prior to the filing of Applicant's trademark application for the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT was for all purposes done on behalf of Applicant, Opposer did not, and still does not, have superior rights in the mark PATRIOT GUARD RIDER over Applicant. As such, Applicant did not bring the existence of Opposer's trademark application to the attention of the United States Patent and Trademark Office during the prosecution of either the trademark application for the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT or the trademark application for the mark PATRIOT GUARD RIDERS.

INTERROGATORY NO. 16

State whether Applicant's PATRIOT GUARD RIDERS or PATRIOT GUARD RIDERS RIDING WITH RESPECT services, and/or any products bearing those marks, were sold or used in commerce prior to any filing of the marks by Applicant; and, if so, state the date upon which said sales or use commenced.

RESPONSE TO INTERROGATORY NO. 16

As stated in United States Trademark Application No. 77/383,586, filed on January 29, 2008, first use in commerce of the PATRIOT GUARD RIDERS mark was at least as early as November 9, 2005. As stated in United States Trademark Application No. 77/040,379, filed on November 9, 2006, first use in commerce of the PATRIOT GUARD RIDERS RIDING WITH RESPECT mark was at least as early as June 1, 2006.

INTERROGATORY NO. 17

State whether advance publicity was given to the use of the PATRIOT GUARD RIDER or PATRIOT GUARD RIDERS RIDING WITH RESPECT marks by Applicant, and if so, state when, where, and by what means.

A. Identify and annex copies of any such advance publicity.

B. State whether the mark was altered in form or appearance after such advance publicity, and if so, state why.

C. Identify any such altered forms of the mark.

D. State whether any such altered forms of the mark receive publicity, and please annex and identify copies of any such publicity.

RESPONSE TO INTERROGATORY NO. 17

Applicant objects to this Interrogatory because the term "advance publicity" is not defined. Applicant further objects to this Interrogatory as being wholly irrelevant to the issues involved in the present Opposition and as being not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 18

State the total sales per month of products bearing Applicant's alleged PATRIOT GUARD RIDERS or PATRIOT GUARD RIDERS RIDING WITH RESPECT marks for each month, from the date of first sale thereof, to date. State the projected monthly sales of products bearing Applicant's alleged PATRIOT GUARD RIDERS or PATRIOT GUARD RIDERS RIDING WITH RESPECT marks.

RESPONSE TO INTERROGATORY NO. 18

Prior to Opposer's removal/resignation from Applicant's Board of Directors, all sales of products bearing one or more of the marks PATRIOT GUARD RIDER, PATRIOT GUARD RIDERS and PATRIOT GUARD RIDERS RIDING WITH RESPECT were done by Opposer on behalf of Applicant. Prior to Opposer's removal/resignation from Applicant's Board of Directors, Applicant's Board of Directors requested that Opposer provide information regarding the sales of products be provided to them, but Opposer refused. Therefore, Opposer has the

requested sales information for the time prior to Opposer's removal/resignation from Applicant's Board of Directors.

For the time period after Opposer's removal/resignation from Applicant's Board of Directors, Opposer has the requested sales information for products he has sold bearing one or more of the marks PATRIOT GUARD RIDER, PATRIOT GUARD RIDERS and PATRIOT GUARD RIDERS RIDING WITH RESPECT. Applicant objects to providing the requested sales information for products it has sold after Opposer's removal/resignation from Applicant's Board of Directors, which bear one or more of the marks PATRIOT GUARD RIDER, PATRIOT GUARD RIDERS and PATRIOT GUARD RIDERS RIDING WITH RESPECT, as being neither relevant to the issues raised in this Opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

With regard to Opposer's projected monthly sales for products bearing one or more of the marks PATRIOT GUARD RIDER, PATRIOT GUARD RIDERS and PATRIOT GUARD RIDERS RIDING WITH RESPECT, Opposer has such information. Applicant objects to providing the requested projected monthly sales information for products it will sell which bear one or more of the marks PATRIOT GUARD RIDER, PATRIOT GUARD RIDERS and PATRIOT GUARD RIDERS RIDING WITH RESPECT, as being neither relevant to the issues raised in this Opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 19

Identify the classes of purchasers of products bearing the Applicant's PATRIOT GUARD RIDERS or PATRIOT GUARD RIDERS RIDING WITH RESPECT marks.

RESPONSE TO INTERROGATORY NO. 19

Applicant objects to this Interrogatory as being wholly irrelevant to the issues involved in the present Opposition and as being not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 20

Identify the geographical areas in which products bearing the PATRIOT GUARD RIDER or PATRIOT GUARD RIDERS RIDING WITH RESPECT marks are sold and/or otherwise used.

RESPONSE TO INTERROGATORY NO. 20

Applicant objects to this Interrogatory as being wholly irrelevant to the issues involved in the present Opposition and as being not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 21

State the net profit to Applicant per month derived from the sale and or distribution of products bearing the PATRIOT GUARD RIDERS or PATRIOT GUARD RIDERS RIDING WITH RESPECT marks, and state the manner in which such profit was determined. Identify and annex copies of all documents pertinent to the termination of such profits.

RESPONSE TO INTERROGATORY NO. 21

Prior to Opposer's removal/resignation from Applicant's Board of Directors, all sales of products bearing one or more of the marks PATRIOT GUARD RIDER, PATRIOT GUARD RIDERS and PATRIOT GUARD RIDERS RIDING WITH RESPECT were done by Opposer on behalf of Applicant. Prior to Opposer's removal/resignation from Applicant's Board of Directors, Applicant's Board of Directors requested that Opposer provide information regarding the net profit derived from the sale and distribution of the products be provided to them, but Opposer refused. Therefore, Opposer has the requested information for the time prior to Opposer's removal/resignation from Applicant's Board of Directors.

For the time period after Opposer's removal/resignation from Applicant's Board of Directors, Opposer has the requested information for products he has sold bearing one or more of the marks PATRIOT GUARD RIDER, PATRIOT GUARD RIDERS and PATRIOT GUARD RIDERS RIDING WITH RESPECT. Applicant objects to providing the requested information for products it has sold after Opposer's removal/resignation from Applicant's Board of Directors, which bear one or more of the marks PATRIOT GUARD RIDER, PATRIOT GUARD RIDERS

and PATRIOT GUARD RIDERS RIDING WITH RESPECT, as being neither relevant to the issues raised in this Opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 22

State whether Applicant's PATRIOT GUARD RIDERS or PATRIOT GUARD RIDERS RIDING WITH RESPECT marks are used on goods or in connection with services sold, distributed or marketed by third parties and if so, identify those third parties.

RESPONSE TO INTERROGATORY NO. 22

As this Interrogatory appears to seek information regarding Applicant's current vendor who sells merchandise bearing either the mark PATRIOT GUARD RIDERS or PATRIOT GUARD RIDERS RIDING WITH RESPECT, Applicant objects to this Interrogatory as being wholly irrelevant to the issues involved in the present Opposition and as being not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 23

State whether the right to use Applicant's PATRIOT GUARD RIDERS or PATRIOT GUARD RIDERS RIDING WITH RESPECT marks has been transferred, licensed or sold to third parties, and if so, identify such third parties and annex documentary evidence supporting the same.

RESPONSE TO INTERROGATORY NO. 23

Since at least July 22, 2007, Applicant has given permission to its individual State Captains to use Applicant's marks to create items to sell within their individual states on the following conditions: (1) that prior approval first be obtained from Applicant; and (2) that all proceeds from the sale of such items be used for the purpose of supporting and assisting members in carrying out Applicant's mission.

Documentary evidence supporting the foregoing, to the extent such documentation exists, has either previously been produced or will be produced in connection with *"Applicant's Response to Opposer's First Requests for Production of Documents"*.

INTERROGATORY NO. 24

Identify and annex a sample of each of Applicant's PATRIOT GUARD RIDER or PATRIOT GUARD RIDERS RIDING WITH RESPECT products as sold or distributed to purchasers.

RESPONSE TO INTERROGATORY NO. 24

Applicant objects to this Interrogatory as seeking the same information and materials requested in *"Interrogatory No. 6"*.

INTERROGATORY NO. 25

State, if applicable, the date upon which Applicant first started to advertise using the alleged PATRIOT GUARD RIDERS or PATRIOT GUARD RIDERS RIDING WITH RESPECT marks in their most current form and identify and annex the advertisement.

RESPONSE TO INTERROGATORY NO. 25

Applicant objects to this Interrogatory as the term "advertise" is not defined. According to *Webster's New World College Dictionary*, the term "advertise" means "to tell about or praise (a product, service, etc.) publicly, as through newspapers, handbills, radio, television, etc., so as to make people want to buy it".

In view of the foregoing definition, and with regard to the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT, Applicant states that Applicant's trademark application for the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT as filed was only directed to services for organizing and conducting support groups in the field of combat veterans and their families. Applicant does not sell such services, but rather provides them free of charge on a voluntary basis upon request and, therefore, in accordance with the definition of "advertise" provided hereinabove, Applicant does not and has not "advertised" its services in connection with the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT.

In view of the foregoing definition, and with regard to use of Applicant's PATRIOT GUARD RIDERS mark in connection with services, namely organizing and conducting support groups in the field of combat veterans and their families, as identified in Applicant's trademark application as filed, Applicant does not sell such services, but rather provides them free of charge

on a voluntary basis upon request and, therefore, in accordance with the definition of "advertise" provided hereinabove, Applicant does not and has not "advertised" its services in connection with the mark PATRIOT GUARD RIDERS.

In view of the foregoing definition, and with regard to use of Applicant's PATRIOT GUARD RIDERS mark in connection with goods sold as identified in Applicant's trademark application as filed, upon information and belief, Applicant first started to "advertise" use of this mark at least as early as the dates of first use and/or first use in commerce of the goods identified in Applicant's trademark application. Upon information and belief, such "advertisements" were first made through Applicant's website www.patriotguard.org.

INTERROGATORY NO. 26

List and describe the products developed and distributed by either Applicant or a third party that bear the PATRIOT GUARD RIDERS or PATRIOT GUARD RIDERS RIDING WITH RESPECT marks as of the date upon which the Applicant first learned of Petitioner's use of an identical mark, and as of the present date.

RESPONSE TO INTERROGATORY NO. 26

See *"Response to Interrogatory No. 11"* with regard to the date upon which Applicant first learned of Opposer's use of an identical mark. With regard to products developed and distributed either by Applicant or a third party up to that date, Applicant states that any such products were developed and distributed by Opposer, his wife, and/or their store on behalf of Applicant and, therefore, Opposer already has the requested information. With regard to products developed and distributed either by Applicant or a third party up to the present date, Applicant objects to this portion of the Interrogatory as being wholly irrelevant to the issues involved in the present Opposition and as being not reasonably calculated to lead to the discovery of admissible evidence. Applicant notes, however, that such information can be readily found by clicking on the "PGR Gear" link on Applicant's website www.patriotguard.org.

INTERROGATORY NO. 27

State whether, to Applicant's knowledge, any product or services bearing Applicant's PATRIOT GUARD RIDERS or PATRIOT GUARD RIDERS RIDING WITH RESPECT marks and Petitioner's PATRIOT GUARD RIDER products and services are sold or otherwise distributed to any of the same purchasers, and if so, identify such purchasers/users and state the date and amount of each purchase/distribution.

RESPONSE TO INTERROGATORY NO. 27

Applicant objects to this Interrogatory as being wholly irrelevant to the issues involved in the present Opposition and as being not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 28

State whether Applicant is aware of the sale or distribution by others in the same channels of trade as its PATRIOT GUARD RIDERS or PATRIOT GUARD RIDERS RIDING WITH RESPECT products or any similar products. If so, name each such product, identify the manufacturers/developers of such product, and identify the classes of purchasers or end users to whom both Applicant's and the others' products are sold or otherwise distributed.

RESPONSE TO INTERROGATORY NO. 28

Applicant objects to this Interrogatory as being wholly irrelevant to the issues involved in the present Opposition and as being not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 29

Identify any relationship, whether formal or informal, that exists or existed between any past or current member's of Applicants board of directors, or any other state or national leader of Applicant and any organization or vendor Applicant has authorized, whether formally or informally to use the marks PATRIOT GUARD RIDER or PATRIOT GUARD RIDERS RIDING WITH RESPECT.

RESPONSE TO INTERROGATORY NO. 29

Applicant objects to this Interrogatory as being wholly irrelevant to the issues involved in the present Opposition and as being not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 30

State any reason, or purported reason for the removal of Jason Wallin from Applicant's Board of Directors.

RESPONSE TO INTERROGATORY NO. 30

Applicant objects to this Interrogatory as being wholly irrelevant to the issues involved in the present Opposition and as being not reasonably calculated to lead to the discovery of admissible evidence.

As to objections:

PATRIOT GUARD RIDERS, INC.

Date: 5/27/08

By: _____
One of its attorneys

David J. Marr
James R. Foley
James A. O'Malley
TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.
105 West Adams Street, 36th Floor
Chicago, Illinois 60603
Tel: (312) 704-1890
Fax: (312) 704-8023

Attorneys for the Applicant

926592

Declaration

I, Bill Richart, declare under penalty of perjury that I am the President of Patriot Guard Riders, Inc., that in this position I am authorized by Patriot Guard Riders, Inc. to execute this Declaration on behalf of the company, that I have reviewed the foregoing *Applicant's Response to Opposer's First Set of Interrogatories*, and that these responses are true and correct to the knowledge available to Patriot Guard Riders, Inc.

Dated: May 27, 2008

Bill Richart

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF INTERROGATORIES** has been served on the following counsel, by United States mail, on May 27, 2008.

Tom Q. Ferguson
Rachel Blue
Doerner, Saunders, Daniel & Anderson, L.L.P.
320 South Boston Avenue, Suite 500
Tulsa, Oklahoma 74103-3725
Facsimile: (918) 591-5360

Date: May 27, 2008

By: _____
David J. Marr
One of Applicant's attorneys

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 3

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Serial No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

APPLICANT'S RESPONSE TO
OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS

Applicant, Patriot Guard Riders, Inc., hereby responds to *"Petitioner's First Set of Requests for Admissions"* as follows:

GENERAL OBJECTIONS AND CONDITIONS

1. Applicant objects to these requests to the extent that they seek information which is neither relevant to the issues raised in this Opposition, nor reasonably calculated to lead to the discovery of admissible evidence.

2. Applicant objects to these requests to the extent they seek information which is protected from disclosure under the attorney-client privilege or work product immunity doctrine.

REQUEST FOR ADMISSION NO. 1

Applicant PGR, Inc. has filed U.S. Serial No. 77383586 for PATRIOT GUARD RIDER (for the following goods and services with the following dates of first use in commerce:

> IC 006. US 002 012 013 014 023 025 050. G & S: Metal license plates. FIRST USE: 20051209. FIRST USE IN COMMERCE: 20051209
>
> IC 014. US 002 027 028 050. G & S: Ornamental pins; commemorative coins. FIRST USE: 20051214. FIRST USE IN COMMERCE: 20051214
>
> IC 024. US 042 050. G & S: Cloth banners; fabric flags. FIRST USE: 20051129. FIRST USE IN COMMERCE: 20051129
>
> IC 025. US 022 039. G & S: Hats; short-sleeved and long-sleeved t-shirts; sweatshirts; doo-rags. FIRST USE: 20051208. FIRST USE IN COMMERCE: 20051208
>
> IC 026. US 037 039 040 042 050. G & S: Embroidered patches for clothing; armbands. FIRST USE: 20051223. FIRST USE IN COMMERCE: 20051223
>
> IC 045. US 100 101. G & S: Organizing and conducting support groups in the field of combat veterans and their families. FIRST USE: 20051109. FIRST USE IN COMMERCE: 20051109

which was filed on January 29, 2008, following the institution of these proceedings.

RESPONSE TO REQUEST FOR ADMISSION NO. 1

Denied. Applicant did not file for block letter registration of the mark PATRIOT GUARD RIDER. The Trademark Office records accurately reflect the information about the trademark registrations applied for by Applicant.

REQUEST FOR ADMISSION NO. 2

Applicant PGR, Inc. has filed U.S. Serial No. 77040379 for PATRIOT GUARD RIDERS RIDING WITH RESPECT and design (for the following goods and services with the following dates of first use in commerce:

> IC 045. US 100 101. G & S: Organizing and conducting support groups in the field of combat veterans and their families. FIRST USE: 20051111. FIRST USE IN COMMERCE: 20060601

RESPONSE TO REQUEST FOR ADMISSION NO. 2

Admitted. This information appears to accurately duplicate the information obtained in the records of the Trademark Office.

REQUEST FOR ADMISSION NO. 3

Petitioner Brown filed federal trademark Application No. 77041061 for PATRIOT GUARD RIDERS for the following goods and services with the following dates of first use in commerce:

> IC 006. US 002 012 013 014 023 025 050. G & S: Metal license plates. FIRST USE: 20051209. FIRST USE IN COMMERCE: 20051209
>
> IC 014. US 002 027 028 050. G & S: Ornamental pins. FIRST USE: 20051214. FIRST USE IN COMMERCE. 20051214
>
> IC 024. US 042 050. G & S: Cloth banners; Fabric flags. FIRST USE: 20051129. FIRST USE IN COMMERCE: 20051129
>
> IC 025. US 022 039. G & S: Hats; Short-sleeved or long-sleeve t-shirts. FIRST USE: 20051208. FIRST USE IN COMMERCE: 20051208
>
> IC 026. US 037 039 040 042 050. G & S: Embroidered patches for clothing. FIRST USE: 20051223. FIRST USE IN COMMERCE: 20051223
>
> IC 035. US 100 101 102. G & S: Association services, namely, promoting the interests of families of deceased military members and families of deceased veterans. FIRST USE: 20051027. FIRST USE IN COMMERCE: 20051109

Filed on November 9, 2006.

RESPONSE TO REQUEST FOR ADMISSION NO. 3

Denied. The Trademark Office records do not indicate that Opposer applied for a block letter registration of the mark PATRIOT GUARD RIDERS.

REQUEST FOR ADMISSION NO. 4

PGR, Inc., was founded by Jeff Brown.

RESPONSE TO REQUEST FOR ADMISSION NO. 4

Denied. The Oklahoma Secretary of State records indicate that PGR, Inc. was incorporated by each of Jeffrey A. Brown (Opposer), Kurt Mayer and Jason Wallin with each person being named as a Director.

REQUEST FOR ADMISSION NO. 5

Jeff Brown developed the PATRIOT GUARD RIDER and PATRIOT GUARD RIDERS RIDING WITH RESPECT trademarks.

RESPONSE TO REQUEST FOR ADMISSION NO. 5

Denied.

REQUEST FOR ADMISSION NO. 6

Until Brown's resignation from PGR, use of the PATRIOT GUARD RIDER and PATRIOT GUARD RIDERS RIDING WITH RESPECT trademarks by Brown and PGR INC. was with the consent of Brown.

RESPONSE TO REQUEST FOR ADMISSION NO. 6

Denied.

REQUEST FOR ADMISSION NO. 7

PGR Inc. knew of Brown's prior use of the PATRIOT GUARD RIDER and PATRIOT GUARD RIDERS RIDING WITH RESPECT marks when it filed Applications 77/383586 and 77/040379.

RESPONSE TO REQUEST FOR ADMISSION NO. 7

Denied.

REQUEST FOR ADMISSION NO. 8

Applicant's PGR mark is used on clothing and promotional goods.

RESPONSE TO REQUEST FOR ADMISSION NO. 8

Applicant objects to this Request because Applicant's "PGR mark" is not defined. As such, Applicant denies this Request.

REQUEST FOR ADMISSION NO. 9

Applicant makes available for use its PGR products to the same end users as those purchasing PGR products from Petitioner.

RESPONSE TO REQUEST FOR ADMISSION NO. 9

Applicant objects to this Request because "PGR products" is not defined and, moreover, Applicant objects to this Request as being wholly irrelevant to the issues involved in the present Opposition and as being not reasonably calculated to lead to the discovery of admissible evidence. As such, Applicant denies this Request.

REQUEST FOR ADMISSION NO. 10

Applicant makes available for use its PGR goods and services through the same channels of trade as Petitioner's PGR products.

RESPONSE TO REQUEST FOR ADMISSION NO. 10

Applicant objects to this Request because "PGR goods and services" is not defined and, moreover, Applicant objects to this Request as being wholly irrelevant to the issues involved in the present Opposition and as being not reasonably calculated to lead to the discovery of admissible evidence. As such, Applicant denies this Request.

REQUEST FOR ADMISSION NO. 11

Applicant has summarily denied Brown and his wife access to the PGR website and discussion boards.

RESPONSE TO REQUEST FOR ADMISSION NO. 11

Applicant objects to this Request as being wholly irrelevant to the issues involved in the present Opposition and as being not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 12

Applicant has no basis in fact to assert that Petitioner's and Applicant's goods do not experience an overlap among respective customer bases.

RESPONSE TO REQUEST FOR ADMISSION NO. 12

Applicant objects to this Request as being wholly irrelevant to the issues involved in the present Opposition and as being not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR ADMISSION NO. 13

Admit that Jason Wallin filed the applications for the PATRIOT GUARD RIDER and PATRIOT GUARD RIDERS RIDING WITH RESPECT with the Trademark Office on the behalf of Applicant.

RESPONSE TO REQUEST FOR ADMISSION NO. 13

Admitted with regard to the application for PATRIOT GUARD RIDERS RIDING WITH RESPECT. Denied with regard to the application for PATRIOT GUARD RIDER; according to Trademark Office records, this application was filed by Opposer.

REQUEST FOR ADMISSION NO. 14

Admit that Jason Wallin did not have prior authorization from the Applicant to file the applications for the PATRIOT GUARD RIDER and PATRIOT GUARD RIDERS RIDING WITH RESPECT marks.

RESPONSE TO REQUEST FOR ADMISSION NO. 14

Denied with regard to the application for PATRIOT GUARD RIDERS RIDING WITH RESPECT. Denied with regard to the application for PATRIOT GUARD RIDER; according to Trademark Office records, this application was filed by Opposer.

Respectfully submitted,

PATRIOT GUARD RIDERS, INC.

Date: 5/27/08

By: _____
One of its attorneys

David J. Marr
James R. Foley
James A. O'Malley
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Attorneys for the Applicant

9Z5759

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **APPLICANT'S RESPONSE TO OPPOSER'S FIRST SET OF REQUESTS FOR ADMISSIONS** has been served on the following counsel, by United States mail, on May 27, 2008.

Tom Q. Ferguson
Rachel Blue
Doerner, Saunders, Daniel & Anderson, L.L.P.
320 South Boston Avenue, Suite 500
Tulsa, Oklahoma 74103-3725
Facsimile: (918) 591-5360

Date: May 27, 2008

By: _____
David J. Marr
One of Applicant's attorneys

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 4

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD.
COUNSELORS AT LAW

RICHARD R. TREXLER (1906-1995)
RICHARD BUSHNELL (1926-2004)
RICHARD A. GIANGIORGI
RAIFORD A. BLACKSTONE, JR.
DAVID J. MARR
LINDA L. PALOMAR
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(312) 704-1890

FOUNDED 1890

PATENT, TRADEMARK, COPYRIGHT
AND RELATED MATTERS; ALL PHASES
INCLUDING LICENSING AND LITIGATION

FAX: (312) 704-8023
www.trexlaw.com

December 19, 2008

DEC 2 3 2008

Ms. Rachel Blue
Doerner, Saunders, Daniel & Anderson, LLP
320 South Boston Avenue, Suite 500
Tulsa, Oklahoma 74103-3725

Re: *Jeff Brown v. Patriot Guard Riders, Inc.*
Trademark Opposition No. 91181448
Our Ref.: 2569/47137

Dear Rachel:

We are in receipt of your letter dated November 24, 2008 regarding discovery matters in connection with the above-identified matter. We will address each of the discovery matters identified in your letter hereinbelow in turn.

A. Response to PGR, Inc.'s October 3, 2008 letter

1. PGR's position remains steadfast on all of its relevancy objections made on the grounds that United States Trademark Application No. 77/040,379 for the mark "PATRIOT GUARD RIDERS RIDING WITH RESPECT" does not allege use of the mark in connection with any "products" or "goods".

United States Trademark Application No. 77/040,379 does not allege use of the mark in connection with any "products" or "goods", but rather only alleges use of the mark in connection with "services". As this is the only trademark application that is technically a part of the present Trademark Opposition, this is the only trademark application that truly matters when it comes to discovery issues. The Trademark Trial and Appeal Board will only be deciding whether PGR is entitled to registration of the mark "PATRIOT GUARD RIDERS RIDING WITH RESPECT" in connection with the associated services; the Trademark Trial and Appeal Board will not be deciding whether Jeff Brown is entitled to registration of the mark "PATRIOT GUARD RIDER" in connection with the associated goods and services and further will not be deciding whether PGR is entitled to registration of the mark "PATRIOT GUARD RIDERS" in connection with the associated goods and services.

The fact that PGR requested that United States Trademark Application No. 77/383,586 for the mark "PATRIOT GUARD RIDERS" be included in the scope of this Trademark Opposition does not, by any means, mean that it has been included in the scope of this Trademark Opposition. There has been no response to this request by the Trademark Trial and Appeal Board to date and, therefore, United States Trademark Application No. 77/383,586 is now not part of this Trademark Opposition. Furthermore, Jeff Brown did not follow up with a motion or petition to the TTAB that formally requested the inclusion of this application in the Trademark Opposition. Thus, any possible inclusion of United States Trademark Application No. 77/383,586 in this Trademark Opposition at this time would be prejudicially unfair to PGR.

With regard to PGR's reference to United States Trademark Application No. 77/383,586 during the discovery process, PGR states that such reference to this trademark application during the discovery process does not automatically confer that the use of the mark "PATRIOT GUARD RIDERS" in connection with "goods" and/or "services" is relevant to the present Trademark Opposition and the issues involved therein, namely whether PGR is entitled to registration of United States Trademark Application No. 77/040,379 for the mark "PATRIOT GUARD RIDERS RIDING WITH RESPECT" in connection with only "services". PGR further notes that both its Responses to Brown's Interrogatories and Brown's Requests for Admission denote that its answers are subject to the General Objections set forth therein, one of which is that they are objected to to the extent that they seek information which is neither relevant to the issues raised in this Opposition, nor reasonably calculated to lead to the discovery of admissible evidence. PGR's original Response to Request for Admission No. 8 even specifically objected to the Request as being wholly irrelevant to the issues involved in the Opposition. Further, PGR's reference to United States Trademark Application No. 77/383,586 in its original Response to Request for Admission No. 8 cannot be construed in any way to make one believe that PGR believes that United States Trademark Application No. 77/383,586 is a part of this Trademark Opposition or is in any way relevant to the issues involved in this Trademark Opposition. As for the discussion of United States Trademark Application No. 77/383,586 during the deposition of Bill Richart, we note that on pages 89-90 we objected to Ms. Bru's assertion that United States Trademark Application No. 77/383,586 was a part of this Trademark Opposition such that we did, therefore, have a general blanket objection to questions regarding United States Trademark Application No. 77/383,586.

2. PGR acknowledges that the online Notice of Opposition form identifies "Priority and likelihood of confusion" under the heading Grounds for Opposition. PGR, however, is of the position that the inclusion of "likelihood of confusion" on this online form *alone* does not provide sufficient support for Jeff Brown to allege that PGR is not entitled to registration of United States Trademark Application No. 77/040,379 based on a likelihood of confusion. In other words, "likelihood of confusion" was not properly pleaded by Brown.

The Trademark Trial and Appeal Board Manual of Procedure, §309.03(a)(2) "Elements of Complaint – In General", requires, *inter alia*, the following:

> A notice of opposition must include (1) a short and plain statement of the reason(s) why opposer believes it would be damaged by the registration of the opposed mark . . ., and (2) a short and plain statement of one or more grounds for opposition.
>
> The elements of a claim should be stated simply, concisely, and directly. However, the pleading should include enough detail to give the defendant fair notice of the basis for each claim.
>
> All averments should be made in numbered paragraphs, the contents of each of which should be limited as far as practicable to a statement of a single set of circumstances. Each claim founded upon a separate transaction or occurrence should be stated in a separate count whenever a separation would facilitate the clear presentation of the matters pleaded. A paragraph may be referred to by number in all succeeding paragraphs, and statements in the complaint may be adopted by reference in a different part of the complaint.
>
> A plaintiff may state as many separate claims as it has, regardless of consistency; a plaintiff may also set forth two or more statements of a claim alternatively or hypothetically, either in one count or in separate counts.
>
> When two or more statements are made in the alternative, the sufficiency of each is determined independently; the fact that one of them may be insufficient does not mean that the other(s) is (are) also insufficient.

As specifically discussed in PGR's "Answer and Affirmative Defenses (Amended)", the written portion of Brown's Notice of Opposition utterly failed to comply with the foregoing requirements. The averments were clearly not made in numbered paragraphs, but rather were submitted in two unnumbered paragraphs, and each claim was clearly not stated in a separate count. From the two unnumbered paragraphs submitted, PGR understood Jeff Brown's two counts to be priority of use and fraud alone, as these were the only two matters discussed in these two unnumbered paragraphs (although the elements of these claims were clearly not stated "simply, concisely, and directly" as required). The two unnumbered paragraphs submitted make

absolutely no mention of "likelihood of confusion" and, as such, clearly did not present the elements of this claim in a simple, concise and direct manner as required, and further did not provide *any* detail that would give PGR fair notice of Brown's basis for a "likelihood of confusion" claim. Further, the inclusion of "likelihood of confusion" on *only* the online Notice of Opposition form did not present the elements of a likelihood of confusion claim in a simple, concise and direct manner and also did not provide any detail that would give PGR fair notice of the basis for a likelihood of confusion claim.

Regardless of the foregoing, in an effort to minimize the time and money that would presumably be expended by the parties in determining whether "likelihood of confusion" is, in fact, a part of this Trademark Opposition, PGR makes the following stipulation/admission.

In order for Brown to prevail in his Trademark Section 2(d) claim, Brown would have to prove the following three items:

(1) that Brown has standing to maintain the proceeding;

(2) that contemporaneous use of the parties' respective marks on their respective goods would be likely to cause confusion, mistake or deception; and

(3) that Brown is the prior user of his pleaded mark.

With regard to (2), PGR hereby stipulates that there would likely be confusion, mistake or deception between its mark, "PATRIOT GUARD RIDERS RIDING WITH RESPECT", identified in United States Trademark Application No. 77/040,379 in connection with the stated services, and Brown's mark "PATRIOT GUARD RIDER", identified in United States Trademark Application No. 77/041,061 in connection with the stated goods and services. This stipulation, however, is dependent upon Brown being able to prove that the parties' use of the respective marks was contemporaneous, i.e., if Brown can prove that his use of the mark "PATRIOT GUARD RIDER" was done on his own behalf, as an individual, rather than on behalf of PGR.

3. The information identified by you in this paragraph is not, as you state, a ground that PGR set forth as a discovery objection. Rather, the information identified by you in this paragraph was the statement (or a similar statement) made by PGR in responding to Interrogatory Nos. 17-22 and 26-28 that was "Subject to the foregoing General and Specific Objections".

* * * * * * * * * * * *

In view of all of the foregoing, PGR will provide amended/supplemental responses to Interrogatories Nos. 17-22 and 26-28 and to Requests for Admissions Nos. 8-10 and 12.

B. Alleged Insufficient Discovery Responses

1. PGR will amend/supplement its Response to Interrogatory No. 1.

2. Contrary to your statement, PGR did, in fact, produce this October 6, 2006 post of Jeff Brown's, including the follow-up posts related thereto. This post was identified as PGR 001831 - PGR 001930 and was produced to Jeff Brown on June 18, 2008. You have not indicated to us that you did not receive PGR 001831 - PGR 001930 and, therefore, we assume that you have these pages in your possession.

3. As stated above, PGR has amended/supplemented its Response to Interrogatory No. 17.

While PGR does not agree with your position that information regarding "advance publicity" is relevant, PGR has stated that, subject to objections made, that PGR "is presently unaware of any 'advance publicity' that was given to the use of either the 'PATRIOT GUARD RIDER' or 'PATRIOT GUARD RIDERS RIDING WITH RESPECT' marks by" PGR. PGR further stated "that from the inception of the Patriot Guard Riders organization until Opposer's resignation/removal from the Board of Directors for Patriot Guard Riders, Inc., that all of Opposer's actions as they relate to 'advance publicity' of the marks was done on behalf of Applicant, rather than on Opposer's individual behalf."

4. As stated above, PGR has amended/supplemented its Response to Interrogatory No. 18.

Contrary to your assertion, PGR states that sales per month of products bearing the marks PATRIOT GUARD RIDER, PATRIOT GUARD RIDERS and/or PATRIOT GUARD RIDERS RIDING WITH RESPECT, *after the resignation of Jeff Brown*, clearly has absolutely no tendency to prove the date, manner and/or extent of *first use* of those marks by PGR. Furthermore, as this Trademark Opposition is only concerned with whether PGR is entitled to registration of the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT, PGR states the sales per month of products bearing either the mark PATRIOT GUARD RIDER or PATRIOT GUARD RIDERS is irrelevant. Furthermore, PGR did not seek registration of the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT in connection with any products.

PGR further states that whether PGR maintained or abandoned use of the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT is not at issue in this Trademark Opposition and, therefore, PGR will not respond to any matters relating to same. This is the first indication that PGR has received that in any way indicates that Jeff Brown is possibly pursuing a claim that PGR has abandoned its use of the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT. Jeff Brown did not plead in his Notice of Opposition that PGR had abandoned its use of the mark PATRIOT GUARD RIDERS RIDING WITH RESPECT as required. Nor did Jeff Brown ever promptly move to amend its Notice of Opposition to assert this claim once Jeff Brown believed it to be relevant to this Trademark Opposition as required. As such, Jeff Brown may not now rely on this unpleaded claim as PGR did not have fair notice that Jeff Brown was alleging this claim. *See e.g., Hilson Research Inc. v. Society for Human Resource Management*, 27 U.S.P.Q.2d 1423 (TTAB 1993) and *P.A.B. Produits et Appareils de Beaute v. Satinine Societa In Nome Collettivo di S.A. e.M. Usellini*, 196, U.S.P.Q. 801 (CCPA 1978).

5. As stated above, PGR has amended/supplemented its Response to Interrogatory No. 19.

6. As stated above, PGR has amended/supplemented its Response to Interrogatory No. 20.

7. As stated above, PGR has amended/supplemented its Response to Interrogatory No. 21.

With regard to your position on abandonment, PGR references the discussion in B4 hereinabove.

8. As stated above, PGR has amended/supplemented its Response to Interrogatory No. 22.

With regard to whether PGR has licensed the mark, PGR states (as it previously did) that, "as presently advised, no third party has ever 'sold, distributed or marketed' PGR's services" and that "from the inception of the Patriot Guard Riders organization until Opposer's resignation/removal from the Board of Directors for Patriot Guard Riders, Inc., that Opposer was not a 'third party', but rather was always acting on behalf of Applicant in connection with any use of the marks on goods or in connection with services sold, distributed or marketed." As far as use of the mark "PATRIOT GUARD RIDERS RIDING WITH RESPECT" on goods goes, PGR maintains its objection on the basis that United States Trademark Application No. 77/040,379 for the mark "PATRIOT GUARD RIDERS RIDING WITH RESPECT" does not allege use of the mark in connection with any goods.

With regard to your position on abandonment, PGR references the discussion in B4 hereinabove.

9. As stated above, PGR has amended/supplemented its Response to Interrogatory No. 27.

10. As stated above, PGR has amended/supplemented its Response to Interrogatory No. 28.

11. PGR maintains its objection to Interrogatory No. 29.

Regardless of the foregoing, it appears that you are seeking information regarding a suspect relationship between Ed Mueller and CDM. However, as discussed by Ronny Awtry and Bill Richart pursuant to your firm's direct questioning, a friend of Ed Mueller's, who also happened to have the last name Mueller, but who was not a relative of Ed Mueller's, owned/operated CDM *(see Awtry Deposition at pp. 22-23 and 75-76; and see Richart Deposition at pp. 63-66)*. As CDM only makes products or goods for PGR, PGR maintains its objection as the trademark application at issue in this Trademark Opposition does not allege use of the mark "PATRIOT GUARD RIDERS RIDING WITH RESPECT" in connection with any "goods" or "products".

In view of the foregoing, no amendment/supplementation to PGR's Response to Interrogatory No. 29 will be forthcoming.

12. PGR has stated on numerous occasions that Jason Wallin was, in fact, authorized by PGR to file the trademark application for the mark "PATRIOT GUARD RIDERS RIDING WITH RESPECT" on behalf of PGR *(see (1) Response to Request for Admission No. 14; (2) Response to Interrogatory No. 5; (3) Amended/Supplemental Response to Interrogatory No. 30; and (4) Deposition of Perry at pp. 46-48)*. This fact was then independently confirmed by Ronnie Awtry during his deposition *(see Deposition of Awtry at pp. 60-61)*. The independent confirmation of this fact by Ronnie Awtry clearly refutes any basis for Jeff Brown to believe or take a position that PGR did not authorize Jason Wallin to file the trademark application, and further refutes any basis for Jeff Brown to believe or take a position that any credibility issues of PGR's 30(b)(6) witnesses exist with regard to this matter.

In view of the foregoing, no amendment/supplementation to PGR's Response to Interrogatory No. 30 will be forthcoming.

13. With respect to PGR's objection to Interrogatory No. 40 on the basis of the attorney-client privilege and/or work product immunity doctrine, PGR agrees to the limitations on this objection as set forth by you.

Based on the definition of "dispute" provided in your letter, PGR states that it has undertaken a thorough investigation as to the existence of relevant communications among PGR Board of Director members, past and present, regarding Jeff Brown and this dispute and states that it has already disclosed, with reasonable specificity, through its discovery responses, all such known communications. To the extent that PGR's thorough investigation did not uncover relevant communications among PGR Board of Director members, past and present, regarding Jeff Brown and this dispute, PGR maintains its objection to this Interrogatory and Brown's request for its specificity of any and all such communications, as being unduly burdensome.

In view of the foregoing, PGR will amend/supplement its Response to Interrogatory No. 40.

14. PGR will amend/supplement its Responses to Requests for Production Nos. 26-28.

15. PGR produced PGR 000270 as well as PGR 002961 - PGR 002962 to you. PGR, however, in order to assure that you have copies of these documents, has attached copies of same to this letter.

16. Subject to the objections set forth by PGR, PGR has acted in a good faith manner and to the best of its ability in order to provide you with copies of all responsive, non-privileged documents pursuant to your document requests.

Finally, as noted in your letter, PGR did serve its responses to Opposer's Second Requests for Production of Documents and Opposer's Third Set of Interrogatories by the stated deadline of December 1, 2008. In connection therewith, PGR notes that documents PGR 003963 - PGR 003976 were not included in PGR's document production served on December 1, 2008 as it was noted that these documents were duplicative of other documents. As such, documents PGR 003963 - PGR 003976 were purposely not provided to you. We apologize for failing to mention this to you in our December 1, 2008 letter.

Sincerely,

TREXLER, BUSHNELL, GIANGIORGI,
BLACKSTONE & MARR, LTD.

By: _____
David J. Marr

DJM/JAO:A78283
Enclosures

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 5

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

APPLICANT'S MEMORANDUM
IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT

Applicant, Patriot Guard Riders, Inc., is entitled to summary judgment because there are no genuine issues as to any material facts relating to the grounds pleaded by Opposer, Jeff Brown. Accordingly, the Trademark Trial and Appeal Board should summarily rule in favor of Applicant and allow the subject trademark application to proceed to registration.

INTRODUCTION

Applicant, Patriot Guard Riders, Inc., is a nationally renowned "not-for-profit" corporation whose volunteers (largely veterans) attend funeral services across the nation for fallen soldiers of the United States Armed Forces, many of whom have died in Iraq and Afghanistan. The volunteers attend these funeral services in order to honor the soldiers' service to our country and in order to shield mourners attending the funeral services from possible protesters, specifically those who are associated with the Westboro Baptist Church (hereinafter the "WBC") who believe that the deaths of United States' soldiers is God's way of punishing America for its tolerance of homosexuality.

The Patriot Guard Riders was formed as an Internet-based nationwide association (hereinafter "the PGR association") in early November of 2005 and later became a not-for-profit corporation (hereinafter "the PGR corporation" or "the Applicant") in February of 2006 (sometimes collectively referred to as the "PGR"). Incredibly, within about one year from its inception, PGR's number of

volunteers skyrocketed into the 100,000's.

The Opposer, Jeff Brown (hereinafter "Brown" or "Opposer") was a founder of the PGR association and was the first President and Executive Director of the PGR corporation. Brown took it upon himself to start the "PGR Store" soon after the formation of the PGR association, and led the vast majority of PGR's volunteers and supporters to believe that the "PGR Store" was run by the PGR, and further to believe that all of the profits from the "PGR Store" were used to cover expenses and to support the PGR's missions.

In October of 2006, however, it became publicly known that Brown was operating the "PGR Store" as a for-profit entity and that all of the profits derived from the "PGR Store" went directly to Brown, rather than to the PGR. The fact that Brown was the leader of a "not-for-profit" corporation who was not supposed to profit, either directly or indirectly, from his involvement in the PGR corporation, led the PGR corporation's Board of Directors (hereinafter the "Board") to threaten to remove Brown from his positions of authority in the PGR corporation unless he agreed to close the "PGR Store" and honorably resign. Brown agreed to resign and, in his resignation letter to the PGR, indicated that he would be closing the "PGR Store" once his inventory was depleted.

Upon Brown's departure from the PGR corporation, the new leadership of the PGR corporation determined that, contrary to Brown's prior assertions, the PGR's name and logo had not been trademarked. As such, the PGR corporation promptly filed a United States Trademark Application in order to protect its logo for use in connection with the services provided by the PGR.

After posting his resignation letter on PGR's website, Brown changed his mind and elected to keep the "PGR Store" up and running. Brown, though, realized that he needed to do something to ensure that he could continue to sell merchandise through the "PGR Store" now that he was not in a leadership position in the PGR and, as such, just two days after resigning, he filed a United States Trademark Application in an attempt to protect the "Patriot Guard Rider" name, claiming that he, *as an individual*,

rather than the PGR, had the right to use the "Patriot Guard Rider" name for use in connection with the sale of merchandise, and also in connection with "association services".

When Brown's trademark application was rejected in view of the PGR corporation's trademark application, Brown filed the present Opposition and has taken the position that under Trademark Section 2(d) he is, and always was, the owner, the *individual prior* user, and the licensor of the PGR's logo. Brown has further alleged that the PGR corporation's trademark application was fraudulently filed because it was filed by an officer/Board member of the PGR corporation who Brown claims did not have the proper authorization to file it.

STATEMENT OF UNDISPUTED FACTS

I. Applicant's Trademark Application

The PGR corporation filed United States Trademark Application No. 77/040,379 on November 9, 2006 for the following mark (hereinafter "the Logo Mark"):

in connection with the following services: "organizing and conducting support groups in the field of military and military family support", alleging a date of first use as November 11, 2005 and a date of first use in commerce as June 1, 2006.

II. Opposer's Trademark Application

Brown filed United States Trademark Application No. 77/041,061 on November 9, 2006

(approximately 9.5 hours after the PGR corporation filed its trademark application for the Logo Mark) for the following mark (hereinafter "the Word Mark"):

PATRIOT GUARD RIDER

in connection with the following services: "association services, namely, promoting the interests of families of deceased military members and families of deceased veterans", alleging a date of first use as October 27, 2005 and a date of first use in commerce as November 9, 2005. The specimen provided by Brown to prove his individual use of the Word Mark in connection with these services was a photograph described as a "mark displayed by supporter at funeral of deceased member of the military". Brown admitted that the picture did not show himself using the Word Mark. (*See* Deposition of Jeff Brown, attached hereto as Exhibit 1, at 31:22-33:7).

Brown also alleged use of the Word Mark in connection with various goods, with the first alleged use of the Word Mark anywhere or in commerce in connection with any of the various goods being November 29, 2005 (as amended).

III. Notice of Opposition

Brown alleged in the Notice of Opposition that his application reflected "his earlier use of the mark in commerce, at least as early as 2005" and that he "had prior use of the mark not only on the organization's services but also on merchandise that he produced using the name." During his deposition, Brown stated that the "mark" as that term is used in the Notice of Opposition included the Word Mark, as well as the Logo Mark. (Ex. 1 at 23:17-24). Accordingly, Brown has essentially asserted that his use of both the Word Mark and the Logo Mark (hereinafter collectively the "Marks"), in his *individual* capacity, was prior to the PGR's use of the Logo Mark.

Brown also asserted fraud on the United States Patent and Trademark Office in connection with PGR's filing of the trademark application for registration of the Logo Mark. Specifically, Brown asserted, in pertinent part:

> The application filed by PGR was initiated by an individual . . . who filed the application without authorization and with full knowledge of Mr. Brown's prior rights in the mark. PGR, Inc. was well aware that Mr. Brown had founded the organization, still in its infancy at that point, and that Mr. Brown had prior use of the mark not only on the organization's services, but also on merchandise that he produced using the name. The affidavit that PGR, Inc. knew of no other party entitled to use the mark PATRIOT GUARD RIDERS was fraudulent.

IV. Occurrences Prior To The Formation Of The PGR Association

In 2005, a group of American Legion members from Kansas who rode motorcycles and, therefore, called themselves American Legion Riders (hereinafter the "Kansas ALR"), began attending funeral services for fallen United States' soldiers in order to honor the fallen soldiers and in order to keep WBC protestors from disrupting the funeral services. (*See* Declaration of Terry Houck, attached hereto as Exhibit 2, at ¶¶4-17; *see also* "Petitioner's Answer To Applicant's First Set Of Interrogatories", attached hereto as Exhibit 3, at ¶12). On October 27, 2005, the Kansas ALR and others honored United States Army Spc. Lucas Frantz in Tonganoxie, Kansas at his funeral service. (Ex. 2 at ¶20). While attending this funeral service, a member of the Kansas ALR first publicly announced the name "Patriot Guard" at every pre-staging stop and at the final staging area in connection with all of the riders' presence at the funeral services. (Ex. 2 at ¶¶21-22).

On November 2, 2005, the Kansas ALR and others attended the funeral service of United States Army Sgt. Evan S. Parker in South Haven, Kansas. (Ex. 2 at ¶23). Brown attended this funeral service and asked members of the Kansas ALR about how they handled matters relating to their attendance at funeral services and, further, Brown signed a "Patriot Guard" sign-up sheet and requested that a "Patriot Guard" patch be sent to him. (Ex. 2 at ¶¶24-26). Brown, however, during his deposition stated that he had never heard of a group identifying itself as the "Patriot Guard". (Ex. 1 at 88:16-92:22).

Thereafter, on November 8, 2005, a funeral service was held for United States Army Pfc. David Jeffrey Martin in Edmund, Oklahoma. (Ex. 2 at ¶28). Prior thereto, Brown had heard about this funeral

service and that the WBC was planning to protest at it, but Brown was unable to find any further details about the time or location of the funeral service. (Ex. 3 at ¶12). Thus, Brown resorted to using the WBC's website to obtain the information. (Ex. 3 at ¶12). In view thereof, during Brown's trip to attend the funeral service, Brown thought of the idea to use the Internet to set up a nationwide network and information center designed to alert other bikers and veterans of upcoming military funerals. (Ex. 3 at ¶12). Upon arriving at the funeral service, Brown located members of the Kansas ALR and discussed his idea with them. (Ex. 2 at ¶29; Ex. 3 at ¶12).

V. Formation Of The PGR Association

After returning home from the funeral service of United States Army Pfc. David Jeffrey Martin, on November 8, 2005, Brown alleges that he drafted and sent an e-mail to various motorcycle and veterans organizations across the country in order to test his idea to "use the Internet to setup 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."[1] (Ex. 3 at ¶12). Feedback to the idea was positive. (Ex. 3 at ¶12). On November 9, 2005, Brown sent a separate email to Jason Wallin (hereinafter "Wallin") stating that he was putting Wallin on the "PGR notification list" pursuant to a request from an individual identified as "Preacher". (*See* Declaration of Jason D. Wallin, attached hereto as Exhibit 5, at ¶5). This e-mail further requested Wallin to encourage others to join in a "Patriot Guard Ride" in order to honor fallen soldiers and to support their families. (Ex. 5 at ¶5). In response to this e-mail, and without any prompting by Brown, Wallin registered the domain name www.patriotguard.org on November 9, 2005 and advised Brown that he would host it for free. (Ex. 5 at ¶¶7-9). Then, on November 10, 2005, Brown

[1] Brown has not produced a copy of this alleged e-mail to the PGR and, therefore, the PGR can neither confirm nor deny whether this alleged e-mail did, in fact, go out on November 8, 2005. If Brown had a copy of this alleged e-mail in his possession, custody or control, it clearly should have been produced in accordance with PGR's document production requests. (*See* Declaration of William H. Richart, II, attached hereto as Exhibit 4, at ¶¶13-14).

advised other individuals who expressed interest in Brown's idea that the domain name had been reserved and that Wallin had graciously donated web hosting for "us" such that it was his hope to have the website (hereinafter "the PGR's website") up soon. (Ex. 5 at Exhibit D thereto).

Brown and Wallin were considered to be the founders and leaders of the PGR association. (*See* "Petitioner's Response to Applicant's First Request For Admission", attached hereto as Exhibit 6, at ¶¶3 and 5; *see also* e-mail from Brown dated May 15, 2006, attached hereto as Exhibit 7). Brown has further admitted that the PGR association was not a sole proprietorship that was run and administered solely by Brown, as an individual. (Ex. 6 at ¶13). Wallin and Hugh Knaus built and launched the PGR's website and Brown acknowledged same. (Ex. 5 at ¶¶10-11). Wallin was the primary individual (as opposed to Brown) who was responsible for the maintenance of the PGR's website and its online forums from the time that the PGR website was created until the end of Wallin's involvement with the PGR. (Ex. 5 at ¶12; *see also* "Opposer's Responses To Applicant's Second Set Of Interrogatories", attached hereto as Exhibit 8[2], at ¶29(e)). Accordingly, on or around November 9, 2005, the PGR association was formed.

A. *Development Of A Logo For The PGR Association*

Individuals who had indicated interest in Brown's idea began discussing the possibility of wearing or carrying "Patriot Guard Riders" items with them to funeral services and, in view thereof, Brown designed and created the logo which is the subject of the Logo Mark. (Ex. 2 at ¶31; Ex. 5 at ¶13). On November 10, 2005, Brown e-mailed these individuals to advise them that he had designed the Logo Mark, which he attached to the e-mail, and further advised them that he was working with a company to produce products bearing the Logo Mark as he believed that such products would "enhance our presence at any service without taking anything from the other organizations you may belong to."

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[2]After serving this document, Opposer served a separate document entitled "Opposer's Amended Responses To Applicant's Second Set Of Interrogatories" which included identical substantive responses, but which also included Brown's Declaration/Verification of same. This separate document is also included in Exhibit 8.

(Ex. 2 at ¶31; Ex. 5 at ¶13). Upon receiving the Logo Mark from Brown's e-mail, Wallin put the Logo Mark up on the PGR's website as an image placeholder without asking for, or receiving, Brown's permission to do so. (Ex. 5 at ¶¶14-15). Further, Brown did not object to this, or advise Wallin of any conditions on the placement of the Logo Mark on the PGR's website. (Ex. 5 at ¶16).

B. *The PGR Association's First Use Of The Logo Mark At A Funeral Service For A Fallen Soldier*

On November 9, 2005, Wallin sent an e-mail to Brown advising that he and others would be attending a funeral service on November 11, 2005 in Greeley, Colorado. (Ex. 5 at ¶6). In preparation for attending this funeral service, Wallin and some of his co-riders printed out the PGR Logo and displayed it on the windshields of their motorcycles. (Ex. 5 at ¶19). Wallin and his co-riders then rode to the funeral service via an Interstate Highway where they attended the funeral service for United States Army Private 1st Class Tyler Ryan Mackenzie on November 11, 2005 in Greeley, Colorado and protected the mourners from WBC protestors. (Ex. 5 at ¶20). While attending the funeral service, Wallin and his co-riders displayed the PGR Logo and advised others that they were Patriot Guard Riders and members of a new nationwide association, and further explained their purpose for being at the funeral service. (Ex. 5 at ¶21). Wallin and his co-riders, along with their motorcycles, were further shown in a television news clip that aired later that day on a local news broadcast. (Ex. 5 at ¶22). Brown did not attend this funeral service. (Ex. 5 at ¶20). Brown did, however, send out an e-mail that day to advise other individuals of Wallin's presence at the funeral service on behalf of the nationwide association. (Ex. 5 at ¶23; *see also* Declaration of Bonnie Perry, attached hereto as Exhibit 9, at ¶6). Shortly thereafter, Brown admitted in an interview that this funeral service was the first one that the PGR association had attended. (Ex. 5 at ¶24).

C. *Development Of A Mission Statement For The PGR Association*

On November 11, 2005, Brown sent out another e-mail to interested individuals and asked for

their input regarding any problems and/or suggestions for PGR's Mission Statement. (Ex. 2 at ¶32; Ex. 5 at ¶25; Ex. 9 at ¶5). Later that day, Brown modified the Mission Statement in order to include changes/suggestions made by some of the interested individuals and sent an e-mail to Wallin asking him if he could put the modified Mission Statement[3] up on the PGR's website, which Wallin did that night. (Ex. 5 at ¶¶26-27). The next day, November 12, 2005, Brown sent out yet another e-mail to the interested individuals in order to advise them that the Mission Statement had been met with approval after some modification and to advise them that the Mission Statement was posted on the PGR's website. (Ex. 2 at ¶33; Ex. 5 at ¶28; Ex. 9 at ¶7).

VI. Formation Of The PGR Corporation

On February 21, 2006, the PGR association became a not-for-profit corporation in the State of Oklahoma. (Ex. 5 at ¶39; *see also* Declaration of Kurt Mayer, attached hereto as Exhibit 10, at ¶7). Brown, Wallin and Kurt Mayer ("Mayer") were identified as the incorporators, directors and officers of the PGR corporation with Brown being identified as the President, Mayer the Secretary, and Wallin the Treasurer. (Ex. 1 at 81:14-82:15; Ex. 5 at ¶¶40-43; Ex. 6 at ¶127; Ex. 10 at ¶¶8-11). Brown signed the incorporation papers on behalf of the PGR corporation in his capacity as the President. (Ex. 1 at 82:13-15). The incorporation papers signed by Brown stated, in part, that "[t]his corporation is not for profit, and as such the corporation does not afford pecuniary gain, *incidentally or otherwise*, to its members" (Emphasis added). (Ex. 1 at 80:21-81:6).

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[3]The modified Mission Statement read as follows: "The Patriot Guard Riders is an amalgamation of riders from across the nation. We have one thing in common besides motorcycles. We have an unwavering respect for those who risk their very lives for America's freedom and security. If you share this respect, please join us. We don't care what you ride, what your political views are, or whether you're a 'hawk' or a 'dove'. It is not a requirement that you be a veteran. It doesn't matter where you're from or what your income is. You don't even have to ride. The only prerequisite is Respect. Our mission is to attend the funeral services of fallen American military heroes. Each mission we undertake has two basic objectives. 1. Show our sincere respect for our fallen heroes, their families, and their communities. 2. Protect the mourning family and friends from interruptions created by any protestor or group of protestors. We accomplish the latter through strictly legal and non-violent means." (Ex. 5 at Exhibit H thereto).

VII. Alleged License

Brown has admitted that a written agreement never existed between himself and the PGR whereby Brown granted permission to the PGR to use either of the Marks. (Ex. 6 at ¶¶12, 18 and 116). Brown, however, alleged in his initial discovery responses that he had given an oral license to the PGR association to use the Marks for non-commercial purposes and that he told several unnamed individuals that he considered himself to have exclusive rights to use the Marks for commercial purposes. (Ex. 3 at ¶10; Ex. 6 at ¶¶11 and 17). When asked to clarify what he meant by "non-commercial purposes", Brown stated that the term "non-commercial purposes" related to Brown's oral license to the PGR association to use the Marks in a "non-commercial" manner, such as use of the Marks on the PGR's website, provided that such use did not result in fiscal gains, and provided that the PGR association agreed that it lacked the authority to transfer or permit usage of the Marks by any other party. (Ex. 8 at ¶25).

However, when asked for details about the alleged oral license during his deposition, Brown was completely clueless and could not identify any specifics or terms of the alleged oral license (even those previously identified in his responses to PGR's discovery requests). (Ex. 1 generally at 62:16-78:17). For instance, Brown admitted that no volunteers of the PGR association approached him about obtaining a license (Ex. 1 at 70:5-12); he could not recall any terms about the license (Ex. 1 at 72:4-6); he could not recall any discussions or negotiations regarding the license (Ex. 1 at 72:7-9); he could not recall any discussions regarding the PGR association maintaining a consistent level of quality in its use of the Marks (Ex. 1 at 76:4-21); and, contrary to his Response to Interrogatory No. 25 (*see* Ex. 8), Brown even stated that he didn't think far enough ahead to include a provision in this oral license regarding whether the oral license could be transferred by the PGR association to another party (Ex. 1 at 74:22-75:10). All that Brown could proffer regarding the alleged oral license was that he designed the Logo Mark and thought to himself, "Jeff, why don't you use that." (Ex. 1 at 73:3-74:21).

Brown alleges that his permission for the PGR association to use the Logo Mark was when the

PGR's website was launched and he said, "Here, put the logo up", likely in an e-mail to Wallin. (Ex. 1 at 70:13-71:11). He later stated that Wallin may have stated "Hey, I got it" in order to acknowledge the PGR association's acceptance of this alleged oral license. (Ex. 1 at 75:23-76:3). Brown further stated that this alleged oral license was initially intended for the PGR association, and then that it also applied to the PGR not-for-profit corporation upon incorporation. (Ex. 1 at 65:14-67:18). Brown, however, upon incorporation of the PGR corporation, failed to inform either of his co-incorporators about the existence of this alleged oral license. (Ex. 1 at 82:4-7; Ex. 5 at ¶44; Ex. 10 at ¶14).

During cross-examination, and after a break, Brown stated that he was the leader of the PGR association at the time he gave the PGR association permission to use the Marks. (Ex. 1 at 119:18-22). Brown further stated, in response to a leading question by his attorney, that he had taken off his "individual hat" (where he was the owner of the Marks) and put on his "PGR hat" and given the PGR association permission to use the Logo Mark. (Ex. 1 at 119:23-120:5). Brown also stated that he considered himself to be the owner of the Logo Mark and that he was the executive director of the association, so he "could have stopped using it or terminated it, depending on which hat [he] had on at any time." (Ex. 1 at 120:6-15).

Then, after his deposition, Brown amended his response to Request for Admission No. 17 to state that he gave a license to the PGR association to use the Marks for non-commercial purposes, which he intended would also apply to the PGR corporation. (*See* "Opposer's Amended/Supplemental Responses To Certain Of Applicant's Requests For Admission", attached hereto as Exhibit 11, at ¶17(a)). Brown then also supplemented his Response to Interrogatory No. 10 in order to identify Wallin, Bill Lines (hereinafter "Lines"), Ronny Awtry (hereinafter "Awtry") and possibly others, as having knowledge of the oral license, and to state that simultaneously with or soon after the creation of the PGR's website, that he gave Wallin permission to place the Marks on the PGR's website. (*See* "Opposer's Amended/Supplemental Responses To Certain Of Applicant's First Set Of Interrogatories, attached

hereto as Exhibit 12, at ¶10). During Brown's deposition, he did not provide any proof that any of the aforementioned individuals had knowledge of the alleged oral license, but rather only made allegations.

Contrary to Brown's allegations, Awtry explicitly stated during his deposition that he was unaware of the existence of any oral license granted by Brown to the PGR. (*See* Deposition of Ronny Roy Awtry, attached hereto as Exhibit 13, at 84:9-14). Wallin and Lines have further stated that they were unaware of the existence of any oral license granted by Brown to the PGR. (Ex. 5 at ¶¶15-18, 44 and 59; *see also* Declaration of Bill Lines, attached hereto as Exhibit 14, at ¶16). Other high-ranking personnel of the PGR also have stated that they were not aware of the existence of any such oral license. (Ex. 9 at ¶17; Ex. 10 at ¶15).

VIII. Circumstances Leading To Brown's Resignation

In October of 2006, it became collectively apparent to the leaders of the PGR corporation, as well as to a number of volunteers, that Brown had not been up front and honest about how the profits from the "PGR Store" were used. (Ex. 5 at ¶45; Ex. 9 at ¶8; Ex. 13 at 81:6-9 and 21-23; Ex. 14 at ¶6; *see also* Declaration of Edwin R. Mueller, attached hereto as Exhibit 15, at ¶4). Once confronted on this issue, Brown made a statement on the public forums of PGR's website which admitted that the "PGR Store" was a *for-profit* entity in which all of the profits derived from the "PGR Store" went directly to Brown, but that he, in turn, then used a portion of this money (the amount of which was determined by him in his sole discretion) in order to support the PGR in its missions. (*See* Post by Brown dated October 6, 2006, attached hereto as Exhibit 16). Brown further alleged that this had always been public knowledge but could never provide proof of same. (Ex. 8 at ¶29; Ex. 16). The fact that Brown was the leader of a "not-for-profit" corporation who had a duty to not profit, "incidentally or otherwise" from the PGR corporation, led the PGR corporation's Board to threaten to remove Brown from his leadership positions in the PGR corporation unless he agreed to close the "PGR Store" and honorably resign. (Ex. 5 at ¶46; Ex. 9 at ¶9; Ex. 14 at ¶7; Ex. 15 at ¶15). Brown agreed to resign and, in his resignation letter to

the PGR, indicated that he would be closing the "PGR Store" once his inventory was depleted. (Ex. 4 at ¶9; Ex. 5 at ¶46; Ex. 9 at ¶10; Ex. 14 at ¶8; Ex. 15 at ¶15).

IX. PGR's Filing Of The Trademark Application For Its Logo Mark

After Brown's resignation, the Board became aware of the fact that applications for federal registration of the Marks had not, in fact, been filed (contrary to earlier indications provided by Brown to others, including members of the Board). (Ex. 4 at ¶10; Ex. 5 at ¶¶47-48; Ex. 9 at ¶¶11-12; Ex. 14 at ¶¶10-11; Ex. 15 at ¶¶6-7). While the members of the Board were aware that Brown was a founder of the PGR association, the Board members did not have any knowledge or belief that Brown had either prior or superior rights in the Logo Mark as compared to the PGR. (Ex. 5 at ¶¶57-61; Ex. 9 at ¶¶15-19; Ex. 13 at 84:19-85:2; Ex. 14 at ¶14-18; Ex. 15 at ¶¶10-13). Brown had never specifically informed any of the Board members that he believed himself to be the owner of either of the Marks. (Ex. 5 at ¶¶57-59; Ex. 9 at ¶¶15-17; Ex. 14 at ¶¶14-16; Ex. 15 at ¶¶10-11). The Board members believed that any actions that Brown had taken with regard to the use of the Marks in connection with the services provided by the PGR were done by Brown on behalf of the PGR in his capacity as a founder, leader, officer and Board member of the PGR. (Ex. 5 at ¶60; Ex. 9 at ¶18; Ex. 14 at ¶17; Ex. 15 at ¶12). Further, none of the Board members were aware of the oral license that Brown has alleged existed. (Ex. 5 at ¶¶15-18, 44 and 59; Ex. 9 at ¶17; Ex. 13 at 84:9-14; Ex. 14 at ¶16). Also, the Board members were aware that the merchandise bearing the Marks was not sold until after the PGR had begun to use the Logo Mark in connection with the services it provided. (Ex. 5 at ¶61; Ex. 9 at ¶19; Ex. 14 at ¶18; Ex. 15 at ¶13). Brown consistently acted in a manner that indicated the Marks were owned by the PGR and even advised others, where he was clearly acting on behalf of the PGR, that the Marks were owned by the PGR. (*See e.g.*, three e-mails sent out by Brown, attached hereto as Exhibit 17). Furthermore, neither PGR's

website nor the "PGR Store"[4] gave any indication in any way that the Marks were owned by Brown as an individual. (Ex. 4 at ¶¶11-12; Ex. 5 at ¶¶31-35; Ex. 9 at ¶¶21-22; Ex. 14 at ¶¶19-20; Ex. 15 at ¶¶14-15). Brown also issued the following statement:

> 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 [sic] 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. (Emphasis added).

(Ex. 6 at ¶78).

Accordingly, during a telephonic meeting on November 8, 2006, the members of the Board at the time, namely Bill Lines, Bonnie Perry (nee Cutler), Ronny Awtry, Ed Mueller and Wallin, unanimously approved the filing of a United States Trademark Application for the Logo Mark in connection with the services performed/provided by the PGR, and further agreed that Wallin would file this United States Trademark Application on behalf of the PGR corporation in his capacity as Treasurer of the PGR corporation. (Ex. 5 at ¶¶49-50; Ex. 9 at ¶¶13-14; Ex. 13 at 60:18-61:9; Ex. 14 at ¶¶12-13; Ex. 15 at ¶¶8-9). Wallin proceeded to file the trademark application for the Logo Mark on behalf of the PGR corporation on November 9, 2006. (Ex. 5 at ¶51). In the trademark application, Wallin identified the services as "organizing and conducting support groups in the field of military and military family support" (which were later amended), and understood this identification to mean organizing volunteers of the PGR in connection with attending the funeral services of fallen soldiers and carrying out the goals of PGR's Mission Statement at the funeral services. (Ex. 5 at ¶55).

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[4]The "PGR Store" was accessible via a hyperlink on the homepage of the PGR's website. (Ex. 5 at ¶29). The "PGR Store" was originally hosted by the PGR's website on the subpage www.patriotguard.org/PGRStore, but later was hosted by a separate website, namely www.patriotguardstore.org. (Ex. 5 at ¶¶30 and 36-38).

X. Continuous Use Of The Logo Mark

From November 11, 2005, when the Logo Mark was first used, until at least the date that the PGR corporation filed its trademark application for the Logo Mark, the Logo Mark was continuously used on the PGR's website, as well as in other mediums, in connection with the services identified in the PGR corporation's trademark application. (Ex. 5 at ¶54). During this time, the Logo Mark was also used by individuals across the country during missions in order to denote themselves as being volunteers of the PGR. (Ex. 5 at ¶56).

ARGUMENT

I. Standard For Summary Judgment

Summary judgment is an appropriate method of disposing of cases in which there are no genuine issues of material fact in dispute, thus leaving the case to be resolved as a matter of law. *See Fed. R. Civ. P. 56(c)*. A party moving for summary judgment has the burden of demonstrating the absence of any genuine issue of material fact, and that it is entitled to summary judgment as a matter of law. *See Celotex Corp. v. Catrett*, 477 U.S. 317 (1986). The nonmoving party must be given the benefit of all reasonable doubt as to whether genuine issues of material fact exist, and the evidentiary record on summary judgment, and all inferences to be drawn from the undisputed facts, must be viewed in the light most favorable to the nonmoving party. *See Opryland USA, Inc. v. Great American Music Show, Inc.*, 970 F.2d 847, 23 USPQ2d 1471 (Fed. Cir. 1992).

"When the moving party's motion is supported by evidence sufficient to indicate that there is no genuine issue of material fact, and that the moving party is entitled to judgment, the burden shifts to the nonmoving party to demonstrate the existence of specific genuinely-disputed facts that must be resolved at trial. The nonmoving party may not rest on the mere allegations of its pleadings and assertions of counsel, but must designate specific portions of the record or produce additional evidence showing the existence of a genuine issue of material fact for trial." *Florida Engineered Construction Products*

Corporation v. Cast-Crete Inc., Opposition No. 91159554, 2006 WL 1087855, at *6 (TTAB Apr. 13, 2006).

As demonstrated herein and supported by the record, no genuine issues as to any truly material facts relating to the properly pleaded[5] grounds remain. Accordingly, the Trademark Trial and Appeal Board should summarily rule in favor of the PGR and allow the subject trademark application to proceed to registration.

II. Opposer's Section 2(d) Claim

A Section 2(d) claim can properly be resolved on summary judgment. *See Aktieselskabet AF 21. November 2001 v. Fame Jeans, Inc.*, 77 USPQ2d 1861 (TTAB 2006). In order for Brown to prevail on his asserted Section 2(d) claim, he must establish: (1) that he has standing to maintain the proceeding; (2) that he is the prior user of his pleaded mark; and (3) that contemporaneous use of the parties' respective marks on their respective services would be likely to cause confusion, mistake or to deceive consumers. *See Mario Diaz v. Servicios de Franquicia Pardo's S.A.C.*, 83 USPQ2d 1320, 1323-24 (TTAB 2007); *see also Hornblower & Weeks, Inc. v. Hornblower & Weeks, Inc.*, 60 USPQ2d 1733 (TTAB 2001).

A. *Opposer Has Established That He Has Standing To Maintain This Proceeding*

For the purposes of this summary judgment motion, the PGR corporation concedes that Brown has standing to maintain this proceeding.

B. *Opposer Cannot Establish That He Is The Prior User Of His Pleaded Mark*

An "association" is defined as "an organization of persons having a common interest". (*See* Definition of "association" from the Merriam-Webster Online Dictionary, attached hereto as Exhibit 18). As stated hereinabove, Wallin sent an e-mail to Brown on November 9, 2005 in order to advise Brown

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[5]As stated in the PGR corporation's "Answer and Affirmative Defenses (Amended)", Brown's unnumbered, two-paragraph Complaint fails to comply with Section 309.09(a)(2) "Elements of Complaint – In General" of the Trademark Trial and Appeal Board Manual of Procedure.

that he had registered the domain name www.patriotguard.org. (*See* "Undisputed Facts" Sec. IV *infra*)[6]. By so doing, Wallin took an active step in order to associate himself with Brown in the "common interest" of executing Brown's plan to "use the Internet to setup 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." Thus, according to the evidence of record, including Brown's own statement from an Interview he gave, the PGR association was formed on November 9, 2005.

1. *First Use Of The Marks Occurred On November 11, 2005*

The November 9-10, 2005 e-mails of record do not establish first use of the Marks. First "use" of the Marks, however, both in intrastate and interstate commerce, can be proven to have occurred on November 11, 2005. On that day, Wallin and others displayed the Logo Mark (and thus the Word Mark as the Logo Mark includes the Word Mark in substantially identical form) on their motorcycles as they rode via an Interstate Highway on their way to the funeral services for a fallen soldier in Greeley, Colorado. (*See* Sec. V(B) *infra*). During the funeral service, the Logo Mark was displayed while Wallin and the others protected the mourners from WBC protestors who were picketing the funeral service. (*See* Sec. V(B) *infra*). Wallin and the others also explained to other individuals, including persons who were attending the funeral service, who they were, what they were doing, and why. (*See* Sec. V(B) *infra*). Wallin and the others, including their motorcycles, were also videotaped on a news clip that aired on a television station later that day. (*See* Sec. V(B) *infra*). Such "use" clearly denotes use of the Logo Mark in intrastate and interstate commerce. *See e.g.*, *In re Gastown, Inc.*, 326 F.2d 780 (C.C.P.A. 1964).

Also on November 11, 2005, Wallin put the modified Mission Statement up on the PGR's website along with the Logo Mark which was put up the day before as an image placeholder. (*See* Secs. V(A) and V(C) *infra*). Such display of the Logo Mark on the Internet, along with the Mission Statement

[6]All references to the "Undisputed Facts" will hereinafter be referenced by Section number.

which clearly sets forth the services that the Logo Mark is associated with, also clearly denotes "use" of the Logo Mark both in intrastate and interstate commerce. *See Planned Parenthood Federation of America, Inc. v. Bucci*, 42 USPQ2d 1430 (S.D.N.Y. 1997), *aff'd*, 152 F.3d 920 (2d Cir. 1998), *cert. denied*, 525 U.S. 834 (1998) (explaining that use of a mark on a website constitutes proper use of a mark in commerce).

Thus, the evidence of record proves that the first use of the Marks in both intrastate and interstate commerce took place on November 11, 2005.

2. First Use of the Marks Was By the PGR Association

As the PGR association came into existence on November 9, 2005, the first use of the Logo Mark (and thus the Word Mark) was clearly by the PGR association. Wallin and the others were acting on behalf of the PGR association when they rode to and attended the funeral service in Greeley, Colorado. Wallin was also acting on behalf of the PGR association when he put the Logo Mark and the Mission Statement up on the PGR's website.

As discussed above, there is no evidence of record that either of the Marks were used by anyone prior to the formation of the PGR association. With the formation of the PGR association occurring on November 9, 2005, it is clear that any actions taken by Brown thereafter, which in any way related to the PGR association, were done by Brown on behalf of the PGR association in his capacity as a founder and leader of the PGR association. Brown has admitted that he was a founder and leader of the PGR association, and further admitted that the PGR association was not a sole proprietorship that was run and administered solely by Brown, as an individual. (*See* Sec. V *infra*). Thus, Brown's actions that related to the PGR association were necessarily done by Brown on behalf of the PGR association.

Regardless of whether Brown coined the Word Mark or designed and created the Logo Mark, such actions do not confer any ownership rights in the Marks to Brown as an individual, as only use of the Marks in commerce confers trademark rights. *See Hanover Star Milling Co. v. Metcalf*, 240 U.S.

403, 412, 416 (1916); *see also Corporate Document Services Inc. v. I.C.E.D. Management Inc.*, 48 USPQ2d 1477, 1479 (TTAB 1998) ("It is well-established that rights in and to a trademark are created by use of the mark in either intrastate or interstate commerce.").

3. *Opposer Never Claimed Individual Ownership, Acted As An Individual Owner, Nor Licensed Use Of The Marks In Connection With The Services To Applicant*

It is clear from the evidence of record that, prior to Brown's filing of his trademark application, Brown never informed any of the top ranking personnel of the PGR about his claim of personal ownership of the Marks. (*See* Secs. VII and IX *infra*). To the contrary, Brown consistently acted in a manner that indicated that the Marks were owned by the PGR. (*See* Sec. IX *infra*). For example, nothing on the PGR's website, or the "PGR Store" indicated in any way that the Marks were owned by Brown as an individual. (*See* Sec. IX *infra*). Users were given no reason whatsoever to believe that the Marks were not owned by the PGR. (*See* Sec. IX *infra*). In fact, Brown continually advised others that the PGR name and logo were protected such that the PGR could not allow certain uses thereof. (*See* Sec. IX *infra*). When these advisements were made, Brown either identified himself as a leader of the PGR or in some other way indicated that he was giving this advisement on behalf of the PGR. (*See* Sec. IX *infra*). The "PGR Store" website that Brown was operating while acting as the President and Executive Director of the PGR corporation further advised that the PGR name and logo were protected and that "all associations have their own stores" and do not allow reproductions. (*See* Sec. IX *infra*).

Moreover, prior to the PGR corporation's filing of its trademark application, Brown never claimed that a license ever existed between Brown and the PGR whereby the PGR could only use the Marks in connection with the services it performed. (*See* Secs. VII and IX *infra*). With regard to Brown's allegation that an oral license existed, Brown has provided absolutely no evidence of same and has repeatedly changed his story regarding the existence and terms of this alleged oral license. (*See* Sec. VII *infra*). Brown even admitted that he did not advise his co-incorporators of the PGR corporation

about the existence of this license. (*See* Sec. VII *infra*). Every single person who was ever a founder, officer and/or Board member of the PGR from its formation until the time of the PGR corporation's filing of its trademark application, other than Brown, has denied having any knowledge about the existence of such an oral license. (*See* Secs. VII and IX *infra*).

In light of the facts described above, it appears the only logical and legal conclusion is that Brown's present claim of individual ownership of the Marks is nothing more than an afterthought that should not now be given credence by awarding Brown ownership.

There is no doubt that sales and revenues from the "PGR Store" would have significantly suffered had the general membership of the PGR known that Brown was claiming individual ownership of the Marks as a basis for keeping the profits which, to the knowledge of the general rank and file, were being used only to support the PGR cause. (*See* Sec. IX *infra*). Therefore, even if Brown subjectively believed himself to be the owner of the Marks, his conduct demonstrates that his intent was meant to conceal this claim for fear that his personal profits would have suffered.

Accordingly, whether Brown subjectively believed himself to have individual rights in the Marks, the principles of equity alone should prevail to prevent him from being awarded ownership of the Marks.

4. *The First Sale Of Goods Bearing The Marks Was After The First Use Of The Marks In Connection With Services Provided*

The evidence of record clearly shows that the first sale of goods bearing the Marks was *after* the first use of the Marks in connection with the services provided. As such, Brown's allegation in the Notice of Opposition that his sale of goods bearing the Marks was prior to the PGR association's first use of the Marks in connection with services provided is not only incorrect, it is also irrelevant.

5. *Applicant's Allegation of First Use of the Mark is Proper*

From the foregoing, it is indisputable that, on November 11, 2005, Wallin and others displayed

the Logo Mark on their ride to, and during, a funeral service for a fallen solider, and that the Logo Mark was on the PGR's website along with the PGR association's Mission Statement, which identifies the services to be performed by the PGR association. (*See* Secs. V(B) and V(C) *infra*). Thus, "at least as early as November 11, 2005" is properly identified as the date of first use of the Logo Mark by the PGR as identified in PGR's trademark application. While PGR's trademark application also cites a date of first use in commerce as being "at least as early as June 1, 2006", it is clear that it has been determined through discovery that the first use in commerce of the Logo Mark is more appropriately identified as being at least as early as November 11, 2005 based on the display of the Logo Mark on the ride to, and attendance of, a fallen solider's funeral service, as well as the use of the Logo Mark on PGR's website.[7]

6. *Opposer's Allegation of First Use of the Marks Based on His Trademark Application is Erroneous and Not Supported By The Evidence*

From the foregoing, it is indisputable that Brown did not have prior use of the Marks before the PGR because the first use of the Marks in connection with the identified "association services" was done by, or on behalf of, the PGR, as Brown never specifically distinguished that his use was being done in his individual capacity, rather than in his capacity as a founder and leader of the PGR. Moreover, as an individual, Brown necessarily could not have performed "association services" as at least two people are required to have an "association". Therefore, any use of the Marks by Brown necessarily inured to the benefit of the PGR.

Furthermore, Brown's alleged dates of first use of these "association services" are clearly not supported by the evidence of record and are contrary to Brown's answer to PGR's discovery requests. (Ex. 6 at ¶¶150, 156 and 160). Brown alleged October 27, 2005 as being his date of first use of the Word Mark. The record, however, clearly shows that Brown's first thought of even forming an association

[7]It is the PGR corporation's intent, upon a favorable resolution in this Notice of Opposition, to amend its application accordingly in order to reflect this earlier proof of use of the Logo Mark in commerce.

which might perform the services identified in his trademark application was on November 8, 2005 (twelve days later), upon his return from the funeral service for United States Army Pfc. David Jeffrey Martin in Edmund, Oklahoma. (*See* Sec. IV *infra*). Brown's allegation of first use of the Word Mark in commerce as being November 9, 2005 is also not supported by the record. The record is clear that the first use of the Word Mark as well as the first use of the Word Mark in commerce, both in connection with the stated services, was on November 11, 2005, the date upon which Wallin and others displayed the Logo Mark on their motorcycles on a ride to attend a funeral service for a fallen solider, and the date when the Logo Mark, along with the Mission Statement that detailed the services to be provided by the PGR association, were both available for viewing by the public on the PGR's website. Therefore, Brown's asserted date of first use of October 27, 2005 and his asserted date of first use in commerce of November 9, 2005, are unsupported by the evidence of record.

C. *Opposer Cannot Establish that Contemporaneous Use of the Parties' Respective Marks on their Respective Services would be Likely to Cause Confusion, Mistake or to Deceive Consumers*

From the foregoing, it is clear that Brown cannot establish that contemporaneous use of the parties' respective marks on their respective services would be likely to cause confusion, mistake or to deceive customers.[8] The reason for this is simple, all use of the Marks in connection with the identified services was done *on behalf of the PGR*, and not separately by Brown in his *individual* capacity. Without proof of individual use of the Marks, Brown cannot prove that he is the prior user of the pleaded Marks and, therefore, cannot prove that there was any "contemporaneous use of the parties' respective marks" as is required.

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[8]PGR has consistently maintained its position throughout these proceedings that Brown did not properly plead likelihood of confusion in his Notice of Opposition. PGR, however, in the interests of seeking a quick resolution to this matter, has informed Brown that in the unlikely event that the Trademark Trial and Appeal Board determines that Brown was the prior user of his pleaded mark, that the parties would have contemporaneous use of their respective Marks on their respective services, such that the contemporaneous use would be likely to cause confusion, mistake or to deceive customers.

The PGR corporation has thus established that there is no genuine issue of material fact on the issue of Brown's Section 2(d) claim and that the PGR corporation is entitled to judgment as a matter of law.

III. Opposer's Fraud Claim

A fraud claim can properly be resolved on summary judgment. *See Aktieselskabet AF 21. November 2001 v. Fame Jeans, Inc.*, 77 USPQ2d 1861 (TTAB 2006). In order for Brown to prevail on his asserted fraud claim, he "must prove the alleged fraud by clear and convincing evidence." *L.D. Kichler Co. v. Davoil, Inc.*, 192 F.3d 1349, 1351 (Fed. Cir. 1999). Nothing can be left to speculation, conjecture, or surmise. *Hachette Filipacchi Presse v. Elle Belle LLC*, 85 USPQ2d 1090, 1093 (TTAB 2007). To be fraudulent, a statement not only has to be proven false, but there must be no doubt left that the false statement was *knowingly* inaccurate. *Torres v. Cantine Torresella S.r.l.*, 808 F.2d 46, 48 (Fed. Cir. 1986). Unless there is a willful intent to deceive proven by clear and convincing evidence, fraud will not be found. *Kemin Industries, Inc. v. Watkins Products, Inc.*, 192 USPQ 327, 329 (TTAB 1976). Brown cannot meet his heavy burden and, therefore, the PGR corporation is entitled to judgment as a matter of law on Brown's fraud claim.

A. *Applicant Authorized The Filing Of The Trademark Application For The Logo Mark*

The evidence of record clearly shows that Wallin was authorized by the PGR corporation to file the trademark application for the Logo Mark on behalf of the PGR corporation in his capacity as the Treasurer of the PGR corporation. (*See* Sec. IX *infra*). The members of the Board at the time of authorizing the filing of the trademark application consisted of five persons, namely Bill Lines, Bonnie Perry, Ronny Awtry, Ed Mueller and Wallin. (*See* Sec. IX *infra*). Each one of these persons has stated that they collectively agreed that the trademark application should be filed and that Wallin would file the trademark application on the PGR corporation's behalf. (*See* Sec. IX *infra*).

B. *Applicant Did Not Have Any Knowledge Or Belief That Opposer Had Any Prior Or Superior Rights In The Logo Mark At The Time The Application Was Filed*

While the Board Members were aware that Brown was a founder of the PGR association, the evidence of record is clear that the Board members did not have any knowledge or belief that Brown had either prior or superior rights in the Logo Mark as compared to the PGR. (*See* Sec. IX *infra*). Brown had never specifically informed any of the Board members that he believed himself to be the owner of either of the Marks. (*See* Sec. IX *infra*). The Board members believed that any actions that Brown had taken with regard to the use of the Marks in connection with the services provided by the PGR were done by Brown on behalf of the PGR in his capacity as a founder, leader, officer and Board member of the PGR. (*See* Sec. IX *infra*). Further, none of the Board members were aware of the oral license that Brown has alleged existed and, as such, they did not need to seek or obtain Brown's consent or approval before filing the trademark application. (*See* Secs. VII and IX *infra*). Also, the Board members were aware that the merchandise bearing the Marks was not sold until after the PGR had begun to use the Logo Mark in connection with the services it provided. (*See* Sec. IX *infra*).

C. *The Declaration Forming Part Of The Trademark Application Was Executed Truthfully*

In view of the foregoing, Wallin's signature on the verified declaration forming a part of the application for registration was made honestly and in good faith. Wallin and the other members of the Board did not believe that Brown had obtained any rights in the Marks that were superior to PGR's rights in the Logo Mark. (*See* Sec. IX *infra*). *See Kelly Services Inc. v. Greene's Temporaries Inc.*, 25 USPQ2d 1460, 1463 (TTAB 1992) (explaining that it had previously been held that an Applicant "that believes its right to register a mark is superior to that of another user of the same or similar mark will not be held to have committed fraud by signing an application with the statutorily prescribed ownership statement.").

D. *Opposer Cannot Prove By Clear And Convincing Evidence That Fraud Existed*

Brown has offered no evidence to the contrary to support his allegations of fraud and has elected not to depose any of Wallin, Lines or Mueller during the discovery phase of this Proceeding[9]. In response to an Interrogatory regarding his fraud claim, Brown amazingly even stated the following:

> Opposer states, upon information and belief and after reasonable investigation, that Jason D. Wallin acted on his own and without direct instruction from the Board, and that Wallin's duties as Treasurer did not include the filing of any trademark application(s). Opposer cannot state whether there are others who have similar knowledge and/or beliefs.

(Ex. 8 at ¶26). Clearly, the evidence of record completely contradicts the foregoing. Accordingly, Brown is left with only mere assertions of fraud, and it is well-established that mere assertions cannot create a genuine issue of material fact. *See Hachette*, 85 USPQ2d at 1093. Conversely, the PGR corporation has established that there is no genuine issue of material fact on the issue of Brown's fraud claim and that the PGR corporation is entitled to judgment as a matter of law.

CONCLUSION

The PGR corporation respectfully requests summary judgment rejecting the Opposition because, as a matter of law, Brown cannot prove that there are any genuine issues of material fact which support either his Section 2(d) claim or his fraud claim.

Dated: 1/22/09

Respectfully submitted,

By: _____

One of Applicant's Attorneys
David J. Marr
James R. Foley
James A. O'Malley
TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD.
105 W. Adams Street, Suite 3600
Chicago, Illinois 60603-6210
(312) 704-1890

[9]Perry was deposed pursuant to the PGR corporation designating her as a 30(b)(6) witness.

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 6

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

DECLARATION OF TERRY HOUCK

I, Terry Houck, declare and state as follows:

1. I am over 21 years old, and I have personal knowledge of the facts of this Declaration and could testify competently to them if called upon to do so.

2. I have lived in Derby, Kansas since 1963.

3. I served in the United States Army from November 1968 through November 1974, serving in Viet Nam from April 1969 through June 1970

4. I have been a member of the American Legion since June 2004.

5. I have been a member of the American Legion Riders, a program of the American Legion established for American Legion members who are motorcycle enthusiasts, since June 2004.

6. I belong to the Kansas American Legion Riders, Post 136, out of Mulvane, Kansas (hereinafter "Kansas ALR").

7. My ride name is "Darkhorse".

8. On July 24, 2005, my wife, Carol, learned that a group of protestors from the Fred Phelps Westboro Baptist Church (hereinafter the "WBC") had disrupted a Newkirk, Oklahoma

soldier's funeral.

9. My wife and I then created a plan for riding to fallen soldiers' funerals in order to show our sincere respect to our fallen heroes, their families, and their communities.

10. I discussed this plan with other members of Kansas ALR and the group agreed to take action to preserve our fallen hero's memory and honor, and to provide support to their families who were being harassed by the WBC protestors.

11. During the August 7, 2005 meeting, the director of Kansas ALR appointed myself and others as committee members.

12. The committee established a mission purpose, procedures, and guidelines to honor the memory of our fallen soldiers and support the families who are subjected to the WBC protests.

13. I, along with other members of Kansas ALR, attended the Governors Conference at the Wichita Hilton in Wichita, Kansas, on August 27, 2005, in order to observe the WBC in action.

14. After attending the Governors Conference, we then: (1) established our Mission Statement and Mission Procedures for Fallen Soldier Funerals; (2) agreed that the mission was to stand guard for America's Fallen Soldiers who are Killed In Action or are Casualties of the current wars fighting terrorism; and (3) agreed that we must be invited guests of the families of the fallen soldiers.

15. When the committee heard that the WBC were going to protest at the funeral of United States Army Sgt. John Doles of Chelsea, Oklahoma, I contacted Sgt. Doles' family, and after I explained the WBC's intentions, Sgt. Doles' mother invited us to attend the funeral and

stand guard.

16. After receiving the invite from Sgt. Doles' mother, I then contacted the Chelsea Police Department to notify them of our invitation and intention to be present at the funeral.

17. I, along with some of my fellow members of Kansas ALR and others (including American Veterans M/C, CVMA, CMA, ABATE, BACA, Rolling Thunder, Carry the Flame, Run to the Wall, and other individuals who were not members of any organization or motorcycle clubs, who all came from Kansas, Missouri and Oklahoma), attended the funeral service of United States Army Sgt. John Doles of Chelsea, Oklahoma on October 11, 2005.

18. On October 18, 2005, the Kansas ALR committee met to discuss several possible names and then selected and voted to use the name "Patriot Guard" for the Fallen Soldiers funerals.

19. Thereafter, we then designed a patch (a rectangular one inch by three and one-half inch black patch edged in gold thread and bearing the words "Patriot Guard", also in gold thread) in order to represent the group and mission and ordered the patches at Flying Colors in Wichita, Kansas.

20. I, along with other members of Kansas ALR, as well as other individuals and groups, attended the funeral service of United States Spc. Lucas Frantz in Tonganoxie, Kansas on October 27, 2005.

21. On October 27, 2005, I announced at every pre-staging stop on the mission ride to Tonganoxie, Kansas that "all who participate at a fallen soldier funeral mission will be known as the 'Patriot Guard'".

22. On October 27, 2005, I again announced the "Patriot Guard" name to more than

one hundred riders present at the final staging area in Tonganoxie, Kansas and I further stated to all present (including American Veterans M/C, CVMA, CMA, ABATE, BACA, Rolling Thunder, Carry the Flame, Run to the Wall, and other individuals who were not members of any organization or motorcycle clubs, who all came from Kansas, Missouri, Oklahoma, Colorado and Nebraska) that many motorcycle organizations were represented at the funeral and that we were all supporting the same cause, such that, from that day forward, we would be known as the "Patriot Guard", and the name applied to Fallen Soldier Funeral missions.

23. I, along with other members of Kansas ALR, as well as other individuals and members of other motorcycle organizations and clubs, from Kansas, Missouri, Oklahoma and Colorado) attended the funeral service of United States Army Sgt. Evan S. Parker in South Haven, Kansas on November 2, 2005.

24. I met Jeff "Twister" Brown (hereinafter "Brown") in South Haven, Kansas on November 2, 2005 and he asked me for permission to start the Patriot Guard mission in Oklahoma and stated that he wanted to do the same thing in Oklahoma that we were doing in Kansas.

25. During my conversation with Brown in South Haven, Kansas, he asked me to send him our Mission Statement and our Mission Procedures, he quizzed several of the Kansas ALR's members and asked how we did the mission, who we contacted, how we selected staging areas, and other questions.

26. During the mission to South Haven, Kansas, I also announced to the riders present that we had Patriot Guard patches on order and that we would give one patch free of charge to everyone who attended and, therefore, we provided a sign-up sheet to allow attendees to provide

contact information so that we could distribute the patches; Brown signed the sheet. A true and correct copy of the sign-up sheet is attached hereto as Exhibit A.

27. After the Sgt. Evan Parker funeral mission, we received the patches we had ordered from Flying Colors and began distributing them in late November of 2005.

28. I, along with other members of Kansas ALR, as well as other individuals and groups, attended the funeral service of United States Army Pfc. David Jeffrey Martin in Edmond, Oklahoma on November 8, 2005.

29. At the funeral service of United States Army Pfc. David Jeffrey Martin, Brown first discussed his idea of using the Internet to set up a nationwide network and information center designed to alert other bikers and veterans of upcoming military funerals with me and other members of Kansas ALR, and we agreed that such a nationwide network and information center would likely be a good idea because many organizations were adding the Patriot Guard Funeral Missions to their mission agenda for their respective organizations, and the individuals who were not members of organizations needed a place to find the information.

30. The members of Kansas ALR were some of the first individuals to join the PGR association implemented by Brown after the funeral service of United States Army Pfc. David Jeffrey Martin.

31. I received an e-mail from Brown on November 10, 2005 in which he stated that he had designed a logo for the PGR association, which was attached to the e-mail, for the purpose of displaying same on products in order to enhance the PGR association's presence at any funeral service for a fallen soldier. A true and correct copy of this e-mail is attached hereto as Exhibit B.

32. I received an e-mail from Brown on November 11, 2005 in which Brown asked

for my, as well as others', input regarding a proposed Mission Statement for the PGR association. A true and correct copy of this e-mail is attached hereto as Exhibit C.

33. I received an e-mail from Brown on November 12, 2005 in which Brown advised me, as well as others, that the Mission Statement had been met with approval after some modification and that the Mission Statement was posted on the PGR association's website www.patriotguard.org. A true and correct copy of this e-mail is attached hereto as Exhibit D.

34. In January of 2006, I, along with my two Co-Captains, Cregg "Bronco 6" Hansen and Greg "Ebay" Hansen, wrote a brief history of the Patriot Guard for publication on the PGR association's website, www.patriotguard.org, in which we were referred to as the "Founding Fathers of the Patriot Guard".

35. Brown refused to publish the history as written and at first removed references to the truthful founding of the Patriot Guard and, in every revision he made, he included his account of the Sgt. Evan S. Parker mission in South Haven, Kansas which included his declaration that after attending the funeral he knew he "had to do more than just ride", so he "established the Patriot Guard Riders".

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/17/2009

Terry D. Houck

Terry Houck

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT A

of

"Declaration of Terry Houck"

Patriot Guard

02/11/05
(02-NOV-05)

PATRIOT GUARD SOUTH HAVEN

" Alone We Can Do So Little- Together We Can Do So Much"

If you would like to be included for updates and future protests of the WBC please list your name , ph # and e-mail Yes/NO.

Patriot guard patch

Rose Cook wefive@networksplus.net Yes (1)
CHARLY ZEIMET 7407 E PUGER RD UNIT B YES (1)
CLAREMORE OK 74019
ART ALLISON 316-772-6812 YES (1)
Karen 12 patches Doug Evans 620-628-4850 YES (1)
Amy Forgie 316-721-8464 forgies4@cox.net Yes (1)
Janet Antell 4DKAJpooh@yahoo.com Yes 4 (1)
Mike Harryman 316 2104356 yes Kissom@cox.net
Dobbie Johnson RANDY BLAND 620-442-5306 DLJRJB@COX.NET 2 YES PATCHES
Gary Morrison gmo49@hotmail.com yes (1)
DON LEACH DLEACH2@COX.NET YES (1)
Tammy Johnston & Dana Tulk t.johnston@cox.net yes (2)
S. Kowenhoir [illegible]@cox.net YES (2)
Tom ZOKTZ 620-231-8628 YES (1)
Byron McNary 316-214-8907 bmcnary73@yahoo.com Yes (1)
DON OVERBEY dOVERBEY@Macksville.Net (2)
Matt James M.James379@cox.net Arkansas City, Ks. (2)
Belinda Simmons Bolt Sp.Haven Ks. dairyqueen@Kanokla.Net
Bill Elkins & Linda Elkins
Jerry Holland El Reno Okla. (4)
Mike Penix
Louise Jackson
OK Post 138 Don Barr (9) donald.barr@global.net
Post 20 Robert Weaver 601 N 5th Carey Ks (3)
Lorraine Jackson Tex vet@kintonet.net (2)
John Judd jjuddus@yahoo.com (2)

316-943-0469 2 Patches
Jim Joske & Donna Treadwell 3409 W 16th St N. Wichita
*Dee Dee Danin 316 773 2341 ddanin@cox.net
Shawn & Sherry Pierce 785-577-1749 natscribhwy40@yahoo.com
Sherry Pierce sherryseskies2003@yahoo.com 2 patches
Dwight Miller 2 Patches
John Humphries jhumphriesjr@cox.net
Richard McKinney 620-429-3676
Tommy Hill 316 524-7477
*Rose Mans 316-684-5215 rose@gracepreschurch.org (1)
Larry Hammer 620-442-9163 (2)
Ron Scrivner 316-522-3651 post (4)
Dena Yardley Epay stores@yahoo.com (2)
Greg Gaines 3GG@SBC.global.Net
John Callowan 409-6543 807-8973 Johnandmaria@cox.net (2)
Patrick Shook 620-791-2027 LPshook@cox.net
Gary Lander garylandn@yahoo.com 620 262-7984 (2)
Bill Whorton 4245 7th Ave Girard Ks 66743 (4)
Larry Wigand 18774 142nd Rd Winfield KS LAWGIGAND@HOTMAIL.COM
Bill Cook "Gunny" 652-0980 4 patches please
Kelly Jayne 620-532-6944 (c) Kelly.jayne@cox.net Need ALR Patch & Rockers
Carol Jayne 620-532-2391 (H) Monica Needs to Call
1 patch Jim Lauterbach 316-259-6189 jim@sequecapital.com
John Peters 620 399-8051 jpeters1kw@SBC.global.net (1)
Michael Schwank 316-831-6130 mschwank@kwch.com
G Gilley@ CO
Sumner, KS. US
Jeff Brown JBROWN@VALORNET.COM -1
News media Channel 10? Mike Brothers midnitcroady@yahoo.com 620-257-8860
Tony McClelland jlstrm@mpks.net
Steve Pepperd ppepperd@sbcglobal.net 316-722-1530 (2)
1 patch (Army - Co. Comander) Leonard Zech zech25e.hotmail.com 316-305-8222
Mitch Hansen
Chesy Hansen

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT B

of

"Declaration of Terry Houck"

From: Wallin Jason D. <jasonw@geoveritas.com>
Sent: Thursday, November 10, 2005 4:21 PM
To: Jeff Brown <jeffbrown@valornet.com>
Subject: RE: PGR Logo

FYI I threw up a placeholder @ www.patriotguard.org

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: Thursday, November 10, 2005 1:59 PM
To: William H. Sloan; Phil Mansker; Tom Connelly; Terry (Darkhorse) Houck; Richard Keller; Eric C. Gagomiros; Preacher; Ralph and Susan; LAnnmullins; Kay Guynes; Keith Calloway; Wallin Jason D.; Kneus Hugh; Chuck Thompson; Wayne Worthington; David Olsen (STP); Craig Winkler; Everett Freel; Combat Veterans Motorcycle Association; CREGG HANSEN; Bill Carr; Bill Law; Bill Bradley
Subject: PGR Logo

Several people have asked about a Patriot Guard Riders patches, decals, arm
bands flags, etc. I like the idea and believe it will enhance our presence
at any service without taking anything from the other organizations you may
belong to.
I have designed a logo that I think works very well for us. I am working
with a company to produce the stuff and will send out more information as it
becomes available.
Also, Jason Wallin from Colorado has graciously donated web hosting for us
and I hope to have a website up soon. The domain name reserved is:
patriotguard.org

I've attached the logo.

Thanks,
Jeff Brown "Twister"
Broken Arrow, OK

No virus found in this incoming message.
Checked by AVG.
Version: 7.5.524 / Virus Database: 269.24.1/1470 - Release Date: 5/28/2009 7:20 AM

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT C

of

"Declaration of Terry Houck"

Perry, Bonnie

From: Preacher [preacher@carolina.rr.com]
Sent: Friday, November 11, 2005 9:30 PM
To: 'Jeff Brown'; 'Charles Yunker'; 'David Howery'; 'William H. Sloan'; 'Chuck Antolina'; 'Ben AKA Tha Whispanic'; 'Phil Mansker'; 'Art Van Engen "Moker"'; 'Tom Connelly'; 'Terry (Darkhorse) Houck'; 'Adam Taylor'; 'Shawn'; 'Ken McClellan'; 'Raymond Eade'; 'Richard Keller'; 'Eric C. Gagomiros'; 'Pete Schullen'; 'Ralph and Susan'; 'Ozarkmark'; 'R. L. Oscar Ingram'; 'John & Donna Rohloff'; 'Mark Brubaker'; 'LAnnmullins'; 'Kay Guynes'; 'Keith Calloway'; 'John Sprague'; 'Jason Wallin'; 'Hugh Knaus'; 'Chuck Thompson'; 'Wayne Worthington'; 'David Olsen (STP)'; 'Craig Winkler'; 'Everett Freel'; 'Combat Veterans Motorcycle Association'; 'CREGG HANSEN'; 'Harry A. Elliott III'; 'Bill Carr'; Perry, Bonnie; 'Bill Law'; 'Bill Bradley'
Subject: RE: PGR Mission Statement - Important!

I would suggest one change. "Fallen soldier, the soldier's family and community" would be a better phrase, gender neutral and all. We will be attending the funerals of the female soldiers as well.

Preacher.
CVMA #671
http://www.bastaards.org/Bikes.htm

-----Original Message-----
From: Jeff Brown [mailto:jeffbrown@valornet.com]
Sent: Friday, November 11, 2005 9:28 PM
To: Charles Yunker; David Howery; William H. Sloan; Ben AKA Tha Whispanic; Phil Mansker; Art Van Engen "Moker"; Tom Connelly; Terry (Darkhorse) Houck; Adam Taylor; Shawn; Ken McClellan; Raymond Eade; Richard Keller; Eric C. Gagomiros; David "Preacher" Slocum; Pete Schullen; Ralph and Susan; Ozarkmark; R. L. Oscar Ingram; John & Donna Rohloff; Mark Brubaker; LAnnmullins; Kay Guynes; Keith Calloway; John Sprague; Jason Wallin; Hugh Knaus; Chuck Thompson; Wayne Worthington; David Olsen (STP); Craig Winkler; Everett Freel; Combat Veterans Motorcycle Association; CREGG HANSEN; Harry A. Elliott III; Chuck Antolina; Bill Carr; Bonnie Cutler; Bill Law; Bill Bradley
Subject: PGR Mission Statement - Important!

Hey Folks, I need to know if anyone has any problems with or suggestions for this as our PGR Mission Statement.
Your feedback ASAP would be greatly appreciated. This will be on our website.
Thanks,
Jeff Brown "Twister"
Broken Arrow, OK
Patriot Guard Rider
www.patriotguard.org

Patriot Guard Riders Mission Statement

The Patriot Guard Riders is an amalgamation of riders from across the nation. We have one thing in common besides motorcycles. We have an unwavering respect for those who risk their very lives for America's freedom and security. If you share this respect, please join us.

We don't care what you ride, what your political views are, or whether you're a "hawk" or a "dove". It is not a requirement that you be a veteran.
It

doesn't't matter where you're from or what your income is. You don't even have to ride. The only prerequisite is Respect.

Our mission is to attend the funeral services of fallen American military heroes. Each mission we undertake has two basic objectives.

1. Show our sincere respect for our fallen hero, his family, and his community.
2. Protect the mourning family and friends from interruptions created by any protestor or group of protestors.

We accomplish the latter through strictly legal and non-violent means.

--
No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.1.362 / Virus Database: 267.13.0/167 - Release Date: 11/11/2005

--
No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.1.362 / Virus Database: 267.13.0/167 - Release Date: 11/11/2005

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT D

of

"Declaration of Terry Houck"

Perry, Bonnie

From: Jeff Brown [jeffbrown@velornet.com]
Sent: Saturday, November 12, 2005 6:43 AM
To: Charles Yunker; David Howery; William H. Sloan; Ben AKA The Whispanic; Phil Mansker; Art Van Engen "Moker"; Tom Connelly; Terry (Darkhorse) Houck; Adam Taylor; Shawn; Ken McClellan; Michael and Kathleen Gatelter; Raymond Eade; Richard Keller; Eric C. Gagomiros; David "Preacher" Slocum; Pete Schullen; Ralph and Susan; Ozarkmark; R. L. Oscar Ingram; John & Donna Rohloff; Mark Brubaker; LAnnmulline; Kevin Wood; Kay Guynes; Keith Galloway; John Sprague; Jason Wellin; Hugh Kraus; Chuck Thompson; Wayne Worthington; David Olsen (STP); Craig Winkler; Everett Freel; Combat Veterans Motorcycle Association; CREGG HANSEN; Harry A. Elliott III; Chuck Antolina; Bill Carr; Perry, Bonnie; Bill Law; Bill Bradley
Subject: Revised PGR Mission Statement

The PGR Mission Statement has met with approval after some modification.
The statement was rewritten to be gender neutral. I realize the sacrifice and dedication of our women in service and did not mean to omit them. I appreciate everyone who caught that error and brought it to my attention.
The revised mission statement is now up and running on our website. I owe you all an apology for an unintentional oversight on my part.

Sincerely,
Jeff Brown "Twister"
Broken Arrow, OK
Patriot Guard Rider
www.patriotguard.org

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 7

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

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

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

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 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, 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, 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
Facsimile (918) 591-5360
tferguson@dsda.com
rblue@dsda.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 6th day of June, 2008, a true and correct copy of the above and foregoing Petitioners Answer to Applicant's First Set of Interrogatories was 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

VERIFICATION

State of Oklahoma)
) ss:
County of Tulsa)

Jeff Brown

The above-named person being duly sworn on oath states that he has read the foregoing Answers to Interrogatories and provided the answers given therein.

6th The foregoing Answers to Interrogatories were subscribed and sworn to before me this day of June, 2008.

(seal)
My commission expires:

NOTARY PUBLIC

Notary Public Oklahoma
OFFICIAL SEAL
Erin M. Dust-Wood
Tulsa County
01002492 Exp. 3-15-09

1021895.1

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 8

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

SUPPLEMENTAL DECLARATION OF TERRY HOUCK

I, Terry Houck, declare and state as follows:

1. I am over 21 years old, and I have personal knowledge of the facts of this Declaration and could testify competently to them if called upon to do so.

2. Jeff "Twister" Brown told me first hand that his first "Patriot Guard" mission was at South Haven, Kansas, on 2 November 2005; therefore, he was not at Tonganoxie on 27 October 2005 and could not have heard me announce the "Patriot Guard" name that day.

Executed on: 02/20/2009

Terry D. Houck
Terry Houck

State of Kansas)
)ss.:
Sedgwick County)

Subscribed and sworn to before me this 20th day of February, 2009 by Terry D. Houck.

Sherri D. Bowlby
Sherri D. Bowlby, Notary Public

My Appointment Expires:
7/19/2011

SHERRI D. BOWLBY NOTARY PUBLIC STATE OF KANSAS

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 9

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

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

JEFF BROWN, Petitioner v. PATRIOT GUARD RIDERS, INC., Applicant	))))))))))	CANCELLATION NO.: 91181448 TRADEMARK: PATRIOT GUARD RIDERS AND DESIGN APPLICATION NO. 77/040379 DATE FILED: NOVEMBER 9, 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 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 ofthe 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 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 only person entitled to use anyone 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, 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, 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, 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, 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, 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, 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, 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, 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 provided a link to the original PGR store, where users of the website 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 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 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 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 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 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 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 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 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.

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 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 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, 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, 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, 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, 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, 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, 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 had a "PGR F AQ" link provided thereon which provided users of the website 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 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 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, provided a "PGR Home" link: that would redirect users to the website 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, provided a "Main PGR Site" link: that functioned to redirect users to the website www.patriotguard.org.

RESPONSE TO REQUEST FOR ADMISSION NO. 77: Admitted.

REQUEST FOR ADMISSION NO. 78: Admit that the website 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, 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, 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.patriot?:uardstore.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, 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, 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, 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 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 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 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 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 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 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 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: _____
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
Facsimile (918) 591-5360
tferguson@dsda.com
rblue@dsda.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 6th 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.
105 West Adams Street, 36th Floor
Chicago, IL 60603

_____
Rachel Blue

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 10

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JEFF BROWN,	)	
	)	
Opposer and	)	
Petitioner,	)	
	)	
vs.	)	Opposition No. 91181448
	)	
PATRIOT GUARD RIDERS, INC.,	)	Serial No. 77/040,379
	)	
Applicant and	)	
Respondent.	)	

- -

THE DEPOSITION OF JEFF BROWN, produced as a witness on behalf of the Applicant and Respondent, in the above-styled and numbered cause, taken on the 14th day of October 2008, in the City of Tulsa, County of Tulsa, State of Oklahoma, before me, Marlene Percefull, Certified Shorthand Reporter, duly certified under and by virtue of the laws of the State of Oklahoma.

1 A P P E A R A N C E S

2

3 FOR THE OPPOSER
AND PETITIONER: Ms. Courtney L. Bru
4 Ms. Rachel Blue
Attorneys at Law
5 320 S. Boston
Suite 500
6 Tulsa, OK 74103

7

8 FOR THE APPLICANT
AND RESPONDENT: Mr. David J. Marr
9 Mr. James A. O'Malley
Attorneys at Law
10 105 W. Adams St.
Suite 3600
11 Chicago, IL 60603

12

13 ALSO PRESENT: Mr. Bill Richart

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1 MS. BRU: No. Interrogatory No. 10 and 11:24AM
2 the substantive Interrogatory No. 10 has been
3 amended. You asked about an Interrogatory 25, so we
4 had to respond to Interrogatory 25.
5 MR. MARR: Was there a supplementation to 11:24AM
6 25?
7 MS. BRU: I don't believe so.
8 MR. MARR: Okay. All right. Thanks.
9 (Following a short recess at 11:24 a.m.,
10 proceedings continued on the record at 11:31 a.m.) 11:31AM
11 Q I'm going to introduce Respondent's Exhibit 6,
12 which is Opposer's Responses to Applicant's Second Set
13 of Interrogatories. Do you recognize this document,
14 Mr. Brown?
15 A Yeah. I think so, yeah. 11:32AM
16 Q Okay. Could you refer back to Respondent's
17 Exhibit 4, which we discussed earlier, and specifically
18 to Interrogatory No. 10, which appears on Page 7 of
19 that document.
20 A Number 4, Interrogatory No. 10. 11:32AM
21 Q Correct.
22 A Okay.
23 Q And in light of the break, could you please read
24 again Interrogatory No. 10 for me?
25 A Answer to Interrogatory No. 10. 11:32AM

1 Q Excuse me. Just read the interrogator first. 11:32AM
2 A I'm sorry. "Interrogatory No. 10, state whether
3 opposer ever licensed, either orally or in writing, or
4 otherwise acquiesced to, applicant's use of any one of
5 the marks, and, if so, identify all persons having 11:33AM
6 knowledge of the license and/or acquiescence and the
7 circumstances surrounding the same, such as the date
8 and terms of the license and/or acquiescence and all
9 documents relating to same."
10 Q Okay. Can I ask you to read the answer to that 11:33AM
11 interrogatory, please?
12 A "Answer to Interrogatory No. 10. Petitioner
13 recalls discussing with several individuals associated
14 with applicant, that applicant could use the marks in a
15 noncommercial manner for the benefit of the applicant. 11:33AM
16 Petitioner does not recall whether this was ever made
17 in writing."
18 Q Could you read the last sentence again,
19 Petitioner?
20 MS. BRU: Objection. 11:33AM
21 Q He left out a word.
22 A Oh. "Petitioner does not recall whether this
23 license was ever made in writing."
24 Q Thank you. Now, could you refer to Respondent's
25 Exhibit No. 6 and the second page. Do you see where it 11:34AM

1 says "Responses to Interrogatories"? 11:34AM
2 A Yes.
3 Q Could you read what it says under Interrogatory
4 No. 25?
5 A "Provide a detailed explanation as to what opposer 11:34AM
6 meant and petitioner's response to applicant's first
7 request for admission, and in petitioner's answer to
8 applicant's first set of interrogatories with regard to
9 the term "noncommercial purposes" versus the term
10 "commercial purposes." See, for example, Opposer's 11:34AM
11 Responses to Request for Admissions Numbers 11 and 17
12 and Opposer's Answer to Interrogatory No. 10, and
13 include in the detail explanation examples of purposes
14 that would fall under the category of noncommercial
15 purposes and commercial purposes." 11:35AM
16 Q And the answer to Interrogatory No. 25?
17 A "Opposer states that the use of the term
18 'commercial purposes' relates to the use of opposer's
19 marks on any merchandise or items for sale by
20 Consumers, including, without limitation, merchandise 11:35AM
21 or items sold by or on behalf of PGR, Inc., the
22 original PGR store, any subsequent PGR store and/or
23 Twister's PGR store, as those terms are defined in
24 applicant's definitions. The use of the term
25 'noncommercial purposes' relates to the opposer's oral 11:35AM

1 license to PGR, Inc., to use the mark in a 11:35AM
2 noncommercial manner, such as use of the opposer's mark
3 on the Web site www.patriotguard.org, provided such
4 used does not resulted in physical gains, and provided
5 that PGR, Inc., agrees that it lacks authority to 11:36AM
6 transfer or permit usage of the mark or marks by any
7 other party."
8 MS. BRU: Dave, to the extent that you're
9 going to need a copy of these or more of these, we
10 would be willing to stipulate to the substantive 11:36AM
11 content of any interrogatory answer as they appear
12 in the exhibit.
13 MR. MARR: Okay.
14 Q So it's your position that you orally licensed the
15 PGR to use the mark for noncommercial purposes, is that 11:36AM
16 correct?
17 MS. BRU: Objection to the extent that it
18 calls for a legal conclusion, and I'm going to
19 instruct Jeff not to answer to the extent that it
20 would involve an attorney/client privilege 11:36AM
21 communication.
22 Q You can answer the first. You cannot disclose
23 attorney/client privilege information, but you can
24 answer my question. Is it your position that you
25 licensed the mark for noncommercial purposes to the PGR 11:37AM

1 organization? 11:37AM
2 A Yes.
3 Q Okay. And by "organization," I mean the
4 preincorporation organization.
5 A Yes. 11:37AM
6 Q Okay. And did you also give a separate license to
7 the corporation once the PGR was incorporated to use
8 the mark for noncommercial purposes?
9 MS. BRU: Objection, relevance. You can
10 answer. 11:37AM
11 A A separate, no.
12 Q So your position is that you licensed the
13 organization prior to its incorporation to use the mark
14 for noncommercial purposes?
15 A Verbally, yes. 11:38AM
16 Q But that you -- that you did not license the
17 corporation PGR Corporation?
18 A No. I did not issue a separate license.
19 Q Okay. In your opinion, did the same license that
20 you granted orally to the organization permit the 11:38AM
21 corporation to use the mark for noncommercial purposes?
22 MS. BRU: Objection. That's a legal
23 conclusion. You can answer only if you know the
24 answer.
25 A Well, I don't know what the legal definition of 11:38AM

1 commercial is. It is what's in this amended answer to 11:38AM
2 that interrogatory.
3 Q. That defines commercial versus noncommercial,
4 correct?
5 A Right. 11:39AM
6 Q My question to you was: Was the PGR corporation
7 licensed, orally licensed, to use the mark for
8 noncommercial purposes?
9 MS. BRU: Same objection.
10 A Yes. 11:39AM
11 Q And was it the same oral license that permitted
12 the organization to use the mark for noncommercial
13 purposes and the corporation to use the mark for
14 noncommercial purposes?
15 MS. BRU: Same objection. 11:39AM
16 A Yes.
17 Q Okay. With one license, not two?
18 A Right.
19 Q Did the PGR organization approach you about the
20 possibility of obtaining a license to use the mark for 11:40AM
21 noncommercial purposes?
22 A For noncommercial purposes?
23 Q Yes.
24 A I don't believe so. I can't think if anyone
25 approached me regarding -- 11:40AM

1 Q Did they approach you regarding a license for 11:40AM
2 commercial purposes?
3 A Yes.
4 Q When did that occur?
5 A If I remember correctly, it would have been after 11:41AM
6 my resignation and after Jason Wallin filed the
7 trademark.
8 Q Okay. Recall that I'm using the term "PGR
9 organization" to refer to the preincorporation
10 association. 11:41AM
11 A Oh, I'm sorry.
12 Q Okay.
13 A Then, no.
14 MS. BRU: Can you ask that question again?
15 Q Sure. Did the PGR organization approach you about 11:41AM
16 the possibility of obtaining a license to use the mark
17 first for commercial purposes? That's my first
18 question.
19 A Preincorporation?
20 Q Yes. 11:42AM
21 A And the answer is no.
22 Q Okay. Does your answer change if I ask you
23 whether they approached you to use the mark for
24 noncommercial purposes?
25 MS. BRU: I don't like that question. I'm 11:42AM

1 going to ask you to ask it differently. 11:42AM
2 Q Did the PGR organization, preincorporation,
3 approach you about the possibility of obtaining a
4 license so that they could use the PGR mark for
5 noncommercial purposes? 11:42AM
6 A No, not that I can remember.
7 Q Your testimony -- you testified that you orally
8 licensed PGR, Incorporated, to use the mark for
9 noncommercial purposes, correct?
10 A Yes. 11:42AM
11 MS. BRU: I'm not sure he did testify to
12 that.
13 MR. MARR: I think he did.
14 (Whereupon, a discussion was held off
15 the record.) 11:43AM
16 Q I want to clarify the question that just occurred
17 here, so I'll ask the final questions again.
18 Mr. Brown, did you license the PGR
19 organization to use the mark for noncommercial
20 purposes? 11:43AM
21 A Yes.
22 Q Okay. Did you license PGR, Incorporated, to use
23 the mark for noncommercial purposes?
24 A Yes.
25 Q And the oral license which you're referring to 11:43AM

1 with regard to the organization and the corporation was 11:43AM
2 one and the same, is that correct?
3 A Yes. Let me -- if I may, my understanding of an
4 oral license is grant permission, which I did.
5 Q Okay. Do you recall whether any members of the 11:44AM
6 organization or the corporation approached you about
7 permission to use the mark?
8 MS. BRU: Asked and answered. You can
9 answer, Jeff.
10 A Commercially or noncommercially? 11:44AM
11 Q Noncommercially.
12 A Noncommercially, no.
13 Q You testified that the license, the oral license
14 you granted to the PGR organization for use of the mark
15 for noncommercial purposes was made. Therefore, could 11:44AM
16 you tell me approximately what time and/or -- and the
17 circumstances surrounding the grant of the oral license
18 that occurred, keeping in mind that the corporation was
19 formed in April?
20 MS. BRU: February. 11:45AM
21 Q February of '06.
22 A Well, from a layman's viewpoint, it would have
23 been when we launched the Web site and I said, "Here,
24 put the logo up."
25 Q Your act of saying, "Here put the logo up," was, 11:45AM

1 by your definition, a grant of the oral license to use 11:45AM
2 the mark for noncommercial purposes to the
3 organization?
4 A Yes. I don't know if I used those specific words.
5 Q Do you remember what individuals were present when 11:46AM
6 you made that statement?
7 A Well, again, I don't know if I made that exact
8 statement, but I would have -- there would have been no
9 one present. I would have, in all probability,
10 e-mailed it to Jason Wallin, who was building the Web 11:46AM
11 site. I'm sorry, I'm losing my voice.
12 Q It's all right.
13 MS. BRU: Need some water, coffee, break?
14 A I'll just get some water. So it wasn't that
15 someone -- 11:46AM
16 MS. BRU: Hang on, Jeff.
17 Q Tell me when you're ready.
18 A I'm ready.
19 Q Okay. Do you recall any other terms of the
20 license that you granted? 11:47AM
21 A To whom?
22 Q You testified that you granted a license?
23 A Are you talking organization or after
24 incorporation?
25 Q Organization. You testified that you granted an 11:47AM

1 oral license to PGR organization to use the mark for 11:47AM
2 noncommercial purposes, correct?
3 A Yes.
4 Q Do you recall any terms that were included in that
5 oral license? 11:48AM
6 A No.
7 Q Do you recall any discussions or negotiations that
8 took place prior to your granting of that license?
9 A No.
10 Q Did the organization have an attorney representing 11:48AM
11 it, or did you have an attorney representing it?
12 A No.
13 Q Was John Jacobs involved during --
14 A No.
15 Q Did you or the PGR organization seek legal advice 11:48AM
16 from an attorney before negotiating the license?
17 MS. BRU: I think he said there were no
18 negotiations.
19 Q Sorry. Strike that. Did you or the PGR
20 organization seek advice from an attorney before you 11:48AM
21 granted the oral license to the organization?
22 A No.
23 Q Why was the license oral and not written?
24 MS. BRU: Objection, relevance. You can
25 answer. 11:49AM

1 A At that time, I was the organization. 11:49AM
2 Q You, as an individual, were the organization?
3 A I founded the organization and came up with the
4 logo and said, Jeff, why don't you use that.
5 Q You said it to yourself, Jeff? 11:49AM
6 A Well, I'm being facetious, but --
7 Q There were no other members of the organization at
8 the time that you granted the oral license?
9 A At the time that I came up with the logo, I don't
10 know that anyone else had joined. 11:49AM
11 Q What about at the time that you granted the oral
12 license to the organization for use on noncommercial
13 purposes?
14 A Well, it would have been Jason Wallin that put it
15 on the Web site. 11:50AM
16 Q Was he a member of the organization at that time?
17 A Yes.
18 Q So you weren't the only individual in the
19 organization at the time that you granted the oral
20 license? 11:50AM
21 A No, I was not the only member when I sent it to
22 Jason Wallin, obviously, but at the time that I came up
23 with the logo, I very possibly could have been the only
24 member.
25 Q That's fine. I understand that. I'm asking you 11:50AM

1 questions about at the time that you granted the oral 11:50AM
2 license.
3 A If I designed the logo, and I said to myself, I'm
4 going to put this -- this is going to be the logo for
5 the organization, that is, in my mind, granting 11:50AM
6 permission, even if it's to me. I don't know what
7 you're asking me, Mr. Marr.
8 Q Let me break it down. Was there or was there not
9 an organization in place at the time that you granted
10 the oral license for noncommercial purposes to the 11:51AM
11 organization?
12 A Well, again, if I designed the logo, I don't
13 remember whether anyone else had already joined when I
14 did that or not. I cannot remember.
15 Q And you don't remember any other terms or 11:51AM
16 provisions in the oral license?
17 A No, other than it was strictly for noncommercial
18 use at the time I sent it over to be used on the Web
19 site, if that's what you're considering the time that
20 the license started or was issued. Other than it was 11:51AM
21 noncommercial, there were no other stipulations.
22 Q Was the license an exclusive license or
23 nonexclusive license?
24 MS. BRU: Objection. Calls for a legal
25 conclusion. If you want to define those terms. 11:52AM

1 Q Did you intend to permit only the PGR organization 11:52AM
2 to use the mark for noncommercial purposes, or did you
3 intend that you would grant other oral licenses to
4 other parties to use the mark?
5 A I don't think I really thought that far ahead on 11:52AM
6 it.
7 Q Could the oral license be transferred by the
8 organization to another party?
9 A I, again, don't think I thought that far ahead on
10 it. 11:52AM
11 Q Was there any restriction with regard to which
12 geographical area of the United States the corporation
13 could use the license?
14 MS. BRU: Objection to the extent it calls
15 for a legal conclusion. 11:53AM
16 Q You can answer the question.
17 A These are all questions that, in my mind, would
18 have required a great deal more preparation than I have
19 put into this.
20 Q Did you receive any consideration, money or 11:53AM
21 otherwise, for granting the oral license?
22 A No.
23 Q Did the PGR organization somehow acknowledge that
24 they had received the license to use the mark?
25 MS. BRU: Objection, relevance. You can 11:53AM

1 answer. 11:53AM
2 A Not that I recall. I mean, Jason may have said,
3 "Hey, I got it."
4 Q Did you dictate how and where the organization
5 used the mark? And I will specify again for 11:54AM
6 noncommercial purposes.
7 A I think later on I probably -- I can't think of a
8 circumstance, but I'm not quite sure. I feel like I
9 did, but I can't think of a specific instance.
10 Q Did the PGR organization agree to maintain a 11:54AM
11 consistent level of quality in its use of the mark for
12 noncommercial purposes?
13 MS. BRU: Objection, relevance.
14 Q And if so, what would that quality be?
15 MS. BRU: Same objection. 11:55AM
16 A They -- no.
17 Q Did you advise the organization that you would be
18 monitoring their use of the mark under the license?
19 MS. BRU: Objection, relevance. You can
20 answer. 11:55AM
21 A No.
22 Q You identified Jason Wallin as an individual who
23 would have knowledge of the oral license. Are there
24 any other individuals who would have knowledge of the
25 license? 11:55AM

1 A I would think anyone that went to the Web site and 11:55AM
2 saw the logo being used.
3 Q And you have no written documents evidencing the
4 oral license?
5 A No. 11:55AM
6 Q No other type of documentation or use, audio or
7 video recordings, nothing evidencing the oral license?
8 A Not that I can think of.
9 Q Was there a term on the license, that it lasts for
10 a certain period of time? 11:56AM
11 A At one point -- probably at more than one point,
12 but during preliminary negotiations after my
13 resignation with PGR corporate, I had put a one-year
14 term on use of the logo renewal annually.
15 Q That was a license you proposed after your 11:56AM
16 resignation from --
17 A Yes, those offers were not accepted.
18 Q With regard to the oral license for noncommercial
19 purpose that you did grant to the organization, which
20 is the same license you testified that was granted to 11:57AM
21 the corporation, were there any termination provisions?
22 Could either party end the license?
23 A No.
24 Q Were there any sort of notices that were to be
25 provided in connection with the license or a breach 11:57AM

1 thereof? 11:57AM
2 MS. BRU: Objection, relevance.
3 A I'm not sure I understand what you mean.
4 Q If, for example, the corporation decided they no
5 longer wanted to use the mark, did it have to provide 11:57AM
6 you notice that it no longer --
7 A No.
8 Q Do you understand the term "good will" as it
9 applies to trademarks?
10 MS. BRU: Objection to the extent it calls 11:58AM
11 for a legal conclusion. If you know, you can
12 answer.
13 A No.
14 Q When the PGR organization incorporated in February
15 of 2006, was there any sort of written acknowledgment 11:58AM
16 of the existence of the oral license?
17 A I don't know.
18 MR. MARR: Okay. Let's go off the record
19 for a second.
20 (Following a lunch recess at 11:58 a.m., 1:10PM
21 proceedings continued on the record at 1:11 p.m.)
22 Q I'd like to introduce Respondent's Exhibit No. 7,
23 take a quick look at those, Mr. Brown. It's a group of
24 documents that relate to the incorporation of the
25 Patriot Guard Riders. Do these documents look familiar 1:11PM

1 things of that nature. 1:14PM
2 Q Okay.
3 A And there was also some -- I guess some impetus to
4 become more structured.
5 Q Was the decision to incorporate yours? 1:14PM
6 A Well, I'm sure it wasn't mine alone.
7 Q Other individuals were involved?
8 A I'm sure.
9 Q Do you recall who?
10 A I would imagine Jason Wallin, probably Kurt Mayer. 1:14PM
11 Q Okay.
12 A I can't think of anyone else right offhand, but
13 there may have been.
14 Q Okay. Could you look at the third page of the
15 document I just handed you, Exhibit 7. And it's a 1:15PM
16 little bit hard to make out because of the photocopies.
17 But right about a fourth of the way down the page it
18 says "purpose." Do you see that in the shaded area?
19 A Yes, sir.
20 Q Can you read what it says there, please? 1:15PM
21 A "This nonprofit corporation is organized and
22 operated exclusively for charitable purposes,
23 including, for such purposes, the making of
24 distribution to organizations that qualify as exempt
25 organizations under Section 501(c)(3) of the Internal 1:15PM

1 Revenue Code or the corresponding section of any future 1:15PM
2 federal tax code. This corporation does not have the
3 authority to issue capital stock. This corporation is
4 not for profit and, as such, the corporation does not
5 afford the pecuniary gain, incidentally or otherwise, 1:16PM
6 to its members."
7 Q Thank you. In light of the fact that you appear
8 to be losing your voice a little bit, I'm going to try
9 to -- if it's all right with your counsel, I'm going to
10 try to read certain parts of this and other documents 1:16PM
11 that I still have to go here, and I'll ask you then
12 after I read it, whether that's correct.
13 A Okay. Thank you.
14 Q Towards the bottom of that page, there's a number
15 of names listed as incorporators, do you see that? 1:16PM
16 A Yes, sir.
17 Q And the first name is Jeffrey A. Brown. That's
18 you, correct?
19 A Yes, sir.
20 Q Kurt Mayer is the second name and Jason Wallin is 1:17PM
21 the third name?
22 A Yes.
23 Q And they're all listed as incorporators, correct?
24 A Yes.
25 Q Now, on the following page, there is a list of 1:17PM

1 three directors. Again, yourself, Kurt Mayer and Jason 1:17PM
2 Wallin, correct?
3 A Yes.
4 Q Okay. At the time of incorporation here, did you
5 advise Kurt Mayer and Jason Wallin of the oral license 1:17PM
6 that we discussed prior to lunchtime?
7 A No.
8 Q Okay. Did you sign this document on -- I'm sorry,
9 strike that. Could you turn to the last page of this
10 group of documents, which is identified as PGR 000694? 1:18PM
11 Do you see your signature at the bottom there?
12 A Yes.
13 Q So you signed it Jeffrey A. Brown as president of
14 Patriot Guards Incorporated, correct?
15 A Yes. 1:18PM
16 Q Okay. The store, the PGR store that we discussed
17 earlier --
18 MS. BRU: Is that a general use of that
19 term?
20 Q I apologize. The PGR store that was operated by 1:18PM
21 you, that was external to the PGR organization Web
22 site, do you understand which store I'm referring to?
23 A I think so.
24 Q We're going to call that the PGR store. Did there
25 come a time that you decided to incorporate that store? 1:19PM

1 A Well, it was set up as an LLC. Is that a 1:19PM
2 corporation?
3 Q Yes.
4 A Yes.
5 Q Limited liability corporation. When did you 1:19PM
6 incorporate the PGR store as an LLC?
7 A I don't remember.
8 Q Was it before or after the PGR Oklahoma
9 corporation?
10 A I think it was before. 1:19PM
11 Q Before. Did you advise anyone at PGR,
12 Incorporated, about the incorporation of the PGR store,
13 LLC?
14 A I'm sorry, let me --
15 Q Did Kurt Mayer or Jason Wallin know that the PGR 1:20PM
16 store was incorporated as an LLC at the time that
17 the --
18 A I don't know if they knew it was specifically set
19 up as an LLC or not.
20 Q Okay. And the only two incorporators of the PGR 1:20PM
21 store, LLC, were yourself and your wife, Bonnie, is
22 that correct?
23 A I'm not sure that I'm even on it. I don't
24 remember whether it's just her or her and I.
25 Q Okay. Why did you decide to incorporate the store 1:20PM

1 to the corporation? 1:23PM
2 MS. BRU: Objection to the extent it calls
3 for a legal conclusion.
4 Q In your opinion, did you have a fiduciary duty to
5 the corporation? 1:23PM
6 MS. BRU: Same objection. You can answer,
7 if you know.
8 A Yes.
9 Q Did you advise Jon Tatum, who was the accountant
10 for the PGR, it's my understanding, about the 1:23PM
11 incorporation of the store, the PGR store LLC?
12 A I'm sure I did.
13 Q Prior to incorporating the PGR, Inc., Oklahoma
14 corporation?
15 A Probably. I can't be absolutely sure about that, 1:24PM
16 but probably.
17 Q Turning back to these bylaws. Same question with
18 regard to the incorporation of the PGR store, LLC. Did
19 you advise Tom Winters, who was the attorney
20 representing the PGR incorporation or the PGR 1:24PM
21 organization, in connection with this incorporation on
22 February 27, 2006? Did you advise Mr. Winters of the
23 incorporation of the PGR store, LLC?
24 A I don't think so. I don't remember ever talking
25 to him about the store. I'm not positive. 1:25PM

1 quorum was present." Is that correct? 1:28PM
2 A Yes.
3 Q Did you ever make such a disclosure to the board
4 in connection with the incorporation of the PGR store,
5 LLC? 1:28PM
6 A No.
7 Q Did you feel that you were obligated to make such
8 a disclosure in light of the terms of this Article 11?
9 A No.
10 Q Why didn't you feel you had an obligation to 1:29PM
11 disclose your interests in the PGR store, LLC?
12 A Because it was not relative to it. Additionally,
13 the PGR store was set up as an LLC prior to this.
14 Q Okay.
15 A There was no conflict. There was no contract. 1:29PM
16 Q When did you attend your first group ride for a
17 fallen military member?
18 A With the Patriot Guard Riders or any?
19 Q Any.
20 A Sometime around -- if I'm not mistaken, sometime 1:30PM
21 around the middle of the year in 2005.
22 Q Okay. Was that mission organized by a group?
23 A Yes.
24 Q Do you recall the name of the group?
25 A Well, there was several groups represented there. 1:30PM

1 The people that seemed to have set it up or seemed to 1:31PM
2 be in charge, the American Legion Riders.
3 Q Was there a group there that was identifying
4 itself as the Patriot Guard?
5 A No. 1:31PM
6 Q Was there a group there that was identifying
7 itself as the Kansas Patriot Guard?
8 A No.
9 Q Did you ever attend a mission that was organized
10 by a group identifying themselves as the Patriot Guard? 1:31PM
11 A I think what you're referring to is about the
12 second, maybe the third one that I attended, and
13 someone said Kansas Patriot Guard, but they didn't say
14 that's the name of the group or anything else. It was
15 more of a description of what they were doing. 1:31PM
16 Q It wasn't the name of a group, it was merely a
17 description. Is that what you said?
18 A A description of what they were doing. We're here
19 to guard this family.
20 Q Would that have been the summer of '05 as well? 1:32PM
21 A Probably the fall.
22 Q The fall of '05?
23 A Yeah.
24 Q Okay. So you had heard the name Patriot Guard?
25 A Yes. 1:32PM

1 Q Before you coined the term "Patriot Guard Riders"? 1:32PM
2 A Yes. I had heard the words "Patriot Guard." It
3 was not used in the context of the name of an
4 organization or group or anything else.
5 Q But the location where you heard or the event -- 1:33PM
6 strike that. The event where you heard the term
7 "Patriot Guard" was at a military funeral?
8 A Well, it was at a funeral for a fallen soldier.
9 Q For a fallen soldier?
10 A Yes. 1:33PM
11 Q Okay.
12 A And it was Kansas Patriot Guard is what I heard.
13 Q Kansas Patriot Guard?
14 A Yeah.
15 Q All three words, not just Patriot Guard? All 1:33PM
16 three words?
17 A Yes.
18 Q Did you ever contact that group, the Kansas
19 Patriot Guard, with the idea of forming a national
20 movement? 1:33PM
21 A There was no group Kansas Patriot Guard. I
22 contacted the American Legion Riders out of Mulvane,
23 Kansas.
24 Q Out of --
25 A Mulvane, Kansas. 1:34PM

1 Q Okay. 1:34PM
2 A At a funeral in Edmond, Oklahoma. I met up with
3 them.
4 Q So your adoption of the term Patriot Guard into
5 the mark Patriot Guard Riders, in your opinion, did 1:34PM
6 that require the permission of the group, the Kansas
7 Patriot Guard?
8 A No, because there was no group Kansas Patriot
9 Guard. There was the American Legion Riders out of
10 Mulvane, Kansas. 1:35PM
11 Q And I don't understand. I'm not arguing with you.
12 I don't understand. When did you hear the term "Kansas
13 Patriot Guard"? To me, it seems like it identifies a
14 group.
15 MS. BRU: I think he's testified a couple 1:35PM
16 times there was no group. He testified -- the
17 transcript will show what he testified, but that is
18 not what he said.
19 Q Did you testify that the American Legion Riders
20 were using the term "Kansas Patriot Guard" to describe 1:35PM
21 their activities?
22 A I don't recall exactly what was said --
23 Q Uh-huh.
24 A -- but my impression was that I just had an
25 overall impression of it being a descriptive adjective 1:35PM

1 for what they intended to do, to guard the family from 1:36PM
2 the Westboro Baptist Church or any other protestors.
3 Q The guard portion of that word describes guarding,
4 the patriot portion of that phrase describes --
5 A I can't answer that. I'm not going to get into 1:36PM
6 the semantics.
7 Q I was just curious.
8 A I'm just telling -- I'm just telling you my
9 impression of it.
10 Q Yeah, I understand. I'm just trying to understand 1:36PM
11 why you would form that impression that -- so I'm
12 asking you what about what they were doing left you
13 with the impression that that described a
14 characteristic or a function of their involvement?
15 A I don't know. I can't -- but it was -- I 1:36PM
16 distinctly remember it was the American Legion Riders
17 out of Mulvane, Kansas. That's what they were called.
18 I was actually invited to ride up there, not by them,
19 but by Rolling Thunder.
20 Q Rolling Thunder? 1:37PM
21 A Out of Coweta. It just so happened that they met
22 with the group from Mulvane.
23 Q During your term as a corporate officer and
24 president of the Patriot Guard Riders, Incorporated,
25 did you claim that the organization was a 501(c)(3) 1:37PM

1 Q When you were a member of the Board of Directors 1:44PM
2 of the PGR corporation or an officer of the PGR
3 corporation, were you aware of the policy, a corporate
4 policy that restricted members from advertising or
5 linking their businesses to the organization's Web 1:45PM
6 site?
7 A Okay. I don't have a problem answering that, but
8 let me clarify something. Maybe you can clarify
9 something for me. It's my understanding that when this
10 paperwork was submitted, and, again, I'm not an 1:45PM
11 attorney, but there is an accompanying survey that must
12 be filled out and submitted to whomever. And this
13 survey, you have like 12 or 18 months to complete that
14 survey. And that once the corporation is granted or
15 licensed or whatever, it becomes retroactive to the 1:46PM
16 date of the filing. Now, is that correct?
17 Q I don't know.
18 A Okay. We may want to go off the record here. I
19 don't know.
20 MS. BRU: Sure. Let's go off the record. 1:46PM
21 MR. MARR: Okay.
22 (Whereupon, a discussion was held off
23 the record.)
24 Q Mr. Brown, when you were a board member or a
25 corporate officer of the PGR corporation, were you 1:47PM

1 aware of a corporate policy that prohibited member 1:47PM
2 businesses from being advertised on the corporate Web
3 site?
4 A No.
5 Q Were you aware of a corporate policy that 1:47PM
6 prevented member businesses from providing links to
7 their businesses on the Web site?
8 A No.
9 Q In your opinion then, was it permitted for members
10 to have advertising and links on the PGR corporation 1:47PM
11 Web site?
12 A We had a separate page specifically for member's
13 businesses. Now, at a later date, that policy was
14 changed, but for the majority of my tenure, we had and
15 encouraged member businesses because members like to do 1:47PM
16 business with other members.
17 Q What was that separate area called?
18 A Member's business links or something. I don't
19 remember.
20 Q Was your store in that separate area? 1:48PM
21 A I don't think so.
22 Q So it --
23 A I don't remember.
24 Q It was on the main navigation page?
25 A There was a single link to it, yes. 1:48PM

1 the same ones that were used on home page of the 2:44PM
2 Patriot Guard Riders home page or not.
3 Q Do you remember what was on the organization's
4 home page?
5 A The last memory I have of it is that it did not 2:45PM
6 look like this.
7 Q As of April 23rd, 2006?
8 A I don't know.
9 Q You said your "last memory of it," I just meant
10 were you referring to a time period at or around April 2:45PM
11 23rd, 2006, or a current memory?
12 A No. More current than that.
13 Q Okay. Review Respondent's Exhibit No. 9. This is
14 an e-mail string and it's dated March 27, 2008, at 6:09
15 p.m. And that's an e-mail sent to Bill Richart from an 2:46PM
16 Indiana state captain, is that correct, Mr. Brown?
17 A It appears to be.
18 Q Gentleman by the name of Richard Wilbur?
19 A Yes.
20 Q Below there is an e-mail dated January 7, 2006. 2:46PM
21 And it says it's from -- sorry. It's from
22 PGR@valornet.com. You testified earlier that was your
23 address. Is that correct?
24 MS. BRU: Objection. I think he testified
25 yesterday that Jeffbrown@valornet was his address. 2:47PM

1 I think this is the first we've seen this e-mail 2:47PM
2 address.
3 Q Okay. Was PGR@valornet.com your e-mail address?
4 A I think it may have been one that was used by the
5 store, yeah. 2:47PM
6 Q Okay. And the subject line of the e-mail reads
7 "invoice from PGR," correct, right below the subject
8 line?
9 A Yes.
10 Q And it says, "Dear customer. Your invoice is 2:47PM
11 attached. Please remit payment at your earliest
12 convenience." And it says PayPal equals
13 PGR@valornet.com.
14 (Whereupon, a discussion was held off
15 the record.) 2:48PM
16 Q The e-mail continues on the second page and it
17 says, "Please make checks or MO payable to Patriot
18 Guard Riders, 3728 South Elm Place, PMB No. 137, Broken
19 Arrow, Oklahoma," zip code, correct?
20 A Yes. 2:48PM
21 Q Okay. Now, if you turn to the actual invoice --
22 I'm sorry. Can we go back to that second page for a
23 second? Below the address it says, "Please include
24 your mailing address." And says, "Thank you for your
25 continued commitment" -- "we appreciate it very much. 2:49PM

1 Sincerely, PGR," is that correct? 2:49PM
2 A Yes.
3 Q Okay. Then for the invoice page at the top left
4 corner, it says, "PGR" and, again, recites the address
5 and includes the -- what we've been referring to as the 2:49PM
6 logo mark here, correct?
7 A Yes.
8 Q All right. And it's an invoice for a Mr. Richard
9 Wilbur and lists a couple of items and a balance at the
10 bottom, correct? 2:49PM
11 A Yes.
12 Q And it also lists your e-mail again,
13 PGR@valornet.com. And at the top right corner it's
14 dated 12-23-2005, is that correct?
15 A Yes. 2:49PM
16 Q Okay. Introduce Respondent's Exhibit No. 10.
17 When did you incorporate the PGR store, LLC?
18 A I don't remember.
19 Q Was it in February of 2006?
20 A I don't remember. 2:50PM
21 Q Respondent's Exhibit 10 is a PGR store invoice, is
22 that correct, Mr. Brown?
23 A Yes.
24 Q And at the top right corner it's dated March 18th,
25 2006, is that correct? 2:51PM

1 A Yes. 2:51PM
2 Q Other than these specifics with regard to the
3 customer name and address and the items purchased, can
4 you identify any differences between the invoice that
5 was marked as Respondent's Exhibit No. 9 and 2:51PM
6 Respondent's Exhibit No. 10?
7 A Format is different.
8 Q How is the format different?
9 A We have e-mail and Web site at the bottom. You
10 have the middle, "Please include copy of this invoice 2:51PM
11 with payment." You have "PGR" and "PGR store."
12 Q Where do you have -- oh, PGR at the top?
13 A Yes.
14 Q Says "PGR" and "PGR store." What you referred to
15 earlier where it says e-mail and Web site, those boxes 2:52PM
16 on Respondent's Exhibit 9 are shifted to the right
17 compared to -- and together as compared to Respondent's
18 Exhibit 10.
19 A Oh, I didn't see that. Yeah, at the bottom.
20 Q Okay. 2:52PM
21 A Terms were on consignment.
22 Q Where do you see that, sir?
23 A On Respondent's Exhibit 10.
24 Q Uh-huh.
25 A The terms. 2:52PM

1 THE WITNESS: Did you ever pay for this, 2:52PM
2 Bill?
3 MR. RICHART: Am I allowed to answer?
4 MS. BRU: You don't have to answer.
5 Q I see the term "consignment." That's the 2:52PM
6 specifics I was referring to with regard to the
7 purchases.
8 A Oh.
9 Q Other than that, do you see any differences other
10 than the invoice number, the date, the items purchased, 2:53PM
11 the terms, is it -- the basic layout is the same, is it
12 not?
13 A It appears to be.
14 Q Okay. Well, I want to introduce Respondent's
15 Exhibit No. 11. When did Twister's appear on an 2:53PM
16 invoice from the PGR store?
17 A I don't remember.
18 Q Did it appear after you left the -- after you
19 resigned from PGR, Incorporated?
20 A I think so. 2:54PM
21 Q Does the invoice that's -- well, Respondent's
22 Exhibit No. 11 is an invoice from the PGR store, which
23 includes the identification Twister's at the top, does
24 it not?
25 A Yes. 2:54PM

1 Q Does the invoice that is reproduced as 2:54PM
2 Respondent's Exhibit No. 11 differ significantly in
3 appearance from the two invoices that were identified
4 as Respondent's Exhibits No. 9 and 10?
5 A Yes. 2:55PM
6 Q Is that a completely different look for it,
7 correct?
8 A Yes.
9 MS. BRU: Object to this whole line of
10 questioning, relevance, but you can answer all the 2:55PM
11 questions.
12 Q Is Twister's your road name?
13 A Yes.
14 Q At the bottom of Respondent's Exhibit No. 11, it
15 says PayPal account equals Jeffbrown@valornet.com, does 2:55PM
16 it not?
17 A Yes.
18 Q Is there any identification on Respondent's
19 Exhibit 10 or Respondent's Exhibit 9 that indicates
20 Twister's or your name? 2:56PM
21 A No.
22 Q I will introduce Respondent's Exhibit No. 12. Can
23 you identify that document for me, please, Mr. Brown?
24 A Says HS Resolution 731.
25 Q Does it stand for House Resolution? 2:57PM

1 A I'm assuming he is. He purports to be. 3:25PM
2 Q Do you know if he's ever been on the board of
3 directors with PGR?
4 A I have no idea. Looks like here his name is Ray
5 instead of Ron. 3:25PM
6 Q I think that -- is that not Raymond and Pam
7 Russell?
8 A Oh, could be, yeah.
9 Q Who are Raymond and Pam Russell?
10 A PGR members, I'm assuming. 3:25PM
11 Q Okay. Do you have any formal training or
12 education about trademarks?
13 A No.
14 Q About licenses?
15 A No. 3:26PM
16 Q Are you a lawyer?
17 A No.
18 Q When you gave the organization as opposed to the
19 corporation -- when you gave the organization
20 permission to use the mark, the logo, who was the 3:26PM
21 leader of your organization at that time?
22 A I was.
23 Q Did you, as the individual owner of the logo,
24 grant yourself, as the leader of the organization, the
25 logo? 3:26PM

1 A Did I grant them? 3:26PM
2 Q Did you take off an owner hat, an individual hat,
3 and put on a PGR hat and give the organization
4 permission to use the logo?
5 A Yes. 3:27PM
6 Q Did you think that you could terminate the
7 permission to use the logo at any time the
8 organization -- let me rephrase that. Did you think
9 that you could terminate the organization's permission
10 to use the logo at any time? 3:27PM
11 A Well, at the time, I considered myself to be the
12 owner of the logo. I was the executive director of the
13 organization, so I could have stopped using it or
14 terminated it, depending on which hat I had on at any
15 time. 3:27PM
16 Q What was your intent in giving PGR organization
17 permission to use the logo for noncommercial purposes?
18 A It was just to be a symbol, a graphic symbol of
19 what the organization hopefully would become, so that
20 when people saw, they would know who we were. 3:28PM
21 Q Why did you resign from PGR, Incorporated?
22 A In a very brief capsulized reason, I had a
23 no-confidence vote from the board of directors and what
24 amounted to a three-to-two vote. I could have voted
25 and tied with Jason Wallin, controlled the servers and 3:28PM

SIGNATURE PAGE

I, Jeff Brown, do hereby certify that the foregoing deposition was presented to me by Marlene Percefull as a true and correct transcript of the proceedings in the above-styled and numbered cause, and I now sign the same as true and correct.

Witness my hand this 12/15/08 day of

_____, 2008.

Jeff Brown

SUBSCRIBED AND SWORN TO before me

this 15th day of December, 2008.

Tami J. Peterson
Notary Public

My Commission Expires: 11-8-10
#02018791

TAMI J. PETERSON NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA TULSA COUNTY

CORRECTIONS TO THE DEPOSITION OF JEFF BROWN
OCTOBER 14, 2008

Page No./Line No.	Correction
15/3	Change "deal" to "steal"
46/1	Change "Mr. Brown" to "Mr. Jacobs"

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

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

RESPONDENT'S EXHIBIT 4

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

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 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, 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, 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
Facsimile (918) 591-5360
tferguson@dsda.com
rblue@dsda.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 6th day of June, 2008, a true and correct copy of the above and foregoing Petitioners Answer to Applicant's First Set of Interrogatories was 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

VERIFICATION

State of Oklahoma)
) ss:
County of Tulsa)

Jeff Brown

The above-named person being duly sworn on oath states that he has read the foregoing Answers to Interrogatories and provided the answers given therein.

The foregoing Answers to Interrogatories were subscribed and sworn to before me this 6th day of June, 2008.

(seal)
My commission expires:

NOTARY PUBLIC

Notary Public Oklahoma
OFFICIAL SEAL
Erin M. Duet-Wood
Tulsa County
01002492 Exp. 3-15-09

1021895.1

IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOND

JEFF BROWN,

OPPOSER,

V.

PATRIOT GUARD RIDERS, INC.,

APPLICANT.

OPPOSITION NO. 91181448
SERIAL NO. 77/040,379

RECEIVED
AUG 25 2008
TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD.

OPPOSER'S RESPONSES TO
APPLICANT'S SECOND SET OF INTERROGATORIES

Opposer Jeff Brown hereby submits his responses to Applicant's Second Set of Interrogatories.

General Objections

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

2. Opposer will provide responses according to applicable Federal Rules of Civil Procedure and Patent and Trademark Board Rules of Practice. Opposer considers its obligations to be governed by those Rules, and specifically disclaims the acceptance of any additional obligations imposed by the Applicant. Opposer specifically states that his duty to supplement is governed solely by these Rules.

RESPONDENT'S EXHIBIT
C

3. Opposer specifically objects to paragraph 1 of the Definitions insofar as it unreasonably expands the identity of the Opposer, Jeff Brown.

4. Opposer specifically objects to paragraphs 17-20 of the Definitions insofar as, given the context of any particular Interrogatory, there may be a more appropriate and less burdensome manner in which to "identify" the requested information.

5. Opposer specifically objects to paragraph 27 of the Definitions on the basis that it contains an instruction that is contrary to the Federal Rules of Civil Procedure. Opposer will state his objections in compliance with Federal Rule 33. Opposer's privilege obligations are governed by Federal Rules 33 and 26, in particular Rule 26(b)(5), as well as relevant case law interpreting those Rules.

Responses to Interrogatories

INTERROGATORY NO. 25: Provide a detailed explanation as to what Opposer meant in *"Petitioner's Response to Applicant's First Request for Admission"* and in *"Petitioner's Answer to Applicant's First Set of Interrogatories"* with regard to the term "non-commercial purposes" versus the term "commercial purposes" (see, for example, Opposer's Responses to Request for Admission Nos. 11 and 17 and Opposer's Answer to Interrogatory No. 10); and include in this detailed explanation examples of purposes that would fall under the category of "non-commercial purposes" and "commercial purposes."

ANSWER TO INTERROGATORY NO. 25: Opposer states that the use of the term "commercial purposes" relates to the use of Opposer's mark(s) on any merchandise or items for sale by consumers, including, without limitation, merchandise or items sold by or on behalf of PGR, Inc., the "original PGR store," any "subsequent PGR store" and/or "Twister's PGR Store," as those terms are defined in Applicant's Definitions. The use of the term "non-commercial

purposes" relates to the Opposer's oral license to PGR, Inc. to use the mark in a "non-commercial" manner, such as use of the Opposer's mark(s) on the website www.patriotguard.org, provided such use does not result in fiscal gains, and provided that PGR, Inc. agrees that it lacks authority to transfer or permit usage of the mark(s) by any other party.

INTERROGATORY NO. 26: With regard to Opposer's Response to Request for Admission No. 99, provide a detailed explanation of *all* factual bases for Opposer's allegation 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, identify others who have knowledge of same, and provide all documents in support thereof.

ANSWER TO INTERROGATORY NO. 26: Opposer states, upon information and belief and after reasonable investigation, that Jason D. Wallin acted on his own and without direct instruction from the Board, and that Wallin's duties as Treasurer did not include the filing of any trademark application(s). Opposer cannot state whether there are others who have similar knowledge and/or beliefs. Opposer objects to the request for production of documents, as these Interrogatories are propounded under Federal Rule of Civil Procedure 33 only.

INTERROGATORY NO. 27: With regard to Opposer's Response to Request for Admission No. 100, provide a detailed explanation of Opposer's reasoning as to why Mr. Jason D. Wallin's dismissal from the Board after the filing of Applicant's first trademark application has any bearing on whether the Patriot Guard Riders corporation is entitled to have Applicant's first trademark application registered.

ANSWER TO INTERROGATORY NO. 27: Opposer states that Jason D. Wallin's dismissal from the Board after the filing of Applicant's first trademark application provides evidence that Wallin did, in fact, engage in unauthorized activity throughout his membership on

the Board. In addition, Wallin's dismissal from the Board has a tendency to prove that Wallin acted in a manner inconsistent with ownership.

INTERROGATORY NO. 28: With regard to Opposer's Response to Request for Admission No. 101 and Opposer's Answer to Interrogatory No. 5, provide a detailed explanation as to why Opposer's counsel directed Opposer to refer to himself as Executive Director in Opposer's trademark application when both Opposer and Opposer's counsel allegedly intended for Opposer's trademark application to be filed in Opposer's individual capacity.

ANSWER TO INTERROGATORY NO. 28: Opposer states that he has no specific recollection as to the reasons why Opposer's counsel directed Opposer to refer to himself as the Executive Director in Opposer's trademark application. Opposer further states that throughout the course of preparing the trademark application, Opposer consistently acted pursuant to the direction and advisement of Opposer's counsel.

INTERROGATORY NO. 29: With regard to Opposer's Answer to Interrogatory No. 18, provide a detailed explanation as to:

a. Who made the alleged posts on the PGR forums stating that the store was a privately owned, for-profit business;

b. The date when the alleged posts were made;

c. The forum topic under which the alleged posts were made;

d. The reasoning as to why the alleged posts were made;

e. The reasoning as to why the information provided in the alleged posts was not disclosed in a more prominent place on the website www.patriotguard.org than in the PGR forums;

f. The reasoning as to why the information provided in the alleged posts was not disclosed in a more prominent place on the website www.patriotguardstore.org than in the PGR forums.

ANSWER TO INTERROGATORY NO. 29:

a. Opposer states that he made several posts in several online forums found at www.patriotguard.org regarding the ownership and nature of the "original PGR store" and/or the "subsequent PGR store," and that these posts indicated that the store was a privately owned, for-profit business. In addition, Opposer states that other individuals made similar posts in these forums, but Opposer cannot recollect the names of each of these individuals. By way of example only, Opposer references the emails reflecting online forum posts attached hereto as "Exhibit A."

b. Opposer states that he cannot recollect the exact dates of these posts.

c. Opposer states that he cannot recollect the exact forum topics under which these posts were made, but states generally that the forum topics related to the online store.

d. Opposer states that he made the posts to ensure that the membership was aware that the store was a privately owned, for-profit business. Opposer has no knowledge as to why others made similar postings.

e. Opposer states only that he was not responsible for the creation or maintenance of the website www.patriotguard.org or its online forums, and was therefore not responsible for the location or perceived prominence of any posts. Opposer also states that prominence of forum posts is amorphous, as the submission and/or

Original Message-----
m: info@patriotguard.org [mailto:info@patriotguard.org]
it: Tuesday, March 27, 2007 8:22 AM
david.erickson@suddenlink.net
bject: PGR Forums - New Post RE: NEW PGR PATCHES

27 Mar 2007 8:21 AM a message was posted to a thread you were tracking.

: NEW PGR PATCHES
PDDGM

, I am not going to get into a pissing contest with anyone. I simply ask Ed to answer Twisters questions. I know nnie ask for this not to go where it went, but it did. As you say Steam, a good deal is a good deal, except when it is publicly stated that the operator of the store is a friend of Ed's. At least with Twister we KNEW who owned the re. As far as donations from Twister, it seems we have a conflict there, he says last month you say last year. All I ask or everything to be above board and open for all to see. Zinobile, we must have open operation of the PGR and all it's parts, profit is one thing, absolute rule and my way or the hiway ain't gonna cut it with me.

Smith
Mo Ride Capt

view the complete thread and reply, please visit:
p://www.patriotguard.org/ALLForums/tabid/61/view/topic/postid/466183/ptarget/469096/Default.aspx

u were sent this email because you opted to receive email notifications when someone responded to this thread. To subscribe to this thread please visit your user profile page delete this post from your subscribed topics.
ank you, Patriot Guard Riders

From: Bill Miller [1badpig@insightbb.com]
Sent: Sunday, August 12, 2007 9:04 PM
To: EBaker1954@aol.com; monica@mnpatriotguard.org; blines@charter.net; bonnie@patriotguard.org
Cc: harly69g@bellsouth.net; inpgr@rcfpro.com; wva@patriotguard.org; jeffbrown@valornet.com; statecapthawaii@hawaii.rr.com; tony@danriverregion.com; leclairtodd@yahoo.com; desertdoc_idaho@yahoo.com; sandy_in_sc@yahoo.com; rmoyerjr@yahoo.com; ohiocaptains@patriotguard.org; maryland@patriotguard.org; RICHCOP@aol.com; lindy75@patriotguard.org; pops01harley@yahoo.com; qgolden@worldpath.net; stealthscorpiolv@yahoo.com; kingshadow506@charter.net; moritz1111@hotmail.com; mike.a.long@us.army.mil; mav_58@hotmail.com; nc@patriotguard.org; Matterj012@cs.com; tohidu@cox.net; hellraiserusmc@patriotguard.org; tinman392@hotmail.com; JCurran516@aol.com; mnpatriotguard@gmail.com; Nuckles43@aol.com; cowboy@washingtonstatepatriotguardriders.org; norton@patriotguard.org; jlake51@yahoo.com; sandersj26@aol.com; jeffrey.lee.anderson@us.army.mil; kentucky@patriotguard.org; geraldgaines@windstream.net; gapointman@gmail.com; ripgr@cox.net; waltaminit@patriotguard.org; wisesafe@airmail.net; vstarrider03@msn.com; c.mahnken2003@yahoo.com; bear_pgr@yahoo.com; vtcvma@comcast.net; ca@patriotguard.org; charger@patriotguard.org; sig22@patriotguard.org; bob@careerresources.org; spocon@nac.net; missouri@patriotguard.org
Subject: RE: High Priority - Sorry

'ake me off of all of your PGR mailing list.
m sick an tired of the cry babies about this and that BULLSHIT.
'he problem is that everyone wants to be the CHIEF and there
sn't enough Indains.

Bill Miller
(502) 773-4232

---

om: EBaker1954@aol.com [mailto:EBaker1954@aol.com]
nt: Sunday, August 12, 2007 10:54 AM
: monica@mnpatriotguard.org; blines@charter.net; bonnie@patriotguard.org
: harly69g@bellsouth.net; inpgr@rcfpro.com; wva@patriotguard.org; jeffbrown@valornet.com; tecapthawaii@hawaii.rr.com; tony@danriverregion.com; leclairtodd@yahoo.com; desertdoc_idaho@yahoo.com; ndy_in_sc@yahoo.com; rmoyerjr@yahoo.com; ohiocaptains@patriotguard.org; maryland@patriotguard.org; CHCOP@aol.com; lindy75@patriotguard.org; pops01harley@yahoo.com; qgolden@worldpath.net; stealthscorpiolv@yahoo.com; gshadow506@charter.net; moritz1111@hotmail.com; mike.a.long@us.army.mil; mav_58@hotmail.com; nc@patriotguard.org; tterj012@cs.com; tohidu@cox.net; hellraiserusmc@patriotguard.org; tinman392@hotmail.com; JCurran516@aol.com; patriotguard@gmail.com; Nuckles43@aol.com; cowboy@washingtonstatepatriotguardriders.org; norton@patriotguard.org; ke51@yahoo.com; sandersj26@aol.com; jeffrey.lee.anderson@us.army.mil; kentucky@patriotguard.org; aldgaines@windstream.net; gapointman@gmail.com; ripgr@cox.net; waltaminit@patriotguard.org; wisesafe@airmail.net; arrider03@msn.com; c.mahnken2003@yahoo.com; bear_pgr@yahoo.com; vtcvma@comcast.net; ca@patriotguard.org; rger@patriotguard.org; sig22@patriotguard.org; bob@careerresources.org; spocon@nac.net; missouri@patriotguard.org
bject: High Priority - Sorry

st of all "SORRY" but I've listened to you all now I ask you to hear me. I for one was always mystified about this whole deal of f suddenly stepping down with little or no explanation. But I for the most part stayed out of it. Jeff is a big boy and he did what though he had to do at the time. A lot of you know me and I'm not one to walk away from a fight as some experienced last r, but that honestly is water under the bridge on my part. Anyway, Jeff stepped down and we moved on or so I thought. Way k before the crap hit the fan I knew that the store was a private enterprise and Jeff never hid that part. He was up front that it

as there to HELP support the PGR in it's endeavors. Nothing more, nothing less did I read into that. Yet when the crap hit, Many any people suddenly turned into fair weather friends of Jeff and flew the coop. That's a sorry statement of their character. I was e one mentioned in an earlier email or post on this whole mess that used Jeff's design to come up with a so called state PGR itch first. Jeff saw it at the first GOTH in 06 and asked me about it and gave me permission to use it to help cover expenses in ississippi. He asked nothing in return. He didn't have to do that but his heart was in the right place. So this may be why I'm anding up for this man.

for Jason, I have had nothing but good dealings with the man when we have crossed paths and I will leave it at that.

ow after the crap has hit the fan and "Let drag Jeff's butt through the mud "ONE MORE TIME" is going around I'm stepping up. ff, you're a better man than me. If I had been in your shoes and others tried to do to me what you state they did to you, the dians (I'm Cherokee) would have won this time. Anyone that knows me knows I'm not blowing hot air up your butt on that atement.

ter reading Jeff's email, one thing about Jeff that I have to say at this point is he didn't try to take anyone down with him when he ant So Jeff, I do respect you for that more than I can convey in this email. Your actions speaks volumes about your character. e of two things need to happen now. Either bury this dirty laundry now as some are trying to do or CLEAN HOUSE! Hold ALL ose accountable that were in the wrong and fix it so that the PGR can say we live by what we preach.

nap, I now, more than ever appreciate what you had to go through. You are without a doubt in my mind a "PEACEMAKER". You ive been pulled in many directions at once and yet you have tried to keep peace within the ranks though all this turmoil. But if nat Jeff has stated is true, you need to step up for the man. At least let everyone know if what Jeff has stated is true or not. Will it the problem? No. But at least Jeff will get back some the respect due him.

AH DUH! All done.

Baker, SC for the Great State of Mississippi

****

et a sneak peek of the all-new AOL at http://discover.aol.com/memed/aolcom30tour

rom: Ugly Troll [uglytroll@comcast.net]
ent: Wednesday, January 16, 2008 9:10 PM
o: Jeff Brown
ubject: Just to say hey!

Jeff, well, things seem to be getting a bit dicey lately! Here in Massachusetts, when I first signed up for PGR, we had a state tain who appeared to be the victim of a smear campaign by someone who coveted his position. This first captain, Harvey, med ok to me. I never met him, but spoke to him several times on the phone, and in fact, he's the guy who appointed me as a manent ride captain for western Mass. When guy 2 came into the picture, he also began calling me, in an apparent attempt to me to take his side.....I told both of them I would not get into their pissing contest and leave me out of it. They did. oximately a year ago, the new state captain, informed me he was the target of some disgruntled individuals who wanted him e. This so irritated me I felt I could no longer continue and so sent him a msg informing him of my decision. I told him lots of gs and ended by suggesting he look in the mirror and if he didnt' like what was looking back at him he should "do the right gl" I also sent msgs to the rest of the Mass leadership team informing them of my decision. The next day, I got msgs from eryone of them pleading with me not to resign. That evening, my wife and I talked things over and she suggested I should stay as my involvement with PGR had been very therapeutic for me. (first time since Viet Nam I really felt "good") So I slept on it d the next day when I got home from work I opened my email to let everyone know I had reconsidered and would stay on. Much my surprise, I found that the entire Mass team had resigned enmasse, many of them quoting me from my notice of ignation.....now.....looks like I need to think about things again. Why can't people just leave things alone? Seems to me the original intent of the PGR was so pure.....it filled a void that has long been desperately needing something to fill it. I ve stood the flag lines and cried time after time.....and come away feeling so much better, so much clearer in my life than I ve in a very long time.....I have hugged countless families and become so close with so many of them.....I've rticipated in many community events and parades at the direct invitation of veteran's groups and mayors.....now more litics! I should have known better. The whole point of this is just to let you know you have at least one supporter out here. I have own for example since the first day I joined that your store was for profit. I never felt this was a "secret" or that you had made y attempt to deceive anyone. I don't understand how anyone could possible think otherwise. As far as I can tell, you have ways been aboveboard and straight with people. I still feel the same way. There are not a whole lot of people in this world I trust ioh; you are one of those folks. For as long as I can last in this group, I will continue to do business with your store. Thanks

oll

On Mon, 5/12/08, info@patriotguard.org <*info@patriotguard.org*> wrote:

From: info@patriotguard.org <info@patriotguard.org>
Subject: PGR Forums - New Post RE: Legal Defense Fund
To: bacritterrescue@yahoo.com
Date: Monday, May 12, 2008, 10:25 AM

At 12 May 2008 8:25 AM a message was posted to a thread you were tracking.

RE: Legal Defense Fund
by BryanL

Posted By Wescoot2 on 12 May 2008 8:59 AM
Kerri,

To further clarly.....and for those who did not look at the trademark link.....

5. PGR Established a website on November 9, 2005 to communicate its services, and sell merchandise to help support the cause.

6. PGR Merchandise could be purchased either on the main website, or at the "PGR Store", a seperate website that was linked to the main website.

7. Opposer, Jeff Brown, operated the "PGR Store" website which sold merchandise associated with the PGR cause.

Where you may be getting confused. prior to the Plaintiff opening his own website, he used the National PGR website, to sell his items. When you clicked on the link to his store, it went to another page on the National website which listed the items he was selling.

Ed

I think paragraph 6 is what Kerri was referring to, and you may have just answered her question Ed. She was pointing out what could have been used as a technical error on a legal document. If the link would have gone to Bs store, and not to another page on the national website, then paragraph 6 would be technically incorrect. It would be something the lawyers need to look at.

To view the complete thread and reply, please visit:

ttp://www.patriotguard.org/ALLForums/tabid/61/view/topic/postid/808674/ptarget/869999/Default.aspx

'ou were sent this email because you opted to receive email notifications when someone responded to this ıread. To unsubscribe to this thread please visit your user profile page delete this post from your subscribed ›pics.
'hank you, Patriot Guard Riders

---

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-----Original Message-----
From: Jeff Brown [mailto:jeffbrown@valornet.com]
Sent: Sunday, June 01, 2008 6:47 PM
To: Carroll, Elizabeth; Blue, Rachel
Subject: My posted resignation message

Ladies,
While Executive Director, I had one spot on the website "Jeff's Corner", where periodically I would post my thoughts on various things happening within the PGR. Below is my resignation post in "Jeff's Corner". At the time of posting, I believed the BoD had accepted my offer to close the store after selling my current inventory...after the posting I was told the BoD refused my offer and wanted me to close the store and eat the cost of my inventory. At any rate, this post may bite me in the butt. I've also included the follow up comments posted by members to give you an idea of the tone of the "real" PGR membership.
Thanks,
Jeff
###

JEFF'S FINAL CORNER
It's been an exhilarating, but an exhausting year. A year in which we have seen an awakening of the sleeping spirit of America, a rededication to the honor and dignity due all of those who serve our nation, and a uniting of those who have a desire to "do the right thing". Every PGR member should be justifiably proud of being a part of this.

Like all of you, I have taken a huge amount of time away from my family and business over this past year. It's time for me to heed my own words and "Pace Yourself". To this end, it is with a very heavy heart that I formally announce my resignation as Executive Director of the Patriot Guard Riders. This decision was also reached, in part, because a handful of very vocal people have expressed concerns over the possible conflict of interest in my owning the PGR Store and being the Executive Director. The business structure of the store has never been hidden and has been discussed "ad nausea", but in an effort to belay any further controversy that takes time and energy away from our missions, I have chosen to step down and close the PGR store after the current inventory is depleted.

This has been one of the most difficult decisions of my life. I can't begin to put into words how much pride I have in all of you and what this organization has become and will become in the future. I will always view the founding of the Patriot Guard Riders and having had the honor of being your leader during this formative year as one of the high point of my life. I will continue to be honored to ride with you and stand by you until the day there is no PGR. After a great deal of pressure, Bill "Snap" Lines has agreed to assume the position of Executive Director and the board has approved. Snap, thank you for stepping up to the plate, Brother. The PGR is in good hands and I am confident in its leadership. I'm not going anywhere Folks. I will work closely with National during this transition period and continue to serve the PGR in the capacity as an advisor to the National Board.

Thanks for listening and Salute,

Jeff
posted @ Tuesday, November 07, 2006 8:42 AM by Twister
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COMMENTS

Thank you Jeff for all you have done and continue to do. And congratulations Bill for accepting the position and responsibilities.

Joe "Jamyang"
posted @ Tuesday, November 07, 2006 8:48 AM by Jamyang

Jeff your departure will be felt. Thanks fo all you have done for the PGR. Glad to know you will still be hanging around.

RVN VET
posted @ Tuesday, November 07, 2006 8:56 AM by RVN VET

Members of the PGR,
I have watched my husband agonize over his decision to relinquish his executive role in the PGR. It is with much thought that he has decided to step down and his sacrifice should not be taken lightly.
What only few know is that his desire to honor those who gave their all so we can enjoy freedom has been his vision for well over a year. He is setting aside his own calling now so that the PGR can continue to grow and be a motivation for those who share his desire to "do what is right". I am so very proud of his unwavering dedication to organize an entity that will honor those who serve. I will admit that the toll of constant calls all hours of the day and night will not be missed! The progress made in our courts on a local, state and national level has been awesome and a legacy to his untiring desire to his vision for our troops. Those few who found the store a conflict of his interest do not know my husband. His generousity of spirit, time and resources has been unlimited for any PGR member.
Thank you darling for serving your country in such an unselfish way this past year. I pray for the continuance of your vision for the PGR that the membership will in turn do you proud.
Bonnie Brown
Lil' Twister
posted @ Tuesday, November 07, 2006 9:16 AM by Little Twister

Simply put -

THANKS AND SALUTE!

-bogie
McHenry County, IL
posted @ Tuesday, November 07, 2006 9:36 AM by bogiediver

Jeff - I'll probably never have the honor of meeting you, but you will always be considered a hero by me. What you've started, can NEVER be duplicated to the same level that you have taken us. They can try, but it will NEVER be the same. For those vocal few - shame on you. The garbage that was going on in the website was flat out embarrassing. If you don't like it, leave. If you can't say something nice, don't say anything. If you're going to throw around accusations, make sure you have ALL of your facts straight first. There is always someone available at National to answer questions, I could never figure out the need for airing what some would consider "dirty laundry" for everyone to see.
To the Brown family - thank you for sharing Jeff with us and allowing him to do all that he's done - and thanks for all of your help, too!
Kathi Kelly
"snonut"

User Support Team
posted @ Tuesday, November 07, 2006 10:10 AM by snonut

Jeff: You indeed are a Patriot!! You are what makes America great, and your stepping up to the plate a year ago, determined to ensure that the families of our fallen warriors would be shielded and that the memory of their loved ones would be honored and respected have been a turning moment in our nation's history. To have elicited the support from the smallest town to the President of the United States in providing protections for the families has got to be one of the greatest feats a citizen could ever have accomplished. I salute you, sir! It was an honor to meet you in Montgomery, Alabama, and I wish you the best. You are what "Americans Doing The Right Thing" is all about!!

ICV ANIMAL
National Pres. In Country Vets MC
Proud Patriot Guard Rider
posted @ Tuesday, November 07, 2006 10:24 AM by ICV Animal

Jeff, I probably will never meet you but thank you for all your hard work and sacrifice. I am very happy to hear that you will continue with us. I understand your decision to close the store, but I sincerely hope National will be able to continue the store. Thank you to ALL in this organization who give of their time and energy; please remember to be supportive of leadership and give constructive advice in a positive way when necessary. Jeff, you will be missed.
-riding in MO
posted @ Tuesday, November 07, 2006 10:35 AM by sv4sheri

Jeff My Friend,
I have grown to respect you as a leader, confidant, and friend. Your words have always been welcoming and a comfort. I will endeavor to move forward with the vision you had, and I will give my all to honoring the legacy that you have left us with. May you always ride in fair weather, and stand tall in the knowledge of your dreams reality.
posted @ Tuesday, November 07, 2006 11:04 AM by rrawtry

Jeff,
I have no words to express my sense of loss at your leaving nor my gratitude for allowing me to be a small part of what you have created.
Take the time to read the letters of appreciation,they are a testimonial to your vision.
look at the messages left on missions past and present,they define the character of those you have brought together.Look at the mission pictures and see all the lives you have touched.
I am honored to call you brother and wish you the best as you move toward the future.

Salute
possek
Randy
posted @ Tuesday, November 07, 2006 11:09 AM by possek

Jeff thanks for all you did. I am glad that I got to meet you in Montgomery before you stepped down. I really hate to see you go but I know what you have been through. Snap is a good man and will do a fine job following in your footsteps. Again thanks for getting this magnificent organization off the ground and good luck.

JR
posted @ Tuesday, November 07, 2006 11:10 AM by J R

Every organization I've ever belonged to has included at least one "troublemaker" - somebody that's just not content to conform but has to stir the s__t. Not every organization I've ever belonged to has included individuals such as yourself - devoting endless hours of personal time in order to make things better and easier for the rest of us. The founders of

the PGR have every right to feel proud - over 63,000 members in less than a year - that's outstanding! It is an indication of the true spirit of America - love of country and pride in the sons and daughters who have defended her and who defend her still.

You (and the other founders) have done a tremendous job - and I'm sure it has taken its toll. Don't let the a__holes get you down though. They are a very minor percentage of the 63,000 that have stood up to follow you this past year. I'm sincerely happy that I was able to be one of them.

Semper Fi Twister. Keep safe.
posted @ Tuesday, November 07, 2006 11:17 AM by coltergeist

The nation owes you for awakening the patriot. Thank you for all you have given us as members. The work you have done for the Veterans, new and old, is a priceless gift.

We could not have asked for a better leader.....You will always be a hero to me and I have much respect for you and your wife....."b"
posted @ Tuesday, November 07, 2006 11:23 AM by bhopper1

THANKS FOR WAKING THIS SLEEPING COUNTRY IO JEFF!!!

AND RIDE SAFE TWISTER!
posted @ Tuesday, November 07, 2006 11:28 AM by robiam

JEFF thanks to what you started. Its an organization of people who only one goal,to honor those who gave us this freedom, and respect. you will be miss, hope to see in some mission.you came to and shake my hand and you told me I"m jeff. next time I see you ill give you a big salute.

romecay retired USAF 74-94
Midwest City Oklahoma
posted @ Tuesday, November 07, 2006 11:32 AM by romecay

Jeff, Dude I am shocked. I don't know what to say except I will see you at the next Gathering of the Guard and we will tip our cup together, for our Brothers, and our comrades.
See you soon. MR. lea
posted @ Tuesday, November 07, 2006 11:40 AM by leacrabb

Jeff, Thanks for all the help you've been to me since I started as a R/C and still today as the State Captain for Okla. I will look forward to seeing you at the Missiions when we have them. I know where you live, so you can't hide. You and Bonnie take care and I'll talk to you later.
posted @ Tuesday, November 07, 2006 11:46 AM by jlake51

I for one am Proud to say That I know YOU I have stood beside you I have shook your hand & seen you put a smile on a Young Injured Marine's Face! Jeff, what you have accomplished this past year just right here in Oklahoma has been amazing! What you have done across this NAtion along with the other National Board is Way Beyond Amazing! You all have awakened us to realize there is more than a handful of PATRIOTS left in the USA & even across the border at our neighbors-CANADA! Lil'Twister Thank you & the family for sharing & helping out...it takes a whole family to make a great thing like this happen! Enjoy the quiet....but enjoy the Rides along the way as well! SALUTE TWISTER!
posted @ Tuesday, November 07, 2006 11:51 AM by BAbluestarmom

Jeff I have never had the honor of meeting you and from those that have they will tell you that this is a rarity because i am speechless! Thank you with all my heart for all you have done. Ride safe and proud for all you have done!

SFC Jesse J Mercure
US Army 1982-2007

Iraq 2003-2004
PA/WV/OH PGR 2006 until the end!
posted @ Tuesday, November 07, 2006 12:15 PM by fxdwg03

Jeff, thank you. I wish you smooth roads and warm winds.
You're my hero, Twister, because you saw a need and did something about it.
America is better because of you and so are we.
MI Vet, North Carolina
posted @ Tuesday, November 07, 2006 12:18 PM by bikera

Jeff, I too have never had the honor of meeting you but I hope that someday I will still get that chance. You have been an inspiration to me as well as over 63,000 other Patriots in this country (including those overseas). Your acomplishments will go down in history because what we do here is historical and your vision to build a more unified and dignified way of honoring our countrymen and women is soomething that will be remembered and practiced long after you and I are gone. I salute you, Sir. Thank you for your time.
JayDub
posted @ Tuesday, November 07, 2006 12:23 PM by JayDub

Wow. I just don't know what to say. I can certainly understand the necessity to spend more time with family, not to mention you have to do what is right for you. I am so glad I had the opportunity to meet you in Winter Haven a couple of months ago. You are one in a million, and before I get too gushy and have to pull out the Puffs, let me just say, it's an honor. It was an honor to meet you, and an honor to continue your vision. Take care brother and I hope we meet again.
posted @ Tuesday, November 07, 2006 12:25 PM by misdirection

Jeff,

Thank you for you sacrifice and for you vision. I salute you my friend.

WalkingSlack
GA Ride Captain
posted @ Tuesday, November 07, 2006 12:32 PM by WalkingSlack

Jeff;

I'm really sorry to hear this- as a PGR "veteran" I've seen the PGR grow, until it is not the same organization you gave so much to. That being said, I'm out of here.

Best personal regards,

Don Armstrong
Rolling Thunder VA3
PGR VA7
posted @ Tuesday, November 07, 2006 12:44 PM by FreestateXL

every "big" idea or sacrafice has usually come about from the vision of one person. And behind every man who accomplishes that vision,is a strong woman urging him on. You Jeff are that kind of person. History wont forget and neither w/we
posted @ Tuesday, November 07, 2006 12:47 PM by semper fi bulldog

Jeff,
'm so sad that some so small can take so much from a soul so great as your own. I recently had a conversation with my 16 year old son who is soon off o Randolf-Macon Academy in VA to be able to study and live the life of the FJROTC, some people out there are not able to rise up to the standard you ive by so they aim at dragging you down to the standard that they live by.

had two children in Iraq at the same time, both now home safe. I have two hildren-in-law who have also been to Iraq, now home safe. Only the parent f a soldier can truly appreciate the sacriface of a total stranger willing o stand up for their child as his own. You are one awesome man, I'm am

blessed and honored to have shaken your hand AND gotten a great hug from. You can call on me any time, any day.....I'm there.

Thank you, thank you, THANK YOU!

Dene Dale
USAF Blue Star Mom
posted @ Tuesday, November 07, 2006 1:09 PM by BIKEROMA

Jeff,

Thanks for all you have done. I have never met you, but have spoken with you at length about serveral things and thoroughly enjoyed our converstations.

I know you did the Run For the Wall a year or two ago. Maybe we can ride together in 2007.

Don "Waitaminit" Bright
posted @ Tuesday, November 07, 2006 1:12 PM by Waitaminit

Lil' Twister.....Bonnie thank YOU, for sharing your wonderful husband!
posted @ Tuesday, November 07, 2006 1:19 PM by BIKEROMA

Jeff, I am Sorry to hear this also. I also never had the chance to meet you but have heard great things about you over the past while. I hope to ride with you one great day.
Until then my hat is off to you as i salute you forall that you have done for all of our troops, both past and present.
posted @ Tuesday, November 07, 2006 1:19 PM by krzyabncanuck

I am trying not to dwell on the few who might have helped in your decision to step down. I will instead be comforted by the knowledge that you are still here; standing with the rest of us. Thank you and Bonnie for all of your time and effort. Hope you both get a rest!
Most Sincerely,
Debbie
RC Region 1
Western NY
posted @ Tuesday, November 07, 2006 1:30 PM by highwaygirl1078

Jeff and Bonnie...you have given us so much! There will never be words to express "thanks" as it should be done.
Those who had so much to say about the store probably never knew how much you gace away out of it. When one of Az's riders died, you sent all of us (captains) our Captains patches and bands so that everyone would know that he was loved and appreciated, and every captain showed up! Some people just never get it, and sadly they will most likely know what they have done. But, I have found that those who place themselves on the pedastal and suffer such righteousness generally fall from grace the hard way! Perhaps while they are patting themselves n the back...something their arm breaks off?
Jeff...I will miss you, miss you lots!
Louann
Az PGR State Captain
posted @ Tuesday, November 07, 2006 1:56 PM by louann

JEFF
I would like to thank you and your family for everything you have done I only wish you could have made a few million dollars on that store because you are deserving but most people with half a brain know you were not making much if any by the time you figure all your labor. The store is petty sh&t but the patriotism you awoke in this country is something you and yours can be proud of forever and I am proud to be a patriot. Thank You and your family
Larry Root
posted @ Tuesday, November 07, 2006 2:02 PM by woodmaster

Jeff think you every much this has helped me more thain you can think the P

G R can and will go along way are brothers and sisitores need all the help thay can get go nav air casper1
posted @ Tuesday, November 07, 2006 3:47 PM by casper1

Jeff,

Thank you for all you have done to get the PGR up and going. If it wasn't for you and some others the PGR would never been formed or grown into something so wonderful. May God bless you and your family as you have blessed so many people with your hard work and dedication to the PGR. YOU WILL BE MISSED!!!!!!!!!!!! I just want you to know I would be proud to stand with you anytime or anywhere.

Tina DuBose
AZ PGR Ride Captain/HOTH
posted @ Tuesday, November 07, 2006 4:04 PM by Tina CMA

Jeff, you started something that shook and moved a nation. Thank you.

Leaving it over the store doesn't seam right, too petty. I am deeply saddened but respect your decision.

I don't know if the PGR will be the same without you and Jason, or if it will survive. I hope this war doesn't last longer than we do.

Till our paths cross again my friend, take care.
posted @ Tuesday, November 07, 2006 4:08 PM by JohnnyD

Jeff, I regret not having the opportunity to have meet you.
I hope you are right with this decision, because the next person is going to have those that disagree and speak-out against them. This will just be handed down to the next and the next etc. When you have a org. this big this fast it just cant be helped.
There will always be those that are not happy, untill they have placed themselves in the place of getting attention. I hope and Pray you are not basesing your descision soley on "them".....
I dont like your descision (I wish we could vote) I dont agree with your descision,... but, I will Respect your descision. Thank you Jeff... Thank you.

PS, It is sad we have to lose our PGR support gear.

Bryan.
posted @ Tuesday, November 07, 2006 4:33 PM by Hustler

Jeff,

I honestly hate to see you step down. I also wish we could vote but I will back you 100% on what you feel you have to do. I also wish I could have met you in person and I am sure, GOD willing, I will soon.

Ride Safe and we will meet soon.

Pete Waddell
South Central Region Captain
posted @ Tuesday, November 07, 2006 6:02 PM by dynago

I stand with Louann, my Az State Captain, and Tina, Az Ride Captain, and all of the Arizona members in gratitude to you, Jeff, and you Bonnie, for working so hard and with such grace and humor, to start and build this wonderful organization we have today. I am so sorry for the hurt that you've endured at the hands of such a very few. You will always have my respect and love not only for what you've accomplished but for who you are....a man of vision and integrity. Thank you.
posted @ Tuesday, November 07, 2006 6:32 PM by Maggie45

While I am pretty much a newbie here. Having joined the night NBC News aired

a spot on the PGR. I can say that I am proud to be a part of such an organization. From such simple beginnings to honor and respect this Countrys war HEROES. To a VOLUNTEER organization 63,000+ strong. I hope to one day be able to shake your hand and say thank you for all you have done. So for now I'll say it here Jeff and Bonnie I thank you caring for EVERY Veteran.

Ralph
posted @ Tuesday, November 07, 2006 6:43 PM by Drem

Jeff & Bonnie - You have shown so many of us a way to express our love of this wonderful country. I cannot find the words to express my gratitude to you for that.
God bless you always.

Ann
posted @ Tuesday, November 07, 2006 7:06 PM by

Jeff-Thanks for all you have done. You have inspired an entire Nation. You gave Veterans & non-Veterans a unique way to serve their Country. I Salute you SIR!!!!
posted @ Tuesday, November 07, 2006 7:08 PM by sneakysnake

What has Brown done for me!

Before the PGR I was the same as many 'Nam Vets that still had our pride and patriotism just didn't show it for fear of being stepped on once again. You changed all that and gave me a channel to funnel away that fear.

Twister, I have never met you or even spoken to you, still I consider you a Brother. Thank you for what you have already done and for what you have yet to accomplish. You stand legions among many for taking a small grassroots group of patriots and turning it into a National Organization 63,000+ strong. Without your vision and dedication it would not have happened. I will be always grateful for the opportunity you have given us.

'Lil Twister thanks for sharing your husband and family for the cause, at times it probably didn't feel it was worth the heartache and separation but it would not have been accomplished without your support.

Twister glad to see that you are stepping back and not away because you should share in what you have built even though you decided to give up the reins. Hope to meet you someday. Ride safe and Proud..

adccop (GOBB)
AZ Ride Captain
posted @ Tuesday, November 07, 2006 8:22 PM by adccop

Twister

I got to say your a class act and I hate to see you step down. Growing pains are tough on all. I got to say for the record you, Waldo, Gus and others of P.G.R. National & Healing Field Foundation made me and my wife feel like one of the P.G.R. team at Buffalo Chip in Sturgis S.D. this year. Where can a civilian couple be accepted into group of military families. I will cook for you and others anytime allowed. I'm sure you have others ready to move forward with the P.G.R. we hope we can assist as allowed. I think Snap will do a fine job. Maybe if we all get a chance to work Buffalo Chip again you can actually see some sights this time instead of working all the time like you did this year in Sturgis S.D. We will see you down the road for sure. Your a great inspiration for many of us, and we wish you good luck and hope you can have some time now for you and your Bonnie to rest some and enjoy life a little more for now. Keep that head shaved so i will know you the next time we (me & Barrie) have the pleasure and opportunity to see and cook for you.

Best Regards
Jim Cobb

Arkansas State Captain
Patriot Guard Riders
Riding With Respect
posted @ Tuesday, November 07, 2006 9:03 PM by 'Big Jim'

When we joined last year, we had no idea of what was ahead of us. History has been made and through the efforts of many and the leadership you gave us, PGR will stand. Thank you for heeding the call to this "mission that is greater than any of us". Now, I pray that you and Bonnie will be able to reclaim a normal life. From my heart I wish you both the best. We could not have come this far without you. Never forget the good.
With Care,
Epic
posted @ Tuesday, November 07, 2006 9:28 PM by Epicwoman

jeff and bonnie you both have my undying respect and honor for all that you have done for PGR. this country was woken up by this love of country. so many came with open and bleeding wounds from other times, other wars. and those wound have been healed by simple standing up and taking their place in a flag line of honor and respect for those that have fallen.please remember how much we care and love what we do. if we did not we would not be here. may the great spirit bless and protect you both.
THANK YOU FOR STARTING THE DREAM.
in respect, lauxie jensen
posted @ Tuesday, November 07, 2006 9:37 PM by calamityjane

Jeff - - I have been a PGR for only 2 weeks now - but - how proud I am to be a part of this effort

I joined PGR's because of the heart I had witnessed during this past year. And, for the noble work this organization accomplishes.

I'm sorry you are stepping aside but I'm glad you will still be there riding and guiding when and where needed. - - You have certainly founded a fine, effective, high caliber organization.

I met Snap at 29 Dreams Motorcycle Resort this summer - - his enthusiasm was contagious.

Now, we'll get behind him and continue the work !!

Ride safely Jeff - - and with us !!

Garch
(Gary Archer)
Birmingham Alabama
posted @ Tuesday, November 07, 2006 9:45 PM by Garch

Jeff,
Your guidance and insight are etched in the mission statement and history of what could possibly be the the most important thing many of these wonderful members will ever be a part of. The mission is truly bigger than any one of us but were it not for you and so few others in the begining, the mission wouldn't be. You have always taken the high road and you will always be respected for that. Please stay as active in the PGR as your time allows. I hope someday I might have the chance to thank you in person for all you have given. God Speed and keep the sunny side up Jeff. Most Sincerely, Kevin
posted @ Tuesday, November 07, 2006 10:11 PM by Trog55

Well done, Jeff, well done indeed.

You know what comes next, of course.....you gotta write a BOOK!
posted @ Tuesday, November 07, 2006 10:15 PM by markwells

It is with a heavy and grateful heart that I say thank you Jeff. Heavy becuase I do not want to see you go and grateful for how you have helped to restore Patriotism to America. There are no words that can sufficiently

describe the change you and the Patriot Guard have had in my life. Every time I sent you an e-mail you returned one to me as if I was the most important person in the world to you. And obviously in that email I was. Like the e-mail I sent when my PGR flag had one side upside down, thank you!!! I will have that as a family treasure. What has amazed me about your leadership is that no matter what you have always stood to the line and always come through for America, our soldiers, and each of us Patriot Guard Members.
I can only imagine the stress that your family has had to endure and for that all of us say thank you to Bonnie, the famliy and freinds of Jeff "Twister" Brown!!!
"May God increase your borders... and may it not cause you any more pain... "
I think the way I can say thank you the best is to quote of my Hero's Jeff "Twister" Brown:

"It's very rare to have the opportunity to have a positive affect on the lives of thousands of people. We're living that opportunity right now. I urge you to continue the mission. We do make a difference. Most families will never remember the preacher's words or the Captain's accolades. In times of such overpowering grief, the family will not remember who was there or who sent flowers. But they remember the strangers who came on the bikes and in cars from miles away; the men and women who stood shoulder to shoulder to share in their sorrow and their pride. They remember and they are thankful. It matters.

Sir Winston Churchill once said, "It is not enough that we do our best, sometimes we have to do what is required." Thank you. Jeff"!!!

Thank you Jeff and Bonnie!!! I sure hope I get the opportunity to look you's in the eye and shake your hands. I will continually pray for you and your family. Ride Safe Brother, Leader, Friend and World Changer.
HGpreacherman
NE MI R/C
Sam
posted @ Tuesday, November 07, 2006 10:21 PM by HGPreacherman

Jeff-
Your efforts have had a positive influence on me. I'm one of the oldest riders in the PGR, and I want you to know how indebted I am to you, your family and friends. I'm blessed to have a God and wife that allow me to seldom miss a mission for a fallen military hero, a send off, or a welcome home ride. I want to continue this in a humble manner. I don't enjoy the press/media.....and I don't like egos. When I'm running on ego (I call it "Edging Out God")....I end up humiliating myself. Jeff, you know by now, there are some who have to frequently feed their ego. It's painful to see them self obsess when they are in a leadership position. My experience is that they will stumble and get humble. I'm seeing some of this in my area..... it's discomforting and it is starting segregating factions to develop. Please be strong, keep it simple and follow your heart. You will experience goodness and clarity. You have done good things some of us only dream of. I will do my best to follow our mission statement as I believe you intended. You are a needed leader. That's a leader who doesn't feed on the need for constant pats on the back. I'll do my best to keep it simple, stay focused and show respect to the fallen military hero, family and community....period. It's my humble honor to suit up, ride and show up.....when asked by the family. I will speak up when I perceive a course correction is needed. Thanks Jeff. We will not forget your efforts, and your input will always be welcome. Best wishes for a happy and healthy day.
DW

posted @ Tuesday, November 07, 2006 10:39 PM by Anonymous

Jeff, I want to thank you for finding the PGR! I served 8 years in the Navy and got out just before Desert Storm. Although in my 8 years as a sailor, I knew I was making an important contribution to my country as a nuclear

welder! But I felt a bit empty in the following years...until January of this year! Now I feel important again, to my country, with my membership in the PGR! I can only IMAGINE how absolutely exhausted you must be! As we will NEVER forget our fallen military, we will never forget you, Jeff Brown!
Thank you!
Steve Ryan
Bear, DE
posted @ Wednesday, November 08, 2006 4:00 AM by sdrpaintboy

This is a shame, I joined when there was a mere 8000 members and am in awe of the sheer #'s today. I joined for just 1 reason "the mission" period.I probably have as much PGR stuff as I have Harley stuff and no one made me buy either . Profits!!! I've been in the workplace for a long time and "Profit is not a dirty word" sure there is non-profit this and non-profit that but like so many have said before who's gonna foot the the bill for this thing as is has become, money has to come from somewhere, even the the big so called charitable organizations we all have donated at one time have profited some way or they couldn't exist.

Jeff, please don't close the store ..seperate it, profit from it if you wish, donate to the cause if you wish.....your call

Steve in Indy
posted @ Wednesday, November 08, 2006 5:12 AM by xskartman

Jeff, I can only echo what others have been saying. I do want to thank you for for all of your efforts and sacrifices. You are a great American!

Some day maybe fate will arrange for us to meet. Should that happen I will be proud and honored to shake your hand.

Mark
Central, MA
posted @ Wednesday, November 08, 2006 5:29 AM by misfire

Jeff, I met you and think you are an extraordinary person. I commend you on an outstanding job and the accomplishment of organizing such a terrific, meaningful and dedicated bunch of unselfesh Americans. I do not think you should let a few jealous small minded individuals feel they have gained a victory in their effort to undermine and backstab the PGR.
If you must step down (~~and I wish you would not), I would like to suggest~~ that you at least keep the PGR store up and running. If you still feel a need to discontinue the store, please consider turning it over to the PGR. The organization could really use the funds to help subsidize the many costs that incurr in running an organization. Many members, such as yourself, gave cheerfully their money and their time, with no thought of reembursement or pats on the back, to make things work for the good of all.
Many Thanks
Speed Bump - WRB
posted @ Wednesday, November 08, 2006 7:24 AM by SPEED BUMP - WRB

Jeff and Bonnie
Thank you for all you did
posted @ Wednesday, November 08, 2006 7:51 AM by wwr2

Jeff

Thank you. You know you are always welcome anywhere you go. You created a great thing, and are a well respected person. I will ride with you anytime.
posted @ Wednesday, November 08, 2006 7:56 AM by TheJediPimp

Thank you.....
posted @ Wednesday, November 08, 2006 8:45 AM by jherrick

To Jeff and Bonnie. Even though I have never had the privilage of meeting you, I'd like to take the time to thank you. I have seen this once before in another organization that I belonged to. The founder came under attack from

those within because of their own agendas and, in my opinion, jealousy. Like so many others here I have not had the honor to have been a member for that long a period of time. Like a first date, first kiss, or first love, I remember my first mission vividly. The showing of pride, respect, and patriotism left me speechless and bluxry eyed. You have EARNED the respect, and touched more lives, than you can imagine. Like my brothers and sisters here, I stand tall and salute you. To Miss Bonnie, all I can say is that you must be a truely remarkable woman to be able to share your husband with us. I know how my small involvement has effected my wife and the support that she has shown me. A mere thank you seems so inadequate. Well done ma'am, well done.
posted @ Wednesday, November 08, 2006 10:55 AM by frontstuffers

Jeff - thanks for your vision and dedication in bringing so many patriots together. You may now rest easier. I'll support Snap and the rest of our leaders just as I supported you. I have a mission of showing respect for those who gave their lives for ME. That makes it so much more personal. Thanks for helping bring that mission to me!
posted @ Wednesday, November 08, 2006 10:56 AM by Wilderman

I CAN'T THINK OF ANYTHING MORE IMPORTANT RIGHT NOW THAN DOING WHAT WE DO. LAST SATURDAY WE PASSED A WOMAN ON THE STREET STANDING IN RESPECT HOLDING AN AMERICAN FLAG. AS WE ESCORTED A SOLDER TO HIS RESTING PLACE. THREE DAYS AGO I SAW 3 MEN WHO WERE WALKING DOWN THE STREET AS WE PASSED BY THEY TURNED TO FACE US AND HELD THIER HATS OVER THIER HEARTS. I'VE NEVER SEEN ANYTHING LIKE THIS BEFORE. WITH OUT THE PGR IT WOULD HAVE BEEN JUST ANOTHER DAY.

JEFF YOU HAVE MADE A DIFFERENCE

CINCO
posted @ Wednesday, November 08, 2006 11:13 AM by CINCO

I can't thank you enough for all the hard work you have done. I am very proud to be a member of the PGR. It has helped so many families and hometowns. I am sorry to hear you will no longer head the PGR. Good luck and THANK YOU.
Riding in NH
posted @ Wednesday, November 08, 2006 11:42 AM by Softtail56

I am simply stunned by this news, and deeply saddened as well. The sorrow is for all of us at the PGR....it was your vision, your spirit that helped kindle the fire that burns in the heart of each and every one of us. It was your leadership that brought all this to fruition. Without you, there would have been no PGR. The new leadership has incredibly large boots to fill. And I for one...will stand with you in any flag line.....anywhere.....

Jeff Greiner
posted @ Wednesday, November 08, 2006 12:10 PM by jgreiner

Jeff, I've never had the pleasure of meeting you either but as a fairly new member to the PGR, I cant Thank You enough. I can only imagine the sacrifices you have made to keep this all running smooth. I for one, cant say enough about this group of people. If i had to sum it up with one word, it would have to be "RIGHTEOUS", and to see it grow in one short year to over 63000 members say's it all. Thank you so much for giving me proof that there are still good people in this country.

Again... Thanks for all you have sacrificed, I will stand proudly with you in any place at any time.

Standing by in NH
Bob I.
posted @ Wednesday, November 08, 2006 3:33 PM by RAY66FLH5903

Jeff, I first became aware of the PGR early this yearl, and I have watched with awe as the organization has grown exponentially since then. I believe your leadership was absolutely essential in how the PGR has developed. Your

writings (in my view) have been reasoned and reasonable, and I salute you for what you have been able to accomplish. Fine job, sir!
posted @ Wednesday, November 08, 2006 3:57 PM by Feets

Jeff,

I have never met you but you have done something to me and for me that I thought was lost. (PRIDE) Pride in my Country and myself. This origination is something this country and its citizens have needed for many years. When my Son-in-Law came back from the Sand Box last year I gave my wife money to get me out of jail should someone say or do anything to him as was done 40 years ago. You are to be commended for what you and all of the officers have done for this origination and this Nation. You have awakened a sleeping giant and I, for one, pray it never stops.

Good luck in all you do and may GOD bless and keep you and yours. I would be honored to stand with you at any time.

Ron Nelson
Madisonville, Republic of Texas
posted @ Thursday, November 09, 2006 1:23 PM by Anonymous

Jeff

Thank you for this wonderful organization that you started. It is a shame that some people have to find fault with something that has accomplished so much for so many. I , and I'm sure many others, appreciate your vision and dedication in making the PGR what it is. We must, and will carry on. Bonnie and Twister's family, Thank You for sharing this fine man with us. If we can keep the store, please do. I need some gear! Ride safe and free.
Denny
posted @ Friday, November 10, 2006 9:11 AM by Anonymous

Jeff thank you and all of the founding members of the Patriot Guard. Thanks to the ones who gathered for the first time to stand for the fallen. Thanks for 40 years of healing. Thanks for bringing the likes of Ancient1, Snap and too many others to mention together.
Thanks for waking up so many who had suppressed their feelings.
God's speed in your future endeavors and I hope they include the Patriot Guard Riders.
Later
Mike
posted @ Thursday, November 09, 2006 6:26 AM by TennVic

Jeff and Bonnie,

Thank you for EVERYTHING - if you both live a hundred more years there will not be enough time for you to see all the good that has happened because of your vision and sacrifice.

I have a big family - but a year ago I got a much bigger FAMILY that grows by hundreds every day. The PGR, just like my family, has its issues but the good far outweighs the bad.

I hope the missions get fewer, and the homecomings increase, and I get to meet you both in person someday soon.
posted @ Tuesday, November 14, 2006 2:47 AM by Turquoise_Eyz

Well this goes to show you you cant please everybody and that everybody pays for a fews views and theres allways someone that thinks they can do it better but never does this didnt get started for free and it does cost money to do any of it and i wonder what a persons time is worth to do what jeff has done for so many i have meet the man personally and you wont find a more honest and sincerly honerable man thank you jeff for standing up and making it work for our soilders and us !!!!!!!!!!!
posted @ Friday, November 24, 2006 7:01 AM by frogman

Jeff,
I will simply say THANKS,
posted @ Thursday, November 09, 2006 8:06 AM by Gator

Jeff and Bonnie,

I haven't met either of you but I hope to one day. My hats off to you, thank you for what you have done for the PGR and continue to do. Anytime you get a group together there will be some sort of dissention. You can't please everybody all the time. You can only do as much as you can and you have done that.

Keep your head up and the rubber side down.

You are welcomed in De anytime.

Take care and be safe

SSgt Corey Targett
DE State Captain
USAF '93 - present (Currently deployed to Afghanistan)
posted @ Friday, December 22, 2006 6:05 AM by Buffcat

Dear Jeff & Bonnie ~ I'm speechless. And very sad. It breaks my heart that a few troublemakers have been stirring the pot enough to cause some great people to step down from the ranks of National. All of you guys at the National level were such a huge help to me more than a few times when I was worried that I wasn't doing "the right thing" just right. I can't thank you enough.
I wish you and your wife all the best. Bonnie, please give your wonderful husband a giant ((HUG)) from me. And thank you for sharing him with us. Our nation is indebted to you both.
Much LOVE and RESPECT,
~CleverLori, Seattle, WA
posted @ Wednesday, November 08, 2006 5:52 PM by CleverLori

BAIR HERE GOD BLESS MY FRIEND AND THANK YOU
posted @ Wednesday, November 08, 2006 6:31 PM by

Jeff
I am wondering. How do you thank an American Patriot for what you have done? You and the other founding members took a stand and said "No this will not happen again on my watch"! Last time I looked there were over 55,000 of us in line saying the same thing. I joined as member 2885. And each time I go on a mission , as I choke and tear up I will make that statement again. "No this will not happen again on my watch"!
Ride on brother, next star and straight on until morning!

Rob
posted @ Wednesday, November 08, 2006 7:32 PM by CmdrRob

A simple thanks and job well done. Ride safe.
Mickey
posted @ Thursday, November 09, 2006 4:04 PM by Mickey

Jeff, the famous quote from Admiral Yamamoto on Dec. 8, 1941, comes to mind. After he was told that the Pearl Harbor raiding force had missed sinking the American carriers, he said, "I feel all we have done is to awaken a sleeping giant and fill him with a terrible resolve".

You and others awakened a sleeping giant beginning in October 2005. The potential for the PGR was there all along, but it took your vision and leadership to get us moving. Thank you.

Now that you'll have some time on your hands, consider this an invitation to come down to Texas and eat some tamales with catsup.

Thanks again,

Streaker
posted @ Thursday, November 09, 2006 11:50 AM by Streaker

Jeff,

Even though we never meet i do recall in the beginning a couple of phone calls and E-Mails we had with each other.

Brother Thanks for everything the Vision, desire, wiliness, Faith and Hope you had to direct this Organization to where we are Today.

Brother if I don't meet you here on Earth look me up in heaven I will be the Marine Standing at the gate to Welcome all my Brothers and Sisters Home.

Take Care My Brother,

Pegleg
posted @ Thursday, November 09, 2006 8:37 AM by Pegleg

Jeff sry to see this happen. thank you sir for all you have done.
It has been an honor to ride with you on a few missions.
I will see you on the next one brother.
posted @ Thursday, November 09, 2006 12:31 AM by ALL41_Wolf

Thanks Jeff-keep your powder dry and ride safe, man!
posted @ Thursday, November 09, 2006 7:37 AM by whitzoo

Hey Jeff and Bonnie, you lit the torch and carried it until all these candles were lit around this nation. Now we will all share the light, and no one can put it out! You can stand line knowing how much it means to so many. Well done!

Dave Kern
R/C Region 2 NY
posted @ Wednesday, November 08, 2006 8:14 PM by WizdmDave

Thankyou Jeff for all that you've done. I wish I could wave a magic wand and keep ya where we would love to see ya, at the helm of this great organization.
I agree with the shame shame on the vocal people, if you don't like it then you should be the ones to leave!!!! I bet there are close to 63,000 people that won't support you.
posted @ Thursday, November 09, 2006 4:16 AM by CaptKersh

Jeff I have been out of touch for a while moving and such. YOU will be missed by me and I know others also. You were the first PGR member I met and I didn't know who you were. You were so down to earth and unassuming. You didi not act like someone who held the position of executive director. You were just one of the guys. You were a major influence in my staying with and becoming as active as I have been. I am sorry to see you go but I know all the stress you have been under trying to keep the peace. Godspeed Brother and I will try and keep in touch.
posted @ Thursday, November 16, 2006 10:58 AM by

Jeff - I just want to say THANK YOU FOR A JOB WELL DONE !! You lit a small fire with a spark and it has grown into a passion with so many of us. You "DID THE RIGHT THING" so that we could all see the importance of that and share in honoring our heros as they should be. We couldn't continue (or be where we are at today) without the strong foundation that you have based the PGR on. Good luck with your other pursuits and we'll see you on the line!
posted @ Wednesday, November 08, 2006 7:31 PM by MNHeritagePatriot

Jeff, THANKS! You are the kind of leader I would follow,and did. I only talked to you twice on the phone,but I could tell by your demeanor you ARE a fine man. I would like to meet you someday. OH yeah, how can I buy some PGR

stuff before it's gone? respectfully,skeeter1540
posted @ Wednesday, November 08, 2006 6:59 PM by skeeter1540

THANKS for All You Have Gave & Done,I'm a Vietnam Era Veteran,Since my Honorable DisCharge from The USArmy I involved myself with anything Military related,but always came away emty HEARTED?Well the Gulf War came and gone/the Iraq War is still going on/Still Standing behind My Brothers/Sisters,Then Bam I open the paper in AthensGA about this group of individuals HonoringSGT.Flint! Guess what? Life has never been the same!Yes I joined the PGR & never looked back!These MISSION's give me a Warm Fussy Feeling that I haven't had since I was Saved in the SDA.My God BlessYou/Family!SP/PhilipC.Wall 2006 VeteranDay
posted @ Friday, November 10, 2006 10:37 AM by pwall2

Jeff, I first became aware of and joined the PGR in the spring of this year. Since then, I have watched in amazement as the numbers swelled and swelled again -- and the assignments/missions increased exponentially. I always enjoyed reading your reasoned, reasonable correspondence, and think that your hand behind the scenes was masterful. I salute you for the work you did. PGR members owe you a debt of gratitude for all the organizational set up ypu put into place. Well done, sir!
posted @ Wednesday, November 08, 2006 7:40 PM by Feets

Jeff never met you but would be proud to stand a flag line with you the place of honor would be to stand next to you and Bonnie for what you have done with this outfit. Best to you Blue Fox
posted @ Wednesday, November 08, 2006 5:06 PM by BLUE FOX

Jeff--
Joe and I were at the GOTG in Clarmore and did have the pleasure of meeting you...as we were talking to you, I remember thinking what a "regualr guy" you are and how friendly and open and passionate about the PGR you are. It was so good to be able to meet the man who took the vision and gave it life. We are sad to see you take a different role, but know that the fire you fanned is now a wildfire! THANK YOU for giving my husband, Joe, a VietNam vet, an organization to belong to that helps him deal with terrible scars he bears from that war and the way many Americans treated him after he came back. THANK YOU for giving me (and him) an avenue to "do the right thing". We are so patriotic and love our country and soldiers, but didn't have a way to put our feelings into action. You helped provide us with a way to touch our brave soldiers and their families. For this we owe you a debt of gratitude that we can not repay. The PGR has truly chanaged our lives...as I know it has thousands upon thousands of people's lives. As Ecclesiastes says, for everything there is a time, a season to everything under heaven. Thank you for the time you sacrificed so we could become the PGR. Now it seems you feel it is time for the torch to be passed on. We pray that our love and thanks will surround you and that you will know that even Jesus had people who criticized and accused Him, although He was perfect. In other words, you cant be "good " enought to avoid the things some people will always say. Hurtful, hateful and untrue remarks/criticism in no way mean you have done anything wrong...they merely say something about the people who speak these things.
We look forward to seeing you in '07 @ the GOTG...with our deep appreciation and support always. Liz and Joe from Lees Summit, MO
posted @ Sunday, November 12, 2006 6:35 PM by 3rd of the 60th

Jeff,
Walk tall. You have done all of us a great service in shepherding the PGR through it's formative stages and to the heights we have reached today. No one can doubt your dedication to the mission. Someday I'll shake your hand and thank you in person for the good things you have done. Until then just know that we think the world of you and the organization that has given so much, to so many people, in a variety of ways. 63,000 members. Who would have imagined the impact we would have on the entire country. I know we have been a blessing to so many families of the fallen. Rest easy, pass the baton and let the fresh troops carry the banner. I'll see you someday on the flag line. Best to you and your family. Dave Polett "HarleyDave747" PGR in CT.

posted @ Wednesday, November 08, 2006 11:12 PM by HarleyDave747

Thank you Jeff, for your vision and pioneering a venue for us to stand proud and honor fallen Americans. What an impact we've made in the last year! We're making a difference, and America is actually thanking US!

Here are a couple of recent examples from Austin, Texas...

Today, 12 Nov. 2006 has been declared "Patriot Guard Day" in Austin, by Mayor Will Wynn.

Back in August, we completed a mission for a local Marine, Sgt. George Ulloa, Jr. We were planeside when he came home and graveside when he was laid to rest. Yesterday, on Veteran's Day, the Austin group sent riders to San Antonio to escort another Marine, Luke Holler, to his final resting place at Ft. Sam. When we staged in Austin for the 70 mile ride to S.A., George Ulloa Sr. was there with his 2 other sons. He is now a PGR as well, although he doesn't ride- he drives the biggest damn pickup you're ever seen!

Once we got to the church in S.A. and assembled with the SA riders and another group from Houston, Senior asked to say a few words. He introduced himself and spoke of how we could in no way understand what it was like to have so much support from us, complete strangers. He choked back tears as he spoke, his loss is still so recent. He did manage to also tell us that he had an igloo full of water for all of us. US Flags were on his truck, a large USMC decal in the rear window, and he and his sons escorted in support the entire 150 mile round trip. He is a registered member, and a respected father to us in our local membership. We are proud to have him with us. What does one say to the family, freinds, police, media and active service members who thank us for being there? All I can say, if anything at all, is "Thank you for having us".

Lastly- and this is partially non- mission oriented, the waves and thank you's we get when being passed or seen in traffic to, from or during a mission. People notice, and they're becoming aware of our existence and what we stand for, and they appreciate it. I think that it has rekindled a spirit not only among riders, but to those who only wish THEY could belong to a similar group as well. Of course, you don't have to be a rider, it's simple and on the home page what the requirements are to be a member. The simplicity of membership is a beautiful thing! And I almost hate to see the earlier posting suggesting elections for our future leadership. I hate to think of us becoming politicized...

Anyway, my last thought- the non mission part, is that in addition to serving the families, we at the same time are even breaking down some stereotypes of our motorcycling community. You see at funerals- at first some of the family are a bit wary of our appearance. But at the end of the day they're feeling so much differently. They accept and appreciate us, and that can only help make all riders a little bit safer while on the road.

Thank you, Jeff- for helping me find a way to serve and to belong. I've never wanted to be a part of any motorcycle organization of any type, except HOG and the Ironbutt Association which are basically to me just AAA for Harley owners and a patch for my vest when I do a long ride. The Patriot Guard is one I can 100% belong to, believe in, be proud of, and support to the end.

As someone once wrote in these forums, I'm "riding for the PGR until the PGR rides for me". I'm in it for life. And damn proud to be.

Andy Lough
"Andyman"
Ride Captain/ Austin
posted @ Sunday, November 12, 2006 4:27 AM by Andyman

Jeff

Thank you for the PGR, It is the right thing for all of us to do. Our troops need to know that they are welcome back home, when they get here.
I would like some day too meet you, but for now enjoy your family and life, put your knees to the breeze, and maybe we will meet on a flag line.

Shovelhead85

i
posted @ Thursday, November 09, 2006 7:44 PM by shovelhead85

Jeff,
I've only met you via phone (sorry, Bonnie), but I am proud to call you my friend. You have done an outstanding job! Stars in your crown. God Bless in your future endeavors.
Granny Red
posted @ Thursday, November 09, 2006 6:19 AM by Granny Red

Jeff--
I want to thank you. I wasn't aware of the PGR until this past May when my friend was killed in Iraq and the PGR stood with honor at his funeral.
Thanks so much for everything.

Semper Fi!
posted @ Thursday, November 09, 2006 6:52 PM by wyowife72493

JEFF,
GOOD LUCK, RIDE SAFE, ENJOY YOUR FAMILY.

THANK YOU FOR THE PGR, IT WAS AND STILL IS THE RIGHT THING TO DO!

GOD BLESS YOU AND YOUR FAMILY.
posted @ Thursday, November 09, 2006 4:36 PM by CE1SeaBee

Jeff,
I'm afraid all of your time may now be taken up with reading all the posts of those of us who will miss you so very much.
Thank-you and your wife and family for every thing.
I think I speak for 99.999% of the Patriot Guard when I say ,We never doubted any thing you did or were doing. Shame on that little % of others.
Volunteering for any orginization takes a toll, Let alone an orginization with 60,000 members.
Thanks from all of us Patriots!!!
God Bless you and your family.
Mary Anne Keough
posted @ Thursday, November 09, 2006 7:18 AM by AnnieM

I joined the PGR when there were 25,000 members or so. We are now 63,000 strong. Every one of us owes a huge debt of gratitude to Jeff and Bonnie. I wish them peace and happiness in their future pursuits. I have been involved in many organizations and have never been as proud as I am to be a member of the PGR. Thank you Jeff.

Oscar C. Blomgren
Green Oaks, IL
posted @ Thursday, November 09, 2006 8:26 AM by Tatonka69

Sorry, forgot to log in for that last post.
Denny (DXTRIDER)
Proud PGR Member
posted @ Friday, November 10, 2006 9:19 AM by DXTRIDER

Each of us has to take a look at our lives and decide on some hard facts. Some harder that others but the decissions still have to be made and only

one person can do that for themselves, no matter what those decissions bring in the future. You do for you and yours as best as you can and hope for the best, but only YOU can make the Life decissions for you yourself.
My best wishes for your Life decisssions and there outcome.
One question, how woluld I go about ordering, form what stock you have left. Address, e-mail etc. etc. etc.
Thanks again for your service. Tailgunner, in Salina, Ka.
posted @ Thursday, November 09, 2006 12:28 PM by LRRains

Jeff, I am new to the PGR and did not have the pleasure of meeting you. My loss I can see from your letter and comments from other PGR members.
Thank you for all you have done and given to this group. I do hope after a bit of "R&R" you will be back stronger than ever and leading the way again.
God Bless!
posted @ Monday, November 20, 2006 6:23 PM by Uffda

Jeff, I may never meet you and I will regret that because it will be a lost opportunity to meet a real Hero. I am a new member and a Viet Nam vet. I joined to have the privilage of making sure that no interferes with or upsets the family and friends attending the funeral of the young men and women who lost their lives for this great country. Until you spend time in another country and return home you can never truely realize how wonderful this country is. I will stand proudly to welcome home any all returning from a war zone because I understand what it's like to feel that no one cares what you went through. It may not mean much right now but I would like for you to know I had tears in my eyes when I first heard that someone was standing up for America and not letting a few misguided individuals harrass and slander our servicemen. And to do it in such an organized way, that never involved violence is a superhuman feat. Stand tall because you are one of my heros. In Viet Nam when something really bad happened to us we would stoically say 'It don't mean nothin' and that's what I think of anyone who would look beyond what you have done for this country and be so petty.
Please stay involved you are the torch bearer for the 'silent majority'.

Bless You, Brother.
Black Horse.
posted @ Thursday, November 23, 2006 7:52 PM by Black Horse

Jeff, Our Founding Father of PGR, you are one awesome American Brother. Stepping back is not stepping down you are still going to be shoulder to shoulder with us and it is just as important. My first Mission was today in Monongahela,PA. A Viet-Nam Vet,yes, but just as important as one our Missions for a Soldier of the present conflict. Many of the men, who were also Nam Vets, I talked to today at the staging area, without words even said, gave me the impression that they are able to do some healing in being a PGR. I was a punk kid during that war 30-some years ago, but I knew in my heart that something better needed to be done for them upon their return to the Country they faught for to keep our Freedoms. You, Sir, are the man that started the fires burning in those Vets, and the rest of us, who are Honored to show our Respect for those who have made the Highest Sacrifice to keep us free. My Father who served in WWII will have the PGR escort him to his final resting place one day at my request. As someone else said in these postings earlier, may our Missions be Welcome Home rides instead of funerals soon.
Bless you, your family, and our new Leader of PGR. Peace and Love, Nancy
posted @ Saturday, November 18, 2006 3:54 PM by Gary and Nancy Schwartz

No virus found in this outgoing message.
Checked by AVG.
Version: 7.5.524 / Virus Database: 269.24.4/1476 - Release Date: 5/31/2008
12:25 PM

OKLAHOMA SECRETARY OF STATE
2300 N. LINCOLN BLVD., ROOM 101
OKLAHOMA CITY, OK 73105-4897

M. Susan Savage
Secretary of State

Brad Henry
Governor

02/27/2006

THOMAS J. WINTERS
ATTN: THOMAS J. WINTERS
2448 E. 81ST STREET, SUITE 5900
TULSA OK 74137
USA

RE: PATRIOT GUARD RIDERS, INC.

Document Number: 4610540002
Client Account Number: 71422409

Dear Secretary of State Customer:

The documents submitted have been filed in the Secretary of State's Office. Please find the enclosed documentation evidencing such filing.

I am pleased to announce that the Secretary of State's office is completing the final stages for the implementation of a new business system. Please allow me to introduce you to *SOONERACCESS*.

SOONERACCESS.....,

- Available at www.sos.state.ok.us , please visit our website during the next few weeks as services become available;
- Available 24 hours a day, Monday through Saturday and from 6 a.m. to midnight on Sundays.
- Submit the majority of business entity documents, trademark/renewals, and notary public applications/renewals on-line;
- Search business entity, trademark, and notary public information on-line;
- Order and receive status certificates and certified and plain copies of documents on-line;
- No additional charges, statutory fees will still be charged for on-line services. Detailed searches for business entities are available at a cost of three searches for $5.00, however simple searches involving name, entity type, and registered agent are available free of charge.
- On-line payment may be made by Electronic Fund Transfer at no charge or by credit card which is subject to a 4% convenience fee.

I believe *SOONERACCESS* will provide customers a welcome convenience, allowing their fingers be spent on-line rather than in line. Please note your client account number at the top of the page for easy access to the new system. If you have any questions regarding the new procedures in the Secretary of State's office or *SOONERACCESS*, please do not hesitate to contact me.

Sincerely,

M. Susan Savage

M. Susan Savage
Secretary of State

Enclosure

RESPONDENT'S EXHIBIT 7

OFFICE OF THE SECRETARY OF STATE

NOT FOR PROFIT
CERTIFICATE OF INCORPORATION

WHEREAS, *the Not For Profit Certificate of Incorporation of*

PATRIOT GUARD RIDERS, INC.

has been filed in the office of the Secretary of State as provided by the laws of the State of Oklahoma.

NOW THEREFORE, I, *the undersigned, Secretary of State of the State of Oklahoma, by virtue of the powers vested in me by law, do hereby issue this certificate evidencing such filing.*

IN TESTIMONY WHEREOF, *I hereunto set my hand and cause to be affixed the Great Seal of the State of Oklahoma.*

Filed in the city of Oklahoma City this
21st day of February, 2006.

Secretary of State

The name of the corporation is:
PATRIOT GUARD RIDERS, INC.

This nonprofit corporation is organized and operated exclusively for charitable purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

This corporation does not have authority to issue capital stock.

This corporation is not for profit, and as such the corporation does not afford pecuniary gain, incidentally or otherwise, to its members.

Effective Date:

Perpetual

Agent Name
Jeffrey A Brown
Address
8321 S. 8th Street
Broken Arrow, OK 74011 USA

Name
Jeffrey A. Brown
Address
8321 S. 8th Street
Broken Arrow, OK 74011 USA

Title
Incorporator

Name
Kurt Mayer
Address
14630 Santa Lucia Drive
Houston, TX 77083 USA

Title
Incorporator

Name
Jason Wallin
Address
312 Granite Court
Windsor, CO 80550 USA

Title
Incorporator

Name	Title
Jeffrey A Brown	Director

Address
8321 S. 8th Street
Broken Arrow, OK 74011 USA

Name	Title
Kurt Mayer	Director

Address
14630 Santa Lucia Drive
Houston, TX 77083 USA

Name	Title
Jason Wallin	Director

Address
312 Granite Court
Windsor, CO 80550 USA

The Number of Directors to be Elected at the First Meeting: 3

File Label	File Name and Path
Additional language	G:\PaulaWPD\OKFORMS\Additional Language.pdf

I hereby certify that the information provided on this form is true and correct to the best of my knowledge and by attaching the signature I agree and understand that the typed electronic signature shall have the same legal effect as an original signature and is being accepted as my original signature pursuant to the Oklahoma Uniform Electronic Transactions Act, Title 12A Okla. Statutes Section 15-101, et seq.

Dated - 2/21/2006

Corporation Name	Signature Name	Title
	Jeffrey A. Brown	President
	Kurt Mayer	Secretary
	Jason Wallin	Treasurer

[End Of Image]

BYLAWS OF
PATRIOT GUARD RIDERS, INC.

ARTICLE ONE
OFFICES

The principal office of the corporation, hereinafter referred to as the "Corporation", shall be located at the address set forth in the Articles of Incorporation. The Corporation may have such other offices, either within or without the State of Incorporation, as the Board of Directors may determine from time to time.

ARTICLE TWO
MEMBERSHIP

The Corporation shall have only one (1) class of membership, the Board of Directors, which shall be voting members.

ARTICLE THREE
BOARD OF TRUSTEES

Section 1. General Powers. The affairs of the Corporation shall be managed by the Board of Directors whose members shall have a fiduciary obligation to the Corporation.

Section 2. Number, Term, and Qualifications. The number of Directors shall be no less that three (3) and no greater than five (5). The term of membership shall be for continuous one (1) year periods, unless removed. Those set forth in the original Articles of Incorporation shall comprise the original Board of Directors.

Section 3. Regular Meetings. A regular annual meeting of the Board of Directors shall be held each year, or more frequently as the Board of Directors may determine. The Board of Directors may provide, by resolution, the time and place for holding additional regular meetings without other notice than such resolution. Additional regular meetings shall be held at the principal office of the Corporation in the absence of any designation in the resolution.

Section 4. Special Meetings. Special meetings of the Board of Directors may be called by or at the request of any two (2) Directors, and shall be held at the principal office of the Corporation or at such other place as the Directors may determine.

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Section 5. Notice. Notice of the annual, regular or any special meeting of the Board of Directors shall be given by oral notice to each Director. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. The business to be transacted at the meeting need not be specified in the notice or waiver of notice of such meeting, unless specifically required herein or by law.

Section 6. Quorum. A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board; but if less than a majority of the Directors are present at any meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice

Section 7. Board Decisions. The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law or by these Bylaws.

Section 8. Vacancies, Additions, Elections and Removal. Any vacancy occurring in the Board of Directors and any directorship to be filled by reason of an increase in the number of Directors, shall be filled by a two-third (2/3) majority vote of the Board of Directors. Directors shall be removed by a two-third (2/3) majority vote of the Board of Directors.

Section 9. Compensation. Directors, as such, shall not receive any salaries for their services.

ARTICLE FOUR
OFFICERS

Section 1. Officers. The officers of the corporation shall be a president, a secretary, a treasurer, one or more vice-presidents and such other officers as may be elected in accordance with the provisions of this Article. The Board of Directors may elect or appoint such other officers, including one or more assistant secretaries and one or more assistant treasurers, as it shall deem desirable, such officers to have the authority and perform the duties prescribed, from time to time, by the Board of Directors. Any two or more offices may be held by the same person.

Section 2. Election and Term of Office. The officers of the Corporation shall be elected annually by the Board of Directors at the regular annual meeting of the Board of Directors. If the election of officers is not held at such meeting, such election shall be held as soon thereafter as is convenient. New offices may be created and filled at any meeting of the Board of Directors. Each officer shall hold office until his successor has been duly elected and qualified.

Section 3. Removal. Any officer elected or appointed by the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interests of the Corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the officer so removed.

Section 4. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.

Section 5. Powers of Officers.

(a) The President: The President shall be the chief executive officer of the Corporation. He shall be a continuing member of the Board of Directors. He shall have general management of the business of the Corporation and have general supervision of the other officers. He shall preside at all meetings of the Board of Directors and see that all orders and resolutions of the Board are carried into effect, subject, however, to the right of the Board to delegate to any other officer or officers of the Corporation any specific powers, other than those that may be conferred only upon the President. He shall execute in the name of the corporation all deeds, bonds, mortgages, contracts, and other documents authorized by the Board of Directors. He shall be ex-officio a member of all standing committees, and shall have the general powers and duties of supervision and management usually vested in the office of president of a corporation.

No person shall be invited to speak or teach at a meeting held by the Corporation without his approval. He shall be designated attorney-in-fact for the Corporation by virtue of his office. He shall have the authority to appoint and approve any assistants that would be necessary to properly carry on the work of the Corporation.

(b) Vice-President: The vice-president shall perform the duties and exercise the powers of the president in case of his temporary absence from the office of the Corporation, and shall perform such other duties as may from time to time be granted or imposed by the Board of Directors. He shall serve as an ex-officio member of the Board of Advisors; however, in the event of serving as president, he shall be a voting member of the Board of Advisors.

(c) The Secretary: The secretary shall attend all sessions of the Board held at the office of the Corporation and act as clerk thereof and record all votes and the minutes of all proceedings in a book to be kept for that purpose. He shall perform like duties for the executive and standing committees when required. He shall give, or cause to be given, notice of meetings of the Board of Directors when notice is required to be given under these Bylaws or by any resolution of the Board. He shall have custody of the seal to all authorized documents requiring a seal. He shall keep the membership rolls of the Corporation, and in general perform the duties usually incident to the office of secretary, and such further duties as shall from time to time be prescribed by the Board of Directors or the president.

(d) The Treasurer: The treasurer shall keep full and accurate account of the receipts and disbursements in books belonging to the Corporation, and shall deposit all moneys and other valuable effects in the name and to the credit of the Corporation in such banks and depositories as may be designated by the Board of Directors, but shall not be personally liable for the safekeeping of any funds or securities so deposited pursuant to the order of the Board. He shall disburse the funds of the Corporation as may be ordered by the Board and shall render to the president and Directors at the regular meeting of the Board, and whenever they may require, accounts of all transactions as treasurer and of the financial condition of the Corporation. He shall perform the duties usually incident to the office of treasurer and such other duties as may be prescribed by the Board of Directors or by the president.

(e) Delegating Powers to Other Officers: In case of the absence of any officer of the Corporation, or for any other reason that may seem sufficient to the Board, the Board of Directors may delegate his duties and powers for the time being to any other officer, or to any Director.

ARTICLE FIVE
COMMITTEES AND BOARD OF ADVISORS

Section 1. Committees of Directors. The Board of Directors, by resolution adopted by a majority of the Directors in office, may designate one or more committees, which committees, to the extent provided in such resolution, shall have and exercise the authority of the Board of Directors in the management of the Corporation; but the designation of such committees and the delegation thereto of authority shall not operate to relieve the Board of Directors, or any individual Directors, of any responsibility imposed on it or him by law.

Section 2. Other Committees. Other committees not having and exercising the authority of the Board of Directors in the management of the Corporation may be designated by a resolution adopted by a majority of the Directors present at a meeting at which a quorum is present. The President shall appoint the members thereof. Any member thereof may be removed by the President whenever in his judgment the best interest of the Corporation shall be served by such removal.

Section 3. Board of Advisors. A Board of Advisors may be appointed as set forth below. It shall be the responsibility and privilege of the Board of Advisors to provide counsel to the president and the Board of Directors. Counsel shall be in organizational, financial, legal or other areas wherein the president determines professional counsel is needed and/or desirable. No minimum or maximum number of members of the Board of Advisors shall be established and the appointment to the Board of Advisors and tenure thereon shall be at the pleasure and in the complete discretion of the president.

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ARTICLE SIX
CONTRACTS, CHECKS, DEPOSITS, AND FUNDS

Section 1. Contracts. The Board of Directors may authorize any officer or officers, agent or agents of the Corporation, in addition to the officers so authorized by these Bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or may be confined to specific instances.

Section 2. Checks, Drafts or Orders. All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Corporation shall be signed by such officer or officers, agent or agents of the Corporation, and in such manner as shall from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments may be signed by either the treasurer or the President of the Corporation. The President of the Corporation shall be permitted to authorize execution of checks, drafts, or orders in the amount of $1,500.00 or less without prior approval of the Board of Directors.

Section 3. Deposits. All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies, or other depositories as the Board of Directors may select.

Section 4. Gifts. The Board of Directors may accept on behalf of the Corporation any contribution, gift, bequest or devise for any purpose of the Corporation.

ARTICLE SEVEN
BOOKS AND RECORDS

The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Directors, committees having and exercising any of the authority of the Board of Directors, and any other committee, and shall keep at the principal office a record giving the names and addresses of the Board of Directors members entitled to vote. All books and records of the Corporation may be inspected at any reasonable time.

ARTICLE EIGHT
FISCAL YEAR

The fiscal year of the Corporation shall be the calendar year.

ARTICLE NINE
DISSOLUTION

Upon the dissolution of the Corporation, the Board of Directors shall, after the payment of all the liabilities of the Corporation, dispose of all of the assets of the Corporation exclusively for the purposes of the Corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious or scientific purposes as shall qualify as an exempt corporation or organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, (or by the corresponding section of any future Revenue Code of the United States of America) or (b) by a corporation, contributions of which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, as amended (or the corresponding section of any future United States Revenue Law).

ARTICLE TEN
INUREMENT

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its members, officers, Directors, or any person except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered. Notwithstanding any other provisions of the Articles of Incorporation or these Bylaws of the Corporation, the corporation shall not carry on any activity not permitted to be carried on by (a) a corporation exempt from Federal Income Tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (or by the corresponding section of any future Revenue Code of the United States of America), or (b) a corporation contributions of which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, as amended (or corresponding section of any future United States Revenue Law).

ARTICLE ELEVEN
CONFLICT OF INTEREST

Any director, officer, or key employee who has an interest in a contract, salary negotiation, or other transaction presented to the Board of Directors or a committee thereof for authorization, approval, or ratification shall make a prompt and full disclosure of his interest to the Board of Directors or committee prior to its acting on such contract or transaction. Such disclosure shall include any relevant and material facts known to such person about the contract or transaction which might reasonably be construed to be adverse to the corporation's interest.

The body to which such disclosure is made shall thereupon determine, by a vote of seventy-five (75%) of the votes entitled to vote, whether the disclosure shows that a conflict of interest exists or can reasonably be construed to exist. If a conflict is deemed to exist, such person shall not vote on, nor exert his personal influence regarding, nor participate in (other than to present factual

information or to respond to questions) the discussions or deliberations with respect to such contract or transaction. Such person may be counted in determining whether a quorum is present but may not be counted when the Board of Directors or a committee of the Board takes action on the transaction. The minutes of the meeting shall reflect the disclosure made, the vote thereon, the abstention from voting and participation (where applicable), and whether a quorum was present.

ARTICLE TWELVE
SEAL

The Board of Directors shall provide a corporate seal, which shall be as set forth below.

ARTICLE THIRTEEN
AMENDMENT OF BYLAWS

These Bylaws may be altered, amended, or repealed, and new bylaws may be adopted by a two-thirds (2/3) majority vote of the Board of Directors at any regular or special meeting of the Board of Directors. At least seven (7) day written advance notice of said meeting shall be given to each member of the Board of Directors.

PATRIOT GUARD RIDERS, INC.

(SEAL)

Jeffrey A. Brown/President

BYLAWS-7

Fax From : 01-21-08 16:16 Pg: 11

From: IN State Captain [mailto:INPGR@rcfpro.com]
Sent: Thursday, March 27, 2008 6:19 PM
To: Bill Richart
Subject: FW: Invoice from PGR

sorry I meant in Dec 2005 he was selling stuff - here is my invoice for something I bought from him and guess what it shows invoiced from PGR and not him and the web site on the invoice is also the patriotguard.org site and not his - what was anybody to think other than it was a PGR store.

I believe the attorney would like this invoice.

God Bless and Thanks for All You Do,

Sincerely,

Richard Wilbur - IndyHarley
Indiana PGR, Inc. State Captain
~~~~~~~~~~~~~~~~~~~~~~
We Stand for Those Who Stand for US *(TM)*
~~~~~~~~~~~~~~~~~~~~~~
4 Wheels or 2, Be A Patriot Guard Rider
Riding With Honor and Respect
~~~~~~~~~~~~~~~~~~~~~~
Indiana PGR - *http://indianapatriotguard.org*

From: PGR [mailto:pgr@valornet.com]
Sent: Saturday, January 07, 2006 5:53 PM
To: richard@rcfpro.com
Subject: Invoice from PGR

RESPONDENT'S EXHIBIT
9

Dear Customer :

Your invoice is attached. Please remit payment at your earliest convenience.

PayPal Account = pgr@valornet.com
~~~~~~~~~~~~~~~~~~~~~~

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

To view your invoice
Open the attached PDF file. You must have Acrobat® Reader® installed to view the attachment.

PGR
3728 S. Elm Place
PMB #137
Broken Arrow, OK 74011-1803

Invoice

Date	Invoice #
12/23/2005	493

Bill To	Ship To
Wilbur, Richard 904 N. Cecil Avenue Indianapolis, IN 46219	

Terms	Via	
Due on receipt	None	

Quantity	Item Code	Description	Price Each	Amount
1	LSTS-XL	Long Sleeve PGR T-Shirt/XL	15.95	15.95
1	TS-XL	T-Shirt/XL	12.95	12.95

Total	$28.90
Payments/Credits	$0.00
Balance Due	$28.90
Customer Total Balance	$58.80
Job Total Balance	$58.80

E-mail	Web Site
pgr@valornet.com	www.patriotguard.org

PGR Store

3728 S. Elm Place
PMB #137
Broken Arrow, OK 74011-1803

PGR Store Invoice

Date	Invoice #
3/18/2006	2274

Bill To	Ship To
Richart, Bill 218 E. Boonville Sedalia, MO, 65301	Richart, Bill 218 E. Boonville Sedalia, MO, 65301

Terms	Via	
Consignment	US Mail	

Quantity	Item Code	Description	Order Status	Price Each	Amount
20	AB	PGR Arm Band		16.50	330.00
20	DTP	Memorial Mission Ride Dog Tag Pin		1.98	39.60
20	Vest Patch	2" X 3" PGR Vest Patch		3.50	70.00

Total	$439.60
Payments/Credits	$0.00
Balance Due	$439.60
Customer Total Balance	$462.40
Job Total Balance	$462.40

If mailing, please include a copy of this invoice with payment.

E-mail	Web Site
pgr@valornet.com	www.patriotguard.org

RESPONDENT'S EXHIBIT
10

Twister's

Your Original PGR Store...and MORE!

Date: 06/02/08

Name:
Address:
City, ST, Zip:

Paid Via:

Qty		Price	Amount
	Windshield Lettering	$14.95	$0.00
	Roadname:		
	City, St:		
	Color:		
	Font:		
	Helmet Decals	$3.75	$0.00
	OKC Memorial Patch	$4.50	$0.00
	Asphalt Patch	$4.50	$0.00
	Summer Mesh Cap - Red	$12.95	$0.00
	Summer Mesh Cap - Blue	$12.95	$0.00
	Summer Mesh Cap - Black	$12.95	$0.00
	Gas Pump Decal	$3.00	$0.00
	5 Mission Halo Pin	$5.95	$0.00
	10 Mission Halo Pin	$5.95	$0.00
	National Debt Pin	$5.00	$0.00
	Immigration Patch	$5.50	$0.00
	PGR Visor	$12.95	$0.00
	Live The Code Patch	$5.50	$0.00
	Star Families Patch	$5.00	$0.00
	Small Triangle PGR Patch	$5.00	$0.00
	Windshield Banner	14.95	$0.00
	Ride Captain Patch	$5.00	$0.00
	Armband	$16.50	$0.00
	Back Patch	$20.00	$0.00
	Welcome Home Pin	$5.00	$0.00
	Other		
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
		Total	$0.00

Please Remit Payment to:

PayPal Account = jeffbrown@valornet.com
Please make checks payable to:
Twister's
8321 S. 8th Street
Broken Arrow, OK 74011

For questions on orders already placed, contact: jeffbrown@valornet.com
If you have problems placing an order, contact: jtaucher@patriotguardstore.org

Thank you for your continued support of "Twister's" and the PGR.

RESPONDENT'S EXHIBIT
11

BROWN010103

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 11

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

DECLARATION OF JASON D. WALLIN

I, Jason D. Wallin, declare and state as follows:

1. I am over 21 years old, and I have personal knowledge of the facts of this Declaration and could testify competently to them if called upon to do so.

2. I was one of the first individuals to join the nationwide association implemented by Jeff "Twister" Brown (hereinafter "Brown") that would become known as the Patriot Guard Riders (hereinafter the "PGR association").

3. I served in the United States Army from 1996 to 1998.

4. My ride name is "Waldo".

5. On November 9, 2005, Brown sent out an e-mail, which I received, in which he stated the following:

   a. he advised me that he was putting me on the "PGR notification list";

   b. he advised that if I knew others who were interested in getting involved so that he could put them on the "PGR notification list" as well;

   c. he provided a list of funeral services at which the Westboro Baptist

Church (hereinafter the "WBC") would be picketing, which he had obtained from the WBC site;

d. he asked that I pass this list of funeral services around to other riders in order to encourage them to join in a "Patriot Guard Ride" in order to honor our fallen heroes and to support their families; and

e. he asked whether I lived around Beatrice, Nebraska in view of an upcoming funeral service for Army Spc. Darren D. Howe.

A true and correct copy of that e-mail is attached hereto as Exhibit A.

6. On November 9, 2005, I responded to Brown's e-mail in order to advise him that I lived near Greeley, Colorado and that I, along with other biker patriots, would be riding to, and attending, a different funeral service for a fallen United States soldier in Greeley, Colorado on November 11, 2005. A true and correct copy of that e-mail is attached hereto in Exhibit A.

7. On November 9, 2005, in view of Brown's e-mail, I registered the domain name www.patriotguard.org in order to set up a website to garner support and provide information regarding the new nationwide association (the PGR association) in accordance with Brown's plan.

8. I registered the domain name www.patriotguard.org on my own, without any instruction or request to do so by Brown.

9. On November 9, 2005, I sent an e-mail to Brown in order to advise him that I had registered the domain name www.patriotguard.org and that I could host it for free as I believed in the PGR. A true and correct copy of that e-mail is attached hereto as Exhibit B.

10. Thereafter, I, along with Hugh Knaus, built and launched the website

www.patriotguard.org (hereinafter the "PGR's website") for use by the PGR association.

11. On November 15, 2005, Brown sent out an e-mail, which I received, in which he advised other members of the PGR association that myself and Hugh Knaus were the PGR association's webmasters and that we had been burning the midnight oil in order to get the PGR's website up and running. A true and correct copy of that e-mail is attached hereto as Exhibit C.

12. I was the primary person who was responsible for the maintenance of the PGR's website and its online forums from its creation until the end of my involvement with the PGR and, as such, I consider myself to have been very knowledgeable regarding the content on the PGR's website during that time.

13. On November 10, 2005, Brown sent out an e-mail, which I received, in which he stated that he had designed a logo for the PGR association, which was attached to the e-mail, for the purpose of displaying same on products in order to enhance the PGR association's presence at any funeral service for a fallen soldier. A true and correct copy of that e-mail (but without the attachment) is attached hereto as Exhibit D.

14. On November 10, 2005, I put the logo up on the PGR's website as an image placeholder and I sent Brown an e-mail to that effect. A true and correct copy of that e-mail is attached hereto in Exhibit D.

15. Brown did not request that I put the logo up on the PGR's website, but rather I took it upon myself to put the logo up on the PGR's website.

16. At the time I put the logo up on the PGR's website, Brown did not object to my putting it up on the PGR's website or give me any indication that he considered the PGR

association's use of the logo on the PGR's website to be under any type of license agreement.

17. At the time I put the logo up on the PGR's website, I was unaware that Brown considered himself, as an individual, rather than the PGR association, to be the owner of the logo or that the PGR association would only be allowed to use the logo in connection with the services provided by the PGR association.

18. I do not believe, and have never believed, that my putting the logo up on the PGR's website constituted the PGR association entering into any type of a license agreement with Brown.

19. Prior to attending the funeral service for United States Army Private 1st Class Tyler Ryan MacKenzie in Greeley, Colorado on November 11, 2005, I, along with other biker patriots, printed out the logo and put it on 8.5" x 11" pieces of paper in order to display the logo on at least three bikes that had windshields.

20. After displaying the logo, I, along with these other biker patriots (none of whom were Brown), rode to the funeral service via Interstate Highway 85 on November 11, 2005 and then we attended the funeral service on behalf of the PGR association.

21. While I and my fellow biker patriots were attending the funeral service on November 11, 2005 on behalf of the PGR association, we displayed the logo and advised others in attendance that we were Patriot Guard Riders and members of the PGR association, and further explained our mission.

22. While at the funeral service, a local television station was filming a news clip regarding the funeral service, the protesting of the WBC, and the groups of motorcycle riders who were there in attendance; the news clip that was aired later that day included filming of our

group and our motorcycles which displayed the logo.

23. On November 11, 2005, Brown sent out an e-mail, which I received, in which he advised other volunteers of the PGR association that I, along with other biker patriots, attended the funeral service for Tyler Ryan MacKenzie earlier that day in Greeley, Colorado on behalf of the PGR association. A true and correct copy of that e-mail is attached hereto as Exhibit E.

24. For an article in Cycle Connections Magazine that was published on January 1, 2006, Brown gave an interview in which he stated that the PGR association conducted its first mission in Greeley, Colorado and that the PGR association had only been in existence at that time for maybe two days. A true and correct copy of that interview, as printed off of the website www.cycleconnections.com, is attached hereto as Exhibit F.

25. On November 11, 2005, Brown sent out an e-mail, which I received, in which he asked for my, as well as others', input regarding a proposed Mission Statement for the PGR association. A true and correct copy of that e-mail is attached hereto as Exhibit G.

26. On November 11, 2005, Brown sent out an e-mail, which I received, in which he asked me if I could put up a modified version of the Mission Statement on the PGR's website. A true and correct copy of that e-mail is attached hereto as Exhibit H.

27. On November 11, 2005, I sent an e-mail to Brown in order to advise him that I had put the modified Mission Statement up on the PGR's website. A true and correct copy of that e-mail is attached at Exhibit H.

28. On November 12, 2005, Brown sent out an e-mail, which I received, in which he advised me, as well as others, that the Mission Statement had been met with approval after some modification and that the Mission Statement was posted on the PGR's website. A true and

correct copy of that e-mail is attached at Exhibit I.

29. In late November of 2005, I added a hyperlink named "PGR Store" to the homepage of the PGR's website.

30. From late November of 2005 until approximately Spring of 2006, the "PGR Store" hyperlink would redirect a visitor to a subpage of the PGR's website, namely to www.patriotguard.org/PGRStore ("the original PGR Store"), as the information regarding the products being sold by the original PGR Store was handled by the same computer servers that handled information regarding the PGR association.

31. I was primarily responsible for putting up the information regarding the products being sold by the original PGR Store on the subpage www.patriotguard.org/PGRStore.

32. To the best of my knowledge, during the existence of the original PGR Store, the PGR's website, including the subpage www.patriotguard.org/PGRStore, did not give any specific indication to a user of the website that Brown and/or his wife was operating the original PGR Store as a for-profit business.

33. To the best of my knowledge, during the existence of the original PGR Store, the PGR's website, including the subpage www.patriotguard.org/PGRStore, did not give any indication to a user of the website that Brown as an individual, rather than the PGR, owned any trademarks or service marks that were used by the PGR or the original PGR Store.

34. On December 16, 2005, I authored a post on one of the forums of the PGR's website in which I requested that volunteers of the PGR association buy items from the online "PGR Store" and click on banner advertising on the website such that Brown and myself could use the money generated from the online "PGR Store" and the banner advertising in order help

cover some of the costs that each of us had incurred to get the website and the PGR association up and going. A true and correct copy of that post is attached as Exhibit J.

35. In my opinion, the post that I authored on December 16, 2005 did not give any indication to the volunteers of the PGR association that once costs were covered, that the profits from the online "PGR Store" would go exclusively to Brown, rather than to the PGR association.

36. In accordance with a request in an e-mail sent to me on March 27, 2006 by Brown, I put up a notice on the PGR's website regarding PGR's new online store being open. A true and correct copy of that e-mail is attached as Exhibit K.

37. In accordance with a request in an e-mail sent to me on March 27, 2006 by Brown, I changed the "PGR Store" hyperlink on the PGR's website such that it would redirect a visitor to a separate webpage, namely to www.patriotguardstore.org ("the subsequent PGR Store"), rather than to www.patriotguard.org/PGRStore. A true and correct copy of that e-mail is attached as Exhibit L.

38. At the time of putting the notice up on PGR's website and changing the "PGR Store" hyperlink, I was of the belief that one of the reasons why I was doing this was because it had previously been decided that the "PGR Store" needed to be hosted by separate computer servers in order to minimize the amount of web traffic on PGR's website since PGR's website had recently begun to crash when web traffic was high.

39. The PGR association was incorporated as a Not For Profit corporation in the State of Oklahoma on February 21, 2006 under the name Patriot Guard Riders, Inc. (hereinafter the "PGR corporation"). A true and correct copy of the incorporation papers are attached hereto as Exhibit M.

40. In the incorporation papers for the PGR corporation, I was one of the three named incorporators of the PGR corporation, along with Brown and Kurt "Ventura Cowboy" Mayer (hereinafter "Mayer"). *See* Exhibit M

41. In the incorporation papers for the PGR corporation, I was one of the three named directors of the PGR corporation, along with Brown and Mayer. *See* Exhibit M.

42. In the incorporation papers for the PGR corporation, I was one of the three named officers of the PGR corporation, along with Brown and Mayer. *See* Exhibit M.

43. In the incorporation papers for the PGR corporation, I was named the Treasurer. *See* Exhibit M.

44. Prior to the incorporation of the PGR corporation, Brown did not inform me that he considered himself to be the owner of the PGR's logo or that the PGR corporation would only be able to use the PGR's logo in connection with the services performed by the PGR, for instance by displaying same on the PGR's website.

45. In October of 2006, it first came to be collectively known by top ranking personnel of the PGR corporation that Brown and/or his wife was operating the PGR Store as a for-profit entity such that he retained profits generated from the PGR Store and, thereafter, at his discretion, he donated a portion of those profits back to either the PGR association or the PGR corporation.

46. In view of the foregoing, rather than be removed from his positions of authority in the PGR corporation, Brown announced his resignation via the PGR's website as the President and Executive Director of the PGR corporation on November 7, 2006 along with his intention to close the PGR Store. A true and correct copy of this resignation letter, as printed off of the

PGR's website, is attached as Exhibit N.

47. Prior to Brown's resignation as the President and Executive Director of the PGR corporation, Brown had continually informed other officers/directors/members/volunteers of the PGR that the PGR's name and logo had been trademarked.

48. Upon Brown's resignation as the President and Executive Director of the PGR corporation, it became known to myself and other top ranking personnel of the PGR corporation, that neither the PGR's name nor logo had been federally registered.

49. As such, on November 8, 2006, I, along with my fellow members of the Board of Directors of the PGR corporation (hereinafter the "Board") at the time, which included Bill Lines, Bonnie Perry (nee Cutler), Ed Mueller and Ronny Awtry, held a telephonic Board meeting at which it was unanimously decided that a trademark application for the PGR's logo should be filed on behalf of the PGR corporation, in connection with the services rendered first by the PGR association and then by the PGR corporation.

50. During this telephonic Board meeting, it was unanimously decided by the Board that I would prepare and file the trademark application for the PGR's logo on behalf of the PGR corporation in my capacity as Treasurer of the PGR corporation.

51. On November 9, 2006, I prepared and electronically filed the trademark application for the PGR's logo on behalf of the PGR corporation in my capacity as Treasurer of the PGR corporation. *See* Trademark Application No. 77/040,379 attached as Exhibit O.

52. On the trademark application, I declared that I was properly authorized to execute the application on behalf of the PGR corporation, that I believed the PGR corporation to be the owner of the service mark sought to be registered, that I believed the PGR corporation to be able

to use the service mark in commerce, and that to the best of my knowledge and belief, no other person, firm, corporation, or association had the right to use the service 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. *See* Exhibit O.

53. The logo that I put up on the PGR's website on November 10, 2005 included the same words and design as the PGR Logo which was the subject of the PGR corporation's trademark application.

54. At the time of filing the trademark application, I knew that the PGR's logo and Mission Statement had been continuously provided on the PGR's website, as well as in other mediums, since the days that I first put them up the PGR's website.

55. By identifying the services in the trademark application as "organizing and conducting support groups in the field of military and military family support", I meant organizing volunteers of the PGR association/corporation in connection with attending the funeral services of fallen soldiers and carrying out the goals of PGR's Mission Statement at the funeral services.

56. At the time of filing the trademark application, I knew that since the funeral service for United States Army Private 1st Class Tyler Ryan MacKenzie, the PGR's logo had been used by individuals, including myself, across the country during missions in order to denote themselves as being volunteers of the PGR.

57. At the time of filing the trademark application, I did not, as an individual, or as a representative of the PGR corporation, have any knowledge or belief that Brown considered

himself, as an individual, rather than the PGR corporation, to be the owner of the PGR's logo in connection with the services, as identified in the trademark application, provided by the PGR corporation.

58. At the time of filing the trademark application, I had never, as an individual, or as a representative of the PGR, received any specific advisement, or been otherwise made aware, from either Brown or any other individual, that Brown considered his use of the PGR's logo, in connection with services identified in the trademark application, to be done for his own individual benefit, rather than to benefit the PGR.

59. At the time of filing the trademark application, I had never, as an individual, or as a representative of the PGR, received any specific advisement, or been otherwise made aware, from either Brown or any other individual, that the PGR's use of its name and logo was subject to a license granted to the PGR association by Brown, which was then likewise applicable to the PGR corporation upon its incorporation.

60. At the time of filing the trademark application, I believed that all of Brown's use of the PGR's logo in connection with the PGR's services was done by Brown on behalf of either the PGR association or the PGR corporation in his capacity as a founder, leader, volunteer, officer and Board member.

61. At the time of filing the trademark application, I was aware that Brown had publicly asserted that the PGR Store was his personal for-profit store and that he sold products bearing the PGR's logo through the PGR Store, however, as the PGR association had begun using the PGR's logo in connection with the services it provided prior to any products bearing the PGR's logo being sold by anyone, much less Brown, I believed that the PGR corporation had

the right to register its logo because its rights in the logo were superior to those that Brown may have had.

62. After I filed the trademark application, Brown for the first time advised the Board that he considered himself to be the owner of all trademarks and service marks used by the PGR and the PGR Store, which caused some initial confusion for the Board as we had always considered the PGR to be the owner of all trademarks and service marks used by the PGR and the PGR Store.

63. Thereafter, in view of this initial confusion, the PGR corporation entered into negotiations with Brown regarding ownership of the marks and ownership of the PGR Store in an attempt to inexpensively and efficiently resolve any lingering issues between the parties, such that a possible legal fight between the parties could be avoided.

64. During the negotiation period, members of the Board, including myself, made some announcements to the volunteers of the PGR corporation regarding the negotiations, including statements about possible plans for the ownership and use of the marks.

65. On November 21, 2006, however, the negotiations ended and Bill Lines, on behalf of the Board, made an announcement to the volunteers of the PGR corporation that, contrary to prior statements made by individual members of the Board during the negotiations, that the PGR corporation and its volunteers were free to use the marks without any stipulations. A true and correct copy of this announcement, printed from the PGR's website, is attached hereto as Exhibit P.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 1/20/09

Jason D. Wallin

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT A

of

"Declaration of Jason D. Wallin"

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 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
==========

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, Steimm-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

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT B

of

"Declaration of Jason D. Wallin"

From: Wallin Jason D. <jasonw@geoveritas.com>
Sent: Wednesday, November 9, 2005 8:19 PM
To: Jeff Brown <jeffbrown@valornet.com>
Subject: RE: PGR - Most recent pickets from WBC site

Btw you now own patriotguard.org domain name and I can host it for you for free.

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 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
==========

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

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT C

of

"Declaration of Jason D. Wallin"

Perry, Bonnie

From: Jeff Brown [jeffbrown@valornet.com]
Sent: Tuesday, November 15, 2005 10:08 AM
To: Keith Calloway; Harry A. Elliott III; CREGG HANSEN; Gregg Hansen "Ebay"; Terry (Darkhorse) Houck; David "Preacher" Stocum; Chuck Antolina; Perry, Bonnie; Eric C. Gagomiros; jasonw@geoveritas.com
Subject: State Captain Photos

Hey Folks,

Our webmasters, Jason "Waldo" Wallin and Hugh Knaus, have been burning the midnight oil on our new web site. I've seen the preliminary and it will blow you away!!!

Anyway, I need each of you to email me a photograph of you to post on the new site. As a state captain, our members need to be able to put a face with your name and to know who to look for when they join a mission ride.

Thanks,
Jeff Brown "Twister"
Broken Arrow, OK
Patriot Guard Rider
www.patriotguard.org

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT D

of

"Declaration of Jason D. Wallin"

From: Wallin Jason D. <jasonw@geoveritas.com>
Sent: Thursday, November 10, 2005 4:21 PM
To: Jeff Brown <jeffbrown@valornet.com>
Subject: RE: PGR Logo

FYI I threw up a placeholder @ www.patriotguard.org

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: Thursday, November 10, 2005 1:53 PM
To: William H. Sloan; Phil Mansker; Tom Connelly; Terry (Darkhorse) Houck; Richard Keller; Eric G. Gagomiros; Preacher; Ralph and Susan; LAnnmullins; Kay Guynes; Keith Calloway; Wallin Jason D.; Knaus Hugh; Chuck Thompson; Wayne Worthington; David Olsen (STP); Craig Winkler; Everett Freel; Combat Veterans Motorcycle Association; CREGG HANSEN; Bill Carr; Bill Law; Bill Bradley
Subject: PGR Logo

Several people have asked about a Patriot Guard Riders patches, decals, arm
bands flags, etc. I like the idea and believe it will enhance our presence
at any service without taking anything from the other organizations you may
belong to.
I have designed a logo that I think works very well for us. I am working
with a company to produce the stuff and will send out more information as it
becomes available.
Also, Jason Wallin from Colorado has graciously donated web hosting for us
and I hope to have a website up soon. The domain name reserved is:
patriotguard.org

I've attached the logo.

Thanks,
Jeff Brown "Twister"
Broken Arrow, OK

No virus found in this incoming message.
Checked by AVG.
Version: 7.5.524 / Virus Database: 269.24.1/1470 - Release Date: 5/28/2008 7:20 AM

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT E

of

"Declaration of Jason D. Wallin"

From: Jeff Brown [mailto:jeffbrown@valornet.com]
Sent: Friday, November 11, 2005 5:18 PM
To: Charles Yunker; David Howery; William H. Sloan; Phil Mansker; Tom Connelly; Terry (Darkhorse) Houck; Shawn; Richard Keller; Eric C. Gagomiros; David "Preacher" Slocum; Pete Schulien; Ralph and Susan; Ozarkmark; R. L. Oscar Ingram; John & Donna Rohloff; LAnnmullins; Kay Guynes; Keith Calloway; Jason Wallin; Hugh Knaus; Chuck Thompson; Wayne Worthington; David Olsen (STP); Craig Winkler; Everett Freel; Combat Veterans Motorcycle Association; CREGG HANSEN; Harry A. Elliott III; Chuck Antolina; Bill Carr; Perry, Bonnie; Bill Law; Bill Bradley
Subject: PGR was there -Tyler Ryan MacKenzie

Tyler Ryan MacKenzie, 20, of Evans, CO, passed away, Wednesday, November 2, 2005 in Iraq.

Visitation will be from 4:00 to 8:00 p.m., Thursday, November 10, 2005 at Allnutt Funeral Service/Macy Chapel. A funeral service will be at 12:00 p.m., Friday, November 11, 2005 at the Church of Jesus Christ of Latter-day Saints, 501 49th Avenue, Greeley. Interment will be at Sunset Memorial Gardens.

Tyler was born November 7, 1984 in Greeley, CO to David and Julie (Borland) MacKenzie.

He was a lifelong resident of Greeley where he graduated from Greeley West High School in 2003. He joined the United States Army on January 19, 2005

and served with the B Co. 1/502 In. 2 BOT. Fort Campbell. He was an elder in the Church of Jesus Christ of Latter-day Saints.

Tyler was a kind and caring soul, honest and sincere, had the utmost integrity, and was athletic, funny, self-competitive and unselfish. He loved playing videogames, reading, listening to music, playing paintball, animals, volunteering and spending time with his family and friends.

Surviving Tyler are his parents, David and Julie MacKenzie of Evans, CO; sister, Nicole and her husband, Jason Crawford, of Evans, CO; grandparents, Emmett and Mary MacKenzie of Greeley, CO and Ronald and Jenette Borland of Greeley, CO.

Jason Wallin, our Colorado State Captain, headed up our presence there and post these photos and will post a write up later.
http://www.wallininc.com/pix/listpics.asp?dir=prg

WBC (World's Biggest Cretins) were there.

Thanks to Jason and all who rode.

Jeff Brown "Twister"
Broken Arrow, OK
Patriot Guard Rider
www.patriotguard.org

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

JEFF BROWN,	)	
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Opposer,	)	
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v.	)	
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PATRIOT GUARD RIDERS, INC.,	)	
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Applicant.	)	

EXHIBIT F

of

"Declaration of Jason D. Wallin"

CYCLE CONNECTIONS

Site Search

Veteran Riders

FREE Newsletter

Veteran Apparel & Gear
Huge Selection of Quality Veteran Clothing & Veterans Accessories.
militarysearch.uniqear.c

2008 Jeep® Patriot
Coming Fall 2008. View Photos Features Online. Find a Dealer!
www.JeepDealer.com

American Soldier Exhibit
Photos honoring our men and women in uniform.
www.tofpd.org/American

Motorcycle T-Shirts
T-Shirts that make a statement. I've Got The Power.
www.powermotorcycles.u

PGR 006920

Attention Bikers! Nobody knows your stompin' grounds like you do, so if you know of any bike night locations, businesses, clubs, rallies and events, or scenic rides and destinations in your area that we don't currently have listed, choose the appropriate form below to submit your information and share with your fellow rider's.

Submit a Bike Night

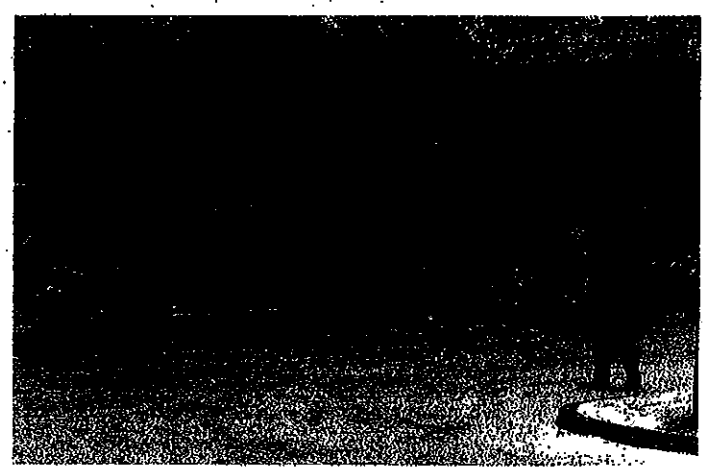
Submit a Business

Submit a Rally or Event

Submit a Scenic Ride or Destination

Submit a Club or Organization

Patriot Guard Riders



Perception is a strange thing. I have always been amazed at how two individuals can look at the same thing and both see something entirely different. The Patriot Guard Riders group is a fine example. This group was brought to my attention through various posts on the motorcycle forums I visit at www.delphiforums.com. Discussions and recruitment efforts were everywhere, so I had to take a look at the group's website for myself. Before visiting their website I had assumed, with the help of some of the posts I had read, their primary purpose was to ensure the "flakes" of the world did not pollute sacred ceremonies for our nation's fallen heroes. I was wrong. The misperception is this: The Patriot Guard Riders were not formed to be an adversary toward anyone. The amazing fact that is falling through the cracks everywhere is the group's main objective, which is printed clearly in their mission statement. The main objective and focus are to "show our sincere respect for our fallen heroes, their families and their communities."

Patriot
The New Jeep® Patriot Compact SUV with Great Fuel Economy and Value.
www.Jeep.com/Patriot

The Harley Experience
Visit the Official H-D Site & See What The Experience is all About!
www.harley-davidson.cor

Need Motorcycle Ins?
Policies as Customized as Your Motorcycle. Get a Free Quote Here.
www.dairylandcycle.com

Adult Driver Classes
Chicago area driver's training Easy Drop Off & Pick Up Option
scaduledrivingschool.tex

PGR 006921

Their mission is an honorable one, and to see them as anything more than patriots does them a huge disservice. I am as guilty as anyone of assumption. While the Patriot Guard Riders do provide fallen soldiers' families and friends with a buffer from any type of protesters at funeral services, they do this at the request of the family. They are not some kind of vigilante group out to do battle with misguided religious zealots. The group attends services as invited guests of mourning families. They first make the effort to contact the family of a fallen soldier, and at the family's invitation, they attend and serve as "buffers" between the family and disrespectful protesters. They show class and respect to the soldier, his or her family, and their community. I believe their efforts are to show the very best of what this nation is all about.

While many people, including myself, question the use of our military today, one thing has never changed in my mind. The soldiers of our nation are doing their jobs wherever and whenever they are deployed and deserve nothing less than our heartfelt respect, love and admiration. We take for granted the freedoms their sacrifices provide us on a daily basis, but I beg you, NEVER take them for granted. In my mind the Patriot Guard Riders do you and me a service as well. They attend the funerals of our soldiers as representatives of the majority of my family and friends as well as yours, representatives of a grateful nation.

I sincerely request that each and every one of my readers visit www.patriotguard.org and if it is in your heart, join this fine group. If you cannot join but agree with their mission, please pass their message on to others. I want to thank Jeff 'Twister' Brown, National Director of the Patriot Guard Riders, for his time and for sharing information with me for this article.

Jeff also took time out of his busy schedule for the following interview:

CC: What has public opinion been for the Patriot Guard Riders?
Jeff: The public opinion has been overwhelmingly favorable. About the only negative public opinion that I am aware of has come from a protestor. It never ceases to amaze me when we go into some of these towns, especially the small towns, and we have a mission ride. The citizens of the town, they will cross the road and stop and shake our hands and thank us for coming and the response from the family just breaks your heart.

CC: How many active members does the Patriot Guard have?
Jeff: I can tell you exactly how many individual members we have, but bear in mind that we have groups like the American Legion Riders and VFW Riders, Combat Vet Riders, Christian Motorcycle Association and ABATE and all of them ride with us on

mission rides. If you exclude those individual members, we have 2020 across the country.

CC: I have seen messages in reference to your group on several forums. How is that affecting your recruiting efforts?
Jeff: On an average, we will receive between 75 and 80 new members a day and that has been pretty consistent since I would say about five days after we started.

CC: How are you treated by local law enforcement?
Jeff: One of the first calls we are going to make once we find out about a death is we are going to call local law enforcement, and sometimes their initial reaction can be negative, but it just takes a minute of explaining who we are if they are not familiar with us. If they are familiar with us it is positive, but if they're not familiar with the Patriot Guard Riders, then occasionally you will run into an initial attitude of "biker gangs" and "coming into our town," and we've got protesters there, it's going to be a melee," that kind of thing. But once we explain who we are and that our mission is totally to honor a fallen soldier, then they understand and when the topic of protesters comes up, our attitude is very honestly we are there for a much more noble cause than any protester, and we will ignore the protesters, we will turn our backs to them, we don't have any conversation with them, and we work very, very closely with law enforcement doing exactly what they want us to do. In fact, I have a letter on our website from the chief of police from Inola, Oklahoma where we had a mission ride for Travis Grigg and Chief Brad Craig thanked us for making his job easier. So, we've had a very good relationship with law enforcement, all branches. You'll have state troopers, you'll have sheriffs from the local police, and invariably they will walk through the line of bikers and shake our hands and thank us for coming.

CC: Have you had any negative response from families of those you come to honor?
Jeff: No, you have to understand that before we ever establish a mission ride we will make contact with the family and what their wishes are. If they want a private ceremony and do not want us to come, we don't come, so anytime we set up a mission ride, we are going as invited guests of the family.

CC: How do you decide where to stage a mission?
Jeff: We have emails from the Department of Defense, KIAs (killed in action) and every single one of them is examined and put out on what we call a watch list. We have a state captain and ride captains in every state, and part of their responsibility is to keep an eye on this watch list. If a KIA is posted in their state, then it is their responsibility to contact the local law enforcement, church, funeral home, and the family will be the last. But normally what happens is the family will designate a spokesperson to handle this

PGR 006923

kind of thing, so our calls are to the police, the funeral home and the churches to get the information on how to get a hold of the family contact. Every single KIA is set up on the watch list, and the only reason that a ride would not come from that is if we just absolutely hit a brick wall trying to get a family contact. Or, of the family has requested a private ceremony. We had one mission where we had one sole rider, but that is the rare exception.

CC: Tell us about your first mission?
Jeff: You talk about dramatic! There are pictures of it on our website. I believe it was in Greeley, Colorado, and in fact a local TV station did an interview, and we hadn't been in existence but maybe two days and this one rider rode up there and parked his bike in front of the protesters and I'll tell you what, I'll give him credit, he literally sat there very stoically and make his presence known.

CC: This must be hard for you to put into words, but how do you feel after you have been on a mission?
Jeff: There are a lot of different feelings. A lot of it depends on whether or not you've had any contact with the family. There is a certain amount of pride in knowing that you have done something well and something deserving and something that needed to be done. There is of course, a great deal of sadness over the loss of a young person. And when you do deal directly with the family, it just breaks your heart. I will never forget a mission ride in South Haven, Kansas, a little bitty town. The family had put the word out that any of the riders would be welcomed at the local Methodist Church to have a bite to eat after the services, and I left early in the morning from Broken Arrow, Oklahoma to get to South Haven, Kansas and hadn't eaten, so after the service, I stopped by the church, and I purposely went immediately after the interim, and I grabbed a bowl of soup and right as I was walking out the door, in walked the mother carrying the flag clutched to her chest, and she turned the corner right as I was going out, and she looked at me and threw her arms around me and just wept and said thank you for coming, and I mean that was a long ride back to Oklahoma.

CC: I have one last question for you. I've been hearing this from a lot of our readers and a lot of friends who I have talked to through the forums. What can the average person who is not a rider do to help your organization? Is there anything at all they can do to help you?
Jeff: Absolutely. It is not a requirement that you be a rider to join the Patriot Guard Riders. A non-rider can be just as effective. When you are talking about some of these northern states in the middle of winter when you have two feet of snow and its 30 degrees below, we're not riding motorcycles. We get in the car and drive. So, for someone who doesn't ride, if they feel the same way we do and share our mission

PGR 006924

statement that our main objective is to honor a fallen shoulder. Period. It is not to be a counter protestor; it is not to be a protestor. We are neither of those. We are there to honor a soldier, his family and community. If they share that feeling, join up, get in their car, and meet us at the staging area.

CC: I sincerely request that each and every one of our readers visit www.patriotguard.org and if it is in your heart, join this fine group. If you cannot join but agree with their mission, please pass their message on to others. I want to thank Jeff "Twister" Brown, National Director of the Patriot Guard Riders, for his time-sharing information with me for this article as well as the interview also in this issue.

Article and Interview by *Loney* and *Stephanie Wilcoxson*

Printer Friendly Version

Veteran Riders

- 10/1/2008 - CVMA Missouri Chapter 4-2 Support Our Veterans Run - Camdenton, Missouri
- 9/1/2008 - All Patriots Poker Run - Cameron, Missouri
- 8/1/2008 - All Patriots Poker Run - Springfield, Missouri
- 7/1/2008 - 10th Annual Ride for America - Monroe, GA
- 6/1/2008 - Ride to the Walk to Remember-Weston, Missouri
- 3/1/2008 - The Three Amigas - Bikers Serving in Iraq
- 1/1/2008 - Patriot Guard Riders Welcome Home Mission Spc Dalton Howard
- 1/1/2008 - Wreaths Across America Ceremony - Milledgeville, Georgia
- 12/1/2007 - A Soldier's Christmas
- 12/1/2007 - The Patriot Guard Riders Honor Spc. Michael Brown - A True, Real American Hero
- 11/30/2007 - Michael Dean Brown Obituary
- 11/30/2007 - Mission Report
- 9/1/2007 - North Texas Patriot Guard Riders' Meet and Greet
- 7/1/2007 - Defenders M/C Memorial Run - Bushnell, Florida
- 3/1/2007 - Patriot Guard Riders Honor PFC Johnathon Miles Millican - Locust Fork, Alabama

PGR 006925

- 2/1/2007 - Motorcycling Reunites Former Crewmates
- 11/1/2006 - Patriot Guard Riders Honor Pfc. Shane Austin
- 9/1/2006 - Patriot Guard Riders Celebrate Their One-Year Anniversary
- 8/1/2006 - Harley-Davidson 2007 Motorcycles Honor Military Service
- 7/1/2006 - The Moving Wall
- 7/1/2006 - The Silver Lining
- 6/1/2006 - What Memorial Day Means to Me
- 3/1/2006 - Veteran's Tribute Motorcycle
- 2/1/2006 - Final Mission for Sergeant First Class Stephen J. White
- 2/1/2006 - Veteran Riders on the Move
- 1/1/2006 - Patriot Guard Riders
- 12/1/2005 - Lest They Be Forgotten -- Memorial Ceremony
- 12/1/2005 - The Veteran Rider
- 11/1/2005 - Kansas American Legion Riders
- 11/1/2005 - The Veteran Rider
- 10/1/2005 - Lest They Be Forgotten, Wisdom-Clary Benefit Ride
- 9/1/2005 - Veteran's Day Letter to Mary, Laura & Sarah
- 8/1/2005 - Escorting The Traveling Vietnam Memorial Wall
- 7/1/2005 - Operation Homecoming USA -- A Tribute to Vietnam Vets
- 6/1/2005 - POW – MIA Veteran Riders Motorcycle Club
- 5/1/2005 - A Time to Honor our Military Service Members - Present, Past and Still Missing
- 4/1/2005 - Welcome Home Troops
- 3/1/2005 - Veteran Motorcycle License Plates
- 2/1/2005 - U.S. Angels...Being a Little Bad to do a lot of Good
- 1/1/2005 - Charity is the Act of Selfless Giving
- 12/1/2004 - The Moving Wall™ - A Ride to Remember

PGR 006926

- 11/1/2004 - Fort Riley Open House and Welcome Home for Troops
- 11/1/2004 - American Legion Riders
- 10/1/2004 - New Jersey's Annual Rolling Thunder Ride
- 9/1/2004 - World War II Military Airborne Scooters
- 8/1/2004 - U.S. Army Transportation Corps Soldiers Serving in Iraq
- 8/1/2004 - Army DS3 Provides Advocacy for Severely Disabled Soldiers and Their Families
- 8/1/2004 - Calendar Models Cheer Up Patients, Families at Walter Reed
- 7/1/2004 - Military Veterans Motorcycle Club
- 6/1/2004 - In Country Vets Motorcycle Club
- 5/2/2004 - Combat Veterans Motorcycle Association (CVMA)
- 5/1/2004 - May 2004 - A Time of Reflection, Recognition, and Support
- 4/1/2004 - Black Berets Motorcycle Club
- 3/1/2004 - Bikers and Veterans: Cycle Disciples, Kansas City Chapter
- 2/1/2004 - Veteran Motorcycle Riders Web Site Review
- 1/1/2004 - TIME Person of the Year for 2003: The American Soldier
- 12/1/2003 - Christmas at War
- 11/1/2003 - What's so Important about Emporia, Kansas in November?
- 9/29/2003 - Individualism and Imagination: Part I
- 9/15/2003 - Individualism and Imagination: Part II
- 9/1/2003 - Individualism and Imagination: Part III

Top Of Page

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Web site maintenance by Fluent Digital Web Site Design.

PGR 006927

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT G

of

"Declaration of Jason D. Wallin"

Perry, Bonnie

From: Preacher [preacher@carolina.rr.com]
Sent: Friday, November 11, 2005 9:30 PM
To: 'Jeff Brown'; 'Charles Yunker'; 'David Howery'; 'William H. Sloan'; 'Chuck Antolina'; 'Ben AKA Tha Whispanic'; 'Phil Mansker'; 'Art Van Engen "Moker"'; 'Tom Connelly'; 'Terry (Darkhorse) Houck'; 'Adam Taylor'; 'Shawn'; 'Ken McClellan'; 'Raymond Eade'; 'Richard Keller'; 'Eric C. Gagomiros'; 'Pete Schullen'; 'Ralph and Susan'; 'Ozarkmark'; 'R. L. Oscar Ingram'; 'John & Donna Rohloff'; 'Mark Brubaker'; 'LAnnmullins'; 'Kay Guynes'; 'Keith Calloway'; 'John Sprague'; 'Jason Wallin'; 'Hugh Knaus'; 'Chuck Thompson'; 'Wayne Worthington'; 'David Olsen (STP)'; 'Craig Winkler'; 'Everett Freel'; 'Combat Veterans Motorcycle Association'; 'CREGG HANSEN'; 'Harry A. Elliott III'; 'Bill Carr'; Perry, Bonnie; 'Bill Law'; 'Bill Bradley'
Subject: RE: PGR Mission Statement - Important!

I would suggest one change. "Fallen soldier, the soldier's family and community" would be a better phrase, gender neutral and all. We will be attending the funerals of the female soldiers as well.

Preacher
CVMA #671
http://www.bastaards.org/Bikes.htm

-----Original Message-----
From: Jeff Brown [mailto:jeffbrown@valornet.com]
Sent: Friday, November 11, 2005 9:28 PM
To: Charles Yunker; David Howery; William H. Sloan; Ben AKA Tha Whispanic; Phil Mansker; Art Van Engen "Moker"; Tom Connelly; Terry (Darkhorse) Houck; Adam Taylor; Shawn; Ken McClellan; Raymond Eade; Richard Keller; Eric C. Gagomiros; David "Preacher" Slocum; Pete Schullen; Ralph and Susan; Ozarkmark; R. L. Oscar Ingram; John & Donna Rohloff; Mark Brubaker; LAnnmullins; Kay Guynes; Keith Calloway; John Sprague; Jason Wallin; Hugh Knaus; Chuck Thompson; Wayne Worthington; David Olsen (STP); Craig Winkler; Everett Freel; Combat Veterans Motorcycle Association; CREGG HANSEN; Harry A. Elliott III; Chuck Antolina; Bill Carr; Bonnie Cutler; Bill Law; Bill Bradley
Subject: PGR Mission Statement - Important!

Hey Folks, I need to know if anyone has any problems with or suggestions for this as our PGR Mission Statement.
Your feedback ASAP would be greatly appreciated. This will be on our website.
Thanks,
Jeff Brown "Twister"
Broken Arrow, OK
Patriot Guard Rider
www.patriotguard.org

Patriot Guard Riders Mission Statement

The Patriot Guard Riders is an amalgamation of riders from across the nation. We have one thing in common besides motorcycles. We have an unwavering respect for those who risk their very lives for America's freedom and security. If you share this respect, please join us.

We don't care what you ride, what your political views are, or whether you're a "hawk" or a "dove". It is not a requirement that you be a veteran.
It

doesn't't matter where you're from or what your income is. You don't even have to ride. The only prerequisite is Respect.

Our mission is to attend the funeral services of fallen American military heroes. Each mission we undertake has two basic objectives.

1. Show our sincere respect for our fallen hero, his family, and his community.
2. Protect the mourning family and friends from interruptions created by any protestor or group of protestors.

We accomplish the latter through strictly legal and non-violent means.

--
No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.1.362 / Virus Database: 267.13.0/167 - Release Date: 11/11/2005

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No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.1.362 / Virus Database: 267.13.0/167 - Release Date: 11/11/2005

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT H

of

"Declaration of Jason D. Wallin"

From: Wallin Jason D. <jasonw@geoveritas.com>
Sent: Friday, November 11, 2005 10:23 PM
To: Jeff Brown <jeffbrown@valornet.com>
Subject: RE: another favor

Done. Hey is there a second that I can take to give you call about a couple of things for the site tommarrow?

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: Friday, November 11, 2005 8:48 PM
To: Wallin Jason D.
Subject: another favor

Jason,
I hate to be a pain in the ass, but if you get a minute, could you throw this up on the web page. Please don't be bashful about letting me know if
I'm taking advantage.
Thanks,
Jeff

Patriot Guard Riders Mission Statement

The Patriot Guard Riders is an amalgamation of riders from across the nation. We have one thing in common besides motorcycles. We have an unwavering respect for those who risk their very lives for America's freedom
and security. If you share this respect, please join us.

We don't care what you ride, what your political views are, or whether you'
re a "hawk" or a "dove". It is not a requirement that you be a veteran. It
doesn't matter where you're from or what your income is. You don't even have to ride. The only prerequisite is Respect.

Our mission is to attend the funeral services of fallen American military
heroes. Each mission we undertake has two basic objectives.

1. Show our sincere respect for our fallen heroes, their families, anti their
communities.
2. Protect the mourning family and friends from interruptions created by any
protestor or group of protestors.

We accomplish the latter through strictly legal and non-violent means.

To join the Patriot Guard Riders and be added to the email list for PGR

mission information, drop a line to:
jeffbrown@valornet.com

No virus found in this incoming message.
Checked by AVG.
Version: 7.5.524 / Virus Database: 269.24.1/1470 - Release Date: 5/28/2008 7:20 AM

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT I

of

"Declaration of Jason D. Wallin"

Perry, Bonnie

From: Jeff Brown [jeffbrown@valornet.com]
Sent: Saturday, November 12, 2005 6:43 AM
To: Charles Yunker; David Howery; William H. Sloan; Ben AKA The Whispanic; Phil Mansker; Art Van Engen "Moker"; Tom Connelly; Terry (Darkhorse) Houck; Adam Taylor; Shawn; Ken McClellan; Michael and Kathleen Getaller; Raymond Eade; Richard Keller; Eric C. Gagomiros; David "Preacher" Slocum; Pete Schullen; Ralph and Susan; Ozarkmark; R. L. Oscar Ingram; John & Donna Rohloff; Mark Brubaker; LAnnmullins; Kevin Wood; Kay Guynes; Keith Galloway; John Sprague; Jason Wallin; Hugh Knaus; Chuck Thompson; Wayne Worthington; David Olsen (STP); Craig Winkler; Everett Freel; Combat Veterans Motorcycle Association; CREGG HANSEN; Harry A. Elliott III; Chuck Antolina; Bill Carr; Perry, Bonnie; Bill Law; Bill Bradley
Subject: Revised PGR Mission Statement

The PGR Mission Statement has met with approval after some modification.
The statement was rewritten to be gender neutral. I realize the sacrifice and dedication of our women in service and did not mean to omit them. I appreciate everyone who caught that error and brought it to my attention.
The revised mission statement is now up and running on our website. I owe you all an apology for an unintentional oversight on my part.

Sincerely,
Jeff Brown "Twister"
Broken Arrow, OK
Patriot Guard Rider
www.patriotguard.org

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT J

of

"Declaration of Jason D. Wallin"

Patriot Guard Riders

Standing For Those Who Stood For US

Monday, November 24, 2008 ALL Forums Jomalley Logout

Navigation

- Home
- About Us
- Leadership Contacts
- Letters of Appreciation
- Fallen Warrior Scholarship
- ALL Forums
- Help on the HomeFront
- Most Recent Posts
- Photo Gallery
- Media/Press
- Fallen Members
- Events
- Troop Support Partners
- PGR FAQ
- PGR Gear
- Dialup Homepage
- Hugh's Posts

Directory

Click to send an email to the

Patriot Guard Riders Forum

Unanswered Not Read My Forums Active Topics

Forums My Profile Search Members

Forums > Patriot Guard Riders - National > National Happenings Archives

Subject: Support for the cause

You are not authorized to post a reply.

Author	Messages	Oldest First
Waldo • Posts: 1325 Windsor, Co	16 Dec 2005 5:55 PM	Alert

We are using the couple of bucks that we make on the web store and the banner advertising to help cover some costs that we have incurred to get this site and organization up and going. We would greatly appreciate it if you could buy some quality PGR items that Jeff has put together and click on some of the sponsors links to help us out. Thanks a million

Jason

Jason Wallin "WALDO"
Deputy Executive Director
Corporate Treasurer
Patriot Guard Riders
970-402-1892

PGR 006225

departments below:

User Support
Moderators
Photos
Media
Media Sightings
Submit Picture of Day
Web Site Administrator
Communications
Officer
Letters Of Appreciation
Help On The Homefront

Mission Request

Click on the link below to make initial contact with us regarding honor mission requests:

Contact Us

Contact Arlington National Cemetery

Messages

0 Unread Messages

American By Birth
Biker By Choice
Patriot Forever!

Tact and Political Correctness were developed by those who lack the testicular fortitude to say what they really mean!

OSTATE
Posts: 0

16 Dec 2005 6:14 PM — Alert

Already bought and paid for. Do you need contributions?

I have a few $$$$ that the wife hasn't found stashed away.

Waldo
Posts: 1325
Windsor, Co

16 Dec 2005 6:35 PM — Alert

AD I didn't mean to make it sound like we were openly soliciting right now. Just would appreciate it if you would click some banner ads and buy some stuff from the PGR store.

Jason

Jason Wallin "WALDO"
Deputy Executive Director
Corporate Treasurer
Patriot Guard Riders
970-402-1892

American By Birth
Biker By Choice
Patriot Forever!

Tact and Political Correctness were developed by those who lack the testicular fortitude to say what they really mean!

OSTATE
Posts: 0

16 Dec 2005 7:04 PM — Alert

PGR 006226

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT K

of

"Declaration of Jason D. Wallin"

From: Jeff Brown <jeffbrown@valornet.com>
Sent: Monday, March 27, 2006 12:06 PM
To: Jason Wallin Waldo <jason@wallinlnc.com>
Subject: Online store notice
Attach: Online Store Notice.doc

The new Online PGR Store is now open.

It may take a few days of tweaking to get things perfect, but we're working on it. In order to speed up all back orders, I need to ask for your assistance.

If you have placed an order and not yet submitted payment, please resubmit the order on the new store...it will be processed and you will receive your items much faster.

If you have already paid for your invoice, hang in there, we're working on it.

I'm sorry for this inconvenience.

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT L

of

"Declaration of Jason D. Wallin"

From: Jeff Brown <jeffbrown@valornet.com>
Sent: Monday, March 27, 2006 12:10 PM
To: Jason Wallin Waldo <Jason@wallininc.com>
Cc: Jason Taucher <jtaucher@tauchertrading.com>
Subject: Online store link

Please link to:

http://www.patriotguardstore.org/

Thanks,
Jeff
No virus found in this outgoing message.
Checked by AVG.
Version: 7.5.524 / Virus Database: 270.3.0/1503 - Release Date: 6/14/2006 6:02 PM

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT M

of

"Declaration of Jason D. Wallin"

OKLAHOMA SECRETARY OF STATE
2300 N. LINCOLN BLVD., ROOM 101
OKLAHOMA CITY, OK 73105-4897

M. Susan Savage
Secretary of State

Brad Henry
Governor

02/27/2006

THOMAS J. WINTERS
ATTN: THOMAS J. WINTERS
2448 E. 81ST STREET, SUITE 5900
TULSA OK 74137
USA

RE: PATRIOT GUARD RIDERS, INC.

Document Number: 4610340002
Client Account Number: 21022409

Dear Secretary of State Customer:

The documents submitted have been filed in the Secretary of State's Office. Please find the enclosed documentation evidencing such filing.

I am pleased to announce that the Secretary of State's office is completing the final stages for the implementation of a new business system. Please allow me to introduce you to *SOONERACCESS*.

SOONERACCESS.....

- Available at www.sos.state.ok.us , please visit our website during the next few weeks as services become available;
- Available 24 hours a day, Monday through Saturday and from 6 a.m. to midnight on Sundays;
- Submit the majority of business entity documents, trademark/renewals, and notary public applications/renewals on-line;
- Search business entity, trademark, and notary public information on-line;
- Order and receive status certificates and certified and plain copies of documents on-line;
- No additional charges, statutory fees will still be charged for on-line services. Detailed searches for business entities are available at a cost of three searches for $3.00, however simple searches involving name, entity type, and registered agent are available free of charge.
- On-line payment may be made by Electronic Fund Transfer at no charge or by credit card which is subject to a 4% convenience fee.

I believe *SOONERACCESS* will provide customers a welcome convenience, allowing their time to be spent on-line rather than in line. Please note your client account number at the top of the page for easy access to the new system. If you have any questions regarding the new procedures in the Secretary of State's office or *SOONERACCESS*, please do not hesitate to contact me.

Sincerely,

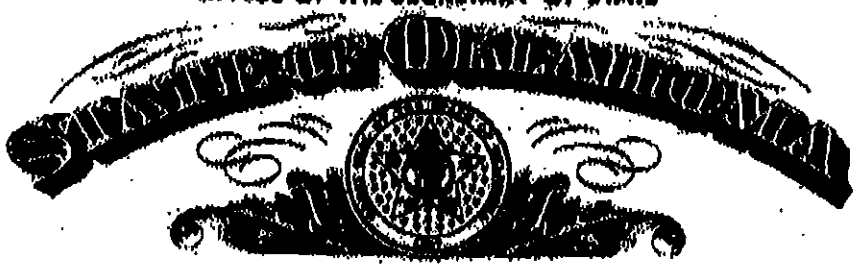
M. Susan Savage

M. Susan Savage
Secretary of State

Enclosure

Office (405) 521-3911 http://www.sos.state.ok.us Fax (405) 521-3771

OFFICE OF THE SECRETARY OF STATE



NOT FOR PROFIT
CERTIFICATE OF INCORPORATION

WHEREAS, the Not For Profit Certificate of Incorporation of

PATRIOT GUARD RIDERS, INC.

has been filed in the office of the Secretary of State as provided by the laws of the State of Oklahoma.

NOW THEREFORE, I, the undersigned, Secretary of State of the State of Oklahoma, by virtue of the powers vested in me by law, do hereby issue this certificate evidencing such filing.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the Great Seal of the State of Oklahoma.

Filed in the city of Oklahoma City this 21st day of February, 2006.

Secretary of State

OKLA[illegible]OMA Secretary of State Electro[illegible] Filing

[illegible] NOT FOR PROFIT CORPORATION
[illegible]

CORPORATION NAME

The name of the corporation is:
PATRIOT GUARD RIDERS, IND.

PURPOSE

This nonprofit corporation is organized and operated exclusively for charitable purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

This corporation does not have authority to issue capital stock.

This corporation is not for profit, and as such the corporation does not afford pecuniary gain, incidentally or otherwise, to its members.

EFFECTIVE DATE

Effective Date:

DURATION

Perpetual

REGISTERED AGENT AND REGISTERED OFFICE ADDRESS

Agent Name
Jeffrey A Brown
Address
8321 S. 8th Street
Broken Arrow, OK 74011 USA

INCORPORATOR INFORMATION

Name
Jeffrey A. Brown
Address
8321 S. 8th Street
Broken Arrow, OK 74011 USA

Title
Incorporator

Name
Kurt Mayer
Address
14830 Santa Lucia Drive
Houston, TX 77083 USA

Title
Incorporator

Name
Jason Wallin
Address
312 Granite Court
Windsor, CO 80550 USA

Title
Incorporator

DIRECTOR INFORMATION

Name	Title
Jeffrey A Brown Address 9321 S. 9th Street Broken Arrow, OK 74011 USA	Director
Name Kurt Mayer Address 14830 Santa Lucia Drive Houston, TX 77069 USA	Director
Name Jason Wallin Address 312 Granite Court Windsor, CO 80550 USA	Director

The Number of Directors to be Elected at the First Meeting: 3

ATTACHMENTS

File Label	File Name and Path
Additional language	G:\Paula\WPD\OK\FORMS\Additional Language.pdf

SIGNATURE

I hereby certify that the information provided on this form is true and correct to the best of my knowledge and by attaching the signature I agree and understand that the typed electronic signature shall have the same legal effect as an original signature and is being accepted as my original signature pursuant to the Oklahoma Uniform Electronic Transactions Act, Title 12A Okla. Statutes Section 15-101, et seq.

Dated - 2/21/2006

Corporation Name	Signature Name	Title
	Jeffrey A. Brown	President
	Kurt Mayer	Secretary
	Jason Wallin	Treasurer

[End Of Image]

BYLAWS OF
PATRIOT GUARD RIDERS, INC.

ARTICLE ONE
OFFICES

The principal office of the corporation, hereinafter referred to as the "Corporation", shall be located at the address set forth in the Articles of Incorporation. The Corporation may have such other offices, either within or without the State of Incorporation, as the Board of Directors may determine from time to time.

ARTICLE TWO
MEMBERSHIP

The Corporation shall have only one (1) class of membership, the Board of Directors, which shall be voting members.

ARTICLE THREE
BOARD OF TRUSTEES

Section 1. General Powers. The affairs of the Corporation shall be managed by the Board of Directors whose members shall have a fiduciary obligation to the Corporation.

Section 2. Number, Term, and Qualifications. The number of Directors shall be no less than three (3) and no greater than five (5). The term of membership shall be for continuous one (1) year periods, unless removed. Those set forth in the original Articles of Incorporation shall comprise the original Board of Directors.

Section 3. Regular Meetings. A regular annual meeting of the Board of Directors shall be held each year, or more frequently as the Board of Directors may determine. The Board of Directors may provide, by resolution, the time and place for holding additional regular meetings without other notice than such resolution. Additional regular meetings shall be held at the principal office of the Corporation in the absence of any designation in the resolution.

Section 4. Special Meetings. Special meetings of the Board of Directors may be called by or at the request of any two (2) Directors, and shall be held at the principal office of the Corporation or at such other place as the Directors may determine.

Section 5. Notice. Notice of the annual, regular or any special meeting of the Board of Directors shall be given by oral notice to each Director. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. The business to be transacted at the meeting need not be specified in the notice or waiver of notice of such meeting, unless specifically required herein or by law.

Section 6. Quorum. A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board; but if less than a majority of the Directors are present at any meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice

Section 7. Board Decisions. The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law or by these Bylaws.

Section 8. Vacancies, Additions, Elections and Removal. Any vacancy occurring in the Board of Directors and any directorship to be filled by reason of an increase in the number of Directors, shall be filled by a two-third (2/3) majority vote of the Board of Directors. Directors shall be removed by a two-third (2/3) majority vote of the Board of Directors.

Section 9. Compensation. Directors, as such, shall not receive any salaries for their services.

ARTICLE FOUR
OFFICERS

Section 1. Officers. The officers of the corporation shall be a president, a secretary, a treasurer, one or more vice-presidents and such other officers as may be elected in accordance with the provisions of this Article. The Board of Directors may elect or appoint such other officers, including one or more assistant secretaries and one or more assistant treasurers, as it shall deem desirable, such officers to have the authority and perform the duties prescribed, from time to time, by the Board of Directors. Any two or more offices may be held by the same person.

Section 2. Election and Term of Office. The officers of the Corporation shall be elected annually by the Board of Directors at the regular annual meeting of the Board of Directors. If the election of officers is not held at such meeting, such election shall be held as soon thereafter as is convenient. New offices may be created and filled at any meeting of the Board of Directors. Each officer shall hold office until his successor has been duly elected and qualified.

Section 3. Removal. Any officer elected or appointed by the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interests of the Corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the officer so removed.

Section 4. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.

Section 5. Powers of Officers.

(a) The President: The President shall be the chief executive officer of the Corporation. He shall be a continuing member of the Board of Directors. He shall have general management of the business of the Corporation and have general supervision of the other officers. He shall preside at all meetings of the Board of Directors and see that all orders and resolutions of the Board are carried into effect, subject, however, to the right of the Board to delegate to any other officer or officers of the Corporation any specific powers, other than those that may be conferred only upon the President. He shall execute in the name of the corporation all deeds, bonds, mortgages, contracts, and other documents authorized by the Board of Directors. He shall be ex-officio a member of all standing committees, and shall have the general powers and duties of supervision and management usually vested in the office of president of a corporation.

No person shall be invited to speak or teach at a meeting held by the Corporation without his approval. He shall be designated attorney-in-fact for the Corporation by virtue of his office. He shall have the authority to appoint and approve any assistants that would be necessary to properly carry on the work of the Corporation.

(b) Vice-President: The vice-president shall perform the duties and exercise the powers of the president in case of his temporary absence from the office of the Corporation, and shall perform such other duties as may from time to time be granted or imposed by the Board of Directors He shall serve as an ex-officio member of the Board of Advisors; however, in the event of serving as president, he shall be a voting member of the Board of Advisors.

(c) The Secretary: The secretary shall attend all sessions of the Board held at the office of the Corporation and act as clerk thereof and record all votes and the minutes of all proceedings in a book to be kept for that purpose. He shall perform like duties for the executive and standing committees when required. He shall give, or cause to be given, notice of meetings of the Board of Directors when notice is required to be given under these Bylaws or by any resolution of the Board. He shall have custody of the seal to all authorized documents requiring a seal. He shall keep the membership rolls of the Corporation, and in general perform the duties usually incident to the office of secretary, and such further duties as shall from time to time be prescribed by the Board of Directors or the president.

Fax From : 01-21-08 16:14 Pg: 7

(d) The Treasurer: The treasurer shall keep full and accurate account of the receipts and disbursements in books belonging to the Corporation, and shall deposit all moneys and other valuable effects in the name and to the credit of the Corporation in such banks and depositories as may be designated by the Board of Directors, but shall not be personally liable for the safekeeping of any funds or securities so deposited pursuant to the order of the Board. He shall disburse the funds of the Corporation as may be ordered by the Board and shall render to the president and Directors at the regular meeting of the Board, and whenever they may require, accounts of all transactions as treasurer and of the financial condition of the Corporation. He shall perform the duties usually incident to the office of treasurer and such other duties as may be prescribed by the Board of Directors or by the president.

(e) Delegating Powers to Other Officers: In case of the absence of any officer of the Corporation, or for any other reason that may seem sufficient to the Board, the Board of Directors may delegate his duties and powers for the time being to any other officer, or to any Director.

ARTICLE FIVE
COMMITTEES AND BOARD OF ADVISORS

Section 1. Committees of Directors. The Board of Directors, by resolution adopted by a majority of the Directors in office, may designate one or more committees, which committees, to the extent provided in such resolution, shall have and exercise the authority of the Board of Directors in the management of the Corporation; but the designation of such committees and the delegation thereto of authority shall not operate to relieve the Board of Directors, or any individual Directors, of any responsibility imposed on it or him by law.

Section 2. Other Committees. Other committees not having and exercising the authority of the Board of Directors in the management of the Corporation may be designated by a resolution adopted by a majority of the Directors present at a meeting at which a quorum is present. The President shall appoint the members thereof. Any member thereof may be removed by the President whenever in his judgment the best interest of the Corporation shall be served by such removal.

Section 3. Board of Advisors. A Board of Advisors may be appointed as set forth below. It shall be the responsibility and privilege of the Board of Advisors to provide counsel to the president and the Board of Directors. Counsel shall be in organizational, financial, legal or other areas wherein the president determines professional counsel is needed and/or desirable. No minimum or maximum number of members of the Board of Advisors shall be established and the appointment to the Board of Advisors and tenure thereon shall be at the pleasure and in the complete discretion of the president.

ARTICLE SIX
CONTRACTS, CHECKS, DEPOSITS, AND FUNDS

Section 1. Contracts. The Board of Directors may authorize any officer or officers, agent or agents of the Corporation, in addition to the officers so authorized by these Bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or may be confined to specific instances.

Section 2. Checks, Drafts or Orders. All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Corporation shall be signed by such officer or officers, agent or agents of the Corporation, and in such manner as shall from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments may be signed by either the treasurer or the President of the Corporation. The President of the Corporation shall be permitted to authorize execution of checks, drafts, or orders in the amount of $1,500.00 or less without prior approval of the Board of Directors.

Section 3. Deposits. All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies, or other depositories as the Board of Directors may select.

Section 4. Gifts. The Board of Directors may accept on behalf of the Corporation any contribution, gift, bequest or devise for any purpose of the Corporation.

ARTICLE SEVEN
BOOKS AND RECORDS

The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Directors, committees having and exercising any of the authority of the Board of Directors, and any other committee, and shall keep at the principal office a record giving the names and addresses of the Board of Directors members entitled to vote. All books and records of the Corporation may be inspected at any reasonable time.

ARTICLE EIGHT
FISCAL YEAR

The fiscal year of the Corporation shall be the calendar year.

Fax From : 01-21-08 16:15 Pg: 9

ARTICLE NINE
DISSOLUTION

Upon the dissolution of the Corporation, the Board of Directors shall, after the payment of all the liabilities of the Corporation, dispose of all of the assets of the Corporation exclusively for the purposes of the Corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious or scientific purposes as shall qualify as an exempt corporation or organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, (or by the corresponding section of any future Revenue Code of the United States of America) or (b) by a corporation, contributions of which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, as amended (or the corresponding section of any future United States Revenue Law).

ARTICLE TEN
INUREMENT

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its members, officers, Directors, or any person except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered. Notwithstanding any other provisions of the Articles of Incorporation or these Bylaws of the Corporation, the corporation shall not carry on any activity not permitted to be carried on by (a) a corporation exempt from Federal Income Tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (or by the corresponding section of any future Revenue Code of the United States of America), or (b) a corporation contributions of which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, as amended (or corresponding section of any future United States Revenue Law).

ARTICLE ELEVEN
CONFLICT OF INTEREST

Any director, officer, or key employee who has an interest in a contract, salary negotiation, or other transaction presented to the Board of Directors or a committee thereof for authorization, approval, or ratification shall make a prompt and full disclosure of his interest to the Board of Directors or committee prior to its acting on such contract or transaction. Such disclosure shall include any relevant and material facts known to such person about the contract or transaction which might reasonably be construed to be adverse to the corporation's interest.

The body to which such disclosure is made shall thereupon determine, by a vote of seventy-five (75%) of the votes entitled to vote, whether the disclosure shows that a conflict of interest exists or can reasonably be construed to exist. If a conflict is deemed to exist, such person shall not vote on, nor exert his personal influence regarding, nor participate in (other than to present factual

information or to respond to questions) the discussions or deliberations with respect to such contract or transaction. Such person may be counted in determining whether a quorum is present but may not be counted when the Board of Directors or a committee of the Board takes action on the transaction. The minutes of the meeting shall reflect the disclosure made, the vote thereon, the abstention from voting and participation (where applicable), and whether a quorum was present.

ARTICLE TWELVE
SEAL

The Board of Directors shall provide a corporate seal, which shall be as set forth below.

ARTICLE THIRTEEN
AMENDMENT OF BYLAWS

These Bylaws may be altered, amended, or repealed, and new bylaws may be adopted by a two-thirds (2/3) majority vote of the Board of Directors at any regular or special meeting of the Board of Directors. At least seven (7) day written advance notice of said meeting shall be given to each member of the Board of Directors.

PATRIOT GUARD RIDERS, INC.

(SEAL)

Jeffrey A. Brown/President

BYLAWS-7

FAX FROM : 01-21-00 16:16 Pg: 11

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT N

of

"Declaration of Jason D. Wallin"

JEFF'S FINAL CORNER

It's been an exhilarating, but an exhausting year. A year in which we have seen an awakening of the sleeping spirit of America, a rededication to the honor and dignity due all of those who serve our nation, and a uniting of those who have a desire to "do the right thing". Every PGR member should be justifiably proud of being a part of this.

Like all of you, I have taken a huge amount of time away from my family and business over this past year. It's time for me to heed my own words and "Pace Yourself". To this end, it is with a very heavy heart that I formally announce my resignation as Executive Director of the Patriot Guard Riders. This decision was also reached, in part, because a handful of very vocal people have expressed concerns over the possible conflict of interest in my owning the PGR Store and being the Executive Director. The business structure of the store has never been hidden and has been discussed "ad nausea", but in an effort to belay any further controversy that takes time and energy away from our missions, I have chosen to step down and close the PGR store after the current inventory is depleted.

This has been one of the most difficult decisions of my life. I can't begin to put into words how much pride I have in all of you and what this organization has become and will become in the future. I will always view the founding of the Patriot Guard Riders and having had the honor of being your leader during this formative year as one of the high point of my life. I will continue to be honored to ride with you and stand by you until the day there is no PGR. After a great deal of pressure, Bill "Snap" Lines has agreed to assume the position of Executive Director and the board has approved. Snap, thank you for stepping up to the plate, Brother. The PGR is in good hands and I am confident in its leadership. I'm not going anywhere Folks. I will work closely with National during this transition period and continue to serve the PGR in the capacity as an advisor to the National Board.

Thanks for listening and Salute,

Jeff

posted @ Tuesday, November 07, 2006 8:42 AM by Twister

Previous Page | Next Page

COMMENTS

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT O

of

"Declaration of Jason D. Wallin"

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 77040379
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.

TEAS Plus	YES
MARK INFORMATION	
*MARK FILE NAME	\\TICRS\EXPORT2\IMAGEOUT2 \770\403\77040379\xml1\FT K0002.JPG
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	Patriot Guard Riders Riding with Respect
*COLOR MARK	YES
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of this mark has a yellow field with a blue and white folded American flag and blue text.
*COLOR(S) CLAIMED (If applicable)	yellow, blue, and white
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	900 x 572
APPLICANT INFORMATION	
*OWNER OF MARK	Patriot Guard Riders, Inc.
*STREET	312 Granite Ct
*CITY	Windsor
*STATE (Required for U.S. applicants)	Colorado
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	80550
PHONE	970-402-1892
EMAIL ADDRESS	jason@patriotguard.org
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

LEGAL ENTITY INFORMATION

*TYPE	CORPORATION
*STATE/COUNTRY OF INCORPORATION	Oklahoma

GOODS AND/OR SERVICES AND BASIS INFORMATION

*INTERNATIONAL CLASS	045
*FIRST USE ANYWHERE DATE	At least as early as 11/11/2005
*FIRST USE IN COMMERCE DATE	At least as early as 06/01/2006
*DESCRIPTION	Organizing and conducting support groups in the field of MILITARY AND MILITARY FAMILY SUPPORT
*FILING BASIS	SECTION 1(a)
*FIRST USE ANYWHERE DATE	At least as early as 11/11/2005
*FIRST USE IN COMMERCE DATE	At least as early as 06/01/2006
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT2\IMAGEOUT2 \770\403\77040379\xml1\FT K0003.JPG
SPECIMEN DESCRIPTION	this is a sample of a t-shirt that we sold to help raise money for scholorships for the families of fallen soldiers.

ADDITIONAL STATEMENTS INFORMATION

*TRANSLATION (If applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	

CORRESPONDENCE INFORMATION

*NAME	Patriot Guard Riders, Inc.
FIRM NAME	Patriot Guard Riders, Inc.
*STREET	312 Granite Ct
* CITY	Windsor
* STATE (Required for U.S. applicants)	Colorado
* COUNTRY	United States
* ZIP/POSTAL CODE (Required for U.S. applicants only)	80550
PHONE	970-402-1892
* EMAIL ADDRESS	jason@patriotguard.org

*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

FEE INFORMATION

NUMBER OF CLASSES	1
FEE PER CLASS	275
TOTAL FEE DUE	275

SIGNATURE INFORMATION

* SIGNATURE	/Jason D. Wallin/
* SIGNATORY'S NAME	Jason D. Wallin
SIGNATORY'S POSITION	Treasurer, Patriot Guard Riders, Inc.
* DATE SIGNED	11/09/2006

FILING INFORMATION SECTION

SUBMIT DATE	Thu Nov 09 13:14:12 EST 2006
TEAS STAMP	USPTO/FTK-72.250.47.100-20061109131412723527-77040379-3507c3ba14ee17d9e93f087827a0f348e6-CC-1533-20061109136194884 70

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 77040379
Filing Date: 11/09/2006

To the Commissioner for Trademarks:

MARK: Patriot Guard Riders Riding with Respect (stylized and/or with design, see mark)

The literal element of the mark consists of Patriot Guard Riders Riding with Respect. The applicant claims color as a feature of the mark, namely, yellow, blue, and white. The mark consists of this mark has a yellow field with a blue and white folded American flag and blue text.

The applicant, Patriot Guard Riders, Inc., a corporation of Oklahoma, having an address of 312 Granite Ct, Windsor, Colorado, United States, 80550, 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 045: Organizing and conducting support groups in the field of MILITARY AND MILITARY FAMILY SUPPORT

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.

Correspondence Information:

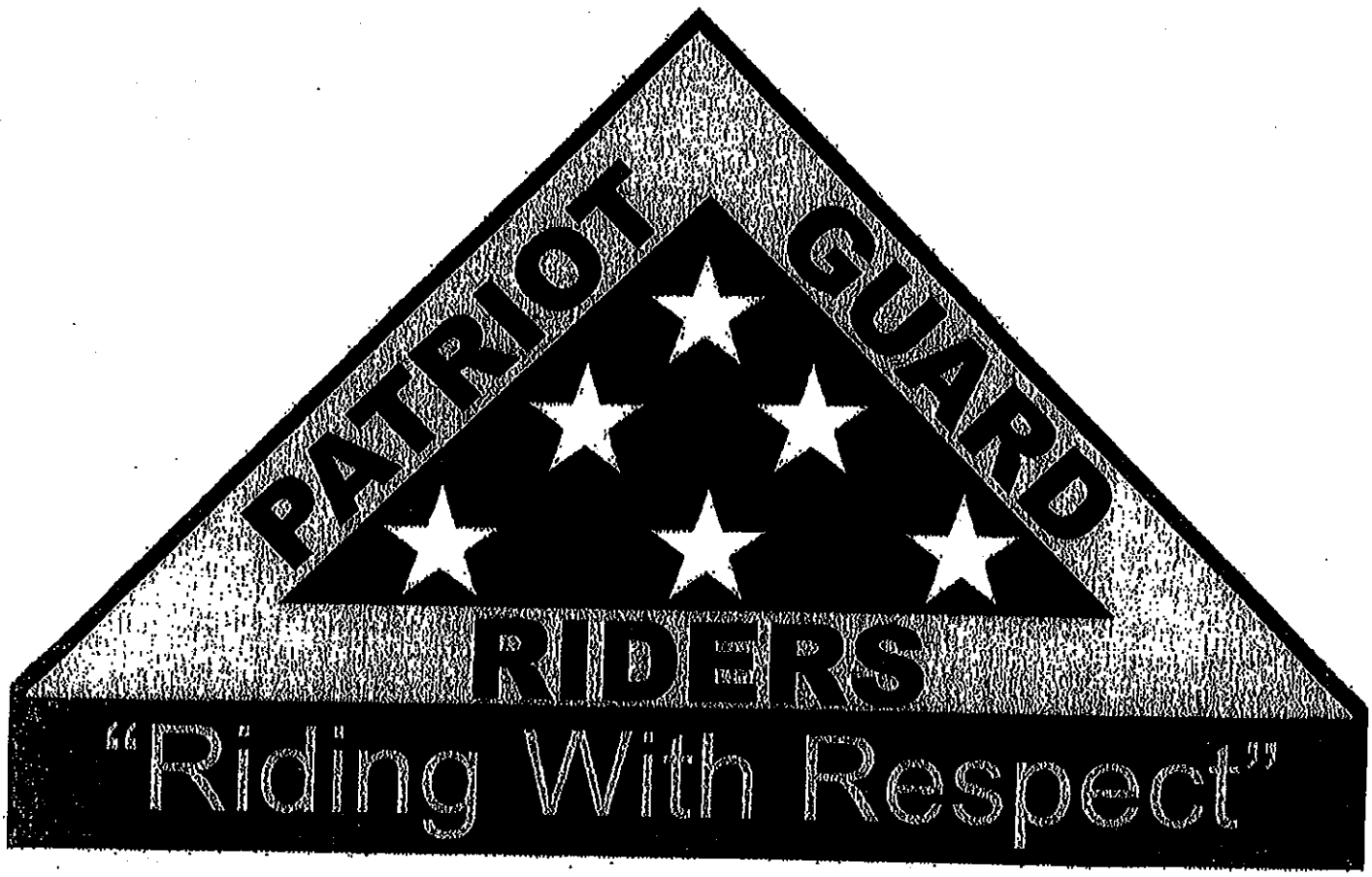
Patriot Guard Riders, Inc.
312 Granite Ct
Windsor, Colorado 80550
970-402-1892(phone)
jason@patriotguard.org (authorized)

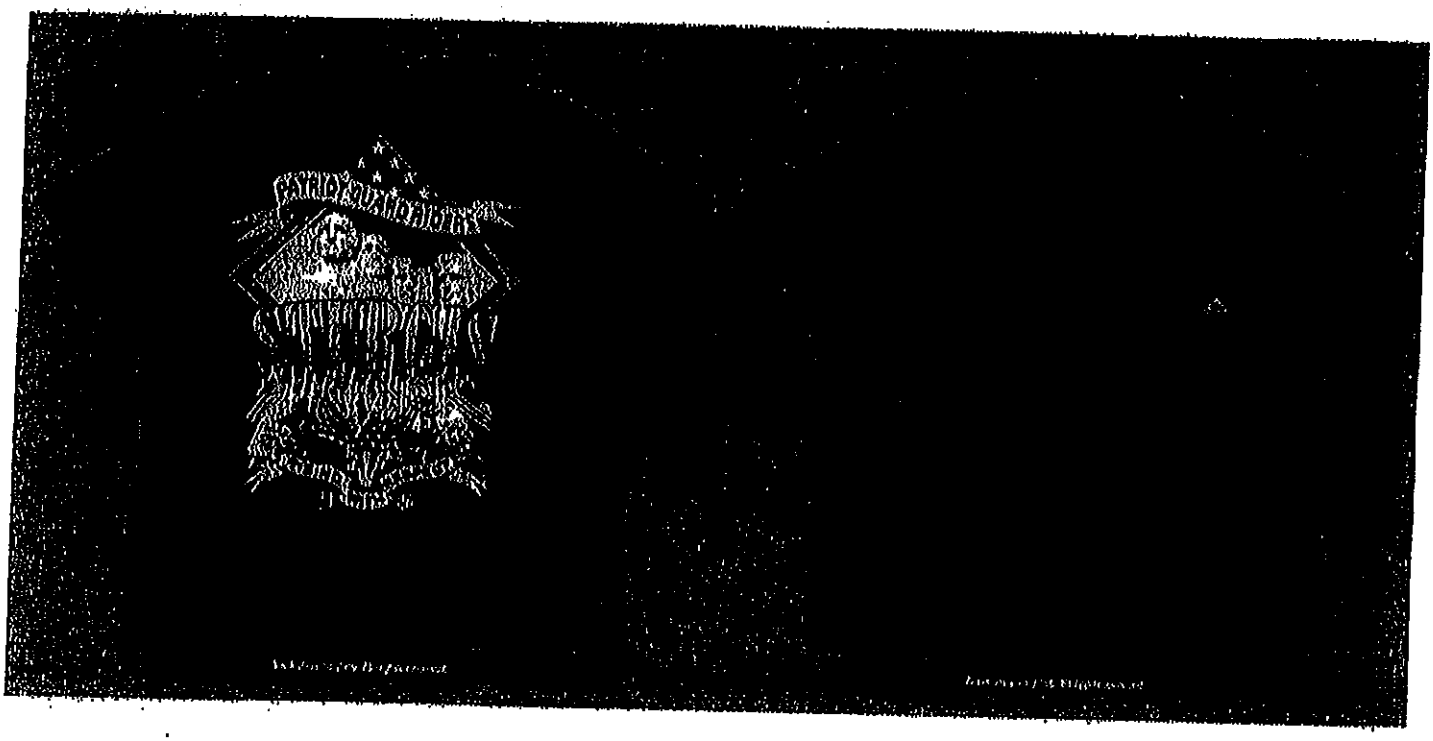
A fee payment in the amount of $275 will be submitted with the application, representing payment for 1 class(es).

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 on information and belief are believed to be true; and that all statements made of his/her own knowledge are true.

Signature: /Jason D. Wallin/ Date: 11/09/2006
Signatory's Name: Jason D. Wallin
Signatory's Position: Treasurer, Patriot Guard Riders, Inc.
RAM Sale Number: 1533
RAM Accounting Date: 11/09/2006
Serial Number: 77040379
Internet Transmission Date: Thu Nov 09 13:14:12 EST 2006
TEAS Stamp: USPTO/FTK-72.250.47.100-20061109131412 72
3527-77040379-3507e3ba14ce17d9e93f087827
a0f348e6-CC-1533-20061109113619488470


PATRIOT GUARD
RIDERS
"Riding With Respect"



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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT P

of

"Declaration of Jason D. Wallin"

Patriot Guard Riders

Standing For Those Who Stood For US

Wednesday, June 18, 2008

..:: ALL Forums ::..

jomalley Logout

Code Amber Alert

This is the Code Amber Amber Alert Ticker – CodeAmber.org neer

Navigation

- Home
- About Us
- Leadership Contacts
- Letters of Appreciation
- Fallen Warrior Scholarship
- ALL Forums
- Help on the HomeFront
- Most Recent Posts
- Photo Gallery
- Media/Press
- Fallen Members
- Events
- Troop Support Partners
- PGR FAQ
- PGR Gear

Patriot Guard Riders Forum

Unanswered Not Read My Forums Active Topics

Forums My Profile Search Members

Forums > Patriot Guard Riders - National > Letters from the PGR President

Subject: From Snap 21 Nov 06

Email me when someone replies to this thread.

You are not authorized to post a reply.

Author	Messages	Oldest First
Waldo Posts: 1325 Windsor, Co	21 Nov 2006 4:54 PM	Alert

To the PGR,
The last 10 days have been rough. I feel as if I stepped in it bigtime when I said OK to this job. I've heard from most of you and I've listened to each one. I hope I can serve you well this year.
I want to point out that my term is for one year only, then my replacement will be elected by you, the real PGR,the members. More info on that to follow.

PGR 002174

Dialup Homepage

Directory

Click to send an email to the departments below:

User Support
Moderators
Photos
Media
Media Sightings
Submit Picture of Day
Web Site Administrator
Communications Officer
Letters Of Appreciation
Help On The Homefront

Mission Request

Click on the link below to make initial contact with us regarding honor mission requests:

Contact Us

Contact Arlington National Cemetery

YOU CAN TALK ABOUT US...

BUT YOU CAN'T TALK WITHOUT US.

[redacted]

I would like to address some topics with you and the best way for my old mind is by the numbers. So here goes.
1) The PGR store; We are going to TRY and have the new store up by New Years Eve. It will sell all the items it does now and more. And ALL profit will go to the PGR. We are going to outsource this store so that no member will have his hands on it. It will be overseen by a committee of members.
2) Jeff Brown has no affiliation with PGR except as a member. he is being removed as President of the Corp . He will no longer be our registered agent in Oklahoma. That place will be filled by a law firm.
3) We have received advice from our attorney that we can retain and use our name and logo without restraint. If you want a new logo, let us know but we don't have to.
4)The 501C3 is being handled by the attorney, people who have donated will be able to use the tax deduction.
5) By Laws are being prepared by the attorney and will be posted as soon as completed.
6) Our accountant will have all funds reconsiled to post within three weeks. They will be posted at that time.
There has been a lot of bile and contention out there this week, most of it justified. But we are trying. You are right, trust is earned and until it is I invite any member to call me (a LOT of you do) and question anything you feel needs clearing up.
Let's try for less anger and spite on the web. If you want to chew me out I would rather you did it on the phone than on the site. I want to do well but I need your help.
Thanks for listening
LLRB
Snap
ICVMC for PGR

Jason Wallin "WALDO"
Deputy Executive Director
Corporate Treasurer
Patriot Guard Riders
[redacted]

American By Birth
Biker By Choice
Patriot Forever!

Tact and Political Correctness were developed by those who lack the testicular fortitude to say what they really mean!

You are not authorized to post a reply.

Messages

0 Unread Messages
0 Read Messages

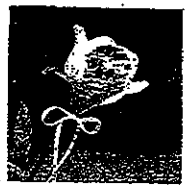
Forums > Patriot Guard Riders - National > Letters from the PGR President > From Snap 21 Nov 06

ActiveForums 3.6

America Loves You Silk Rose

PGR Doo-Rag

PGR Armband



Welcome Home Silk Rose

Wounded Warrior Challenge Coin

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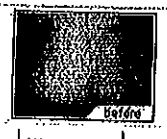
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

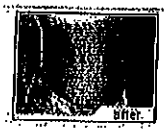
JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 12

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

I lost 30 lbs of stomach fat in 8 weeks by obeying this 1 rule.




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- Word Games
- Open Dictionary
- Spelling Bee Hive
- Word for the Wise
- Online Store
- Help
- About Us

association

8 entries found.

On Off

association
association area
association football
free association

Main Entry: **as·so·ci·a·tion**
Pronunciation: \ə-,sō-sē-'ā-shən, -shē-\
Function: *noun*
Date: 1535

1 a : the act of associating **b** : the state of being associated : COMBINATION, RELATIONSHIP
2 : an organization of persons having a common interest : SOCIETY
3 : something linked in memory or imagination with a thing or person
4 : the process of forming mental connections or bonds between sensations, ideas, or memories
5 : the aggregation of chemical species to form (as with hydrogen bonds) loosely bound complexes
6 : a major unit in ecological community organization characterized by essential uniformity and usually by two or more dominant species
— **as·so·ci·a·tion·al** \-sh(ə-)nᵊl\ *adjective*

Learn more about "association" and related topics at Britannica.com

See a map of "association" in the Visual Thesaurus

Find Jobs in Your City

Earn your Bachelor's or Master's Degree in under 24 months

Pronunciation Symbols

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MLA Style
"association." Merriam-Webster Online Dictionary. 2009. Merriam-Webster Online. 21 January 2009 <http://www.merriam-webster.com/dictionary/association>

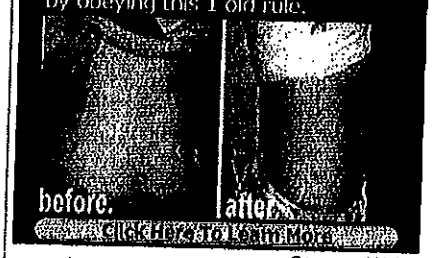
APA Style
association. (2009). In *Merriam-Webster Online Dictionary*. Retrieved January 21, 2009, from http://www.merriam-webster.com/dictionary/association

Search "association" in:
- Thesaurus
- Spanish/English
- Medical Dictionary
- Open Dictionary

Browse words next to:
- association

Browse the Dictionary:
A B C D E F G H I J K L M N O P Q R S T U V W X Y Z #

association Go

Sponsored
1 Flat Stomach Rule: obey
I cut out 2 lbs of body fat per week by obeying this 1 old rule.


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Lose 25lbs of stomach fat in 3 weeks.

Read How »
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CBS NEWS
rachaelray
abc

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 13

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

IN THE UNITED STATES PATENT & TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOND

JEFF BROWN,

OPPOSER,

V.

PATRIOT GUARD RIDERS, INC.,

APPLICANT.

OPPOSITION NO. 91181448
SERIAL NO. 77/040,379

RECEIVED
AUG 25 2008
TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD.

OPPOSER'S RESPONSES TO
APPLICANT'S SECOND SET OF INTERROGATORIES

Opposer Jeff Brown hereby submits his responses to Applicant's Second Set of Interrogatories.

General Objections

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

2. Opposer will provide responses according to applicable Federal Rules of Civil Procedure and Patent and Trademark Board Rules of Practice. Opposer considers its obligations to be governed by those Rules, and specifically disclaims the acceptance of any additional obligations imposed by the Applicant. Opposer specifically states that his duty to supplement is governed solely by these Rules.

3. Opposer specifically objects to paragraph 1 of the Definitions insofar as it unreasonably expands the identity of the Opposer, Jeff Brown.

4. Opposer specifically objects to paragraphs 17-20 of the Definitions insofar as, given the context of any particular Interrogatory, there may be a more appropriate and less burdensome manner in which to "identify" the requested information.

5. Opposer specifically objects to paragraph 27 of the Definitions on the basis that it contains an instruction that is contrary to the Federal Rules of Civil Procedure. Opposer will state his objections in compliance with Federal Rule 33. Opposer's privilege obligations are governed by Federal Rules 33 and 26, in particular Rule 26(b)(5), as well as relevant case law interpreting those Rules.

Responses to Interrogatories

INTERROGATORY NO. 25: Provide a detailed explanation as to what Opposer meant in *"Petitioner's Response to Applicant's First Request for Admission"* and in *"Petitioner's Answer to Applicant's First Set of Interrogatories"* with regard to the term "non-commercial purposes" versus the term "commercial purposes" (see, for example, Opposer's Responses to Request for Admission Nos. 11 and 17 and Opposer's Answer to Interrogatory No. 10); and include in this detailed explanation examples of purposes that would fall under the category of "non-commercial purposes" and "commercial purposes."

ANSWER TO INTERROGATORY NO. 25: Opposer states that the use of the term "commercial purposes" relates to the use of Opposer's mark(s) on any merchandise or items for sale by consumers, including, without limitation, merchandise or items sold by or on behalf of PGR, Inc., the "original PGR store," any "subsequent PGR store" and/or "Twister's PGR Store," as those terms are defined in Applicant's Definitions. The use of the term "non-commercial

purposes" relates to the Opposer's oral license to PGR, Inc. to use the mark in a "non-commercial" manner, such as use of the Opposer's mark(s) on the website www.patriotguard.org, provided such use does not result in fiscal gains, and provided that PGR, Inc. agrees that it lacks authority to transfer or permit usage of the mark(s) by any other party.

INTERROGATORY NO. 26: With regard to Opposer's Response to Request for Admission No. 99, provide a detailed explanation of *all* factual bases for Opposer's allegation 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, identify others who have knowledge of same, and provide all documents in support thereof.

ANSWER TO INTERROGATORY NO. 26: Opposer states, upon information and belief and after reasonable investigation, that Jason D. Wallin acted on his own and without direct instruction from the Board, and that Wallin's duties as Treasurer did not include the filing of any trademark application(s). Opposer cannot state whether there are others who have similar knowledge and/or beliefs. Opposer objects to the request for production of documents, as these Interrogatories are propounded under Federal Rule of Civil Procedure 33 only.

INTERROGATORY NO. 27: With regard to Opposer's Response to Request for Admission No. 100, provide a detailed explanation of Opposer's reasoning as to why Mr. Jason D. Wallin's dismissal from the Board after the filing of Applicant's first trademark application has any bearing on whether the Patriot Guard Riders corporation is entitled to have Applicant's first trademark application registered.

ANSWER TO INTERROGATORY NO. 27: Opposer states that Jason D. Wallin's dismissal from the Board after the filing of Applicant's first trademark application provides evidence that Wallin did, in fact, engage in unauthorized activity throughout his membership on

the Board. In addition, Wallin's dismissal from the Board has a tendency to prove that Wallin acted in a manner inconsistent with ownership.

INTERROGATORY NO. 28: With regard to Opposer's Response to Request for Admission No. 101 and Opposer's Answer to Interrogatory No. 5, provide a detailed explanation as to why Opposer's counsel directed Opposer to refer to himself as Executive Director in Opposer's trademark application when both Opposer and Opposer's counsel allegedly intended for Opposer's trademark application to be filed in Opposer's individual capacity.

ANSWER TO INTERROGATORY NO. 28: Opposer states that he has no specific recollection as to the reasons why Opposer's counsel directed Opposer to refer to himself as the Executive Director in Opposer's trademark application. Opposer further states that throughout the course of preparing the trademark application, Opposer consistently acted pursuant to the direction and advisement of Opposer's counsel.

INTERROGATORY NO. 29: With regard to Opposer's Answer to Interrogatory No. 18, provide a detailed explanation as to:

a. Who made the alleged posts on the PGR forums stating that the store was a privately owned, for-profit business;

b. The date when the alleged posts were made;

c. The forum topic under which the alleged posts were made;

d. The reasoning as to why the alleged posts were made;

e. The reasoning as to why the information provided in the alleged posts was not disclosed in a more prominent place on the website www.patriotguard.org than in the PGR forums;

f. The reasoning as to why the information provided in the alleged posts was not disclosed in a more prominent place on the website www.patriotguardstore.org than in the PGR forums.

ANSWER TO INTERROGATORY NO. 29:

a. Opposer states that he made several posts in several online forums found at www.patriotguard.org regarding the ownership and nature of the "original PGR store" and/or the "subsequent PGR store," and that these posts indicated that the store was a privately owned, for-profit business. In addition, Opposer states that other individuals made similar posts in these forums, but Opposer cannot recollect the names of each of these individuals. By way of example only, Opposer references the emails reflecting online forum posts attached hereto as "Exhibit A."

b. Opposer states that he cannot recollect the exact dates of these posts.

c. Opposer states that he cannot recollect the exact forum topics under which these posts were made, but states generally that the forum topics related to the online store.

d. Opposer states that he made the posts to ensure that the membership was aware that the store was a privately owned, for-profit business. Opposer has no knowledge as to why others made similar postings.

e. Opposer states only that he was not responsible for the creation or maintenance of the website www.patriotguard.org or its online forums, and was therefore not responsible for the location or perceived prominence of any posts. Opposer also states that prominence of forum posts is amorphous, as the submission and/or

display of additional and subsequent posts had an impact on the perceived prominence Opposer's posts.

f. Opposer incorporates by reference his response to subpart "e."

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
Facsimile (918) 591-5360
tferguson@dsda.com
rblue@dsda.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 21st day of August, 2008, a true and correct copy of the above and foregoing instrument was mailed, with proper postage thereon, to:

David J. Marr
James R. Foley
James A. O'Malley
TREXLER, BUSHNELL, GIANGIORGI, BLACKSTONE & MARR, LTD.
105 W. Adams St., 36th Fl.
Chicago, IL 60603
Tel: (312) 704-1890
Fax: (312) 704-8023

_____
Rachel Blue

--Original Message-----
om: info@patriotguard.org [mailto:info@patriotguard.org]
nt: Tuesday, March 27, 2007 8:22 AM
: david.erickson@suddenlink.net
bject: PGR Forums - New Post RE: NEW PGR PATCHES

27 Mar 2007 8:21 AM a message was posted to a thread you were tracking.

: NEW PGR PATCHES
PDDGM

, I am not going to get into a pissing contest with anyone. I simply ask Ed to answer Twisters questions. I know mnie ask for this not to go where it went, but it did. As you say Steam, a good deal is a good deal, except when it is t publicly stated that the operator of the store is a friend of Ed's. At least with Twister we KNEW who owned the re. As far as donations from Twister, it seems we have a conflict there, he says last month you say last year. All I ask for everything to be above board and open for all to see. Zinobile, we must have open operation of the PGR and all it's parts, profit is one thing, absolute rule and my way or the hiway ain't gonna cut it with me.

e Smith
n Mo Ride Capt

) view the complete thread and reply, please visit:
tp://www.patriotguard.org/ALLForums/tabid/61/view/topic/postid/466183/ptarget/469096/Default.aspx

ou were sent this email because you opted to receive email notifications when someone responded to this thread. To isubscribe to this thread please visit your user profile page delete this post from your subscribed topics.
ank you, Patriot Guard Riders

From: Bill Miller [1badpig@insightbb.com]
Sent: Sunday, August 12, 2007 9:04 PM
To: EBaker1954@aol.com; monica@mnpatriotguard.org; blines@charter.net; bonnie@patriotguard.org
Cc: harly69g@bellsouth.net; inpgr@rcfpro.com; wva@patriotguard.org; jeffbrown@valornet.com; statecapthawaii@hawaii.rr.com; tony@danriverregion.com; leclairtodd@yahoo.com; desertdoc_idaho@yahoo.com; sandy_in_sc@yahoo.com; rmoyerjr@yahoo.com; ohiocaptains@patriotguard.org; maryland@patriotguard.org; RICHCOP@aol.com; lindy75@patriotguard.org; pops01harley@yahoo.com; qgolden@worldpath.net; stealthscorpiolv@yahoo.com; kingshadow506@charter.net; moritz1111@hotmail.com; mike.a.long@us.army.mil; mav_58@hotmail.com; nc@patriotguard.org; Matterj012@cs.com; tohidu@cox.net; hellraiserusmc@patriotguard.org; tinman392@hotmail.com; JCurran516@aol.com; mnpatriotguard@gmail.com; Nuckles43@aol.com; cowboy@washingtonstatepatriotguardriders.org; norton@patriotguard.org; jlake51@yahoo.com; sandersj26@aol.com; jeffrey.lee.anderson@us.army.mil; kentucky@patriotguard.org; geraldgaines@windstream.net; gapointman@gmail.com; ripgr@cox.net; waitaminit@patriotguard.org; wisesafe@airmail.net; vstarrider03@msn.com; c.mahnken2003@yahoo.com; bear_pgr@yahoo.com; vtcvma@comcast.net; ca@patriotguard.org; charger@patriotguard.org; sig22@patriotguard.org; bob@careerresources.org; spocon@nac.net; missouri@patriotguard.org
Subject: RE: High Priority - Sorry

'ake me off of all of your PGR mailing list.
'm sick an tired of the cry babies about this and that BULLSHIT.
'he problem is that everyone wants to be the CHIEF and there
sn't enough Indains.

Bill Miller
(502) 773-4232

From: EBaker1954@aol.com [mailto:EBaker1954@aol.com]
Sent: Sunday, August 12, 2007 10:54 AM
To: monica@mnpatriotguard.org; blines@charter.net; bonnie@patriotguard.org
Cc: harly69g@bellsouth.net; inpgr@rcfpro.com; wva@patriotguard.org; jeffbrown@valornet.com; statecapthawaii@hawaii.rr.com; tony@danriverregion.com; leclairtodd@yahoo.com; desertdoc_idaho@yahoo.com; sandy_in_sc@yahoo.com; rmoyerjr@yahoo.com; ohiocaptains@patriotguard.org; maryland@patriotguard.org; RICHCOP@aol.com; lindy75@patriotguard.org; pops01harley@yahoo.com; qgolden@worldpath.net; stealthscorpiolv@yahoo.com; kingshadow506@charter.net; moritz1111@hotmail.com; mike.a.long@us.army.mil; mav_58@hotmail.com; nc@patriotguard.org; Matterj012@cs.com; tohidu@cox.net; hellraiserusmc@patriotguard.org; tinman392@hotmail.com; JCurran516@aol.com; mnpatriotguard@gmail.com; Nuckles43@aol.com; cowboy@washingtonstatepatriotguardriders.org; norton@patriotguard.org; jlake51@yahoo.com; sandersj26@aol.com; jeffrey.lee.anderson@us.army.mil; kentucky@patriotguard.org; geraldgaines@windstream.net; gapointman@gmail.com; ripgr@cox.net; waitaminit@patriotguard.org; wisesafe@airmail.net; vstarrider03@msn.com; c.mahnken2003@yahoo.com; bear_pgr@yahoo.com; vtcvma@comcast.net; ca@patriotguard.org; charger@patriotguard.org; sig22@patriotguard.org; bob@careerresources.org; spocon@nac.net; missouri@patriotguard.org
Subject: High Priority - Sorry

First of all "SORRY" but I've listened to you all now I ask you to hear me. I for one was always mystified about this whole deal of Jeff suddenly stepping down with little or no explanation. But I for the most part stayed out of it. Jeff is a big boy and he did what he though he had to do at the time. A lot of you know me and I'm not one to walk away from a fight as some experienced last year, but that honestly is water under the bridge on my part. Anyway, Jeff stepped down and we moved on or so I thought. Way back before the crap hit the fan I knew that the store was a private enterprise and Jeff never hid that part. He was up front that it

'as there to HELP support the PGR in it's endeavors. Nothing more, nothing less did I read into that. Yet when the crap hit, Many ıany people suddenly turned into fair weather friends of Jeff and flew the coop. That's a sorry statement of their character. I was ıe one mentioned in an earlier email or post on this whole mess that used Jeff's design to come up with a so called state PGR atch first. Jeff saw it at the first GOTH in 06 and asked me about it and gave me permission to use it to help cover expenses in lississippi. He asked nothing in return. He didn't have to do that but his heart was in the right place. So this may be why I'm tanding up for this man.

.s for Jason, I have had nothing but good dealings with the man when we have crossed paths and I will leave it at that.

low after the crap has hit the fan and "Let drag Jeff's butt through the mud "ONE MORE TIME" is going around I'm stepping up. eff, you're a better man than me. If I had been in your shoes and others tried to do to me what you state they did to you, the ıdians (I'm Cherokee) would have won this time. Anyone that knows me knows I'm not blowing hot air up your butt on that tatement.

.fter reading Jeff's email, one thing about Jeff that I have to say at this point is he didn't try to take anyone down with him when he 'ent So Jeff, I do respect you for that more than I can convey in this email. Your actions speaks volumes about your character.

)ne of two things need to happen now. Either bury this dirty laundry now as some are trying to do or CLEAN HOUSE! Hold ALL ıose accountable that were in the wrong and fix it so that the PGR can say we live by what we preach.

inap, I now, more than ever appreciate what you had to go through. You are without a doubt in my mind a "PEACEMAKER". You ave been pulled in many directions at once and yet you have tried to keep peace within the ranks though all this turmoil. But if 'hat Jeff has stated is true, you need to step up for the man. At least let everyone know if what Jeff has stated is true or not. Will it x the problem? No. But at least Jeff will get back some the respect due him.

'AH DUH! All done.

:d Baker, SC for the Great State of Mississippi

****

Get a sneak peek of the all-new AOL at http://discover.aol.com/memed/aolcom30tour

'rom: Ugly Troll [uglytroll@comcast.net]

Sent: Wednesday, January 16, 2008 9:10 PM

To: Jeff Brown

Subject: Just to say hey!

Jeff, well, things seem to be getting a bit dicey lately! Here in Massachusetts, when I first signed up for PGR, we had a state ptain who appeared to be the victim of a smear campaign by someone who coveted his position. This first captain, Harvey, emed ok to me. I never met him, but spoke to him several times on the phone, and in fact, he's the guy who appointed me as a rmanent ride captain for western Mass. When guy 2 came into the picture, he also began calling me, in an apparent attempt to t me to take his side.....I told both of them I would not get into their pissing contest and leave me out of it. They did. proximately a year ago, the new state captain, informed me he was the target of some disgruntled individuals who wanted him ne. This so irritated me I felt I could no longer continue and so sent him a msg informing him of my decision. I told him lots of ngs and ended by suggesting he look in the mirror and if he didnt' like what was looking back at him he should "do the right ngl" I also sent msgs to the rest of the Mass leadership team informing them of my decision. The next day, I got msgs from eryone of them pleading with me not to resign. That evening, my wife and I talked things over and she suggested I should stay I as my involvement with PGR had been very therapeutic for me. (first time since Viet Nam I really felt "good") So I slept on it id the next day when I got home from work I opened my email to let everyone know I had reconsidered and would stay on. Much my surprise, I found that the entire Mass team had resigned enmasse, many of them quoting me from my notice of signation.....now.....looks like I need to think about things again. Why can't people just leave things alone? Seems to me e the original intent of the PGR was so pure.....It filled a void that has long been desperately needing something to fill it. I ive stood the flag lines and cried time after time.....and come away feeling so much better, so much clearer in my life than I ave in a very long time.....I have hugged countless families and become so close with so many of them.....I've articipated in many community events and parades at the direct invitation of veteran's groups and mayors.....now more olitics! I should have known better. The whole point of this is just to let you know you have at least one supporter out here. I have nown for example since the first day I joined that your store was for profit. I never felt this was a "secret" or that you had made ny attempt to deceive anyone. I don't understand how anyone could possible think otherwise. As far as I can tell, you have ways been aboveboard and straight with people. I still feel the same way. There are not a whole lot of people in this world I trust uch; you are one of those folks. For as long as I can last in this group, I will continue to do business with your store. Thanks

roll

· On **Mon, 5/12/08, info@patriotguard.org** ***<info@patriotguard.org>*** wrote:

From: info@patriotguard.org <info@patriotguard.org>
Subject: PGR Forums - New Post RE: Legal Defense Fund
To: bacritterrescue@yahoo.com
Date: Monday, May 12, 2008, 10:25 AM

At 12 May 2008 8:25 AM a message was posted to a thread you were tracking.

RE: Legal Defense Fund
by BryanL

Posted By Wescoot2 on 12 May 2008 8:59 AM
Kerri,

To further clariy.....and for those who did not look at the trademark link.....

5. PGR Established a website on November 9, 2005 to communicate its services, and sell merchandise to help support the cause.

6. PGR Merchandise could be purchased either on the main website, or at the "PGR Store", a seperate website that was linked to the main website.

7. Opposer, Jeff Brown, operated the "PGR Store" website which sold merchandise associated with the PGR cause.

Where you may be getting confused. prior to the Plaintiff opening his own website, he used the National PGR website, to sell his items. When you clicked on the link to his store, it went to another page on the National website which listed the items he was selling.

Ed

I think paragraph 6 is what Kerri was referring to, and you may have just answered her question Ed. She was pointing out what could have been used as a technical error on a legal document. If the link would have gone to JBs store, and not to another page on the national website, then paragraph 6 would be technically incorrect. It would be something the lawyers need to look at.

To view the complete thread and reply, please visit:

http://www.patriotguard.org/ALLForums/tabid/61/view/topic/postid/808674/ptarget/869999/Default.aspx

You were sent this email because you opted to receive email notifications when someone responded to this thread. To unsubscribe to this thread please visit your user profile page delete this post from your subscribed topics.
Thank you, Patriot Guard Riders

---

e a better friend, newshound, and know-it-all with Yahoo! Mobile. Try it now.

-----Original Message-----
From: Jeff Brown [mailto:jeffbrown@valornet.com]
Sent: Sunday, June 01, 2008 6:47 PM
To: Carroll, Elizabeth; Blue, Rachel
Subject: My posted resignation message

Ladies,
While Executive Director, I had one spot on the website "Jeff's Corner", where periodically I would post my thoughts on various things happening within the PGR. Below is my resignation post in "Jeff's Corner". At the time of posting, I believed the BoD had accepted my offer to close the store after selling my current inventory...after the posting I was told the BoD refused my offer and wanted me to close the store and eat the cost of my inventory. At any rate, this post may bite me in the butt. I've also included the follow up comments posted by members to give you an idea of the tone of the "real" PGR membership.
Thanks,
Jeff
###

JEFF'S FINAL CORNER
It's been an exhilarating, but an exhausting year. A year in which we have seen an awakening of the sleeping spirit of America, a rededication to the honor and dignity due all of those who serve our nation, and a uniting of those who have a desire to "do the right thing". Every PGR member should be justifiably proud of being a part of this.

Like all of you, I have taken a huge amount of time away from my family and business over this past year. It's time for me to heed my own words and "Pace Yourself". To this end, it is with a very heavy heart that I formally announce my resignation as Executive Director of the Patriot Guard Riders. This decision was also reached, in part, because a handful of very vocal people have expressed concerns over the possible conflict of interest in my owning the PGR Store and being the Executive Director. The business structure of the store has never been hidden and has been discussed "ad nausea", but in an effort to belay any further controversy that takes time and energy away from our missions, I have chosen to step down and close the PGR store after the current inventory is depleted.

This has been one of the most difficult decisions of my life. I can't begin to put into words how much pride I have in all of you and what this organization has become and will become in the future. I will always view the founding of the Patriot Guard Riders and having had the honor of being your leader during this formative year as one of the high point of my life. I will continue to be honored to ride with you and stand by you until the day there is no PGR. After a great deal of pressure, Bill "Snap" Lines has agreed to assume the position of Executive Director and the board has approved. Snap, thank you for stepping up to the plate, Brother. The PGR is in good hands and I am confident in its leadership. I'm not going anywhere Folks. I will work closely with National during this transition period and continue to serve the PGR in the capacity as an advisor to the National Board.

Thanks for listening and Salute,

Jeff
posted @ Tuesday, November 07, 2006 8:42 AM by Twister
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COMMENTS

Thank you Jeff for all you have done and continue to do. And congratulations Bill for accepting the position and responsibilities.

Joe "Jamyang"
posted @ Tuesday, November 07, 2006 8:48 AM by Jamyang

Jeff your departure will be felt. Thanks fo all you have done for the PGR. Glad to know you will still be hanging around.

RVN VET
posted @ Tuesday, November 07, 2006 8:56 AM by RVN VET

Members of the PGR,
I have watched my husband agonize over his decision to relinquish his executive role in the PGR. It is with much thought that he has decided to step down and his sacrifice should not be taken lightly.
What only few know is that his desire to honor those who gave their all so we can enjoy freedom has been his vision for well over a year. He is setting aside his own calling now so that the PGR can continue to grow and be a motivation for those who share his desire to "do what is right". I am so very proud of his unwavering dedication to organize an entity that will honor those who serve. I will admit that the toll of constant calls all hours of the day and night will not be missed! The progress made in our courts on a local, state and national level has been awesome and a legacy to his untiring desire to his vision for our troops. Those few who found the store a conflict of his interest do not know my husband. His generousity of spirit, time and resources has been unlimited for any PGR member.
Thank you darling for serving your country in such an unselfish way this past year. I pray for the continuance of your vision for the PGR that the membership will in turn do you proud.
Bonnie Brown
Lil' Twister
posted @ Tuesday, November 07, 2006 9:16 AM by Little Twister

Simply put -

THANKS AND SALUTE!

-bogie
McHenry County, IL
posted @ Tuesday, November 07, 2006 9:36 AM by bogiediver

Jeff - I'll probably never have the honor of meeting you, but you will always be considered a hero by me. What you've started, can NEVER be duplicated to the same level that you have taken us. They can try, but it will NEVER be the same. For those vocal few - shame on you. The garbage that was going on in the website was flat out embarrassing. If you don't like it, leave. If you can't say something nice, don't say anything. If you're going to throw around accusations, make sure you have ALL of your facts straight first. There is always someone available at National to answer questions, I could never figure out the need for airing what some would consider "dirty laundry" for everyone to see.
To the Brown family - thank you for sharing Jeff with us and allowing him to do all that he's done - and thanks for all of your help, too!
Kathi Kelly
"snonut"

User Support Team
posted @ Tuesday, November 07, 2006 10:10 AM by snonut

Jeff: You indeed are a Patriot!! You are what makes America great, and your stepping up to the plate a year ago, determined to ensure that the families of our fallen warriors would be shielded and that the memory of their loved ones would be honored and respected have been a turning moment in our nation's history. To have elicited the support from the smallest town to the President of the United States in providing protections for the families has got to be one of the greatest feats a citizen could ever have accomplished. I salute you, sir! It was an honor to meet you in Montgomery, Alabama, and I wish you the best. You are what "Americans Doing The Right Thing" is all about!!

ICV ANIMAL
National Pres. In Country Vets MC
Proud Patriot Guard Rider
posted @ Tuesday, November 07, 2006 10:24 AM by ICV Animal

Jeff, I probably will never meet you but thank you for all your hard work and sacrifice. I am very happy to hear that you will continue with us. I understand your decision to close the store, but I sincerely hope National will be able to continue the store. Thank you to ALL in this organization who give of their time and energy; please remember to be supportive of leadership and give constructive advice in a positive way when necessary. Jeff, you will be missed.
-riding in MO
posted @ Tuesday, November 07, 2006 10:35 AM by sv4sheri

Jeff My Friend,
I have grown to respect you as a leader, confidant, and friend. Your words have always been welcoming and a comfort. I will endeavor to move forward with the vision you had, and I will give my all to honoring the legacy that you have left us with. May you always ride in fair weather, and stand tall in the knowledge of your dreams reality.
posted @ Tuesday, November 07, 2006 11:04 AM by rrawtry

Jeff,
I have no words to express my sense of loss at your leaving nor my gratitude for allowing me to be a small part of what you have created.
Take the time to read the letters of appreciation,they are a testimonial to your vision.
look at the messages left on missions past and present,they define the character of those you have brought together.Look at the mission pictures and see all the lives you have touched.
I am honored to call you brother and wish you the best as you move toward the future.

Salute
possek
Randy
posted @ Tuesday, November 07, 2006 11:09 AM by possek

Jeff thanks for all you did. I am glad that I got to meet you in Montgomery before you stepped down. I really hate to see you go but I know what you have been through. Snap is a good man and will do a fine job following in your footsteps. Again thanks for getting this magnificent organization off the ground and good luck.

JR
posted @ Tuesday, November 07, 2006 11:10 AM by J R

Every organization I've ever belonged to has included at least one "troublemaker" - somebody that's just not content to conform but has to stir the s__t. Not every organization I've ever belonged to has included individuals such as yourself - devoting endless hours of personal time in order to make things better and easier for the rest of us. The founders of

the PGR have every right to feel proud - over 63,000 members in less than a year - that's outstanding! It is an indication of the true spirit of America - love of country and pride in the sons and daughters who have defended her and who defend her still.

You (and the other founders) have done a tremendous job - and I'm sure it has taken its toll. Don't let the a__holes get you down though. They are a very minor percentage of the 63,000 that have stood up to follow you this past year. I'm sincerely happy that I was able to be one of them.

Semper Fi Twister. Keep safe.
posted @ Tuesday, November 07, 2006 11:17 AM by coltergeist

The nation owes you for awakening the patriot. Thank you for all you have given us as members. The work you have done for the Veterans, new and old, is a priceless gift.

We could not have asked for a better leader.....You will always be a hero to me and I have much respect for you and your wife....."b"
posted @ Tuesday, November 07, 2006 11:23 AM by bhopper1

THANKS FOR WAKING THIS SLEEPING COUNTRY IO JEFF!!!

AND RIDE SAFE TWISTER!
posted @ Tuesday, November 07, 2006 11:28 AM by robiam

JEFF thanks to what you started. Its an organization of people who only one goal,to honor those who gave us this freedom, and respect. you will be miss, hope to see in some mission.you came to and shake my hand and you told me I"m jeff. next time I see you ill give you a big salute.

romecay retired USAF 74-94
Midwest City Oklahoma
posted @ Tuesday, November 07, 2006 11:32 AM by romecay

Jeff, Dude I am shocked. I don't know what to say except I will see you at the next Gathering of the Guard and we will tip our cup together, for our Brothers, and our comrades.
See you soon. MR. lea
posted @ Tuesday, November 07, 2006 11:40 AM by leacrabb

Jeff, Thanks for all the help you've been to me since I started as a R/C and still today as the State Captain for Okla. I will look forward to seeing you at the Missiions when we have them. I know where you live, so you can't hide. You and Bonnie take care and I'll talk to you later.
posted @ Tuesday, November 07, 2006 11:46 AM by jlake51

I for one am Proud to say That I know YOU I have stood beside you I have shook your hand & seen you put a smile on a Young Injured Marine's Face! Jeff, what you have accomplished this past year just right here in Oklahoma has been amazing! What you have done across this NAtion along with the other National Board is Way Beyond Amazing! You all have awakened us to realize there is more than a handful of PATRIOTS left in the USA & even across the border at our neighbors-CANADA! Lil'Twister Thank you & the family for sharing & helping out...it takes a whole family to make a great thing like this happen! Enjoy the quiet....but enjoy the Rides along the way as well! SALUTE TWISTER!
posted @ Tuesday, November 07, 2006 11:51 AM by BAbluestarmom

Jeff I have never had the honor of meeting you and from those that have they will tell you that this is a rarity because i am speechless! Thank you with all my heart for all you have done. Ride safe and proud for all you have done!

SFC Jesse J Mercure
US Army 1982-2007

Iraq 2003~2004
PA/WV/OH PGR 2006 until the end!
posted @ Tuesday, November 07, 2006 12:15 PM by fxdwg03

Jeff, thank you. I wish you smooth roads and warm winds.
You're my hero, Twister, because you saw a need and did something about it.
America is better because of you and so are we.
MI Vet, North Carolina
posted @ Tuesday, November 07, 2006 12:18 PM by bikera

Jeff, I too have never had the honor of meeting you but I hope that someday I will still get that chance. You have been an inspiration to me as well as over 63,000 other Patriots in this country (including those overseas). Your acomplishments will go down in history because what we do here is historical and your vision to build a more unified and dignified way of honoring our countrymen and women is soomething that will be remembered and practiced long after you and I are gone. I salute you, Sir. Thank you for your time.
JayDub
posted @ Tuesday, November 07, 2006 12:23 PM by JayDub

Wow. I just don't know what to say. I can certainly understand the necessity to spend more time with family, not to mention you have to do what is right for you. I am so glad I had the opportunity to meet you in Winter Haven a couple of months ago. You are one in a million, and before I get too gushy and have to pull out the Puffs, let me just say, it's an honor. It was an honor to meet you, and an honor to continue your vision. Take care brother and I hope we meet again.
posted @ Tuesday, November 07, 2006 12:25 PM by misdirection

Jeff,

Thank you for you sacrifice and for you vision. I salute you my friend.

WalkingSlack
GA Ride Captain
posted @ Tuesday, November 07, 2006 12:32 PM by WalkingSlack

Jeff;

I'm really sorry to hear this- as a PGR "veteran" I've seen the PGR grow, until it is not the same organization you gave so much to. That being said, I'm out of here.

Best personal regards,

Don Armstrong
Rolling Thunder VA3
PGR VA7
posted @ Tuesday, November 07, 2006 12:44 PM by FreestateXL

every "big" idea or sacrafice has usually come about from the vision of one person. And behind every man who accomplishes that vision,is a strong woman urging him on. You Jeff are that kind of person. History wont forget and neither w/we
posted @ Tuesday, November 07, 2006 12:47 PM by semper fi bulldog

Jeff,
I'm so sad that some so small can take so much from a soul so great as your own. I recently had a conversation with my 16 year old son who is soon off to Randolf-Macon Academy in VA to be able to study and live the life of the AFJROTC, some people out there are not able to rise up to the standard you live by so they aim at dragging you down to the standard that they live by.

I had two children in Iraq at the same time, both now home safe. I have two children-in-law who have also been to Iraq, now home safe. Only the parent of a soldier can truly appreciate the sacriface of a total stranger willing to stand up for their child as his own. You are one awesome man, I'm am

blessed and honored to have shaken your hand AND gotten a great hug from. You can call on me any time, any day.....I'm there.

Thank you, thank you, THANK YOU!

Dene Dale
USAF Blue Star Mom
posted @ Tuesday, November 07, 2006 1:09 PM by BIKEROMA

Jeff,

Thanks for all you have done. I have never met you, but have spoken with you at length about serveral things and thoroughly enjoyed our converstations.

I know you did the Run For the Wall a year or two ago. Maybe we can ride together in 2007.

Don "Waitaminit" Bright
posted @ Tuesday, November 07, 2006 1:12 PM by Waitaminit

Lil' Twister.....Bonnie thank YOU, for sharing your wonderful husband!
posted @ Tuesday, November 07, 2006 1:19 PM by BIKEROMA

Jeff,I am Sorry to hear this also. I also never had the chance to meet you but have heard great things about you over the past while. I hope to ride with you one great day.
Until then my hat is off to you as i salute you forall that you have done for all of our troops, both past and present.
posted @ Tuesday, November 07, 2006 1:19 PM by krzyabncanuck

I am trying not to dwell on the few who might have helped in your decision to step down. I will instead be comforted by the knowledge that you are still here; standing with the rest of us. Thank you and Bonnie for all of your time and effort. Hope you both get a rest!
Most Sincerely,
Debbie
RC Region 1
Western NY
posted @ Tuesday, November 07, 2006 1:30 PM by highwaygirl1078

Jeff and Bonnie...you have given us so much! There will never be words to express "thanks" as it should be done.
Those who had so much to say about the store probably never knew how much you gace away out of it. When one of Az's riders died, you sent all of us (captains) our Captains patches and bands so that everyone would know that he was loved and appreciated, and every captain showed up! Some people just never get it, and sadly they will most likely know what they have done. But, I have found that those who place themselves on the pedastal and suffer such righteousness generally fall from grace the hard way! Perhaps while they are patting themselves n the back...something their arm breaks off?
Jeff...I will miss you, miss you lots!
Louann
Az PGR State Captain
posted @ Tuesday, November 07, 2006 1:56 PM by louann

JEFF
I would like to thank you and your family for everything you have done I only wish you could have made a few million dollars on that store because you are deserving but most people with half a brain know you were not making much if any by the time you figure all your labor. The store is petty sh&t but the patriotism you awoke in this country is something you and yours can be proud of forever and I am proud to be a patriot. Thank You and your Family
Larry Root
posted @ Tuesday, November 07, 2006 2:02 PM by woodmaster

jeff think you every much this has helped me more thain you can think the P

G R can and will go along way are brothers and sisitores need all the help thay can get go nav air casper1
posted @ Tuesday, November 07, 2006 3:47 PM by casper1

Jeff,

Thank you for all you have done to get the PGR up and going. If it wasn't for you and some others the PGR would never been formed or grown into something so wonderful. May God bless you and your family as you have blessed so many people with your hard work and dedication to the PGR. YOU WILL BE MISSED!!!!!!!!!!!! I just want you to know I would be proud to stand with you anytime or anywhere.

Tina DuBose
AZ PGR Ride Captain/HOTH
posted @ Tuesday, November 07, 2006 4:04 PM by Tina CMA

Jeff, you started something that shook and moved a nation. Thank you.

Leaving it over the store doesn't seam right, too petty. I am deeply saddened but respect your decision.

I don't know if the PGR will be the same without you and Jason, or if it will survive. I hope this war doesn't last longer than we do.

Till our paths cross again my friend, take care.
posted @ Tuesday, November 07, 2006 4:08 PM by JohnnyD

Jeff, I regret not having the opportunity to have meet you.
I hope you are right with this decision, because the next person is going to have those that disagree and speak-out against them. This will just be handed down to the next and the next etc. When you have a org. this big this fast it just cant be helped.
There will always be those that are not happy, untill they have placed themselves in the place of getting attention. I hope and Pray you are not basesing your descision soley on "them".....
I dont like your descision (I wish we could vote) I dont agree with your descision,... but, I will Respect your descision. Thank you Jeff... Thank you.

PS, It is sad we have to lose our PGR support gear.

Bryan.
posted @ Tuesday, November 07, 2006 4:33 PM by Hustler

Jeff,

I honestly hate to see you step down. I also wish we could vote but I will back you 100% on what you feel you have to do. I also wish I could have met you in person and I am sure, GOD willing, I will soon.

Ride Safe and we will meet soon.

Pete Waddell
South Central Region Captain
posted @ Tuesday, November 07, 2006 6:02 PM by dynagc

I stand with Louann, my Az State Captain, and Tina, Az Ride Captain, and all of the Arizona members in gratitude to you, Jeff, and you Bonnie, for working so hard and with such grace and humor, to start and build this wonderful organization we have today. I am so sorry for the hurt that you've endured at the hands of such a very few. You will always have my respect and love not only for what you've accomplished but for who you are....a man of vision and integrity. Thank you.
posted @ Tuesday, November 07, 2006 6:32 PM by Maggie45

While I am pretty much a newbie here. Having joined the night NBC News aired

a spot on the PGR. I can say that I am proud to be a part of such an organization. From such simple beginnings to honor and respect this Countrys war HEROES. To a VOLUNTEER organization 63,000+ strong. I hope to one day be able to shake your hand and say thank you for all you have done. So for now I'll say it here Jeff and Bonnie I thank you caring for EVERY Veteran.

Ralph
posted @ Tuesday, November 07, 2006 6:43 PM by Drem

Jeff & Bonnie - You have shown so many of us a way to express our love of this wonderful country. I cannot find the words to express my gratitude to you for that.
God bless you always.

Ann
posted @ Tuesday, November 07, 2006 7:06 PM by

Jeff-Thanks for all you have done. You have inspired an entire Nation.
You gave Veterans & non-Veterans a unique way to serve their Country.
I Salute you SIR!!!!
posted @ Tuesday, November 07, 2006 7:08 PM by sneakysnake

What has Brown done for me!

Before the PGR I was the same as many 'Nam Vets that still had our pride and patriotism just didn't show it for fear of being stepped on once again. You changed all that and gave me a channel to funnel away that fear.

Twister, I have never met you or even spoken to you, still I consider you a Brother. Thank you for what you have already done and for what you have yet to accomplish. You stand legions among many for taking a small grassroots group of patriots and turning it into a National Organization 63,000+ strong. Without your vision and dedication it would not have happened. I will be always grateful for the opportunity you have given us.

'Lil Twister thanks for sharing your husband and family for the cause, at times it probably didn't feel it was worth the heartache and separation but it would not have been accomplished without your support.

Twister glad to see that you are stepping back and not away because you should share in what you have built even though you decided to give up the reins. Hope to meet you someday. Ride safe and Proud..

adccop (GOBB)
AZ Ride Captain
posted @ Tuesday, November 07, 2006 8:22 PM by adccop

Twister

I got to say your a class act and I hate to see you step down. Growing pains are tough on all. I got to say for the record you, Waldo, Gus and others of P.G.R. National & Healing Field Foundation made me and my wife feel like one of the P.G.R. team at Buffalo Chip in Sturgis S.D. this year. Where can a civilian couple be accepted into group of military families. I will cook for you and others anytime allowed. I'm sure you have others ready to move forward with the P.G.R. we hope we can assist as allowed. I think Snap will do a fine job. Maybe if we all get a chance to work Buffalo Chip again you can actually see some sights this time instead of working all the time like you did this year in Sturgis S.D. We will see you down the road for sure. Your a great inspiration for many of us, and we wish you good luck and hope you can have some time now for you and your Bonnie to rest some and enjoy life a little more for now. Keep that head shaved so i will know you the next time we (me & Barrie) have the pleasure and opportunity to see and cook for you.

Best Regards
Jim Cobb

Arkansas State Captain
Patriot Guard Riders
Riding With Respect
posted @ Tuesday, November 07, 2006 9:03 PM by 'Big Jim'

When we joined last year, we had no idea of what was ahead of us. History has been made and through the efforts of many and the leadership you gave us, PGR will stand. Thank you for heeding the call to this "mission that is greater than any of us". Now, I pray that you and Bonnie will be able to reclaim a normal life. From my heart I wish you both the best. We could not have come this far without you. Never forget the good.
With Care,
Epic
posted @ Tuesday, November 07, 2006 9:28 PM by Epicwoman

jeff and bonnie you both have my undying respect and honor for all that you have done for PGR. this country was woken up by this love of country. so many came with open and bleeding wounds from other times, other wars. and those wound have been healed by simple standing up and taking their place in a flag line of honor and respect for those that have fallen.please remember how much we care and love what we do. if we did not we would not be here. may the great spirit bless and protect you both.
THANK YOU FOR STARTING THE DREAM.
in respect, laurie jensen
posted @ Tuesday, November 07, 2006 9:37 PM by calamityjane

Jeff - - I have been a PGR for only 2 weeks now - but - how proud I am to be a part of this effort

I joined PGR's because of the heart I had witnessed during this past year. And, for the noble work this organization accomplishes.

I'm sorry you are stepping aside but I'm glad you will still be there riding and guiding when and where needed. - - You have certainly founded a fine, effective, high caliber organization.

I met Snap at 29 Dreams Motorcycle Resort this summer - - his enthusiasm was contagious.

Now, we'll get behind him and continue the work !!

Ride safely Jeff - - and with us !!

Garch
(Gary Archer)
Birmingham Alabama
posted @ Tuesday, November 07, 2006 9:45 PM by Garch

Jeff,
Your guidance and insight are etched in the mission statement and history of what could possibly be the the most important thing many of these wonderful members will ever be a part of. The mission is truly bigger than any one of us but were it not for you and so few others in the begining, the mission wouldn't be. You have always taken the high road and you will always be respected for that. Please stay as active in the PGR as your time allows. I hope someday I might have the chance to thank you in person for all you have given. God Speed and keep the sunny side up Jeff. Most Sincerely, Kevin
posted @ Tuesday, November 07, 2006 10:11 PM by Trog55

Well done, Jeff, well done indeed.

You know what comes next, of course.....you gotta write a BOOK!
posted @ Tuesday, November 07, 2006 10:15 PM by markwells

It is with a heavy and grateful heart that I say thank you Jeff. Heavy becuase I do not want to see you go and grateful for how you have helped to restore Patriotism to America. There are no words that can sufficiently

describe the change you and the Patriot Guard have had in my life. Every time I sent you an e-mail you returned one to me as if I was the most important person in the world to you. And obviously in that email I was. Like the e-mail I sent when my PGR flag had one side upside down, thank you!!! I will have that as a family treasure. What has amazed me about your leadership is that no matter what you have always stood to the line and always come through for America, our soldiers, and each of us Patriot Guard Members.
I can only imagine the stress that your family has had to endure and for that all of us say thank you to Bonnie, the famliy and freinds of Jeff "Twister" Brown!!!
"May God increase your borders... and may it not cause you any more pain... "
I think the way I can say thank you the best is to quote of my Hero's Jeff "Twister" Brown:

"It's very rare to have the opportunity to have a positive affect on the lives of thousands of people. We're living that opportunity right now. I urge you to continue the mission. We do make a difference. Most families will never remember the preacher's words or the Captain's accolades. In times of such overpowering grief, the family will not remember who was there or who sent flowers. But they remember the strangers who came on the bikes and in cars from miles away; the men and women who stood shoulder to shoulder to share in their sorrow and their pride. They remember and they are thankful. It matters.

Sir Winston Churchill once said, "It is not enough that we do our best, sometimes we have to do what is required." Thank you. Jeff"!!!

Thank you Jeff and Bonnie!!! I sure hope I get the opportunity to look you's in the eye and shake your hands. I will continually pray for you and your family. Ride Safe Brother, Leader, Friend and World Changer.
HGpreacherman
NE MI R/C
Sam
posted @ Tuesday, November 07, 2006 10:21 PM by HGPreacherman

Jeff-
Your efforts have had a positive influence on me. I'm one of the oldest riders in the PGR, and I want you to know how indebted I am to you, your family and friends. I'm blessed to have a God and wife that allow me to seldom miss a mission for a fallen military hero, a send off, or a welcome home ride. I want to continue this in a humble manner. I don't enjoy the press/media.....and I don't like egos. When I'm running on ego (I call it "Edging Out God")....I end up humiliating myself. Jeff, you know by now, there are some who have to frequently feed their ego. It's painful to see them self obsess when they are in a leadership position. My experience is that they will stumble and get humble. I'm seeing some of this in my area..... it's discomforting and it is starting segregating factions to develop. Please be strong, keep it simple and follow your heart. You will experience goodness and clarity. You have done good things some of us only dream of. I will do my best to follow our mission statement as I believe you intended. You are a needed leader. That's a leader who doesn't feed on the need for constant pats on the back. I'll do my best to keep it simple, stay focused and show respect to the fallen military hero, family and community....period. It's my humble honor to suit up, ride and show up.....when asked by the family. I will speak up when I perceive a course correction is needed. Thanks Jeff. We will not forget your efforts, and your input will always be welcome. Best wishes for a happy and healthy day.
DW

posted @ Tuesday, November 07, 2006 10:39 PM by Anonymous

Jeff, I want to thank you for finding the PGR! I served 8 years in the Navy and got out just before Desert Storm. Although in my 8 years as a sailor, I knew I was making an important contribution to my country as a nuclear

welder! But I felt a bit empty in the following years...until January of this year! Now I feel important again, to my country, with my membership in the PGR! I can only IMAGINE how absolutely exhausted you must be! As we will NEVER forget our fallen military, we will never forget you, Jeff Brown!
Thank you!
Steve Ryan
Bear, DE
posted @ Wednesday, November 08, 2006 4:00 AM by sdrpaintboy

This is a shame, I joined when there was a mere 8000 members and am in awe of the sheer #'s today. I joined for just 1 reason "the mission" period.I probably have as much PGR stuff as I have Harley stuff and no one made me buy either . Profits!!! I've been in the workplace for a long time and "Profit is not a dirty word" sure there is non-profit this and non-profit that but like so many have said before who's gonna foot the the bill for this thing as is has become, money has to come from somewhere, even the the big so called charitable organizations we all have donated at one time have profited some way or they couldn't exist.

Jeff, please don't close the store ..seperate it, profit from it if you wish, donate to the cause if you wish.....your call

Steve in Indy
posted @ Wednesday, November 08, 2006 5:12 AM by xskartman

Jeff, I can only echo what others have been saying. I do want to thank you for for all of your efforts and sacrifices. You are a great American!

Some day maybe fate will arrange for us to meet. Should that happen I will be proud and honored to shake your hand.

Mark
Central, MA
posted @ Wednesday, November 08, 2006 5:29 AM by misfire

Jeff, I met you and think you are an extraordinary person. I commend you on an outstanding job and the accomplishment of organizing such a terrific, meaningful and dedicated bunch of unselfesh Americans. I do not think you should let a few jealous small minded individuals feel they have gained a victory in their effort to undermine and backstab the PGR.
If you must step down (~~and I wish you would not), I would like to suggest~~ that you at least keep the PGR store up and running. If you still feel a need to discontinue the store, please consider turning it over to the PGR. The organization could really use the funds to help subsidize the many costs that incurr in running an organization. Many members, such as yourself, gave cheerfully their money and their time, with no thought of reembursement or pats on the back, to make things work for the good of all.
Many Thanks
Speed Bump - WRB
posted @ Wednesday, November 08, 2006 7:24 AM by SPEED BUMP - WRB

Jeff and Bonnie
Thank you for all you did
posted @ Wednesday, November 08, 2006 7:51 AM by wwr2

Jeff

Thank you. You know you are always welcome anywhere you go. You created a great thing, and are a well respected person. I will ride with you anytime.
posted @ Wednesday, November 08, 2006 7:56 AM by TheJediPimp

Thank you.....
posted @ Wednesday, November 08, 2006 8:45 AM by jherrick

To Jeff and Bonnie. Even though I have never had the privilage of meeting you, I'd like to take the time to thank you. I have seen this once before in another organization that I belonged to. The founder came under attack from

those within because of their own agendas and, in my opinion, jealousy. Like so many others here I have not had the honor to have been a member for that long a period of time. Like a first date, first kiss, or first love, I remember my first mission vividly. The showing of pride, respect, and patriotism left me speechless and blurry eyed. You have EARNED the respect, and touched more lives, than you can imagine. Like my brothers and sisters here, I stand tall and salute you. To Miss Bonnie, all I can say is that you must be a truely remarkable woman to be able to share your husband with us. I know how my small involvement has effected my wife and the support that she has shown me. A mere thank you seems so inadequate. Well done ma'am, well done.
posted @ Wednesday, November 08, 2006 10:55 AM by frontstuffers

Jeff - thanks for your vision and dedication in bringing so many patriots together. You may now rest easier. I'll support Snap and the rest of our leaders just as I supported you. I have a mission of showing respect for those who gave their lives for ME. That makes it so much more personal. Thanks for helping bring that mission to me!
posted @ Wednesday, November 08, 2006 10:56 AM by Wilderman

I CAN'T THINK OF ANYTHING MORE IMPORTANT RIGHT NOW THAN DOING WHAT WE DO. LAST SATURDAY WE PASSED A WOMAN ON THE STREET STANDING IN RESPECT HOLDING AN AMERICAN FLAG. AS WE ESCORTED A SOLDER TO HIS RESTING PLACE. THREE DAYS AGO I SAW 3 MEN WHO WERE WALKING DOWN THE STREET AS WE PASSED BY THEY TURNED TO FACE US AND HELD THIER HATS OVER THIER HEARTS. I'VE NEVER SEEN ANYTHING LIKE THIS BEFORE. WITH OUT THE PGR IT WOULD HAVE BEEN JUST ANOTHER DAY.

JEFF YOU HAVE MADE A DIFFERENCE

CINCO
posted @ Wednesday, November 08, 2006 11:13 AM by CINCO

I can't thank you enough for all the hard work you have done. I am very proud to be a member of the PGR. It has helped so many families and hometowns. I am sorry to hear you will no longer head the PGR. Good luck and THANK YOU.
Riding in NH
posted @ Wednesday, November 08, 2006 11:42 AM by Softtail56

I am simply stunned by this news, and deeply saddened as well. The sorrow is for all of us at the PGR....it was your vision, your spirit that helped kindle the fire that burns in the heart of each and every one of us. It was your leadership that brought all this to fruition. Without you, there would have been no PGR. The new leadership has incredibly large boots to fill. And I for one...will stand with you in any flag line.....anywhere.....

Jeff Greiner
posted @ Wednesday, November 08, 2006 12:10 PM by jgreiner

Jeff, I've never had the pleasure of meeting you either but as a fairly new member to the PGR, I cant Thank You enough. I can only imagine the sacrifices you have made to keep this all running smooth. I for one, cant say enough about this group of people. If i had to sum it up with one word, it would have to be "RIGHTEOUS", and to see it grow in one short year to over 63000 members say's it all. Thank you so much for giving me proof that there are still good people in this country.

Again... Thanks for all you have sacrificed, I will stand proudly with you in any place at any time.

Standing by in NH
Bob I.
posted @ Wednesday, November 08, 2006 3:33 PM by RAY66FLH5903

Jeff, I first became aware of the PGR early this year1, and I have watched with awe as the organization has grown exponentially since then. I believe your leadership was absolutely essential in how the PGR has developed. Your

writings (in my view) have been reasoned and reasonable, and I salute you for what you have been able to accomplish. Fine job, sir!
posted @ Wednesday, November 08, 2006 3:57 PM by Feets

Jeff,

I have never met you but you have done something to me and for me that I thought was lost. (PRIDE) Pride in my Country and myself. This origination is something this country and its citizens have needed for many years. When my Son-in-Law came back from the Sand Box last year I gave my wife money to get me out of jail should someone say or do anything to him as was done 40 years ago. You are to be commended for what you and all of the officers have done for this origination and this Nation. You have awakened a sleeping giant and I, for one, pray it never stops.

Good luck in all you do and may GOD bless and keep you and yours. I would be honored to stand with you at any time.

Ron Nelson
Madisonville, Republic of Texas
posted @ Thursday, November 09, 2006 1:23 PM by Anonymous

Jeff

Thank you for this wonderful organization that you started. It is a shame that some people have to find fault with something that has accomplished so much for so many. I , and i'm sure many others, appreciate your vision and dedication in making the PGR what it is. We must, and will carry on. Bonnie and Twister's family, Thank You for sharing this fine man with us. If we can keep the store, please do. I need some gear! Ride safe and free.
Denny
posted @ Friday, November 10, 2006 9:11 AM by Anonymous

Jeff thank you and all of the founding members of the Patriot Guard. Thanks to the ones who gathered for the first time to stand for the fallen. Thanks for 40 years of healing. Thanks for bringing the likes of Ancient1, Snap and too many others to mention together.
Thanks for waking up so many who had suppressed their feelings.
God's speed in your future endeavors and I hope they include the Patriot Guard Riders.
Later
Mike
posted @ Thursday, November 09, 2006 6:26 AM by TennVic

Jeff and Bonnie,

Thank you for EVERYTHING - if you both live a hundred more years there will not be enough time for you to see all the good that has happened because of your vision and sacrifice.

I have a big family - but a year ago I got a much bigger FAMILY that grows by hundreds every day. The PGR, just like my family, has its issues but the good far outweighs the bad.

I hope the missions get fewer, and the homecomings increase, and I get to meet you both in person someday soon.
posted @ Tuesday, November 14, 2006 2:47 AM by Turquoise_Eyz

Well this goes to show you you cant please everybody and that everybody pays for a fews views and theres allways someone that thinks they can do it better but never does this didnt get started for free and it does cost money to do any of it and i wonder what a persons time is worth to do what jeff has done for so many i have meet the man personally and you wont find a more honest and sincerly honerable man thank you jeff for standing up and making it work for our soilders and us !!!!!!!!!!!
posted @ Friday, November 24, 2006 7:01 AM by frogman

Jeff,
I will simply say THANKS,
posted @ Thursday, November 09, 2006 8:06 AM by Gator

Jeff and Bonnie,

I haven't met either of you but I hope to one day. My hats off to you, thank you for what you have done for the PGR and continue to do. Anytime you get a group together there will be some sort of dissention. You can't please everybody all the time. You can only do as much as you can and you have done that.

Keep your head up and the rubber side down.

You are welcomed in De anytime.

Take care and be safe

SSgt Corey Targett
DE State Captain
USAF '93 - present (Currently deployed to Afghanistan)
posted @ Friday, December 22, 2006 6:05 AM by Buffcat

Dear Jeff & Bonnie ~ I'm speechless. And very sad. It breaks my heart that a few troublemakers have been stirring the pot enough to cause some great people to step down from the ranks of National. All of you guys at the National level were such a huge help to me more than a few times when I was worried that I wasn't doing "the right thing" just right. I can't thank you enough.
I wish you and your wife all the best. Bonnie, please give your wonderful husband a giant {{HUG}} from me. And thank you for sharing him with us. Our nation is indebted to you both.
Much LOVE and RESPECT,
~CleverLori, Seattle, WA
posted @ Wednesday, November 08, 2006 5:52 PM by CleverLori

BAIR HERE GOD BLESS MY FRIEND AND THANK YOU
posted @ Wednesday, November 08, 2006 6:31 PM by

Jeff
I am wondering. How do you thank an American Patriot for what you have done? You and the other founding members took a stand and said "No this will not happen again on my watch"! Last time I looked there were over 55,000 of us in line saying the same thing. I joined as member 2885. And each time I go on a mission , as I choke and tear up I will make that statement again. "No this will not happen again on my watch"!
Ride on brother, next star and straight on until morning!

Rob
posted @ Wednesday, November 08, 2006 7:32 PM by CmdrRob

A simple thanks and job well done. Ride safe.
Mickey
posted @ Thursday, November 09, 2006 4:04 PM by Mickey

Jeff, the famous quote from Admiral Yamamoto on Dec. 8, 1941, comes to mind. After he was told that the Pearl Harbor raiding force had missed sinking the American carriers, he said, "I feel all we have done is to awaken a sleeping giant and fill him with a terrible resolve".

You and others awakened a sleeping giant beginning in October 2005. The potential for the PGR was there all along, but it took your vision and leadership to get us moving. Thank you.

Now that you'll have some time on your hands, consider this an invitation to come down to Texas and eat some tamales with catsup.

Thanks again,

Streaker
posted @ Thursday, November 09, 2006 11:50 AM by Streaker

Jeff,

Even though we never meet i do recall in the beginning a couple of phone calls and E-Mails we had with each other.

Brother Thanks for everything the Vision, desire, wiliness, Faith and Hope you had to direct this Organization to where we are Today.

Brother if I don't meet you here on Earth look me up in heaven I will be the Marine Standing at the gate to Welcome all my Brothers and Sisters Home.

Take Care My Brother,

Pegleg
posted @ Thursday, November 09, 2006 8:37 AM by Pegleg

Jeff sry to see this happen. thank you sir for all you have done.
It has been an honor to ride with you on a few missions.
I will see you on the next one brother.
posted @ Thursday, November 09, 2006 12:31 AM by ALL41_Wolf

Thanks Jeff-keep your powder dry and ride safe, man!
posted @ Thursday, November 09, 2006 7:37 AM by whitzoo

Hey Jeff and Bonnie, you lit the torch and carried it until all these candles were lit around this nation. Now we will all share the light, and no one can put it out! You can stand line knowing how much it means to so many. Well done!

Dave Kern
R/C Region 2 NY
posted @ Wednesday, November 08, 2006 8:14 PM by WizdmDave

Thankyou Jeff for all that you've done. I wish I could wave a magic wand and keep ya where we would love to see ya, at the helm of this great organization.
I agree with the shame shame on the vocal people, if you don't like it then you should be the ones to leave!!!! I bet there are close to 63,000 people that won't support you.
posted @ Thursday, November 09, 2006 4:16 AM by CaptKersh

Jeff I have been out of touch for a while moving and such. YOU will be missed by me and I know others also. You were the first PGR member I met and I didn't know who you were. You were so down to earth and unassuming. You didi not act like someone who held the position of executive director. You were just one of the guys. You were a major influence in my staying with and becoming as active as I have been. I am sorry to see you go but I know all the stress you have been under trying to keep the peace. Godspeed Brother and I will try and keep in touch.
posted @ Thursday, November 16, 2006 10:58 AM by

Jeff - I just want to say THANK YOU FOR A JOB WELL DONE !! You lit a small fire with a spark and it has grown into a passion with so many of us. You "DID THE RIGHT THING" so that we could all see the importance of that and share in honoring our heros as they should be. We couldn't continue (or be where we are at today) without the strong foundation that you have based the PGR on. Good luck with your other pursuits and we'll see you on the line!
posted @ Wednesday, November 08, 2006 7:31 PM by MNHeritagePatriot

Jeff, THANKS! You are the kind of leader I would follow,and did. I only talked to you twice on the phone,but I could tell by your demeanor you ARE a fine man. I would like to meet you someday. OH yeah, how can I buy some PGR

stuff before it's gone? respectfully,skeeter1540
posted @ Wednesday, November 08, 2006 6:59 PM by skeeter1540

THANKS for All You Have Gave & Done,I'm a Vietnam Era Veteran.Since my Honorable DisCharge from The USArmy I involved myself with anything Military related,but always came away emty HEARTED?Well the Gulf War came and gone;the Iraq War is still going on;Still Standing behind My Brothers/Sisters,Then Bam I open the paper in AthensGA about this group of individuals HonoringSGT.Flint! Guess what? Life has never been the same!Yes I joined the PGR & never looked back!These MISSION's give me a Warm Fussy Feeling that I haven't had since I was Saved in the SDA.My God BlessYou/Family!SP/PhilipC.Wall 2006 VeteranDay
posted @ Friday, November 10, 2006 10:37 AM by pwall2

Jeff, I first became aware of and joined the PGR in the spring of this year. Since then, I have watched in amazement as the numbers swelled and swelled again -- and the assignments/missions increased exponentially. I always enjoyed reading your reasoned, reasonable correspondence, and think that your hand behind the scenes was masterful. I salute you for the work you did. PGR members owe you a debt of gratitude for all the organizational set up ypu put into place. Well done, sir!
posted @ Wednesday, November 08, 2006 7:40 PM by Feets

Jeff never met you but would be proud to stand a flag line with you the place of honor would be to stand next to you and Bonnie for what you have done with this outfit. Best to you Blue Fox
posted @ Wednesday, November 08, 2006 5:06 PM by BLUE FOX

Jeff--
Joe and I were at the GOTG in Clarmore and did have the pleasure of meeting you...as we were talking to you, I remember thinking what a "regualr guy" you are and how friendly and open and passionate about the PGR you are. It was so good to be able to meet the man who took the vision and gave it life. We are sad to see you take a different role, but know that the fire you fanned is now a wildfire! THANK YOU for giving my husband, Joe, a VietNam vet, an organization to belong to that helps him deal with terrible scars he bears from that war and the way many Americans treated him after he came back. THANK YOU for giving me (and him) an avenue to "do the right thing". We are so patriotic and love our country and soldiers, but didn't have a way to put our feelings into action. You helped provide us with a way to touch our brave soldiers and their families. For this we owe you a debt of gratitude that we can not repay. The PGR has truly chanaged our lives...as I know it has thousands upon thousands of people's lives. As Ecclesiastes says, for everything there is a time, a season to everything under heaven. Thank you for the time you sacrificed so we could become the PGR. Now it seems you feel it is time for the torch to be passed on. We pray that our love and thanks will surround you and that you will know that even Jesus had people who criticized and accused Him, although He was perfect. In other words, you cant be "good " enought to avoid the things some people will always say. Hurtful, hateful and untrue remarks/criticism in no way mean you have done anything wrong...they merely say something about the people who speak these things.
We look forward to seeing you in '07 @ the GOTG...with our deep appreciation and support always. Liz and Joe from Lees Summit, MO
posted @ Sunday, November 12, 2006 6:35 PM by 3rd of the 60th

Jeff,
Walk tall. You have done all of us a great service in shepherding the PGR through it's formative stages and to the heights we have reached today. No one can doubt your dedication to the mission. Someday I'll shake your hand and thank you in person for the good things you have done. Until then just know that we think the world of you and the organization that has given so much, to so many people, in a variety of ways. 63,000 members. Who would have imagined the impact we would have on the entire country. I know we have been a blessing to so many families of the fallen. Rest easy, pass the baton and let the fresh troops carry the banner. I'll see you someday on the flag line. Best to you and your family. Dave Polett "HarleyDave747" PGR in CT.

posted @ Wednesday, November 08, 2006 11:12 PM by HarleyDave747

Thank you Jeff, for your vision and pioneering a venue for us to stand proud and honor fallen Americans. What an impact we've made in the last year! We're making a difference, and America is actually thanking US!

Here are a couple of recent examples from Austin, Texas...

Today, 12 Nov. 2006 has been declared "Patriot Guard Day" in Austin, by Mayor Will Wynn.

Back in August, we completed a mission for a local Marine, Sgt. George Ulloa, Jr. We were planeside when he came home and graveside when he was laid to rest. Yesterday, on Veteran's Day, the Austin group sent riders to San Antonio to escort another Marine, Luke Holler, to his final resting place at Ft. Sam. When we staged in Austin for the 70 mile ride to S.A., George Ulloa Sr. was there with his 2 other sons. He is now a PGR as well, although he doesn't ride- he drives the biggest damn pickup you're ever seen!

Once we got to the church in S.A. and assembled with the SA riders and another group from Houston, Senior asked to say a few words. He introduced himself and spoke of how we could in no way understand what it was like to have so much support from us, complete strangers. He choked back tears as he spoke, his loss is still so recent. He did manage to also tell us that he had an igloo full of water for all of us. US Flags were on his truck, a large USMC decal in the rear window, and he and his sons escorted in support the entire 150 mile round trip. He is a registered member, and a respected father to us in our local membership. We are proud to have him with us. What does one say to the family, freinds, police, media and active service members who thank us for being there? All I can say, if anything at all, is "Thank you for having us".

Lastly- and this is partially non- mission oriented, the waves and thank you's we get when being passed or seen in traffic to, from or during a mission. People notice, and they're becoming aware of our existence and what we stand for, and they appreciate it. I think that it has rekindled a spirit not only among riders, but to those who only wish THEY could belong to a similar group as well. Of course, you don't have to be a rider, it's simple and on the home page what the requirements are to be a member. The simplicity of membership is a beautiful thing! And I almost hate to see the earlier posting suggesting elections for our future leadership. I hate to think of us becoming politicized...

Anyway, my last thought- the non mission part, is that in addition to serving the families, we at the same time are even breaking down some stereotypes of our motorcycling community. You see at funerals- at first some of the family are a bit wary of our appearance. But at the end of the day they're feeling so much differently. They accept and appreciate us, and that can only help make all riders a little bit safer while on the road.

Thank you, Jeff- for helping me find a way to serve and to belong. I've never wanted to be a part of any motorcycle organization of any type, except HOG and the Ironbutt Association which are basically to me just AAA for Harley owners and a patch for my vest when I do a long ride. The Patriot Guard is one I can 100% belong to, believe in, be proud of, and support to the end.

As someone once wrote in these forums, I'm "riding for the PGR until the PGR rides for me". I'm in it for life. And damn proud to be.

Andy Lough
"Andyman"
Ride Captain/ Austin
posted @ Sunday, November 12, 2006 4:27 AM by Andyman

Jeff

Thank you for the PGR, It is the right thing for all of us to do. Our troops need to know that they are welcome back home, when they get here.
I would like some day too meet you, but for now enjoy your family and life, put your knees to the breeze, and maybe we will meet on a flag line.

Shovelhead85

i
posted @ Thursday, November 09, 2006 7:44 PM by shovelhead85

Jeff,
I've only met you via phone (sorry, Bonnie), but I am proud to call you my friend. You have done an outstanding job! Stars in your crown. God Bless in your future endeavors.
Granny Red
posted @ Thursday, November 09, 2006 6:19 AM by Granny Red

Jeff--
I want to thank you. I wasn't aware of the PGR until this past May when my friend was killed in Iraq and the PGR stood with honor at his funeral. Thanks so much for everything.

Semper Fi!
posted @ Thursday, November 09, 2006 6:52 PM by wyowife72493

JEFF,
GOOD LUCK, RIDE SAFE, ENJOY YOUR FAMILY.

THANK YOU FOR THE PGR, IT WAS AND STILL IS THE RIGHT THING TO DO!

GOD BLESS YOU AND YOUR FAMILY.
posted @ Thursday, November 09, 2006 4:36 PM by CE1SeaBee

Jeff,
I'm afraid all of your time may now be taken up with reading all the posts of those of us who will miss you so very much.
Thank-you and your wife and family for every thing.
I think I speak for 99.999% of the Patriot Guard when I say ,We never doubted any thing you did or were doing. Shame on that little % of others. Volunteering for any orginization takes a toll, Let alone an orginization with 60,000 members.
Thanks from all of us Patriots!!!
God Bless you and your family.
Mary Anne Keough
posted @ Thursday, November 09, 2006 7:18 AM by AnnieM

I joined the PGR when there were 25,000 members or so. We are now 63,000 strong. Every one of us owes a huge debt of gratitude to Jeff and Bonnie. I wish them peace and happiness in their future pursuits. I have been involved in many organizations and have never been as proud as I am to be a member of the PGR. Thank you Jeff.

Oscar C. Blomgren
Green Oaks, IL
posted @ Thursday, November 09, 2006 8:26 AM by Tatonka69

Sorry, forgot to log in for that last post.
Denny (DXTRIDER)
Proud PGR Member
posted @ Friday, November 10, 2006 9:19 AM by DXTRIDER

Each of us has to take a look at our lives and decide on some hard facts. Some harder that others but the decissions still have to be made and only

one person can do that for themselves, no matter what those decissions bring in the future. You do for you and yours as best as you can and hope for the best, but only YOU can make the Life decissions for you yourself.
My best wishes for your Life decisssions and there outcome.
One question, how woluld I go about ordering, form what stock you have left. Address, e-mail etc. etc. etc.
Thanks again for your service. Tailgunner, in Salina, Ka.
posted @ Thursday, November 09, 2006 12:28 PM by LRRains

Jeff, I am new to the PGR and did not have the pleasure of meeting you. My loss I can see from your letter and comments from other PGR members.
Thank you for all you have done and given to this group. I do hope after a bit of "R&R" you will be back stronger than ever and leading the way again.
God Bless!
posted @ Monday, November 20, 2006 6:23 PM by Uffda

Jeff, I may never meet you and I will regret that because it will be a lost opportunity to meet a real Hero. I am a new member and a Viet Nam vet. I joined to have the privilage of making sure that no interferes with or upsets the family and friends attending the funeral of the young men and women who lost their lives for this great country. Until you spend time in another country and return home you can never truely realize how wonderful this country is. I will stand proudly to welcome home any all returning from a war zone because I understand what it's like to feel that no one cares what you went through. It may not mean much right now but I would like for you to know I had tears in my eyes when I first heard that someone was standing up for America and not letting a few misguided individuals harrass and slander our servicemen. And to do it in such an organized way, that never involved violence is a superhuman feat. Stand tall because you are one of my heros. In Viet Nam when something really bad happened to us we would stoically say 'It don't mean nothin' and that's what I think of anyone who would look beyond what you have done for this country and be so petty.
Please stay involved you are the torch bearer for the 'silent majority'.

Bless You, Brother.
Black Horse.
posted @ Thursday, November 23, 2006 7:52 PM by Black Horse

Jeff, Our Founding Father of PGR, you are one awesome American Brother. Stepping back is not stepping down you are still going to be shoulder to shoulder with us and it is just as important. My first Mission was today in Monongahela,PA. A Viet-Nam Vet,yes, but just as important as one our Missions for a Soldier of the present conflict. Many of the men, who were also Nam Vets, I talked to today at the staging area, without words even said, gave me the impression that they are able to do some healing in being a PGR. I was a punk kid during that war 30-some years ago, but I knew in my heart that something better needed to be done for them upon their return to the Country they faught for to keep our Freedoms. You, Sir, are the man that started the fires burning in those Vets, and the rest of us, who are Honored to show our Respect for those who have made the Highest Sacrifice to keep us Free. My Father who served in WWII will have the PGR escort him to his final resting place one day at my request. As someone else said in these postings earlier, may our Missions be Welcome Home rides instead of funerals soon.
Bless you, your family, and our new Leader of PGR. Peace and Love, Nancy
posted @ Saturday, November 18, 2006 3:54 PM by Gary and Nancy Schwartz

No virus found in this outgoing message.
Checked by AVG.
Version: 7.5.524 / Virus Database: 269.24.4/1476 - Release Date: 5/31/2008
12:25 PM

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 14

of

"Applicant's Opposition to 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
Opposer	)	TRADEMARK: PATRIOT GUARD RIDERS AND DESIGN
v.	)	APPLICATION NO. 77/040379
PATRIOT GUARD RIDERS, INC.,	)	DATE FILED: NOVEMBER 9, 2006
Applicant	)	

OPPOSER'S AMENDED/SUPPLEMENTAL RESPONSES TO CERTAIN OF APPLICANT'S REQUESTS FOR ADMISSION

Opposer Jeff Brown hereby submits amended and/or supplemental responses to Applicant's Requests for Admission Nos. 17(a), 171 and 174-77 and states as follows:

GENERAL OBJECTIONS

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

2. Opposer has not completed discovery in this matter, and therefore, his responses to Applicant's discovery requests may not be complete. Opposer reserves the right to further amend and/or supplement his 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.

AMENDED RESPONSES TO CERTAIN REQUESTS FOR ADMISSION

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 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 only person entitled to use anyone of the Marks.

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 17(a): Opposer gives the following amended response:

a. Opposer denies subsection "a," and states that he gave a license to the PGR organization to use the marks for non-commercial purposes, which he intended would also apply to the PGR corporation. Opposer further states that after his resignation from the Board of Directors, representatives from the PGR corporation, acting on behalf of the PGR corporation, including Bill Lines and Ronny Awtry, negotiated with Opposer in an effort to have Opposer grant the PGR corporation a license to use the marks for commercial purposes.

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."

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 171: Opposer admits only that the excerpted language does appear in an October 30, 2006 email to "head shed."

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?"

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 174: Opposer admits only that the excerpted language does appear in a November 2, 2006 email to "head shed."

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.

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 175: Opposer lacks information to either admit or deny this Request. Opposer does not recall which individuals were included in the group "head shed" at that time. Opposer has made a reasonable inquiry to determine this information, but has no personal knowledge regarding the individuals included within this group at that time.

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."

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 176: Opposer admits only that the excerpted language does appear in the e-mail identified in REQUEST FOR ADMISSION NO. 168. Opposer specifically denies that "other members of the Board" had authorization to determine what actions to take in regard to commercial use of the mark "Patriot Guard Rider."

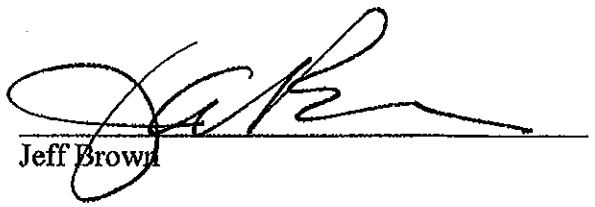
REQUEST FOR ADMISSION NO. 177: Admit that the statement identified in REQUEST FOR ADMISSION NO. 174 sought the opinions of other members of the Board regarding what the PGR corporation could do about "this case as well as the trademark infringement issues."

AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 177: Opposer admits only that the excerpted language does appear in the e-mail identified in REQUEST FOR ADMISSION NO. 174. Opposer specifically denies that "other members of the Board" had authorization to determine what actions to take in regard to commercial use of the mark "Patriot Guard Rider."

VERIFICATION

I verify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Dated: November 21, 2008



Jeff Brown

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

By: Courtney Bru
Tom Q. Ferguson, OBA No. 12288
Rachel Blue, OBA No. 16789
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tferguson@dsda.com
rblue@dsda.com
cbru@dsda.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 24th day of November, 2008, a true and correct copy of the above and foregoing 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

Courtney Bru

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 15

of

"Applicant's Opposition to 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
	)	
Opposer	)	TRADEMARK: PATRIOT GUARD RIDERS AND DESIGN
	)	
v.	)	
	)	APPLICATION NO. 77/040379
PATRIOT GUARD RIDERS, INC.,	)	
	)	DATE FILED: NOVEMBER 9, 2006
Applicant	)	

OPPOSER'S AMENDED/SUPPLEMENTAL RESPONSES TO CERTAIN OF APPLICANT'S FIRST SET OF INTERROGATORIES

Opposer Jeff Brown hereby submits his amended and/or supplemental responses to Applicant's Interrogatories Nos. 7 and 10:

OBJECTIONS

1. Opposer 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 obligation upon Opposer which are beyond the scope and authority of the Federal Rules of Civil Procedure and the Patent and Trademark Cases Rules of Practice. Opposer will provide responses to your requests for admission in accordance with the requirements of the Federal Rules of Civil Procedure and the Patent and Trademark Cases Rules of Practice. Furthermore, as written, the Definitions, and any instructions set forth therein, are overly broad and unduly burdensome.

2. Opposer will provide responses according to applicable Federal Rules of Civil Procedure and Patent and Trademark Board Rules of Practice. Opposer considers its obligations to be governed by those Rules, and specifically disclaims the acceptance of any additional

obligations imposed by the Applicant. Opposer specifically states that his duty to supplement is governed solely by these Rules.

3. Opposer specifically objects to paragraph 1 of the Definitions insofar as it unreasonably expands the identity of the Opposer, Jeff Brown.

4. Opposer specifically objects to paragraphs 17-20 of the Definitions insofar as, given the context of any particular Interrogatory, there may be a more appropriate and less burdensome manner in which to "identify" the requested information.

5. Opposer specifically objects to paragraph 27 of the Definitions on the basis that it contains an instruction that is contrary to the Federal Rules of Civil Procedure. Opposer will state his objections in compliance with Federal Rule 33. Opposer's privilege obligations are governed by Federal Rules 33 and 26, in particular Rule 26(b)(5), as well as relevant case law interpreting those Rules.

6.

AMENDED RESPONSES TO CERTAIN INTERROGATORIES

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

AMENDED/SUPPLEMENTAL ANSWER TO INTERROGATORY NO. 7: Opposer decided to file his trademark application to aid in the protection of his rights in the mark "Patriot Guard Rider."

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.

AMENDED/SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 10: Opposer 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.

Opposer further identifies Jason Wallin, Bill Lines, Ronny Awtry and possibly others, as having knowledge of the license and/or acquiescence. Opposer further states that simultaneously with or soon after the creation of the website www.patriotguard.org, Opposer gave Jason Wallin permission to place the Mark(s) on the www.patriotguard.org website. Opposer states that after his resignation from the Board of Directors, Bill Lines and Ronny Awtry negotiated with him in an effort to have Opposer grant the PGR corporation a license to use the marks for commercial purposes.

VERIFICATION

I verify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct.

Dated: November 21, 2008

Jeff Brown

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

By: Courtney Bru
Tom Q. Ferguson, OBA No. 12288
Rachel Blue, OBA No. 16789
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 24th day of November, 2008, a true and correct copy of the above and foregoing 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
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BLACKSTONE & MARR, LTD.
105 West Adams Street, 36th Floor
Chicago, IL 60603

Courtney Bru

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 16

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

DECLARATION OF BILL LINES

I, Bill Lines, declare and state as follows:

1. I am over 21 years old, and I have personal knowledge of the facts of this Declaration and could testify competently to them if called upon to do so.

2. I joined the Patriot Guard Riders' nationwide association (hereinafter the "PGR association") in approximately the middle of December of 2005.

3. I served in the United States Army from 1966 to 1975 and served in Vietnam from January 1967 to August 1968.

4. My ride name is "Snap".

5. I replaced Kurt Mayer as the Secretary of Patriot Guard Riders, Inc. (hereinafter the "PGR corporation") during the Summer of 2006.

6. In October of 2006, it first came to be collectively known by top ranking personnel of the PGR corporation, which included myself, that Jeff "Twister" Brown (hereinafter "Brown") and/or his wife was operating the PGR Store as a for-profit entity such that he retained profits generated from the PGR Store and, thereafter, at his discretion donated a portion of those

profits back to either the PGR association or to the PGR corporation.

7. As Brown was the leader of a not-for-profit corporation who was not supposed to profit in any manner from his involvement in the PGR corporation, the Board of Directors for the PGR corporation (hereinafter the "Board") threatened to remove Brown from his positions of authority in the PGR corporation unless he agreed to close the PGR Store and honorably resign.

8. Brown announced his resignation via the website www.patriotguard.org as the President and Executive Director of the PGR corporation on November 7, 2006. A true and correct copy of this resignation letter, as printed off of the website www.patriotguard.org, is attached as Exhibit A.

9. I immediately replaced Brown as the President and Executive Director of the PGR corporation.

10. Prior to Brown's resignation as the President and Executive Director of the PGR corporation, Brown had continually informed other officers/directors/members/volunteers of the PGR association and the PGR corporation, that the PGR's name and logo had been trademarked.

11. Upon Brown's resignation as the President and Executive Director of the PGR corporation, it became known to myself and other top ranking personnel of the PGR corporation, that neither the PGR's name nor logo had been federally registered.

12. As such, on November 8,.2006, I, along with my fellow members of the Board at the time, which included Bonnie Perry (nee Cutler), Jason Wallin, Ed Mueller and Ronny Awtry, held a telephonic Board meeting at which it was unanimously decided that a trademark application for PGR's logo should be filed on behalf of the PGR corporation, in connection with the services rendered by the PGR association and the PGR corporation.

13. During this telephonic Board meeting, it was unanimously decided by the Board that Jason Wallin would prepare and file the trademark application for the PGR's logo on behalf of the PGR corporation in his capacity as Treasurer of the PGR corporation.

14. At the time of Jason Wallin's filing of the trademark application, I did not, as an individual, or as a representative of the PGR corporation, have any knowledge or belief that Brown considered himself, as an individual, rather than the PGR corporation, to be the owner of the PGR's logo in connection with the services provided by the PGR corporation.

15. At the time of Jason Wallin's filing of the trademark application, I had never, as an individual, or as a representative of the PGR corporation, received any specific advisement, or been otherwise made aware, from either Brown or any other individual, that any use of the PGR's logo by Brown would confer any rights in the PGR's logo to Brown, in his individual capacity, rather than to the PGR association and/or the PGR corporation.

16. At the time of Jason Wallin's filing of the trademark application, I had never, as an individual, or as a representative of the PGR corporation, received any specific advisement, or been otherwise made aware, from either Brown or any other individual, that the PGR's use of its name and logo was subject to a license granted to the PGR association by Brown, which was then likewise applicable to the PGR corporation upon its incorporation.

17. At the time of Jason Wallin's filing of the trademark application, I believed that all of Brown's use of the PGR's logo was done on behalf of the PGR association and/or the PGR corporation in his capacity as a founder, leader, officer and Board member.

18. At the time of Jason Wallin's filing of the trademark application, I was aware that Brown had asserted that the PGR Store was his personal for-profit store and that he sold products

bearing the PGR's logo through the PGR Store, however, as it was my understanding that the PGR association had begun using the PGR's logo in connection with the services it provided prior to any products bearing the PGR's logo being sold by anyone, much less Brown, I believed that the PGR corporation had the right to register its logo because its rights in the logo were superior to any that Brown may have had.

19. To the best of my knowledge, prior to the time of Jason Wallin's filing of the trademark application, the website www.patriotguard.org, including the PGR Store webpage, which was accessed from the "PGR Store" link on the home page of www.patriotguard.org, did not give any specific indication to a user of the website that Brown and/or his wife was operating the PGR Store as a for-profit business.

20. To the best of my knowledge, prior to the time of Jason Wallin's filing of the trademark application, the website www.patriotguard.org, including the PGR Store webpage, which was accessed from the "PGR Store" link on the home page of www.patriotguard.org, did not give any indication to a user of the website that Brown as an individual, rather than the PGR association and/or the PGR corporation, owned any trademarks or service marks that were used by the PGR association and/or the PGR corporation or the PGR Store.

21. After Jason Wallin's filing of the trademark application, Brown for the first time advised the Board that he considered himself to be the owner of all trademarks and service marks used by the PGR and the PGR Store, which caused some initial confusion for the Board as we had always considered the PGR to be the owner of all trademarks and service marks used by the PGR and the PGR Store.

22. Thereafter, in view of this initial confusion, the PGR corporation entered into negotiations with Brown regarding ownership of the marks and ownership of the PGR Store in an attempt to inexpensively and efficiently resolve any lingering issues between the parties, such that a possible legal fight between the parties could be avoided.

23. During the negotiation period, members of the Board, including myself, made some announcements to the volunteers of the PGR corporation regarding the negotiations, including statements about possible plans for the ownership and use of the marks.

24. On November 21, 2006, however, the negotiations ended and I, on behalf of the Board, made an announcement to the volunteers of the PGR corporation that, contrary to prior statements made by individual members of the Board during the negotiations, that the PGR corporation and its volunteers were free to use the marks without any stipulations. A true and correct copy of this announcement is attached hereto as Exhibit B.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 16 JAN 2009

Bill Lines

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT A

of

"Declaration of Bill Lines"

JEFF'S FINAL CORNER

It's been an exhilarating, but an exhausting year. A year in which we have seen an awakening of the sleeping spirit of America, a rededication to the honor and dignity due all of those who serve our nation, and a uniting of those who have a desire to "do the right thing". Every PGR member should be justifiably proud of being a part of this.

Like all of you, I have taken a huge amount of time away from my family and business over this past year. It's time for me to heed my own words and "Pace Yourself". To this end, it is with a very heavy heart that I formally announce my resignation as Executive Director of the Patriot Guard Riders. This decision was also reached, in part, because a handful of very vocal people have expressed concerns over the possible conflict of interest in my owning the PGR Store and being the Executive Director. The business structure of the store has never been hidden and has been discussed "ad nauseam", but in an effort to delay any further controversy that takes time and energy away from our missions, I have chosen to step down and close the PGR store after the current inventory is depleted.

This has been one of the most difficult decisions of my life. I can't begin to put into words how much pride I have in all of you and what this organization has become and will become in the future. I will always view the founding of the Patriot Guard Riders and having had the honor of being your leader during this formative year as one of the high point of my life. I will continue to be honored to ride with you and stand by you until the day there is no PGR. After a great deal of pressure, Bill "Snap" Lines has agreed to assume the position of Executive Director and the board has approved. Snap, thank you for stepping up to the plate, Brother. The PGR is in good hands and I am confident in its leadership. I'm not going anywhere Folks. I will work closely with National during this transition period and continue to serve the PGR in the capacity as an advisor to the National Board.

Thanks for listening and Salute,

Jeff

posted @ Tuesday, November 07, 2006 8:42 AM by Twister

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COMMENTS

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT B

of

"Declaration of Bill Lines"

Patriot Guard Riders

Standing For Those Who Stood For US

Wednesday, June 18, 2008

..:: ALL Forums ::..

jomalley Logout

Code Amber Alert

This is the Code Amber Amber Alert Ticker: – CodeAmber.org new

Navigation

- Home
- About Us
- Leadership Contacts
- Letters of Appreciation
- Fallen Warrior Scholarship
- ALL Forums
- Help on the HomeFront
- Most Recent Posts
- Photo Gallery
- Media/Press
- Fallen Members
- Events
- Troop Support Partners
- PGR FAQ
- PGR Gear

Patriot Guard Riders Forum

Unanswered Not Read My Forums Active Topics

Forums My Profile Search Members

Forums > Patriot Guard Riders - National > Letters from the PGR President

Subject: From Snap 21 Nov 06

Email me when someone replies to this thread.

You are not authorized to post a reply.

Author	Messages	Oldest First
Waldo Posts: 1325 Windsor, Co	21 Nov 2006 4:54 PM To the PGR, The last 10 days have been rough. I feel as if I stepped in it bigtime when I said OK to this job. I've heard from most of you and I've listened to each one. I hope I can serve you well this year. I want to point out that my term is for one year only, then my replacement will be elected by you, the real PGR,the members. More info on that to follow.	Alert

Dialup Homepage

Directory

Click to send an email to the departments below:

User Support
Moderators
Photos
Media
Media Sightings
Submit Picture of Day
Web Site Administrator
Communications Officer
Letters Of Appreciation
Help On The Homefront

Mission Request

Click on the link below to make initial contact with us regarding honor mission requests:

Contact Us

Contact Arlington National Cemetery

YOU CAN TALK ABOUT US...

BUT YOU CAN'T TALK WITHOUT US.

[redacted]

I would like to address some topics with you and the best way for my old mind is by the numbers. So here goes.
1) The PGR store; We are going to TRY and have the new store up by New Years Eve. It will sell all the items it does now and more. And ALL profit will go to the PGR. We are going to outsource this store so that no member will have his hands on it. It will be overseen by a committee of members.
2) Jeff Brown has no affiliation with PGR except as a member. he is being removed as President of the Corp . He will no longer be our registered agent in Oklahoma. That place will be filled by a law firm.
3) We have received advice from our attorney that we can retain and use our name and logo without restraint. If you want a new logo, let us know but we don't have to.
4)The 501C3 is being handled by the attorney, people who have donated will be able to use the tax deduction.
5) By Laws are being prepared by the attorney and will be posted as soon as completed.
6) Our accountant will have all funds reconsiled to post within three weeks. They will be posted at that time.
There has been a lot of bile and contention out there this week, most of it justified. But we are trying. You are right, trust is earned and until it is I invite any member to call me (a LOT of you do) and question anything you feel needs clearing up.
Let's try for less anger and spite on the web. If you want to chew me out I would rather you did it on the phone than on the site. I want to do well but I need your help.
Thanks for listening
LLRB
Snap
ICVMC for PGR

Jason Wallin "WALDO"
Deputy Executive Director
Corporate Treasurer
Patriot Guard Riders
[redacted]

American By Birth
Biker By Choice
Patriot Forever!

Tact and Political Correctness were developed by those who lack the testicular fortitude to say what they really mean!

You are not authorized to post a reply.

Messages

0 Unread Messages

0 Read Messages

Forums > Patriot Guard Riders - National > Letters from the PGR President > From Snap 21 Nov 06

ActiveForums 3.6

America Loves You Silk Rose

PGR Doo-Rag

PGR Armband

Welcome Home Silk Rose

Wounded Warrior Challenge Coin

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 17

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

DECLARATION OF BONNIE PERRY

I, Bonnie Perry, declare and state as follows:

1. I am over 21 years old, and I have personal knowledge of the facts of this Declaration and could testify competently to them if called upon to do so.

2. On January 10, 2008, I was married and changed my name from Bonnie Cutler to Bonnie Perry.

3. I was one of the first individuals to join the nationwide association implemented by Jeff "Twister" Brown (hereinafter "Brown") that would become known as the Patriot Guard Riders (hereinafter the "PGR association").

4. I joined the United States Navy in June of 1983, went active in January of 1984, and was honorably discharged in February of 1989.

5. On November 11, 2005, Brown sent out an e-mail, which I received, in which he asked for my, as well as others', input regarding a proposed Mission Statement for the PGR association. A true and correct copy of that e-mail is attached hereto as Exhibit A.

6. On November 11, 2005, Brown sent out an e-mail, which I received, in which he advised other volunteers of the PGR association that Jason Wallin (hereinafter "Wallin"), along with other biker patriots, attended the funeral service for Tyler Ryan MacKenzie earlier that day in Greeley, Colorado on behalf of the PGR association. A true and correct copy of that e-mail is attached hereto as Exhibit B.

7. On November 12, 2005, Brown sent out an e-mail, which I received, in which he advised me, as well as others, that the Mission Statement had been met with approval after some modification and that the Mission Statement was posted on the PGR's association's website www.patriotguard.org (hereinafter "PGR's website"). A true and correct copy of that e-mail is attached hereto as Exhibit C.

8. In October of 2006, it first came to be collectively known by top ranking personnel of Patriot Guard Riders, Inc. (hereinafter the "PGR corporation"), including myself, that Brown and/or his wife was operating the PGR Store as a for-profit entity such that he retained profits generated from the PGR Store and, thereafter, at his discretion, he donated a portion of those profits back to either the PGR association or the PGR corporation.

9. As Brown was the leader of a not-for-profit corporation who was not supposed to profit in any manner from his involvement in the PGR corporation, the Board of Directors for the PGR corporation threatened to remove Brown from his positions of authority in the PGR corporation unless he agreed to close the PGR Store and honorably resign.

10. Brown announced his resignation via PGR's website as the President and Executive Director of the PGR corporation on November 7, 2006. A true and correct copy of this resignation letter, as printed off of the PGR's website, is attached as Exhibit D.

11. Prior to Brown's resignation as an officer/director of the PGR corporation, Brown had continually informed other officers/directors/members/volunteers of the PGR association and the PGR corporation that the PGR's name and logo had been trademarked.

12. Upon Brown's resignation as an officer/director of the PGR corporation, it became known to myself and other top ranking personnel of the PGR corporation, that neither the PGR's name nor logo had been federally registered.

13. As such, on November 8, 2006, I, along with my fellow members of the Board of Directors (hereinafter the "Board") of the PGR corporation at the time, which included Bill Lines, Ed Mueller, Ronny Awtry and Wallin, held a telephonic Board meeting at which it was unanimously decided that a trademark application for the PGR's logo should be filed on behalf of the PGR corporation, in connection with the services first rendered by the PGR association and then by the PGR corporation.

14. During this telephonic Board meeting, it was unanimously decided by the Board that Wallin would prepare and file the trademark application for the PGR's logo on behalf of the PGR corporation in his capacity as Treasurer of the PGR corporation.

15. At the time of Wallin's filing of the trademark application, I did not, as an individual, or as a representative of the PGR corporation, have any knowledge or belief that Brown considered himself, as an individual, rather than the PGR corporation, to be the owner of the PGR's logo in connection with the services first provided by the PGR association and then by the PGR corporation.

16. At the time of Wallin's filing of the trademark application, I had never, as an individual, or as a representative of the PGR corporation, received any specific advisement, or

been otherwise made aware, from either Brown or any other individual, that any use of the PGR's logo by Brown would confer any rights in the PGR's logo to Brown, in his individual capacity, rather than to the PGR association and/or the PGR corporation.

17. At the time of Wallin's filing of the trademark application, I had never, as an individual, or as a representative of the PGR corporation, received any specific advisement, or been otherwise made aware, from either Brown or any other individual, that the PGR's use of its name and logo was subject to a license granted to the PGR association by Brown, which was then likewise applicable to the PGR corporation upon its incorporation.

18. At the time of Wallin's filing of the trademark application, I believed that all of Brown's use of the PGR's logo was done on behalf of the PGR association and/or the PGR corporation in his capacity as a founder, leader, officer and Board member.

19. At the time of Wallin's filing of the trademark application, I was aware that Brown had asserted that the PGR Store was his personal for-profit store and that he sold products bearing the PGR's logo through the PGR Store, however, as it was my understanding that the PGR association had begun using the PGR's logo in connection with the services it provided prior to any products bearing the PGR's logo being sold by anyone, much less Brown, I believed that the PGR corporation had the right to register its logo because its rights in the logo were superior to any right that Brown may have had.

20. At the time of Wallin's filing of the trademark application, I was also aware that Brown had stated in his resignation letter, just two days prior, that it was his intent to close the PGR Store and, as such, I understood this to mean that Brown intended to stop selling products bearing the PGR's logo.

21. To the best of my knowledge, prior to the time of Wallin's filing of the trademark application, the PGR's website, including the PGR Store webpage, which was accessed from the "PGR Store" link on the home page of the PGR's website, did not give any specific indication to a user of the website that Brown and/or his wife was operating the PGR Store as a for-profit business.

22. To the best of my knowledge, prior to the time of Wallin's filing of the trademark application, the PGR's website, including the PGR Store webpage, which was accessed from the "PGR Store" link on the home page of the PGR's website, did not give any indication to a user of the website that Brown as an individual, rather than the PGR association and/or the PGR corporation, owned any trademarks or service marks that were used by the PGR association, the PGR corporation or the PGR Store.

23. After Wallin's filing of the trademark application, Brown for the first time advised the Board that he considered himself to be the owner of all trademarks and service marks used by the PGR and the PGR Store, which caused some initial confusion for the Board as they considered the PGR to be the owner of all trademarks and service marks used by the PGR and the PGR Store.

24. Thereafter, in view of this initial confusion, the PGR corporation entered into negotiations with Brown regarding ownership of the marks and ownership of the PGR Store, in an attempt to inexpensively and efficiently resolve any lingering issues between the parties, such that a possible legal fight between the parties could be avoided.

25. During the negotiations period, members of the Board made some announcements to the volunteers of the PGR corporation regarding the negotiations, including statements about

possible plans for the ownership and use of the marks.

26. Within a couple of weeks, the negotiations ended and the Board made an announcement to the volunteers of the PGR corporation that, contrary to prior statements made by individual members of the Board, that the PGR corporation was free to use the marks without any stipulations. A true and correct copy of this announcement is attached hereto as Exhibit E.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 21, 2009

Bonnie Perry

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT A

of

"Declaration of Bonnie Perry"

Perry, Bonnie

From: Preacher [preacher@carolina.rr.com]
Sent: Friday, November 11, 2005 9:30 PM
To: Jeff Brown'; 'Charles Yunker'; 'David Howery'; 'William H. Sloan'; 'Chuck Antolina'; 'Ben AKA The Whispanic'; 'Phil Maneker'; 'Art Van Engen "Moker"'; 'Tom Connelly'; 'Terry (Darkhorse) Houck'; 'Adam Taylor'; 'Shawn'; 'Ken McClellan'; 'Raymond Eade'; 'Richard Keller'; 'Eric C. Gagomiros'; 'Pete Schullen'; 'Ralph and Susan'; 'Ozarkmark'; 'R. L. Oscar Ingram'; 'John & Donna Rohloff'; 'Mark Brubaker'; 'LAnnmullins'; 'Kay Guynes'; 'Keith Calloway'; 'John Sprague'; 'Jason Wallin'; 'Hugh Knaus'; 'Chuck Thompson'; 'Wayne Worthington'; 'David Olsen (STP)'; 'Craig Winkler'; 'Everett Freel'; 'Combat Veterans Motorcycle Association'; 'CREGG HANSEN'; 'Harry A. Elliott III'; 'Bill Carr'; Perry, Bonnie; 'Bill Law'; 'Bill Bradley'
Subject: RE: PGR Mission Statement - Important!

I would suggest one change, "Fallen soldier, the soldier's family and community" would be a better phrase, gender neutral and all. We will be attending the funerals of the female soldiers as well.

Preacher
CVMA #671
http://www.bastaards.org/Bikes.htm

-----Original Message-----
From: Jeff Brown [mailto:jeffbrown@valornet.com]
Sent: Friday, November 11, 2005 9:28 PM
To: Charles Yunker; David Howery; William H. Sloan; Ben AKA The Whispanic; Phil Maneker; Art Van Engen "Moker"; Tom Connelly; Terry (Darkhorse) Houck; Adam Taylor; Shawn; Ken McClellan; Raymond Eade; Richard Keller; Eric C. Gagomiros; David "Preacher" Slocum; Pete Schullen; Ralph and Susan; Ozarkmark; R. L. Oscar Ingram; John & Donna Rohloff; Mark Brubaker; LAnnmullins; Kay Guynes; Keith Calloway; John Sprague; Jason Wallin; Hugh Knaus; Chuck Thompson; Wayne Worthington; David Olsen (STP); Craig Winkler; Everett Freel; Combat Veterans Motorcycle Association; CREGG HANSEN; Harry A. Elliott III; Chuck Antolina; Bill Carr; Bonnie Cutler; Bill Law; Bill Bradley
Subject: PGR Mission Statement - Important!

Hey Folks, I need to know if anyone has any problems with or suggestions for this as our PGR Mission Statement.
Your feedback ASAP would be greatly appreciated. This will be on our website.
Thanks,
Jeff Brown "Twister"
Broken Arrow, OK
Patriot Guard Rider
www.patriotguard.org

Patriot Guard Riders Mission Statement

The Patriot Guard Riders is an amalgamation of riders from across the nation. We have one thing in common besides motorcycles. We have an unwavering respect for those who risk their very lives for America's freedom and security. If you share this respect, please join us.

We don't care what you ride, what your political views are, or whether you're a "hawk" or a "dove". It is not a requirement that you be a veteran.
It

doesn't't matter where you're from or what your income is. You don't even have to ride. The only prerequisite is Respect.

Our mission is to attend the funeral services of fallen American military heroes. Each mission we undertake has two basic objectives.

1. Show our sincere respect for our fallen hero, his family, and his community.
2. Protect the mourning family and friends from interruptions created by any protestor or group of protestors.

We accomplish the latter through strictly legal and non-violent means.

No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.1.362 / Virus Database: 267.13.0/167 - Release Date: 11/11/2005

No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.1.362 / Virus Database: 267.13.0/167 - Release Date: 11/11/2005

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT B

of

"Declaration of Bonnie Perry"

From: Jeff Brown [mailto:jeffbrown@valornet.com]
Sent: Friday, November 11, 2005 5:18 PM
To: Charles Yunker; David Howery; William H. Sloan; Phil Mansker; Tom Connelly; Terry (Darkhorse) Houck; Shawn; Richard Keller; Eric C. Gagomiros; David "Preacher" Slocum; Pete Schulien; Ralph and Susan; Ozarkmark; R. L. Oscar Ingram; John & Donna Rohloff; LAnnmullins; Kay Guynes; Keith Calloway; Jason Wallin; Hugh Knaus; Chuck Thompson; Wayne Worthington; David Olsen (STP); Craig Winkler; Everett Freel; Combat Veterans Motorcycle Association; CREGG HANSEN; Harry A. Elliott III; Chuck Antolina; Bill Carr; Perry, Bonnie; Bill Law; Bill Bradley
Subject: PGR was there -Tyler Ryan MacKenzie

Tyler Ryan MacKenzie, 20, of Evans, CO, passed away, Wednesday, November 2, 2005 in Iraq.

Visitation will be from 4:00 to 8:00 p.m., Thursday, November 10, 2005 at Allnutt Funeral Service/Macy Chapel. A funeral service will be at 12:00 p.m., Friday, November 11, 2005 at the Church of Jesus Christ of Latter-day Saints, 501 49th Avenue, Greeley. Interment will be at Sunset Memorial Gardens.

Tyler was born November 7, 1984 in Greeley, CO to David and Julie (Borland) MacKenzie.

He was a lifelong resident of Greeley where he graduated from Greeley West High School in 2003. He joined the United States Army on January 19, 2005

and served with the B Co. 1/502 In. 2 BCT. Fort Campbell. He was an elder in the Church of Jesus Christ of Latter-day Saints.

Tyler was a kind and caring soul, honest and sincere, had the utmost integrity, and was athletic, funny, self-competitive and unselfish. He loved playing videogames, reading, listening to music, playing paintball, animals, volunteering and spending time with his family and friends.

Surviving Tyler are his parents, David and Julie MacKenzie of Evans, CO; sister, Nicole and her husband, Jason Crawford, of Evans, CO; grandparents, Emmett and Mary MacKenzie of Greeley, CO and Ronald and Jenette Borland of Greeley, CO.

Jason Wallin, our Colorado State Captain, headed up our presence there and post these photos and will post a write up later.
http://www.wallinino.com/pix/listpics.asp?dir=prg

WBC (World's Biggest Cretins) were there.

Thanks to Jason and all who rode..

Jeff Brown "Twister"
Broken Arrow, OK
Patriot Guard Rider
www.patriotguard.org

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

JEFF BROWN,	)	
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Opposer,	)	
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PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT C

of

"Declaration of Bonnie Perry"

Perry, Bonnie

From:	Jeff Brown [jeffbrown@valornet.com]
Sent:	Saturday, November 12, 2005 6:43 AM
To:	Charles Yunker; David Howery; William H. Sloan; Ben AKA The Whispanic; Phil Mansker; Art Van Engen "Moker"; Tom Connelly; Terry (Darkhorse) Houck; Adam Taylor; Shawn; Ken McClellan; Michael and Kathleen Getalter; Raymond Eade; Richard Keller; Eric C. Gagomiros; David "Preacher" Slocum; Pete Schullen; Ralph and Susan; Ozarkmark; R. L. Oscar Ingram; John & Donna Rohloff; Mark Brubaker; LAnnmulline; Kevin Wood; Kay Guynes; Keith Calloway; John Sprague; Jason Wallin; Hugh Knaus; Chuck Thompson; Wayne Worthington; David Olsen (STP); Craig Winkler; Everett Freel; Combat Veterans Motorcycle Association; CREGG HANSEN; Harry A. Elliott III; Chuck Antolina; Bill Carr; Perry, Bonnie; Bill Law; Bill Bradley
Subject:	Revised PGR Mission Statement

The PGR Mission Statement has met with approval after some modification.
The statement was rewritten to be gender neutral. I realize the sacrifice and dedication of our women in service and did not mean to omit them. I appreciate everyone who caught that error and brought it to my attention.
The revised mission statement is now up and running on our website. I owe you all an apology for an unintentional oversight on my part.

Sincerely,
Jeff Brown "Twister"
Broken Arrow, OK
Patriot Guard Rider
www.patriotguard.org

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

JEFF BROWN,	)	
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PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT D

of

"Declaration of Bonnie Perry"

JEFF'S FINAL CORNER

It's been an exhilarating, but an exhausting year. A year in which we have seen an awakening of the sleeping spirit of America, a rededication to the honor and dignity due all of those who serve our nation, and a uniting of those who have a desire to "do the right thing". Every PGR member should be justifiably proud of being a part of this.

Like all of you, I have taken a huge amount of time away from my family and business over this past year. It's time for me to heed my own words and "Pace Yourself". To this end, it is with a very heavy heart that I formally announce my resignation as Executive Director of the Patriot Guard Riders. This decision was also reached, in part, because a handful of very vocal people have expressed concerns over the possible conflict of interest in my owning the PGR Store and being the Executive Director. The business structure of the store has never been hidden and has been discussed "ad nausea", but in an effort to belay any further controversy that takes time and energy away from our missions, I have chosen to step down and close the PGR store after the current inventory is depleted.

This has been one of the most difficult decisions of my life. I can't begin to put into words how much pride I have in all of you and what this organization has become and will become in the future. I will always view the founding of the Patriot Guard Riders and having had the honor of being your leader during this formative year as one of the high point of my life. I will continue to be honored to ride with you and stand by you until the day there is no PGR. After a great deal of pressure, Bill "Snap" Lines has agreed to assume the position of Executive Director and the board has approved. Snap, thank you for stepping up to the plate, Brother. The PGR is in good hands and I am confident in its leadership. I'm not going anywhere Folks. I will work closely with National during this transition period and continue to serve the PGR in the capacity as an advisor to the National Board.

Thanks for listening and Salute,

Jeff

posted @ Tuesday, November 07, 2006 8:42 AM by Twister

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COMMENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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	)	
Applicant.	)	

EXHIBIT E

of

"Declaration of Bonnie Perry"

Patriot Guard Riders

Standing For Those Who Stood For US

Wednesday, June 18, 2008

..:: ALL Forums ::..

jomalley Logout

Code Amber Alert

This is the Code Amber Amber Alert Ticker: – CodeAmber.org neer

Navigation

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Patriot Guard Riders Forum

Unanswered Not Read My Forums Active Topics

Forums My Profile Search Members

Forums > Patriot Guard Riders - National > Letters from the PGR President

Subject: From Snap 21 Nov 06

Email me when someone replies to this thread.

You are not authorized to post a reply.

Author	Messages	Oldest First
Waldo ● Posts: 1325 Windsor, Co	21 Nov 2006 4:54 PM	Alert

To the PGR,
The last 10 days have been rough. I feel as if I stepped in it bigtime when I said OK to this job. I've heard from most of you and I've listened to each one. I hope I can serve you well this year.
I want to point out that my term is for one year only, then my replacement will be elected by you, the real PGR,the members. More info on that to follow.

Dialup Homepage

Directory

Click to send an email to the departments below:

User Support
Moderators
Photos
Media
Media Sightings
Submit Picture of Day
Web Site Administrator
Communications Officer
Letters Of Appreciation
Help On The Homefront

Mission Request

Click on the link below to make initial contact with us regarding honor mission requests:

Contact Us

Contact Arlington National Cemetery

I would like to address some topics with you and the best way for my old mind is by the numbers. So here goes.
1) The PGR store; We are going to TRY and have the new store up by New Years Eve. It will sell all the items it does now and more. And ALL profit will go to the PGR. We are going to outsource this store so that no member will have his hands on it. It will be overseen by a committee of members.
2) Jeff Brown has no affiliation with PGR except as a member. he is being removed as President of the Corp . He will no longer be our registered agent in Oklahoma. That place will be filled by a law firm.
3) We have received advice from our attorney that we can retain and use our name and logo without restraint. If you want a new logo, let us know but we don't have to.
4)The 501C3 is being handled by the attorney, people who have donated will be able to use the tax deduction.
5) By Laws are being prepared by the attorney and will be posted as soon as completed.
6) Our accountant will have all funds reconsiled to post within three weeks. They will be posted at that time.
There has been a lot of bile and contention out there this week, most of it justified. But we are trying. You are right, trust is earned and until it is I invite any member to call me (a LOT of you do) and question anything you feel needs clearing up.
Let's try for less anger and spite on the web. If you want to chew me out I would rather you did it on the phone than on the site. I want to do well but I need your help.
Thanks for listening
LLRB
Snap
ICVMC for PGR

Jason Wallin "WALDO"
Deputy Executive Director
Corporate Treasurer
Patriot Guard Riders
[redacted]

American By Birth
Biker By Choice
Patriot Forever!

Tact and Political Correctness were developed by those who lack the testicular fortitude to say what they really mean!

You are not authorized to post a reply.

Messages

0 Unread Messages
0 Read Messages

Forums > Patriot Guard Riders - National > Letters from the PGR President > From Snap 21 Nov 06

ActiveForums 3.6

America Loves You Silk Rose

PGR Doo-Rag

PGR Armband

Welcome Home Silk Rose

Wounded Warrior Challenge Coin

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 18

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

DECLARATION OF KURT MAYER

I, Kurt Mayer, declare and state as follows:

1. I am over 21 years old, and I have personal knowledge of the facts of this Declaration and could testify competently to them if called upon to do so.

2. I joined the Patriot Guard Riders' nationwide association in late November/early December of 2005.

3. My ride name is "Ventura Cowboy".

4. Soon after joining the Patriot Guard Riders' nationwide association, I became the Public Relations Director for the Patriot Guard Riders' nationwide association, such that I became one of the top ranking leaders of the Patriot Guard Riders' nationwide association.

5. As the Public Relations Director, I considered it my duty to be knowledgeable regarding all facets of the Patriot Guard Riders' nationwide association such that, if asked a question regarding the Patriot Guard Riders' nationwide association by the media, a volunteer of the Patriot Guard Riders' nationwide association, or the public at large, I would be able to truthfully respond to same.

6. In order to become knowledgeable about matters occurring before I joined the nationwide association, I asked Jeff "Twister" Brown and Jason "Waldo" Wallin, as well as others to fill me in on the history of the nationwide association, including its formation.

7. The Patriot Guard Riders' nationwide association was incorporated as a Not For Profit corporation in the State of Oklahoma on February 21, 2006 under the name Patriot Guard Riders, Inc. A true and correct copy of the incorporation papers are attached hereto as Exhibit A.

8. In the incorporation papers for Patriot Guard Riders, Inc., I was one of the three named incorporators of Patriot Guard Riders, Inc., along with Jeff "Twister" Brown and Jason "Waldo" Wallin. *See* Exhibit A.

9. In the incorporation papers for Patriot Guard Riders, Inc., I was one of the three named directors of Patriot Guard Riders, Inc., along with Jeff "Twister" Brown and Jason "Waldo" Wallin. *See* Exhibit A.

10. In the incorporation papers for Patriot Guard Riders, Inc., I was one of the three named officers of Patriot Guard Riders, Inc., along with Jeff "Twister" Brown and Jason "Waldo" Wallin. *See* Exhibit A.

11. In the incorporation papers for Patriot Guard Riders, Inc., I was named the Secretary. *See* Exhibit A.

12. After the incorporation of Patriot Guard Riders, Inc., I also continued as the Public Relations Director for PGR.

13. During the summer of 2006, my tenure as the Secretary and Public Relations Director for Patriot Guard Riders, Inc. came to an end, although I continued to be a volunteer of Patriot Guard Riders, Inc.

14. During my involvement with the PGR in a leadership position, namely from November/December 2005 until the summer of 2006, Jeff "Twister" Brown never informed me that he considered himself to be the owner of the Patriot Guard Riders' logo or that the Patriot Guard Riders association/corporation could only use the Patriot Guard Riders' logo in connection with non-commercial purposes, with any such use inuring to the benefit of Jeff "Twister" Brown.

15. During my involvement with the PGR in a leadership position, namely from November/December 2005 until the summer of 2006, no individuals ever informed me that Jeff "Twister" Brown considered himself to be the owner of the Patriot Guard Riders' logo or that the Patriot Guard Riders association/corporation could only use the Patriot Guard Riders' logo in connection with non-commercial purposes, with any such use inuring to the benefit of Jeff "Twister" Brown.

16. I first learned that Jeff "Twister" Brown considered himself to be the owner of the Patriot Guard Riders' logo at some point in time after Patriot Guard Riders, Inc. filed its trademark application for same.

17. During my involvement with the PGR in a leadership position, namely from November/December 2005 until the summer of 2006, Jeff "Twister" Brown never informed me that he ran the "PGR Store", which was accessible through a hyperlink provided on the home page of PGR's website www.patriotguard.org, as a for-profit entity whose profits went directly to him, rather than to the PGR.

18. During my involvement with the PGR in a leadership position, namely from November/December 2005 until the summer of 2006, no individuals ever informed me that Jeff "Twister" Brown ran the "PGR Store" as a for-profit entity whose profits went directly to him,

rather than to the PGR.

19. Until approximately Spring of 2006, the "PGR Store" hyperlink would redirect a visitor to a subpage of www.patriotguard.org ("the original PGR Store") as the information regarding the products being sold by the original PGR Store was handled by the same computer servers that handled information regarding the PGR.

20. I was aware that in the Spring of 2006, the "PGR Store" hyperlink on the website www.patriotguard.org was changed such that it would redirect a visitor to a separate website, namely to www.patriotguardstore.org ("the subsequent PGR Store").

21. It was my belief that the change in the "PGR Store" hyperlink occurred because it had previously been decided by myself, Jeff "Twister" Brown and Jason "Waldo" Wallin that the "PGR Store" needed to be hosted by separate computer servers in order to minimize the amount of web traffic on PGR's website since PGR's website had recently begun to crash when web traffic was high.

22. To the best of my knowledge, during my tenure in a leadership position for the PGR, neither the website www.patriotguard.org or the original or subsequent PGR Stores, gave any specific indication to a user of the website that Jeff "Twister" Brown and/or his wife was operating the PGR Store as a for-profit business.

23. To the best of my knowledge, during my tenure in a leadership position for the PGR, neither the website www.patriotguard.org or the original or subsequent PGR Stores, gave any indication to a user of the website that Jeff "Twister" Brown as an individual, rather than the nationwide association/corporation, owned any trademarks or service marks that were used by the nationwide association/corporation or the PGR Store.

24. Prior to Jeff "Twister" Brown's resignation as an officer/director of Patriot Guard Riders, Inc., Jeff "Twister" Brown had continually informed other officers/directors/members of Patriot Guard Riders, Inc., as well as its predecessor-in-interest, the Patriot Guard Riders' nationwide association, that the Patriot Guard Riders' name and logo had been trademarked.

25. Throughout my tenure in a leadership position, I believed that all of Jeff "Twister" Brown's use of the Patriot Guard Riders' logo was done on behalf of the nationwide association and/or Patriot Guard Riders, Inc. in his capacity as a founder, leader, officer and Board member.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 16, 2009

Kurt Mayer

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT A

of

"Declaration of Kurt Mayer"

OKLAHOMA SECRETARY OF STATE
2300 N. LINCOLN BLVD., ROOM 101
OKLAHOMA CITY, OK 73105-4897

M. Susan Savage
Secretary of State

Brad Henry
Governor

02/27/2006

THOMAS J. WINTERS
ATTN: THOMAS J. WINTERS
2448 E. 81ST STREET, SUITE 5900
TULSA OK 74137
USA

RE: PATRIOT GUARD RIDERS, INC.

Document Number 4616540002
Client Account Number 21422409

Dear Secretary of State Customer

The documents submitted have been filed in the Secretary of State's Office. Please find the enclosed documentation evidencing such filing.

I am pleased to announce that the Secretary of State's office is completing the final stages for the implementation of a new business system. Please allow me to introduce you to *SOONERACCESS*.

SOONERACCESS.....

- Available at www.sos.state.ok.us , please visit our website during the next few weeks as services become available;
- Available 24 hours a day, Monday through Saturday and from 6 a.m. to midnight on Sundays;
- Submit the majority of business entity documents, trademark/renewals, and notary public applications/renewals on-line;
- Search business entity, trademark, and notary public information on-line;
- Order and receive status certificates and certified and plain copies of documents on-line;
- No additional charges, statutory fees will still be charged for online services. Detailed searches for business entities are available at a cost of three searches for $5.00, however simple searches involving name, entity type, and registered agent are available free of charge.
- On-line payment may be made by Electronic Fund Transfer at no charge or by credit card which is subject to a 4% convenience fee.

I believe *SOONERACCESS* will provide customers a welcome convenience, allowing their times be spent online rather than in line. Please note your client account number at the top of the page for easy access to the new system. If you have any questions regarding the new procedures in the Secretary of State's office or *SOONERACCESS*, please do not hesitate to contact me.

Sincerely,

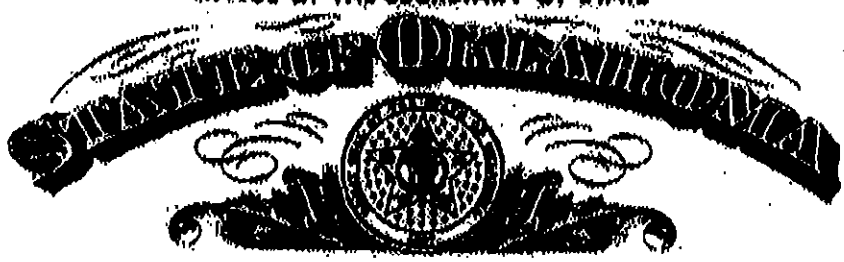
M. Susan Savage

M. Susan Savage
Secretary of State

Enclosure

Office (405) 521-3911 http://www.sos.state.ok.us Fax (405) 521-3771

OFFICE OF THE SECRETARY OF STATE



NOT FOR PROFIT
CERTIFICATE OF INCORPORATION

WHEREAS, the Not For Profit Certificate of Incorporation of

PATRIOT GUARD RIDERS, INC.

has been filed in the office of the Secretary of State as provided by the laws of the State of Oklahoma.

NOW THEREFORE, I, the undersigned, Secretary of State of the State of Oklahoma, by virtue of the powers vested in me by law, do hereby issue this certificate evidencing such filing.

IN TESTIMONY WHEREOF, I hereunto set my hand and cause to be affixed the Great Seal of the State of Oklahoma.

Filed in the city of Oklahoma City this 21st day of February, 2006.

Secretary of State

FILED - Oklahoma Secretary of State #2112096808 02/21/2006 11:36

OKLA[illegible]OMA Secretary of State Electro[illegible] Filing

[illegible] NOT FOR PROFIT CORPORATION
[illegible]

CORPORATION NAME

The name of the corporation is:
PATRIOT GUARD RIDERS, INC.

PURPOSE

This nonprofit corporation is organized and operated exclusively for charitable purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

This corporation does not have authority to issue capital stock.

This corporation is not for profit, and as such the corporation does not afford pecuniary gain, incidentally or otherwise, to its members.

EFFECTIVE DATE

Effective Date:

DURATION

Perpetual

REGISTERED AGENT AND REGISTERED OFFICE ADDRESS

Agent Name
Jeffrey A Brown
Address
8321 S. 8th Street
Broken Arrow, OK 74011 USA

INCORPORATOR INFORMATION

Name	Title
Jeffrey A. Brown **Address** 8321 S. 8th Street Broken Arrow, OK 74011 USA	Incorporator
Kurt Mayer **Address** 14830 Santa Lucia Drive Houston, TX 77083 USA	Incorporator
Jason Wallin **Address** 312 Granite Court Windsor, CO 80550 USA	Incorporator

DIRECTOR INFORMATION

Name	Title
Jeffrey A Brown Address 6321 S. 8th Street Broken Arrow, OK 74011 USA	Director
Kurt Mayer Address 14830 Santa Lucia Drive Houston, TX 77069 USA	Director
Jason Wallin Address 312 Granite Court Windsor, CO 80550 USA	Director

The Number of Directors to be Elected at the First Meeting: 3

ATTACHMENT

File Label	File Name and Path
Additional language	G:\Paula\WPD\OK\FORMS\Additional Language.pdf

SIGNATURE

I hereby certify that the information provided on this form is true and correct to the best of my knowledge and by attaching the signature I agree and understand that the typed electronic signature shall have the same legal effect as an original signature and is being accepted as my original signature pursuant to the Oklahoma Uniform Electronic Transactions Act, Title 12A Okla. Statutes Section 15-101, et seq.

Dated - 2/21/2006

Corporation Name	Signature Name	Title
	Jeffrey A. Brown	President
	Kurt Mayer	Secretary
	Jason Wallin	Treasurer

[End Of Image]

BYLAWS OF
PATRIOT GUARD RIDERS, INC.

ARTICLE ONE
OFFICES

The principal office of the corporation, hereinafter referred to as the "Corporation", shall be located at the address set forth in the Articles of Incorporation. The Corporation may have such other offices, either within or without the State of Incorporation, as the Board of Directors may determine from time to time.

ARTICLE TWO
MEMBERSHIP

The Corporation shall have only one (1) class of membership, the Board of Directors, which shall be voting members.

ARTICLE THREE
BOARD OF TRUSTEES

Section 1. General Powers. The affairs of the Corporation shall be managed by the Board of Directors whose members shall have a fiduciary obligation to the Corporation.

Section 2. Number, Term, and Qualifications. The number of Directors shall be no less that three (3) and no greater than five (5). The term of membership shall be for continuous one (1) year periods, unless removed. Those set forth in the original Articles of Incorporation shall comprise the original Board of Directors.

Section 3. Regular Meetings. A regular annual meeting of the Board of Directors shall be held each year, or more frequently as the Board of Directors may determine. The Board of Directors may provide, by resolution, the time and place for holding additional regular meetings without other notice than such resolution. Additional regular meetings shall be held at the principal office of the Corporation in the absence of any designation in the resolution.

Section 4. Special Meetings. Special meetings of the Board of Directors may be called by or at the request of any two (2) Directors, and shall be held at the principal office of the Corporation or at such other place as the Directors may determine.

Section 5. Notice. Notice of the annual, regular or any special meeting of the Board of Directors shall be given by oral notice to each Director. The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. The business to be transacted at the meeting need not be specified in the notice or waiver of notice of such meeting, unless specifically required herein or by law.

Section 6. Quorum. A majority of the Board of Directors shall constitute a quorum for the transaction of business at any meeting of the Board; but if less than a majority of the Directors are present at any meeting, a majority of the Directors present may adjourn the meeting from time to time without further notice

Section 7. Board Decisions. The act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors, unless the act of a greater number is required by law or by these Bylaws.

Section 8. Vacancies, Additions, Elections and Removal. Any vacancy occurring in the Board of Directors and any directorship to be filled by reason of an increase in the number of Directors, shall be filled by a two-third (2/3) majority vote of the Board of Directors. Directors shall be removed by a two-third (2/3) majority vote of the Board of Directors.

Section 9. Compensation. Directors, as such, shall not receive any salaries for their services.

ARTICLE FOUR
OFFICERS

Section 1. Officers. The officers of the corporation shall be a president, a secretary, a treasurer, one or more vice-presidents and such other officers as may be elected in accordance with the provisions of this Article. The Board of Directors may elect or appoint such other officers, including one or more assistant secretaries and one or more assistant treasurers, as it shall deem desirable, such officers to have the authority and perform the duties prescribed, from time to time, by the Board of Directors. Any two or more offices may be held by the same person.

Section 2. Election and Term of Office. The officers of the Corporation shall be elected annually by the Board of Directors at the regular annual meeting of the Board of Directors. If the election of officers is not held at such meeting, such election shall be held as soon thereafter as is convenient. New offices may be created and filled at any meeting of the Board of Directors. Each officer shall hold office until his successor has been duly elected and qualified.

Section 3. Removal. Any officer elected or appointed by the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interests of the Corporation would be served thereby, but such removal shall be without prejudice to the contract rights, if any, of the officer so removed.

Section 4. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification, or otherwise, may be filled by the Board of Directors for the unexpired portion of the term.

Section 5. Powers of Officers.

(a) The President: The President shall be the chief executive officer of the Corporation. He shall be a continuing member of the Board of Directors. He shall have general management of the business of the Corporation and have general supervision of the other officers. He shall preside at all meetings of the Board of Directors and see that all orders and resolutions of the Board are carried into effect, subject, however, to the right of the Board to delegate to any other officer or officers of the Corporation any specific powers, other than those that may be conferred only upon the President. He shall execute in the name of the corporation all deeds, bonds, mortgages, contracts, and other documents authorized by the Board of Directors. He shall be ex-officio a member of all standing committees, and shall have the general powers and duties of supervision and management usually vested in the office of president of a corporation.

No person shall be invited to speak or teach at a meeting held by the Corporation without his approval. He shall be designated attorney-in-fact for the Corporation by virtue of his office. He shall have the authority to appoint and approve any assistants that would be necessary to properly carry on the work of the Corporation.

(b) Vice-President: The vice-president shall perform the duties and exercise the powers of the president in case of his temporary absence from the office of the Corporation, and shall perform such other duties as may from time to time be granted or imposed by the Board of Directors He shall serve as an ex-officio member of the Board of Advisors: however, in the event of serving as president, he shall be a voting member of the Board of Advisors.

(c) The Secretary: The secretary shall attend all sessions of the Board held at the office of the Corporation and act as clerk thereof and record all votes and the minutes of all proceedings in a book to be kept for that purpose. He shall perform like duties for the executive and standing committees when required. He shall give, or cause to be given, notice of meetings of the Board of Directors when notice is required to be given under these Bylaws or by any resolution of the Board. He shall have custody of the seal to all authorized documents requiring a seal. He shall keep the membership rolls of the Corporation, and in general perform the duties usually incident to the office of secretary, and such further duties as shall from time to time be prescribed by the Board of Directors or the president.

(d) The Treasurer: The treasurer shall keep full and accurate account of the receipts and disbursements in books belonging to the Corporation, and shall deposit all moneys and other valuable effects in the name and to the credit of the Corporation in such banks and depositories as may be designated by the Board of Directors, but shall not be personally liable for the safekeeping of any funds or securities so deposited pursuant to the order of the Board. He shall disburse the funds of the Corporation as may be ordered by the Board and shall render to the president and Directors at the regular meeting of the Board, and whenever they may require, accounts of all transactions as treasurer and of the financial condition of the Corporation. He shall perform the duties usually incident to the office of treasurer and such other duties as may be prescribed by the Board of Directors or by the president.

(e) Delegating Powers to Other Officers: In case of the absence of any officer of the Corporation, or for any other reason that may seem sufficient to the Board, the Board of Directors may delegate his duties and powers for the time being to any other officer, or to any Director.

ARTICLE FIVE
COMMITTEES AND BOARD OF ADVISORS

Section 1. Committees of Directors. The Board of Directors, by resolution adopted by a majority of the Directors in office, may designate one or more committees, which committees, to the extent provided in such resolution, shall have and exercise the authority of the Board of Directors in the management of the Corporation; but the designation of such committees and the delegation thereto of authority shall not operate to relieve the Board of Directors, or any individual Directors, of any responsibility imposed on it or him by law.

Section 2. Other Committees. Other committees not having and exercising the authority of the Board of Directors in the management of the Corporation may be designated by a resolution adopted by a majority of the Directors present at a meeting at which a quorum is present. The President shall appoint the members thereof. Any member thereof may be removed by the President whenever in his judgment the best interest of the Corporation shall be served by such removal.

Section 3. Board of Advisors. A Board of Advisors may be appointed as set forth below. It shall be the responsibility and privilege of the Board of Advisors to provide counsel to the president and the Board of Directors. Counsel shall be in organizational, financial, legal or other areas wherein the president determines professional counsel is needed and/or desirable. No minimum or maximum number of members of the Board of Advisors shall be established and the appointment to the Board of Advisors and tenure thereon shall be at the pleasure and in the complete discretion of the president.

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ARTICLE SIX
CONTRACTS, CHECKS, DEPOSITS, AND FUNDS

Section 1. Contracts. The Board of Directors may authorize any officer or officers, agent or agents of the Corporation, in addition to the officers so authorized by these Bylaws, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or may be confined to specific instances.

Section 2. Checks, Drafts or Orders. All checks, drafts, or orders for the payment of money, notes, or other evidences of indebtedness issued in the name of the Corporation shall be signed by such officer or officers, agent or agents of the Corporation, and in such manner as shall from time to time be determined by resolution of the Board of Directors. In the absence of such determination by the Board of Directors, such instruments may be signed by either the treasurer or the President of the Corporation. The President of the Corporation shall be permitted to authorize execution of checks, drafts, or orders in the amount of $1,500.00 or less without prior approval of the Board of Directors.

Section 3. Deposits. All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such banks, trust companies, or other depositories as the Board of Directors may select.

Section 4. Gifts. The Board of Directors may accept on behalf of the Corporation any contribution, gift, bequest or devise for any purpose of the Corporation.

ARTICLE SEVEN
BOOKS AND RECORDS

The Corporation shall keep correct and complete books and records of account and shall also keep minutes of the proceedings of its members, Board of Directors, committees having and exercising any of the authority of the Board of Directors, and any other committee, and shall keep at the principal office a record giving the names and addresses of the Board of Directors members entitled to vote. All books and records of the Corporation may be inspected at any reasonable time.

ARTICLE EIGHT
FISCAL YEAR

The fiscal year of the Corporation shall be the calendar year.

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ARTICLE NINE
DISSOLUTION

Upon the dissolution of the Corporation, the Board of Directors shall, after the payment of all the liabilities of the Corporation, dispose of all of the assets of the Corporation exclusively for the purposes of the Corporation in such manner, or to such organization or organizations organized and operated exclusively for charitable, educational, religious or scientific purposes as shall qualify as an exempt corporation or organizations under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, (or by the corresponding section of any future Revenue Code of the United States of America) or (b) by a corporation, contributions of which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, as amended (or the corresponding section of any future United States Revenue Law).

ARTICLE TEN
INUREMENT

No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to, its members, officers, Directors, or any person except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered. Notwithstanding any other provisions of the Articles of Incorporation or these Bylaws of the Corporation, the corporation shall not carry on any activity not permitted to be carried on by (a) a corporation exempt from Federal Income Tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (or by the corresponding section of any future Revenue Code of the United States of America), or (b) a corporation contributions of which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986, as amended (or corresponding section of any future United States Revenue Law).

ARTICLE ELEVEN
CONFLICT OF INTEREST

Any director, officer, or key employee who has an interest in a contract, salary negotiation, or other transaction presented to the Board of Directors or a committee thereof for authorization, approval, or ratification shall make a prompt and full disclosure of his interest to the Board of Directors or committee prior to its acting on such contract or transaction. Such disclosure shall include any relevant and material facts known to such person about the contract or transaction which might reasonably be construed to be adverse to the corporation's interest.

The body to which such disclosure is made shall thereupon determine, by a vote of seventy-five (75%) of the votes entitled to vote, whether the disclosure shows that a conflict of interest exists or can reasonably be construed to exist. If a conflict is deemed to exist, such person shall not vote on, nor exert his personal influence regarding, nor participate in (other than to present factual

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information or to respond to questions) the discussions or deliberations with respect to such contract or transaction. Such person may be counted in determining whether a quorum is present but may not be counted when the Board of Directors or a committee of the Board takes action on the transaction. The minutes of the meeting shall reflect the disclosure made, the vote thereon, the abstention from voting and participation (where applicable), and whether a quorum was present.

ARTICLE TWELVE
SEAL

The Board of Directors shall provide a corporate seal, which shall be as set forth below.

ARTICLE THIRTEEN
AMENDMENT OF BYLAWS

These Bylaws may be altered, amended, or repealed, and new bylaws may be adopted by a two-thirds (2/3) majority vote of the Board of Directors at any regular or special meeting of the Board of Directors. At least seven (7) day written advance notice of said meeting shall be given to each member of the Board of Directors.

PATRIOT GUARD RIDERS, INC.

(SEAL)

Jeffrey A. Brown/President

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Pacific WPD Book CBYAT.SB.wpd

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 19

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

DECLARATION OF EDWIN R. MUELLER

I, Edwin R. Mueller, declare and state as follows:

1. I am over 21 years old, and I have personal knowledge of the facts of this Declaration and could testify competently to them if called upon to do so.

2. I joined the Patriot Guard Riders' nationwide association (hereinafter the "PGR association") in late November of 2005.

3. My ride name is "Wescoot2".

4. In October of 2006, it first came to be collectively known by top ranking personnel of Patriot Guard Riders, Inc. (hereinafter the "PGR corporation"), including myself, that Jeff "Twister" Brown (hereinafter "Brown") and/or his wife was operating the PGR Store as a for-profit entity such that he retained profits generated from the PGR Store and, thereafter, at his discretion donated a portion of those profits back to either the PGR association or the PGR corporation.

5. In view of the foregoing, rather than turn over the management of the PGR Store to the PGR corporation, Brown announced his resignation via the website www.patriotguard.org

as an officer/director of the PGR corporation on November 7, 2006. A true and correct copy of this resignation letter, as printed off of the website www.patriotguard.org, is attached as Exhibit A.

6. Prior to Brown's resignation as an officer/director of the PGR corporation, Brown had continually informed other officers/directors/members/volunteers of the PGR association and the PGR corporation that the PGR's name and logo had been trademarked.

7. Upon Brown's resignation as an officer/director of the PGR corporation, it became known to myself and other top ranking personnel of the PGR corporation, that neither the PGR's name nor logo had been federally registered.

8. As such, on November 8, 2006, I, along with my fellow members of the Board of Directors (hereinafter the "Board") of the PGR corporation at the time, which included Bill Lines, Bonnie Perry (nee Cutler), Jason Wallin and Ronny Awtry, held a telephonic Board meeting at which it was unanimously decided that a trademark application for the PGR's logo should be filed on behalf of the PGR corporation, in connection with the services first rendered by the PGR association and then by the PGR corporation.

9. During this telephonic Board meeting, it was unanimously decided by the Board that Jason Wallin (hereinafter "Wallin") would prepare and file the trademark application for the PGR's logo on behalf of the PGR corporation in his capacity as Treasurer of the PGR corporation.

10. At the time of Wallin's filing of the trademark application, I did not, as an individual, or as a representative of the PGR corporation, have any knowledge or belief that Brown considered himself, as an individual, rather than the PGR corporation, to be the owner of

the PGR's logo in connection with the services first provided by the PGR association and then by the PGR corporation.

11. At the time of Wallin's filing of the trademark application, I had never, as an individual, or as a representative of the PGR corporation, received any specific advisement, or been otherwise made aware, from either Brown or any other individual, that any use of the PGR's logo by Brown would confer any rights in the PGR's logo to Brown, in his individual capacity, rather than to the PGR association and/or the PGR corporation.

12. At the time of Wallin's filing of the trademark application, I believed that all of Brown's use of the PGR's logo was done on behalf of the PGR association and/or the PGR corporation in his capacity as a founder, leader, officer and Board member.

13. At the time of Wallin's filing of the trademark application, I was aware that Brown had asserted that the PGR Store was his personal for-profit store and that he sold products bearing the PGR's logo through the PGR Store, however, as it was my understanding that the PGR association had begun using the PGR's logo in connection with the services it provided prior to any products bearing the PGR's logo being sold by anyone, much less Brown, I believed that the PGR corporation had the right to register its logo because its rights in the logo were superior to those that Brown may have had.

14. To the best of my knowledge, prior to the time of Wallin's filing of the trademark application, the website www.patriotguard.org, including the PGR Store webpage, which was accessed from the "PGR Store" link on the home page of www.patriotguard.org, did not give any specific indication to a user of the website that Brown and/or his wife was operating the PGR Store as a for-profit business.

15. To the best of my knowledge, prior to the time of Wallin's filing of the trademark application, the website www.patriotguard.org, including the PGR Store webpage, which was accessed from the "PGR Store" link on the home page of www.patriotguard.org, did not give any indication to a user of the website that Brown as an individual, rather than the PGR association and/or the PGR corporation, owned any trademarks or service marks that were used by the PGR association, the PGR corporation or the PGR Store.

16. After Wallin's filing of the trademark application, Brown for the first time advised the Board that he considered himself to be the owner of all trademarks and service marks used by the PGR and the PGR Store, which caused some initial confusion for the Board as they considered the PGR to be the owner of all trademarks and service marks used by the PGR and the PGR Store.

17. Thereafter, in view of this initial confusion, the PGR corporation entered into negotiations with Brown regarding ownership of the marks and ownership of the PGR Store, in an attempt to inexpensively and efficiently resolve any lingering issues between the parties, such that a possible legal fight between the parties could be avoided.

18. During the negotiation period, members of the Board, including myself, made some announcements to the volunteers of the PGR corporation regarding the negotiations, including statements about possible plans for the ownership and use of the marks.

19. Within a couple of weeks, the negotiations ended and the Board made an announcement to the volunteers of the PGR corporation that, contrary to prior statements made by individual members of the Board, that the PGR corporation was free to use the marks without any stipulations. A true and correct copy of this announcement is attached hereto as Exhibit B.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 01/13/09

Edwin R. Mueller

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT A

of

"Declaration of Edwin R. Mueller"

JEFF'S FINAL CORNER

It's been an exhilarating, but an exhausting year. A year in which we have seen an awakening of the sleeping spirit of America, a rededication to the honor and dignity due all of those who serve our nation, and a uniting of those who have a desire to "do the right thing". Every PGR member should be justifiably proud of being a part of this.

Like all of you, I have taken a huge amount of time away from my family and business over this past year. It's time for me to head my own words and "Pace Yourself". To this end, it is with a very heavy heart that I formally announce my resignation as Executive Director of the Patriot Guard Riders. This decision was also reached, in part, because a handful of very vocal people have expressed concerns over the possible conflict of interest in my owning the PGR Store and being the Executive Director. The business structure of the store has never been hidden and has been discussed "ad nauseu", but in an effort to belay any further controversy that takes time and energy away from our missions, I have chosen to step down and close the PGR store after the current inventory is depleted.

This has been one of the most difficult decisions of my life. I can't begin to put into words how much pride I have in all of you and what this organization has become and will become in the future. I will always view the founding of the Patriot Guard Riders and having had the honor of being your leader during this formative year as one of the high point of my life. I will continue to be honored to ride with you and stand by you until the day there is no PGR. After a great deal of pressure, Bill "Snap" Lines has agreed to assume the position of Executive Director and the board has approved. Snap, thank you for stepping up to the plate, Brother. The PGR is in good hands and I am confident in its leadership. I'm not going anywhere Folks. I will work closely with National during this transition period and continue to serve the PGR in the capacity as an advisor to the National Board.

Thanks for listening and Salute,

Jeff

posted @ Tuesday, November 07, 2006 8:42 AM by Twister

Previous Page | Next Page

COMMENTS

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT B

of

"Declaration of Edwin R. Mueller"

Patriot Guard Riders

Standing For Those Who Stood For US

Wednesday, June 18, 2008

..:: ALL Forums ::..

jomalley Logout

Code Amber Alert

This is the Code Amber Amber Alert Ticker: – CodeAmber.org neer

Navigation

- Home
- About Us
- Leadership Contacts
- Letters of Appreciation
- Fallen Warrior Scholarship
- ALL Forums
- Help on the HomeFront
- Most Recent Posts
- Photo Gallery
- Media/Press
- Fallen Members
- Events
- Troop Support Partners
- PGR FAQ
- PGR Gear

Patriot Guard Riders Forum

Unanswered Not Read My Forums Active Topics

Forums My Profile Search Members

Forums > Patriot Guard Riders - National > Letters from the PGR President

Subject: From Snap 21 Nov 06

☐ Email me when someone replies to this thread.

You are not authorized to post a reply.

Author	Messages	Oldest First
Waldo ● Posts: 1325 Windsor, Co	21 Nov 2006 4:54 PM	Alert

To the PGR,
The last 10 days have been rough. I feel as if I stepped in it bigtime when I said OK to this job. I've heard from most of you and I've listened to each one. I hope I can serve you well this year.
I want to point out that my term is for one year only, then my replacement will be elected by you, the real PGR,the members. More info on that to follow.

PGR 002174

Dialup Homepage

Directory

Click to send an email to the departments below:

User Support
Moderators
Photos
Media
Media Sightings
Submit Picture of Day
Web Site Administrator
Communications Officer
Letters Of Appreciation
Help On The Homefront

Mission Request

Click on the link below to make initial contact with us regarding honor mission requests:

Contact Us

Contact Arlington National Cemetery

YOU CAN TALK ABOUT US...

BUT YOU CAN'T TALK WITHOUT US.

[redacted]

I would like to address some topics with you and the best way for my old mind is by the numbers. So here goes.
1) The PGR store; We are going to TRY and have the new store up by New Years Eve. It will sell all the items it does now and more. And ALL profit will go to the PGR. We are going to outsource this store so that no member will have his hands on it. It will be overseen by a committee of members.
2) Jeff Brown has no affiliation with PGR except as a member. he is being removed as President of the Corp . He will no longer be our registered agent in Oklahoma. That place will be filled by a law firm.
3) We have received advice from our attorney that we can retain and use our name and logo without restraint. If you want a new logo, let us know but we don't have to.
4)The 501C3 is being handled by the attorney, people who have donated will be able to use the tax deduction.
5) By Laws are being prepared by the attorney and will be posted as soon as completed.
6) Our accountant will have all funds reconsiled to post within three weeks. They will be posted at that time.
There has been a lot of bile and contention out there this week, most of it justified. But we are trying. You are right, trust is earned and until it is I invite any member to call me (a LOT of you do) and question anything you feel needs clearing up.
Let's try for less anger and spite on the web. If you want to chew me out I would rather you did it on the phone than on the site. I want to do well but I need your help.
Thanks for listening
LLRB
Snap
ICVMC for PGR

Jason Wallin "WALDO"
Deputy Executive Director
Corporate Treasurer
Patriot Guard Riders
[redacted]

American By Birth
Biker By Choice
Patriot Forever!

Tact and Political Correctness were developed by those who lack the testicular fortitude to say what they really mean!

You are not authorized to post a reply.

Messages

0 Unread Messages
0 Read Messages

Forums > Patriot Guard Riders - National > Letters from the PGR President > From Snap 21 Nov 06

ActiveForums 3.6

America Loves You Silk Rose

PGR Doo-Rag

PGR Armband

Welcome Home Silk Rose

Wounded Warrior Challenge Coin

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 20

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JEFF BROWN,	)	
	)	
Opposer and Petitioner,	)	
	)	
vs.	)	Opposition No. 91181448
	)	
PATRIOT GUARD RIDERS, INC.,	)	Serial No. 77/040,379
	)	
Applicant and Respondent.	)	

- -

TELEPHONIC DEPOSITION OF RONNY ROY AWTRY, produced as a witness on behalf of the Opposer and Petitioner, in the above-styled and numbered cause, taken on the 28th day of October 2008, in the City of Tulsa, County of Tulsa, State of Oklahoma, before me, Marlene Percefull, Certified Shorthand Reporter, duly certified under and by virtue of the laws of the State of Oklahoma.

1 A P P E A R A N C E S

2

3 FOR THE OPPOSER: Ms. Courtney L. Bru
Ms. Rachel Blue
4 Attorneys at Law
320 S. Boston
5 Suite 500
Tulsa, OK 74103

6

7 FOR THE APPLICANT: Mr. David J. Marr
8 Mr. James A. O'Malley
Attorneys at Law
9 105 W. Adams St.
Suite 3600
10 Chicago, IL 60603
(By Telephone)

11

12 ALSO PRESENT: Mr. Jeff Brown
Mr. Bill Richart
13 (By Telephone)

14

15

16

17

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19

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25

1 needed to be made public record as soon as possible 10:40AM
2 just because there were people asking about it. But on
3 the heels of the trademark issue and Jeff Brown and
4 everything, you know, one sounding leader in the
5 position accused of misappropriation of the second one, 10:40AM
6 which essentially meant that the organization was
7 founded by lies and crooked to start with was a bad
8 idea.
9 Q Did you ever uncover any documentary evidence that
10 Jeff Brown stole money from the PGR? 10:41AM
11 A Never. Jeff Brown never physically -- Jeff Brown
12 has always maintained, in various e-mails, et cetera,
13 that him and Bonnie never used a red penny of the
14 Patriot Guard Riders money. And I believe that is a
15 completely, 100 percent factual statement. They gave 10:41AM
16 more money to the PGR than the zero that was -- that
17 could be attributed to him taking.
18 Q Are you aware that Jason Wallin has filed a
19 trademark application for the PGR logo?
20 A Yes, I am. 10:41AM
21 Q Do you know when that application was filed?
22 A November, December of 2006.
23 Q Were you on the board at that time?
24 A Yes, I was.
25 Q Do you remember any board discussions authorizing 10:42AM

1 Jason Wallin to file that trademark application? 10:42AM
2 A Yes, I do.
3 Q Tell me about that.
4 A The board thought it was prudent that we trademark
5 the Patriot Guard Riders immediately for the 10:42AM
6 organization to gain ownership of its logo, and the
7 board voted to proceed with that and put Jason in
8 charge of it. It's one of the only things that he ever
9 did expediently.
10 Q Why did the board feel the need to do it 10:42AM
11 expediently?
12 A To separate itself from Jeff Brown and to ensure
13 the future of the Patriot Guard Riders.
14 Q Did the board know at the time that it had these
15 conversations that no trademark application had yet 10:43AM
16 been filed by Jeff Brown?
17 A Yes, I believe so. I think that it was researched
18 to determine if there was a trademark for the
19 organization or not.
20 Q Who researched it? 10:43AM
21 A Either Ed Mueller or Jason Wallin.
22 Q Were you aware that Jeff Brown was using the mark
23 at that time?
24 A Yes. I mean, that was the number one thing was
25 that they wanted Jeff Brown to stop selling Patriot 10:43AM

1 Q Did you tell other members of the head shed in 11:16AM
2 June of '06, that you had learned that Jeff owned the
3 store as an individual?
4 A No, not necessarily. I didn't discuss it with
5 anybody. 11:16AM
6 Q I believe you testified that in October of '06 is
7 when it became public knowledge that Jeff owned the
8 store, is that correct?
9 A That's the best of my knowledge, yes.
10 Q Why do you think that there was such an uproar 11:17AM
11 among the membership upon learning that Jeff Brown
12 owned the store?
13 A Well, I have to say that it wasn't -- at that
14 time, there wasn't an uproar amongst the membership at
15 large. There were probably five people, Tony Turner, 11:17AM
16 Monica, Monica Mead, Allen Mullis, a small group of
17 people on the east side who, like I said, were a very
18 focal minority, but just wouldn't quit raising cain.
19 Most of the people, I felt at that time, couldn't care
20 one way or the other. 11:17AM
21 Q Was it publically known that Jeff Brown was
22 profiting as an individual from the store sales?
23 A Not to my knowledge. Like I said, I knew and I
24 knew that Jason and Snap knew and, frankly, as the
25 board of directors, I pretty much spent most of my time 11:18AM

1 were being conducted to honor our fallen soldiers? 11:21AM
2 A That's a pretty broad sweeping statement. I mean,
3 everybody wanted Patriot Guard Riders merchandise,
4 everybody wanted to be identified as Patriot Guard
5 Riders merchandise on missions. So the Web site was 11:22AM
6 using it, the individual riders were using it,
7 Twister's store was using it. Just a pretty broad
8 sweeping range of folks were Patriot Guard Riders.
9 Q Okay. Before Jeff Brown resigned from the PGR,
10 did you have any knowledge with regard to any type of a 11:22AM
11 license or permission allegedly being presented by Jeff
12 Brown to the PGR organization and/or corporation to use
13 the PGR trademarks?
14 A No. I'll go back to I had never spent more than
15 ten minutes researching it. I knew Jeff Brown owned 11:23AM
16 the store and I knew that the Patriot Guard Riders was
17 using it. And it might be naivety on my part, but I
18 never saw a conflict of interest.
19 Q Did you and the PGR leadership, at the time that
20 you authorized Jason Wallin to tried to file the 11:23AM
21 trademark application on the corporation's behalf, did
22 you believe that the trademark was owned by the
23 organization?
24 A Yes, I did. I thought it represented the
25 organization and it was so fundamentally tied to our 11:23AM

1 image and our personnel that, yes, I believe that the 11:23AM
2 organization owned the trademark.
3 Q You testified with regard to your knowledge of
4 Jason Wallin diverting funds from the organization, did
5 that knowledge come before or after he was authorized 11:24AM
6 to file the trademark application?
7 A Oh, the knowledge? He physically gave the
8 $11,000. The board forgave him $11,000 before that
9 time. And the allegations of other misappropriations
10 were -- that's why Jeff was seeking the accounting. So 11:24AM
11 I knew that there was allegations and then when I said,
12 you know, what about the Web site and the Google ad? I
13 asked Jason specifically about the Goggle ads because
14 in my foggiest wild notion, I never believed that the
15 donate button was tied to the Google ads and they all 11:24AM
16 went to the same place, which turned out to be Jason's
17 pocket. So before the trademark was filed, yes, Jason
18 had come clean on the first part of misappropriations.
19 Q I think you had earlier testified that Jason came
20 clean after Jeff Brown resigned from the organization. 11:25AM
21 Am I incorrect?
22 A Exactly. Jason came clean when -- I mean, this is
23 kind of a whirlwind of events. So, you know, if I put
24 something a day or two off that comes before or after,
25 it all pretty much happened at the same time, but I 11:25AM

1 SIGNATURE PAGE
2
3 I, Ronny Roy Awtry, do hereby certify
4 that the foregoing deposition was presented to me by
5 Marlene Perceful as a true and correct transcript of
6 the proceedings in the above-styled and numbered cause,
7 and I now sign the same as true and correct.
8
9 Witness my hand this 25th day of
10
11 November, 2008.
12
13
14 Ronny Roy Awtry
15
16
17 SUBSCRIBED AND SWORN TO before me
18
19 this 25th day of November, 2008.
20
21 Patricia L. Steele
22 Notary Public
23 My Commission Expires:
24 PATRICIA L. STEELE
Notary Public, State of Texas
My Commission Expires
July 20, 2011
25

CORRECTIONS TO THE DEPOSITION OF

RONNY ROY AWTRY

PAGE AND LINE NUMBER	CORRECTION
Pg 4 Line 17	rrawtry@yahoo.com : no upper R
Pg 9 Line 19	Home to "Help on..."
Pg 17 Line 25	"said" not set
Pg 21 Line 20	"property" not property
Pg 24 Line 12	"inferrence" not interferrence
Pg 25 Line 8	"We" not Why
Pg 39 Line 3	"Wallin" Not Brown
Pg 69 Line 10	"Keep" not quit
Pg 69 Line 2	"web site" not email
Pg 74 Line 2	"Post to" not view
Pg 74 Line 6	"Bill Richart" not Ed Mueller
Pg 83 Line 3	add "there was not an..."
Pg 86 Line 2	"and" not by
Pg 86 Line 3	that to "but"

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 21

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

DECLARATION OF WILLIAM H. RICHART, II

I, William H. Richart, II declare and state as follows:

1. I am over 21 years old, and I have personal knowledge of the facts of this Declaration and could testify competently to them if called upon to do so.

2. I served in the United States Air Force from April 1983 to August 1994.

3. I joined the PGR in approximately February/March of 2006.

4. My ride name is "Whirlwind".

5. I am currently the President and Executive Director of Patriot Guard Riders, Inc. (hereinafter the "PGR corporation") and have held these positions since approximately February/March of 2008.

6. I am also currently the Director of Operations of the PGR corporation and have held this position since approximately September of 2007.

7. I have also had other leadership positions within the PGR corporation, including Vice-President of the PGR corporation (from approximately November of 2007 to February/March of 2008), Forum Administrator for the PGR corporation's website

www.patriotguard.org (hereinafter the "PGR's website") (from approximately October/November of 2006 to September of 2007), and Forum Moderator for the PGR's website (from approximately May of 2006 to October/November of 2006).

8. In view of the aforementioned positions that I have held, I would consider myself to be very knowledgeable regarding information provided on the PGR's website from approximately May of 2006 to present.

9. Jeff "Twister" Brown (hereinafter "Brown") announced his resignation as the President and Executive Director of the PGR corporation on November 7, 2006 via the PGR's website. A true and correct copy of Brown's resignation letter is attached hereto as Exhibit A.

10. Prior to Brown's resignation as the President and Executive Director of the PGR corporation, Brown had continually informed other officers/directors/members/volunteers of the PGR corporation that the PGR's name and logo had been trademarked.

11. To the best of my knowledge, prior to Brown's resignation, the PGR's website, including the PGR Store webpage, which was accessed from the "PGR Store" link on the home page of the PGR's website, did not give any specific indication to a user of the website that Brown and/or his wife was operating the PGR Store as a for-profit business.

12. To the best of my knowledge, prior to Brown's resignation, the PGR's website, including the PGR Store webpage, which was accessed from the "PGR Store" link on the home page of the PGR's website, did not give any indication to a user of the website that Brown as an individual, rather than the PGR corporation, owned any trademarks or service marks that were used by the PGR corporation or the PGR Store.

13. A true and correct copy of "PETITIONER'S RESPONSE TO APPLICANT'S

FIRST SET OF DOCUMENT PRODUCTION REQUESTS" is attached hereto as Exhibit B.

14. A true and correct copy of "OPPOSER'S RESPONSE TO APPLICANT'S SECOND SET OF DOCUMENT PRODUCTION REQUESTS" is attached hereto as Exhibit C.

15. Brown provided us with documents identified by BATES stamping "BROWN ######" in connection with the documents identified in Exhibits B & C, and some of these documents have been used as Exhibits in support of the PGR corporation's present Motion for Summary Judgment.

16. In response to Brown's Requests for Production of Documents, the PGR corporation provided Brown with documents identified by BATES stamping "PGR ######", and some of these documents have been used as Exhibits in support of the PGR corporation's present Motion for Summary Judgment.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 19 Jan 09

William H. Richart, II

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT A

of

"Declaration of William H. Richart, II"

JEFF'S FINAL CORNER

It's been an exhilarating, but an exhausting year. A year in which we have seen an awakening of the sleeping spirit of America, a rededication to the honor and dignity due all of those who serve our nation, and a uniting of those who have a desire to "do the right thing". Every PGR member should be justifiably proud of being a part of this.

Like all of you, I have taken a huge amount of time away from my family and business over this past year. It's time for me to heed my own words and "Pace Yourself". To this end, it is with a very heavy heart that I formally announce my resignation as Executive Director of the Patriot Guard Riders. This decision was also reached, in part, because a handful of very vocal people have expressed concerns over the possible conflict of interest in my owning the PGR Store and being the Executive Director. The business structure of the store has never been hidden and has been discussed "ad nausea", but in an effort to belay any further controversy that takes time and energy away from our missions, I have chosen to step down and close the PGR store after the current inventory is depleted.

This has been one of the most difficult decisions of my life. I can't begin to put into words how much pride I have in all of you and what this organization has become and will become in the future. I will always view the founding of the Patriot Guard Riders and having had the honor of being your leader during this formative year as one of the high point of my life. I will continue to be honored to ride with you and stand by you until the day there is no PGR. After a great deal of pressure, Bill "Snap" Lines has agreed to assume the position of Executive Director and the board has approved. Snap, thank you for stepping up to the plate, Brother. The PGR is in good hands and I am confident in its leadership. I'm not going anywhere Folks. I will work closely with National during this transition period and continue to serve the PGR in the capacity as an advisor to the National Board.

Thanks for listening and Salute,

Jeff

posted @ Tuesday, November 07, 2006 8:42 AM by Twister

Previous Page | Next Page

COMMENTS

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT B

of

"Declaration of William H. Richart, II"

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

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

PETITIONER'S RESPONSE TO APPLICANT'S FIRST SET OF DOCUMENT PRODUCTION REQUESTS

Petitioner, Jeff Brown, submits his responses to Applicant, Patriot Guard Riders, Inc.'s First Set of Requests for Production of Documents.

Objections to Introductory Material, Definitions, and Instructions Contained in Applicant's First Set of Requests for Production of Documents.

1. Petitioner objects to the definitions and instructions contained in Applicant's First Set of Requests 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 and 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 34(a) provides the basis for determining what documents are subject to production. Petitioner objects to your definitions insofar as it would alter the meaning of Rule 34(a).

4. Petitioner specifically objects to Paragraph 16 of your Definitions insofar as it attempts to expand the definition of "document" beyond that contemplated by Rule 34(a).

5. Petitioner specifically objects to paragraph 22 of your Instructions on the basis that the instruction is contrary to Rule 34. Petitioner will state its objections in compliance with Rule 34. Petitioner's privilege objections are governed by Rule 34 and Rule 26, in particular Rule 26(b)(5) and L.Civ.R.26.4, 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.

9. Petitioner specifically objects to producing any document or providing any information that discloses a trade secret or other confidential research, development, or commercial information.

10. A response to a specific document request that indicates Petitioner will allow inspection as requested, or will produce any such documents is not a representation that such documents do now or have ever existed, but is, instead, a representation that, to the extent such documents do exist, inspection shall be allowed as requested or production will be made.

11. Because of the overly broad nature of your requests, a document may be responsive to more than one Request for Production. Where a document is withheld for purposes of privilege or relevance with respect to a particular Request for Production, it should be deemed to have been withheld under claim of privilege or relevance with respect to all Requests for Production to which it might be responsive.

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 a request, an objection will be made that describes the additional problems presented by the request.

DOCUMENT PRODUCTION REQUEST NO.1 All documents and things identified in, or referenced in order to obtain, the answers to either "Applicant's First Set of Interrogatories to the "Opposer" or "Applicant's First Requests for Admission to the Opposer".

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: Petitioner objects to Request No. 1 as being overly broad. Without waiving that objection, subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO.2 All documents and things referring to the preparation, filing and prosecution of Opposer's trademark application.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: Petitioner objects to Request No. 2 as being overly broad. Without waiving that objection, subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO.3 All documents and things referring or relating to the dates of first use asserted in Opposer's trademark application.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: Subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO.4 Samples of any and all documents and things used by Opposer employing one or more of the Marks, including but not limited to, packaging, brochures, advertisements, invoices and purchase orders since the opening of the original PGR store.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4: Petitioner objects to Request No. 4 as being overly broad. Without waiving that objection, subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced pursuant to a method to be agreed upon between the parties.

DOCUMENT PRODUCTION REQUEST NO.5 Samples of all products sold under one or more of the Marks by Opposer since the opening of the original PGR store.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5: Petitioner objects to Request No. 5 as being overly broad. Without waiving that objection, subject to the standard

Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced pursuant to a method to be agreed upon between the parties.

DOCUMENT PRODUCTION REQUEST NO.6 Specimens of each and every label, packaging, tag, brochure, advertisement, promotional item, informational literature, price list, stationary, invoice and business card or facsimiles thereof on which one or more of the Marks appears for each year since the opening of the original PGR store.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6: Petitioner objects to Request No. 6 as being overly broad. Without waiving that objection, subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced pursuant to a method to be agreed upon between the parties.

DOCUMENT PRODUCTION REQUEST NO.7 All documents which reflect the amount of goods sold under one or more of the Marks by the original PGR store.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7: Petitioner objects to the extent this request seeks personal documents, such as Petitioner's individual tax returns, that contain no information relevant to this dispute and that are not reasonably calculated to lead to discoverable information. Without waiving this objection and subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO.8 All documents which reflect the amount of goods sold under one or more of the Marks by the subsequent PGR store.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8: Petitioner objects to the extent this request seeks personal documents, such as Petitioner's individual tax returns, that contain no information relevant to this dispute and that are not reasonably calculated to lead to

discoverable information. Without waiving this objection and subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO.9 All documents which reflect the amount of goods sold under one or more of the Marks by Twister's PGR store.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9: Petitioner objects to the extent this request seeks personal documents, such as Petitioner's individual tax returns, that contain no information relevant to this dispute and that are not reasonably calculated to lead to discoverable information. Without waiving this objection and subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO. 10 All advertisements featuring one or more of the Marks, as well as all documents reflecting the cost of such advertisements.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10: Petitioner objects to the extent this request seeks personal documents, such as Petitioner's individual tax returns, that contain no information relevant to this dispute and that are not reasonably calculated to lead to discoverable information. Without waiving this objection and subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO. 11 Profit and loss statements, year-end summaries and tax returns relating to sales of goods under one or more of the Marks for the original PGR store.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11: Petitioner objects to the extent this request seeks personal documents, such as Petitioner's individual tax returns, that contain no information relevant to this dispute and that are not reasonably calculated to lead to discoverable information. Without waiving this objection and subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO. 12 Profit and loss statements, year-end summaries and tax returns relating to sales of goods under one or more of the Marks for the subsequent FGR store.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12: Petitioner objects to the extent this request seeks personal documents, such as Petitioner's individual tax returns, that contain no information relevant to this dispute and that are not reasonably calculated to lead to discoverable information. Without waiving this objection and subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO. 13 Profit and loss statements, year-end summaries and tax returns relating to sales of goods under one or more of the Marks for Twister's FGR store.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13: Petitioner objects to the extent this request seeks personal documents, such as Petitioner's individual tax returns, that contain no information relevant to this dispute and that are not reasonably calculated to lead to discoverable information. Without waiving this objection and subject to the standard Protective

Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO. 14 All documents which establish, refer or relate to the sale of goods under one or more of the Marks in interstate commerce.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14: Subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO. 15 All documents which reflect or relate to any advertising of one or more of the Marks in interstate commerce, including but not limited to, expenses for advertisement or promotion of one or more of the Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15: Subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO. 16 All documents referring or relating to Applicant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16: Petitioner objects to Request No. 16 as being overly broad. Without waiving that objection, subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO. 17 All documents referring, relating, supporting or refuting Opposer's statements made in the Opposition.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17: Subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO. 18 Each and every document showing any possibility of confusion, mistake or deception as to the source of origin or sponsorship of any product or service identified in Opposer's trademark application with any product or service identified in Applicant's trademark applications.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18: Subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO. 19 All documents that refer or relate to the corporate status of FGR Store, LLC, including, but not limited to, articles of incorporation, bylaws, and shareholders agreements.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19: Subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO. 20 All documents that refer or relate to the date of first use by Opposer of one or more of the Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20: Subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO. 21 All documents that refer or relate in any way to the adoption and/or design of one or more of the Marks by Opposer.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21: Subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO. 22 All documents, including but not limited to website posts, online comments, e-mails, and minutes, that refer or relate to one or more of Opposer's trademark application, Applicant's trademark applications, or the present Opposition proceeding.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22: Subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO. 23 All documents, including but limited to website posts, online comments, e-mails, and minutes, that refer or relate to any direction, suggestion or implication that products or other items should not be purchased from Applicant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23: Subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO. 24 All documents that refer or relate to Opposer's knowledge of Applicant's use of one or more of the Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24: Subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO. 25 All documents that refer or relate to Opposer's belief that he, as an individual, instead of Applicant, was and/or is, the owner and sole entity entitled to use one or more of the Marks.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25: Subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO. 26 All documents that Opposer intends to enter as evidence in this matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26: Subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO. 27 All documents that support or refute Opposer's claims in this matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27: Subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

DOCUMENT PRODUCTION REQUEST NO. 28 All documents provided to any expert, advisor or consultant.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28: Subject to the standard Protective Order, any such non-privileged, responsive documents that have not otherwise been objected to herein, will be produced.

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
Facsimile (918) 591-5360
tferguson@dsda.com
rblue@dsda.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 6th day of June, 2008, a true and correct copy of the above and foregoing Opposer's Response to Applicant's First Set of Document Production Requests was 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 E. Blue

1018058.1

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT C

of

"Declaration of William H. Richart, II"

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

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

OPPOSER'S RESPONSE TO APPLICANT'S
SECOND SET OF DOCUMENT PRODUCTION REQUESTS

Opposer Jeff Brown submits these responses to Applicant's Second Set of Document Production Requests pursuant to Federal Rule of Civil Procedure 34, 37 C.F.R. § 2.120 and applicable provisions of the Trademark Trial and Appeal Board Manual of Procedure.

Objections to Introductory Material, Definitions, and Instructions Contained in Applicant's First Set of Requests for Production of Documents.

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

2. Opposer specifically objects to paragraph 1 of the Definitions insofar as it unreasonably expands the definition of Opposer Jeff Brown and seeks to compel production of documents beyond the scope of Federal Rules of Civil Procedure 26(b) and 34(a), the attorney-client privilege and the work-product doctrine.

3. Opposer specifically objects to Paragraph 16 of the Definitions insofar as it seeks to compel production of documents beyond the scope of Federal Rules of Civil Procedure 26(b) and 34(a).

4. Opposer specifically objects to paragraph 22 of the Definitions as contrary to Federal Rule of Civil Procedure 34. Opposer will state and preserve its claims of privilege or work-product protection in accordance with Federal Rule of Civil Procedure 26(b)(5) and interpretive case law.

5. Opposer 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 in connection with the instant opposition.

6. In accordance with Federal Rule of Civil Procedure 34(b), Opposer will produce responsive, non-privileged 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. Any responsive documents which Petitioner has agreed to produce will be produced at the offices of Doerner, Stuart, Saunders, Daniel & Anderson, Suite 500, 320 South Boston Avenue, Tulsa, Oklahoma 74103 at a mutually acceptable time, unless agreed otherwise by the parties.

7. Opposer 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.

8. Opposer specifically objects to producing any document or providing any information that discloses a trade secret or other confidential research, development, or commercial information.

9. A response to a specific document request that indicates Opposer will allow inspection as requested, or will produce any such documents is not a representation that such documents do now or have ever existed, but is, instead, a representation that, to the extent such documents do exist, inspection shall be allowed as requested or production will be made.

RESPONSES TO DOCUMENT PRODUCTION REQUESTS

DOCUMENT PRODUCTION REQUEST NO. 29: All documents sent from Opposer to John Jacobs.

RESPONSE TO DOCUMENT PRODUCTION REQUEST NO. 29: Opposer objects to this request to the extent that it is irrelevant and not calculated to lead to the discovery of admissible evidence. Subject to, and without waiving this objection and his general objections, Opposer will produce all non-privileged, responsive documents in his possession, custody and control.

DOCUMENT PRODUCTION REQUEST NO. 30: All documents sent from John Jacobs to Opposer.

RESPONSE TO DOCUMENT PRODUCTION REQUEST NO. 30: Opposer objects to this request to the extent that it is irrelevant and not calculated to lead to the discovery of admissible evidence. Subject to, and without waiving this objection and his general objections, Opposer will produce all non-privileged, responsive documents in his possession, custody and control.

DOCUMENT PRODUCTION REQUEST NO. 31: All documents in Opposer's possession which reference John Jacobs.

RESPONSE TO DOCUMENT PRODUCTION REQUEST NO. 31: Opposer objects to this request to the extent that it is irrelevant and not calculated to lead to the discovery of

admissible evidence. Opposer also objects to this request to the extent that it seeks production of privileged attorney-client or work-product communications between Opposer and his current legal counsel. Subject to, and without waiving this objection and his general objections, Opposer will produce all non-privileged, responsive documents in his possession, custody and control.

DOCUMENT PRODUCTION REQUEST NO. 32: All documents relating to the preparation, filing and/or prosecution of Opposer's trademark application.

RESPONSE TO DOCUMENT PRODUCTION REQUEST NO. 32: Opposer objects to this request to the extent that it is irrelevant and not calculated to lead to the discovery of admissible evidence. Opposer also objects to this request to the extent that it seeks production of privileged attorney-client or work-product communications between Opposer and his current legal counsel. Subject to, and without waiving this objection and his general objections, Opposer directs Applicant's attention to documents previously produced, and also states that he will produce any additional, non-privileged, responsive documents in his possession, custody and control.

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
Facsimile (918) 591-5360
tferguson@dsda.com
rblue@dsda.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 15th day of September, 2008, a true and correct copy of the above and foregoing Opposer's Response to Applicant's Second Set of Document Production Requests was 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 H. Blue

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 22

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

SUPPLEMENTAL DECLARATION OF JASON D. WALLIN

I, Jason D. Wallin, declare and state as follows:

1. I am over 21 years old, and I have personal knowledge of the facts of this Declaration and could testify competently to them if called upon to do so.

2. I was the primary person who was responsible for the maintenance of the PGR's website (www.patriotguard.org) and its online forums from its creation until the end of my involvement with the PGR in 2007 and, as such, I consider myself to have been very knowledgeable regarding the content on the PGR's website during that time.

3. Attached hereto as Exhibit A is an archived version of the homepage for PGR's website from December 28, 2005. I believe that the substantive content of this archived version, which includes the statement "[i]f you'd like to support the PGR and our missions further, click on the **Paid Ads** frequently and purchase items you want from the **PGR Store**", is accurate based on my knowledge of the content on PGR's website. (*See* PGR 000092).

4. Attached hereto as Exhibit B is an archived version of the homepage for PGR's website from December 30, 2005. I believe that the substantive content of this archived version,

which includes the statement "[i]f you'd like to support the PGR and our missions further, click on the **Paid Ads** frequently and purchase items you want from the **PGR Store**", is accurate based on my knowledge of the content on PGR's website. (*See* PGR 000096).

5. Attached hereto as Exhibit C is an archived version of the homepage for PGR's website from January 10, 2006. I believe that the substantive content of this archived version, which includes the statement "[i]f you'd like to support the PGR and our missions further, click on the **Paid Ads** frequently and purchase items you want from the **PGR Store**", is accurate based on my knowledge of the content on PGR's website. (*See* PGR 000101).

6. Attached hereto as Exhibit D is an archived version of the homepage for PGR's website from April 8, 2006. I believe that the substantive content of this archived version, which includes the statement "[i]f you'd like to support the PGR and our missions further, click on the **Paid Ads** frequently and purchase items you want from the **PGR Store**", is accurate based on my knowledge of the content on PGR's website. (*See* PGR 000107).

7. Attached hereto as Exhibit E is an archived version of the homepage for PGR's website from April 15, 2006. I believe that the substantive content of this archived version, which includes the statement "[i]f you'd like to support the PGR and our missions further, click on the **Paid Ads** frequently and purchase items you want from the **PGR Store**", is accurate based on my knowledge of the content on PGR's website. (*See* PGR 000116).

8. A "PGR FAQ" subpage could be accessed by a hyperlink provided on the home page of PGR's website.

9. Attached hereto as Exhibit F is an archived version of the "PGR FAQ" subpage for PGR's website from September 2, 2006. I believe that the substantive content of this

archived version is accurate based on my knowledge of the content on PGR's website.

10. Attached hereto as Exhibit G is an archived version of the "PGR FAQ" subpage for PGR's website from October 22, 2006. I believe that the substantive content of this archived version is accurate based on my knowledge of the content on PGR's website.

11. The "PGR FAQ" subpage on PGR's website never gave any indication that Jeff "Twister" Brown owned any trademarks, that PGR's use of any trademarks was subject to any type of license, or that the PGR Store was owned and/or operated by Brown, his wife, and/or the PGR STORE, LLC for Brown's personal profit.

12. The "PGR FAQ" subpage included the following statement: "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 or any form MUST receive permission from National, contact Jeff 'Twister' Brown jbrown@patriotguard.org before using it." (*See* Ex. A, PGR 000142; *see also* Ex. B, PGR 000166).

13. The "PGR FAQ" subpage included the following statement: "A number of people have asked if they or a friend can duplicate some of our stuff for free to help the cause. Our PGR name and logo 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." (*See* Ex. F, PGR 000143; *see also* Ex. G, PGR 000167).

14. During Jeff "Twister" Brown's tenure as a leader of the PGR, a hyperlink entitled

"Links" existed on the homepage of PGR's website which would redirect users to a subpage on PGR's website. A separate link on this page entitled "Member Businesses" provided information about PGR volunteers' private, for-profit businesses.

15. Information about the PGR Store was not provided on the "Member Businesses" page, and the PGR Store had a dedicated, separate, individual link entitled "PGR Store" on the home page of PGR's website. No other "Member Businesses" were ever allowed to have a dedicated, separate, individual link on the home page of PGR's website.

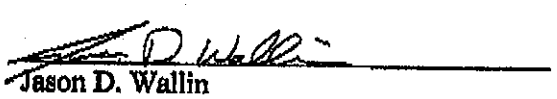
16. A dedicated forum existed on PGR's website specifically to provide information and to ask and answer questions about the PGR Store. (*See* Ex. F, PGR 000143; *see also* Ex. G, PGR 000167). No other "Member Businesses" were ever allowed to have a dedicated forum on PGR's website where information could be provided and questions could be asked about a PGR volunteer's private, for-profit business.

17. The singular word "Rider" and the plural word "Riders" have always been used interchangeably after "Patriot Guard" (i.e., "Patriot Guard Rider" and "Patriot Guard Riders") by the PGR in connection with the services it provides and in connection with products sold by it or on its behalf.

18. The Sturgis t-shirt that I submitted as a specimen to show use of PGR's Logo Mark, namely "Patriot Guard Riders 'Riding With Respect'" and design, did display the Logo Mark with the plural form "Riders" on the front thereof, over the left breast.

19. I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 2/22/09



Jason D. Wallin

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT A

of

"Supplemental Declaration of Jason D. Wallin"

Patriot Guard Riders

Search

Wednesday, December 28, 2005

..:: Home ::..

Register Login

Navigation

- Home
- Our Mission
- Our History
- Photo Gallery
- State Captains/Contact
- We Get Letters...
- Mission Ride Report
- Media
- Forums
- PGR Store
- Links
- Member Map

UsersOnline

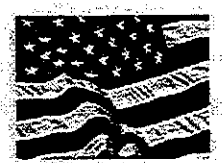
Membership:
- Latest: **ctomrun**
- New Today: **100**
- New Yesterday: **35**
- Overall: **3068**

People Online:
- Visitors: **114**
- Members: **21**
- Total: **135**

Online Now:
01: Waldo
02: Twister
03: Tulsaduo
04: Spongebob

BECOME A PATRIOT GUARD RIDER

JOIN TODAY
FOR FULL SITE ACCESS
CLICK HERE
Freedom Isn't Free, But Membership Is



Welcome

Patriot Guard Riders Mission Statement

The Patriot Guard Riders is a diverse amalgamation of riders from across the nation. We have one thing in common besides motorcycles. We have an unwavering respect for those who risk their very lives for America's freedom and security. If you share this respect, please join us.

We don't care what you ride, what your political views are, or whether you're a "hawk" or a "dove". It is not a requirement that you be a veteran. It doesn't matter where you're from or what your income is. You don't even have to ride. The only prerequisite is Respect.

Our main mission is to attend the funeral services of fallen American heroes as invited guests of the family. Each mission we undertake has two basic objectives.

1. Show our sincere respect for our fallen heroes, their families, and their communities.

2. Shield the mourning family and friends from interruptions created by any protestor or group of protestors.

Missions

Confirmed Missions

- Sgt. Myla L. Maravillosa, 24, of Wahiawa, Hawaii
- MISSION COMPLETE – Lance Cpl. Samuel Tapia, 20, of San Benito, Texas – 26 Dec 05
- MISSION COMPLETE – Spc Joseph A. Lucas, 23, of Augusta Georgia – 27 Dec 05
- Sgt. 1st Class John D. Morton, 31, of Stanton, Ky – 31 Dec 05
- Sgt. Brian C. Karim, 22, of Talcott, W. Va. – 27 Dec 05
- Staff Sgt. Curtis A. Mitchell, McConnelsville, OH – 29 Dec 05
- Sgt. 1st Class James S. Moudy, 37, of Newark, Del – 28 Dec 05

Watch List

- Spc. Sergio Gudino, 22, of Pomona, Calif
- Spc. Anthony O. Cardinal, 20, of Muskegon, Mich
- Master Sgt. Joseph J. Andres, Jr., 34, of Seven Hills, Ohio
- Spc. Cheyenne C. Willey, 36, of Fremont, Calif.
- Sgt. Regina C. Reali, 25, of Fresno, Calif.
- Spc. William Lopez-Feliciano, 33, of Quebradillas, Puerto Rico
- 1st Lt. Benjamin T. Britt, 24, of Wheeler, Texas

PGR 000091

05: RoadDust
06: Otter
07: Dino
08: StarVet
09: dtswood
10: cwayneb
11: wisesafe
12: HiRanger
13: misarose
14: jbgrewarrior
15: Odoacer
16: mscret
17: shortcut
18: chums
19: y2k king
20: Mikesgal
21: ctomrun

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Thanks for your support!

Spc. Richard Junior D. Naputi, 24, of Talofofo, Guam

1st Lt. Michael J. Cleary, 24, of Dallas, Pa.

Cpl Adam Fales, 21 - Fairview (Cullman Co.), AL

Staff Sgt. Michael S. Zyla, 32, of Elgin, Ore.

Sgt. Kenith Casica, 32, of Virginia Beach, Va.

Corporal Anthony McElveen Services

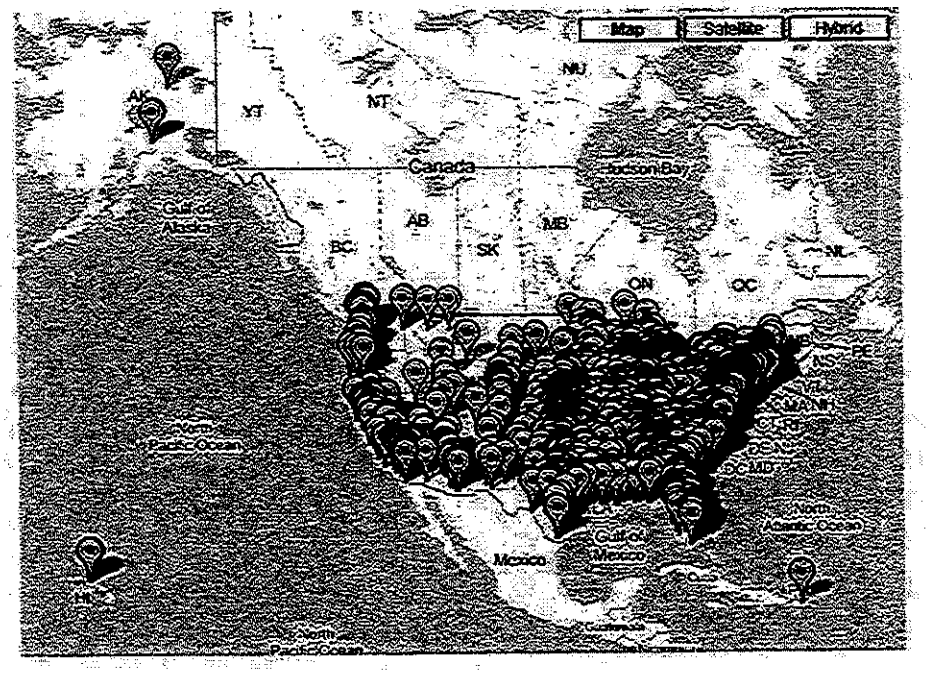
Pfc. Thomas C. Siekert, 20, of Lovelock, Nev.

PGR 000092

Where are our members are

I plotted our total membership as of 1700 hours 12 Dec 05
this is what it looks like.

It looks like we are officially nation wide.



PGR 000093

Announcements

WE NEED STATE CAPTAINS & RIDE CAPTAINS

Hey Folks,
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Thanks,
Jeff
jbrown@patriotguard.org

WHAT CAN YOU DO??? - Saturday, November 19, 2005

If you are a member of, or know a member of, any other rider organization (AL, VFW, CV, HOGS, etc.), PLEASE "Copy & Paste" the Forum's "Watch List" and get it out to the members of the group. Especially make sure it gets to your members in states without a PGR State Captain. Follow up and ask them to email PGR if they want to "Ride the Mission". We need to start making an impact on the "orphan" states to honor these soldiers.

Folks, this is not just important...

It's what we do!

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PGR 000094

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT B

of

"Supplemental Declaration of Jason D. Wallin"

Patriot Guard Riders

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Friday, December 30, 2005

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- Member Map

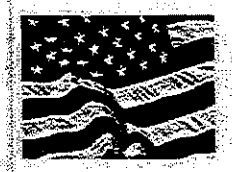
UsersOnline

Membership:
Latest: **pete**
New Today: **81**
New Yesterday: **81**
Overall: **3209**

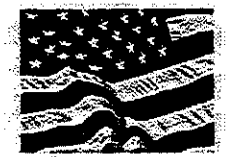
People Online:
Visitors: **6**
Members: **3**
Total: **9**

Online Now:
01: BIG DADDY
02: Rita T.
03: stuka

BECOME A PATRIOT GUARD RIDER



JOIN TODAY
FOR FULL SITE ACCESS
CLICK HERE
Freedom Isn't Free, But Membership Is



Welcome

Patriot Guard Riders Mission Statement

The Patriot Guard Riders is a diverse amalgamation of riders from across the nation. We have one thing in common besides motorcycles. We have an unwavering respect for those who risk their very lives for America's freedom and security. If you share this respect, please join us.

We don't care what you ride, what your political views are, or whether you're a "hawk" or a "dove". It is not a requirement that you be a veteran. It doesn't matter where you're from or what your income is. You don't even have to ride. The only prerequisite is Respect.

Our main mission is to attend the funeral services of fallen American heroes as invited guests of the family. Each mission we undertake has two basic objectives.

1. Show our sincere respect for our fallen heroes, their families, and their communities.

2. Shield the mourning family and friends from interruptions created by any protestor or group of protestors.

Missions

Confirmed Missions

- Sgt. Myla L. Maravillosa, 24, of Wahiawa, Hawaii – 31 Dec 05
- 1st Lt. Benjamin T. Britt, 24, of Wheeler, Texas – 02 Jan 06
- MISSION COMPLETE – Lance Cpl. Samuel Tapia, 20, of San Benito, Texas – 26 Dec 05
- MISSION COMPLETE – Spc Joseph A. Lucas, 23, of Augusta Georgia – 27 Dec 05
- Sgt. 1st Class John D. Morton, 31, of Stanton, Ky – 31 Dec 05
- Sgt. Brian C. Karim, 22, of Talcott, W. Va. – 27 Dec 05
- Staff Sgt. Curtis A. Mitchell, McConnelsville, OH – 29 Dec 05
- Sgt. 1st Class James S. Moudy, 37, of Newark, Del – 28 Dec 05

Watch List

- Sgt Coles currently in Missouri
- 1st Sgt. Tobias C. Meister, 30, of Jenks, Okla.,
- Pfc. Jason D. Hasenauer, 21, of Hilton, N.Y.
- Pvt. Joshua M. Morberg, 20, of Sparks , Nev.
- Spc. Lance S. Sage, 26, of Hempstead , N.Y.
- Spc Sergio Gudino... Pomona California
- Chief Warrant Officer Isaias E. Santos, 28, of Ancon, Panama.

PGR 000095

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Thanks for your support!

Chief Warrant Officer Richard M. Salter, 44, of Cypress, Texas.

Sgt. Dominic R. Coles, 25, of Jesup, GA.

Spc. Dane O. Carver, 20, of Freeport, Mich.

Spc. Sergio Gudino, 22, of Pomona, Calif.

Spc. Anthony O. Cardinal, 20, of Muskegon, Mich.

Master Sgt. Joseph J. Andres, Jr., 34, of Seven Hills, Ohio

Spc. Cheyenne C. Willey, 36, of Fremont, Calif.

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Spc. William Lopez-Feliciano, 33, of Quebradillas, Puerto Rico

Spc. Richard Junior D. Naputi, 24, of Talofofo, Guam

1st Lt. Michael J. Cleary, 24, of Dallas, Pa.

Cpl Adam Fales, 21 - Fairview (Cullman Co.), AL

Staff Sgt. Michael S. Zyla, 32, of Elgin, Ore. & Wheat Ridge, CO -- 27 Dec 05

Sgt. Kenith Casica, 32, of Virginia Beach, Va.

Corporal Anthony McElveen Services

Pfc. Thomas C. Siekert, 20, of Lovelock, Nev

PGR 000096

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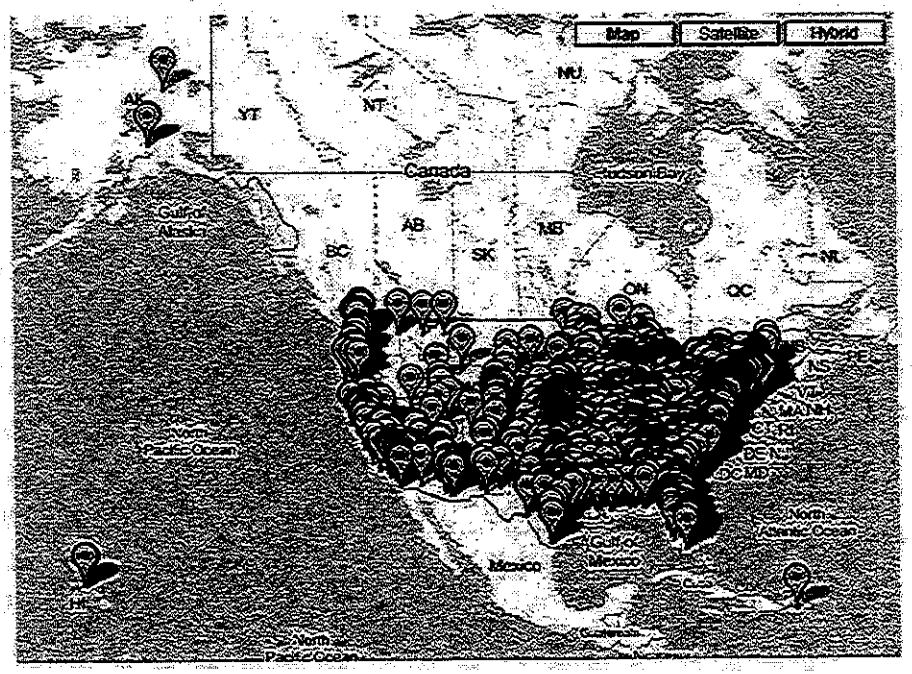

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT C

of

"Supplemental Declaration of Jason D. Wallin"

Patriot Guard Riders

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Tuesday, January 10, 2006

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- Membership:
- Latest: NMtumbleweed
- New Today: 106
- New Yesterday: 82
- Overall: 3939

People Online:
- Visitors: 8
- Members: 6
- Total: 14

Online Now:
01: Rough Rider
02: gilbertnl

BECOME A PATRIOT GUARD RIDER

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JOIN TODAY FOR FULL SITE ACCESS
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Missions

Confirmed Missions

MISSION COMPLETE – Staff Sgt. Christopher J. Van Der Horn, 37, Memorial Service in Clarksville, TN – 07 Jan 06

Sgt. 1st Class Jason L. Bishop, 31, of Williamstown, Ky – 14 Jan 06 1100 hours

Spc. Prince K. Teewia, 27, of Durham, N.C./Newark, DE. – 13 Jan 06

Staff Sgt. Christopher J. Van Der Horn, 37, of Bellevue, WA – 12 Jan 06

Pvt. Jonathan R. Pfender, 22, of Evansville, Ind – 10 Jan 06

MISSION COMPLETE – 1st Sgt. Tobias C. Meister, 30, of Jenks, Okla. – 06 Jan 06

MISSION COMPLETE – Pfc. Jason D. Hasenauer, 21, of Hilton, N.Y. – 07 Jan 06

MISSION COMPLETE – Chief Warrant Officer Richard M. Salter, 44, of Cypress, Texas/Killeen, Texas – 06 Jan 06

PGR 000099

03: stuka
04: Joe3262
05: BelgianArmy
06: ALRSmiley

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Sgt. Dominic R. Coles, 25, of Jesup, GA -- 10 Jan 06

MISSION COMPLETE -- Spc. Sergio Gudino, 22, of Pomona, Calif -- 07 Jan 06

Watch List

Adam Cann, Davie, Florida

Spc. Robert T. Johnson, 20, of Erwin, N.C.

Sgt. Nathan R. Field, 23, of Lehigh, Iowa

Lance Cpl. Ryan S. McCurdy, 20, of Baton Rouge, La.

Cpl. Albert P. Gettings, 27, of New Castle, Pa.

Sgt. Adam L. Cann, 23, of Davie, Fla.

12 killed in Blackhawk crash

Lt. Col. Michael E. McLaughlin, 44, of Mercer, Pa

Spc. Ryan D. Walker, 25, of Stayton, Ore.

Sgt. Jason Lopezreyes, 29, of Hatillo, Puerto Rico.

Pvt. Robbie M. Mariano, 21, of Stockton, Calif.

Sgt. Johnny J. Peralez, Jr., 25, of Kingsville, Texas.

Sgt. 1st Class Stephen J. White, 39, of Talladega, Ala.

Capt. Christopher P. Petty, 33, of Vienna, Va.

PGR 000100

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Staff Sgt. Ayman A. Taha, 31, of Vienna, Va

Spc. Marcelino R. Corniel, 23, of La Puente, Calif

Chief Warrant Officer Isaias E. Santos, 28, of Ancon, Panama

Master Sgt. Joseph J. Andres, Jr., 34, of Seven Hills, Ohio

Spc. William Lopez-Feliciano, 33, of Quebradillas, Puerto Rico

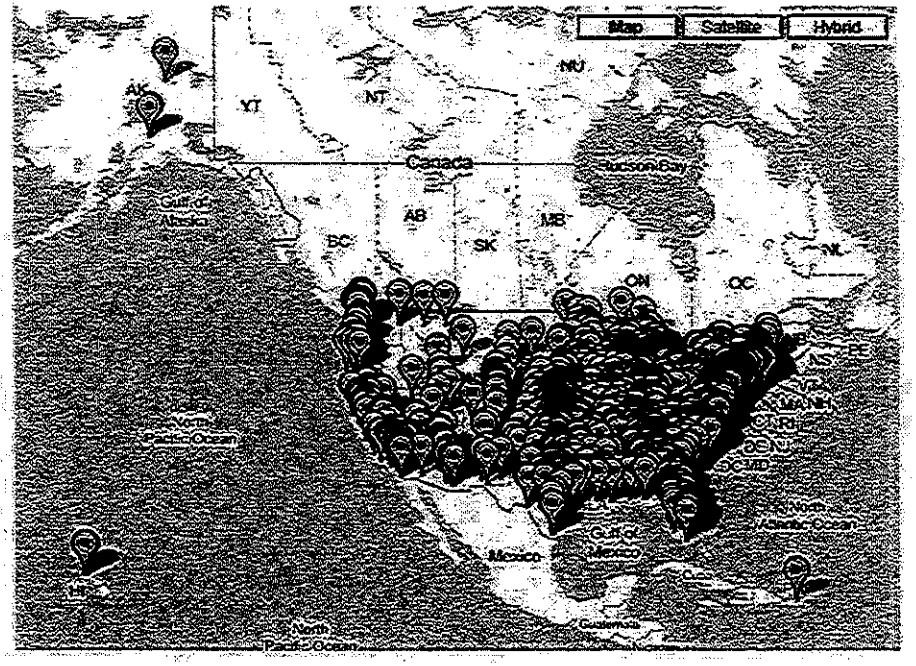
Spc. Richard Junior D. Naputi, 24, of Talofofo, Guam

Cpl Adam Fales, 21 - Fairview (Cullman Co.), AL

Corporal Anthony McElveen Services

Pfc. Thomas C. Siekert, 20, of Lovelock, Nev

PGR 000101



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PGR 000102

Thanks,
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PGR 000103

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT D

of

"Supplemental Declaration of Jason D. Wallin"

Patriot Guard Riders

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Saturday, April 08, 2006

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PGR Announcements
Gathering of the Guard

Jeff's Corner Minimize

"IT'S NOT ABOUT US..."

Invariably, "it's not about us" comes up in various posts throughout the PGR site when something is mentioned that is some view as promoting the PGR.

BECOME A PATRIOT GUARD RIDER Minimize

• wavingflag

JOIN TODAY FOR FULL SITE ACCESS
CLICK HERE
Freedom Isn't Free, But Membership Is

• wavingflag

Thank You America Minimize

Thank you for your overwhelming support! If you would like some more information about our organization or you are wondering what you can do to help us honor Americas Heroes, please email - info@patriotguard.org.

We will get back to you as soon as we can.
Jason, Jeff, Kurt & the entire PGR family.

The new Online PGR Store is now up and running.

If you click on the PGR Store link from the web site, it should take you there, or you can go there directly at www.patriotguardstore.org

It may take a little tweaking to get things absolutely perfect, but it seems to be working great. Items in stock are actually being shipped in less than three days. In order to speed up all new orders and back orders and reduce processing errors, we need to ask for your assistance.

Missions Minimize

Confirmed Missions
PLEASE READ BEFORE POSTING
ITINERARY UPDATE–LEO Ronnie Harlowe Jr. of Houston County, GA– 08 Apr 06
CPL Ayron Christopher Kull, 23, of Niles, MI – 08 Apr 06
Vietnam Veteran Cloyde Pinson Jr., Dallas, TX – 12 Apr 06
Korean War Vet Hubert Thomas Elders, Nashville, TN– 12 Apr 06
ITINERARY UPDATE –Viet Nam Veteran, Mitchell David Meyers of Trenton Ohio, April 08
ITINERARY UPDATE–Cpl David C Baker - WWII Vet - Ft Gibson, OK– 10 Apr 06
Sgt. Matt Maupin, OIF POW Vigil, Morrison, CO 9 April 05
Cpl. Andres Aguilar Jr., 21, of Victoria, Texas
Sgt. Israel Devora Garcia, 23, of Clint, Texas

PGR 000104

UsersOnline Minimize

- Membership:
- Latest: Trick
- New Today: 180
- New Yesterday: 216
- Overall: 23066

People Online:
- Visitors: 694
- Members: 237
- Total: 931

Online Now Minimize

- Online Now:
- 01deuce : Forums
- 03Springer : Forums
- 82nd_Airborne_Dad : Forums
- alaskancoppertop : Home
- albert5001 : Home
- albruner : Forums
- ALRTater : Forums
- BAIR : Forums
- balzabustn : Forums
- bamabiker1 : Forums
- Bassman : Home
- bbrandolino : Home

If you have placed an order and not yet submitted payment, please resubmit the order on the new PGR store... This will save us wading through thousands of emails and will speed up the order processing and shipping tremendously.

If you have already paid for your invoice, please hang in there, we're working to get everything caught up.

If you have questions about an order, please go to http://www.patriotguardstore.org/contact.asp and submit them.

Thanks again for all your support, patience and understanding.

Sincerely,
PGR Store

Media News Flash: ABC's Good Morning America did a very special story on a recent mission to honor Sgt. Gordon F. Misner, II in Colorado Springs, CO. It aired this Monday morning – March 20th – as part of ABC News' division-wide special coverage on the Iraq War.

In case you missed it, click here:
ABC's Good Morning America segment on PGR

For Press & Media Requests... Please send an email to media@patriotguard.org.

Thanks!
Kurt Mayer, National Public Relations Director

Welcome Minimize

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ITINERARY UPDATE–Staff Sgt. Eric A. McIntosh, 29, of Trafford, Pa./FT Myer, VA – 11 April 06

MISSION COMPLETE–Lance Cpl. Jacob W. Beisel, 21, of Lackawaxen, Pa.– 07 Apr 06

Chief Warrant Officer 3 Michael L. Hartwick, of Orrick, Mo.

MISSION COMPLETE–SFC Kenneth Ford Brooks WW II and Korea, Birmingham, AL– 06 Apr 06

ITINERARY UPDATE–Cpl. Brian St. Germain, 22, West Warwick, RI– 12 Apr 06

ITINERARY UPDATE–CPL Scott Procopio, 20, Saugus, MA– 11 Apr 06

Sgt Bill McGuinnes, USMC Vietnam, Livermore, CA – 08 Apr 06

MISSION COMPLETE–DESERT STORM VET AND SHERIFFS DEPUTY OFFICER DONALD PILKINTON, 50, Lawrenceburg, TN– 06 Apr 06

Pfc. Jeremy W. Ehle, 19, of Richmond, Va/Alexandria

PGR 000105

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- big100hd : Members List
- Bikergal : Who Rides With Us
- bikermom800 : Home
- BIX : Who Rides With Us
- Bluwing : Forums
- BMC_Rider : Forums
- Bob Olds : Forums
- bobmac : PGR Store
- BrandonH : Forums
- Bree : Forums
- bubba : Home
- buff676 : Forums
- Bullkat : Home
- butchtnny@aol.com : Forums
- C A N E : Forums
- Capt. Morgan : Forums
- caretaker : Home
- chadrh : Forums
- CHARGERLEW : Home
- ChattanoogaFatboy : Home
- Cheesehead : Home
- Chief_Investigator : Forums
- chorusgurrl : Forums
- Chuck-Stewart : Home
- CmdrRob : anouncements
- coals15 : Home
- Copperblaze : Forums
- crich20058 : PGR Announcements
- crooked : Home
- Daddo : Forums
- DaGrunt : PGR in the Media
- DarkLord : PGR in the Media
- deltoid79 : Forums
- descott : Forums
- DevilDog060407 : Home

share this respect, please join us.

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VA— 12 April 06
LCPL NICHOLAS J. SOVIE- Ogdensburg, NY--25 May 06
MISSION COMPLETE--Pfc. Sean D. Tharp, 21, of Orlando, Fla.--06 Apr 06
Tech. Sgt. Walter M. Moss Jr., 37, of Houston, Texas
WWII Vet - Robert Raney, Monon, IN-- 08 Apr 06
MISSION COMPLETE--Sgt. Michael D. Rowe, 23, New Port Richey, Fla. -- 07 Apr 06
ITINERARY UPDATE --CPL Antoine J. McKinzie, 25, of Indianapolis, Ind.-- 11 Apr 06
Vietnam MIA Col. Eugene D. Hamilton of Opelika, AL - Arlington National Cemetery- 26 Jun 06
ITINERARY UPDATE--Tech. Sgt. Patrick L. Shannon - Oklahoma City -Vietnam-- 15 Apr 06

Watch List
PLEASE READ BEFORE POSTING
Spc. Daniel L. Sesker, 22, of Ogden, Iowa
Spc. Dustin J. Harris, 21, of Bangor, Maine

PGR 000106

- Dinky Dau : Forums
- dnelson457 : Forums
- Doughie : Forums
- drmickelsen : Forums
- dsj30c : Forums
- dssamp : Forums
- dubree : Forums
- dynagc : Home
- eagle : Forums
- eagleman : Forums
- Elaine : Forums
- elsie13e : Forums
- escortbike : Home
- esna : Home
- fatboytn : State Captains/Contact
- Fatstripe : Forums
- FIREDOG89 : Forums
- flig_chris : Forums
- formula414 : PGR Announcements
- freedomfiter : Home
- FreestateXL : anouncements
- fruit loop : Forums
- gabel : Forums
- georges : Home
- Goobtoo : Home
- GoodGreg : Forums
- Grilla : Forums
- Grissomfire : Forums
- Grizzly_Mike : Forums
- gruntSGT : Forums
- gui_tarzan : Forums
- GutWrench : Home
- halfbubble : Who Rides With Us
- Hammer of God : Forums
- HarleyD : Most Recent Posts

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☐ Email me when someone replies to this thread

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Staff Sgt. Abraham G. Twitchell, 28, of Yelm, Wash.

Lance Cpl. Felipe D. Sandoval-Flores, 20, of Los Angeles, Calif.

Lance Cpl. Patrick J. Gallagher, 27, of Jacksonville, Fla./Fairhaven, MA

Family Only Service- Cpl. David A. Bass, 20, of Nashville, Tenn.

Staff Sgt. Darrell P. Clay, 34, of Fayetteville, N.C.

Lance Cpl. Kun Y. Kim, 20, of Atlanta, Ga.

Capt. Timothy J. Moshier, 25, of Albany, N.Y.

Hospitalman Geovani Padillaaleman, 20, of South Gate, Calif.

Firefighter Captain Joe F. Prock, 52, Greenwood, LA

Pfc. Joseph J. Duenas, 23, of Ceres, CA/Oakland, CA

Sgt. 1st Class John T. Stone, 52, of Norwich, Vt.

PGR 000107

- harly69g : Members List
- hdx2 : Forums
- highsalute : Forums
- HogDaddy : Forums
- Hope : Forums
- howerter1 : PGR in the Media
- huflung : Forums
- Hurricane : Forums
- ibridn : Forums
- IMCRUZIN2 : Forums
- indygt : Home
- indyharley : Forums
- ironcowboy : Forums
- Izzy : Forums
- janrick : Forums
- Javaman : Forums
- jdrahughes : Home
- jeffaren : Forums
- jeffz66 : Forums
- jercase : Home
- jgm854 : Forums
- jki659 : anouncements
- joebasta : Home
- JohnnyW : Forums
- johnsierra : Home
- jtullis : PGR in the Media
- jwait : Home
- katwoodx2 : Home
- kball : Forums
- kgmall@aol.com : Forums
- klumberguy : Forums
- kmerrell : Home
- Knobby : Forums
- kzohio : Members List
- Lakota Man : Forums
- larryrodgers : Forums
- lawsonmd : We Get Letters...
- LetsRoll : Home

Thanks for your support!

PGR 000108

- lilspitfire63 : Forums
- lobo926 : Forums
- lockdowntim : Home
- londopro : Home
- Lone_Hawk : Forums
- Luckeey22 : Forums
- LV74-04 : Home
- LynnA : Forums
- Magnet : Forums
- Mama Dragon : Forums
- matt478d : Forums
- max1319 : Home
- MC : Forums
- melita : Forums
- mikemagilla : Forums
- Milbear : Forums
- MJS : Forums
- mommyoftwins : Home
- Mr-Spike : Forums
- MSGHAWKEYE : Home
- MSGRET : Home
- MsMaurauder : Home
- MsUncleBuck : Home
- Murph H-D : Forums
- nanabasic : Forums
- NHRoadking : anouncements
- Nighthawk50 : Home
- nikatam : Forums
- NJ Hawk : Forums
- NOBODY56 : PGR in the Media
- NostalgiaBoy : Forums
- okwhatnext : Forums
- old corps : We Get Letters...
- oldgoldstar : We Get Letters...
- oneangrypatriot : Forums
- Orion : Home
- papagoom : We Get Letters...

PGR 000109

- PARACHUTE : Home
- pastorbillparker : Home
- PDDGM : Forums
- Pedrum : Forums
- peepaw : Forums
- Pepper_guy : Forums
- pfgrenier : Forums
- phedup : Forums
- picasso : Forums
- Pilotguy1050 : Forums
- Pittman : Forums
- pmbell64 : Forums
- Poncho : Forums
- Popcorn : Home
- PUB : Forums
- qgolden : Forums
- rasc49 : PGR Announcements
- RFTWDave : Home
- rheamer1 : Home
- RingLord : Forums
- Roadking Warrior : Forums
- Robby P : Forums
- Rocky3 : Home
- ronjulian : Forums
- Ronson : Home
- Rottendog93 : Forums
- Rough Rider : Forums
- rrawtry : Forums
- rube : Forums
- Russ : Forums
- sckotg : Home
- Scorpio USMV M/C : Forums
- Scruit : Forums
- seeker : Home
- semicop : Forums
- SilverBack : Forums
- SlagHammer : Forums
- slink : Forums

PGR 000110

- Southern Reb : Forums
- spiker592000 : Forums
- Sportster : Members List
- squirrel : Forums
- Starfox : Forums
- Steam : Home
- stone : Forums
- Streaker : Home
- stretchnit : Home
- Sugar1 : Forums
- tankrthompson : Forums
- TattoodCaptain : Home
- texas_angel1979 : Forums
- Tgray : We Get Letters...
- TheVaGambler : Forums
- Tiki : Forums
- tinman392 : Home
- Towwizzard : Forums
- Trick : Home
- Twister : Forums
- Uncle Tony : Forums
- UncleBob : Forums
- usasoldier88 : Home
- vanillaman65 : Forums
- Virgil : Forums
- VTXinnix : Forums
- vtxri : Home
- vulcan : Home
- wagonguy : Home
- Waitaminit : Home
- Waldo : Forums
- Wayne18 : Forums
- willprevale : Forums
- wilsondude : Forums
- Winger_Ace : Forums
- Wolfrunner25 : Home
- woody0402 : anouncements
- wvhusker : Forums

PGR 000111

- ZOOMER : Home
- zydeconut : Forums

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PGR 000112

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT E

of

"Supplemental Declaration of Jason D. Wallin"

Patriot Guard Riders

Saturday, April 15, 2006

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PGR Announcements
Gathering of the Guard

BECOME A PATRIOT GUARD RIDER Minimize

• wavingflag

JOIN TODAY FOR FULL SITE ACCESS
CLICK HERE
Freedom Isn't Free, But Membership Is

• wavingflag

Missions Minimize

Confirmed Missions
PLEASE READ BEFORE POSTING
Memorial Service. Spc. Robert Lee Clark. 32. Army. FT Carson. CO-- 21 Apr 06
Itinerary-Confirmed Mission Lance Cpl. Phillip J. Martini 24 USMC of Lansing Illinois 19 Apr 06
Sgt. 1st Class Randall L. Lamberson. 36. of Springfield. Mo.
ITINERARY UPDATE--Cpl. Richard P. Waller. 22. of Fort Worth. Texas-- 17 Apr 06
ITINERARY UPDATE--Spc. Robert Lee Clark. 32. Army. Gibsonburg. Ohio-- 18 Apr 06
Lance Cpl. Juana NavarroArellano. 24. of Ceres. Calif
Pfc. Jody Missildine. 19. Plant City. Florida
Sgt. 1st Class Gregory S. Rogers. 42. of Cincinnati. Ohio

A Sad Day for the PGR Minimize

Robert Lee Clark
Age 32
Died April 8th, 2006

We lost Bobby at 10:55pm on Saturday, April 8th, 2006. Bobby was killed when he struck a truck that failed to yield at a stop sign. The driver was legally intoxicated. Bobby was on the way back from Canon City to Colorado Springs so he could meet up with his VFW Warriors brothers and ride up to the vigil for Sgt Matt Maupin in

• Bobby.jpg

Jeff's Corner Minimize

"IT'S NOT ABOUT US..."

Invariably, "it's not about us" comes up in various posts throughout the PGR site when something is mentioned that is some view as promoting the PGR.

PGR 000113

UsersOnline Minimize

- Membership:
- Latest: woodpimp
- New Today: 208
- New Yesterday: 272
- Overall: 24557

People Online:
- Visitors: 456
- Members: 153
- Total: 609

Morrision, CO.

Bobby will be remembered for his kind smile, good nature and sense of humor.

Godspeed Brother, We love you and we miss you.

Please watch for updates in the confirmed missions for our ride to honor Bobby.

There will also be a memorial service at Soldiers Chapel on Fort Carson --- More details to follow

- Bobby.jpg

ITINERARY UPDATE--Spc. Dustin J. Harris, 21, of Bangor, Maine - 15 Apr 06

MISSION COMPLETE--LCpl. Bryan Taylor, USMC, Clermont County/Miami Township, OH-- 13 Apr 06

MISSION COMPLETE--Pfc. Chase A. Edwards, 19, of Lake Charles, La.-- 14 Apr 06

MISSION COMPLETE--Vietnam Veteran Clovde Pinson Jr., Dallas, TX -- 12 Apr 06

MISSION COMPLETE--Korean War Vet-Hubert Thomas Elders, Nashville, TN-- 12 Apr 06

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Online Now Minimize

- Online Now:
- 135th-taipan : Home
- 1MileCrash : Forums
- 2wheeltodd : Forums
- 308bts : Forums
- Acemyth73 : Home
- AirAngel145 : Home
- armymominlaw : Forums
- bdr1977 : Forums
- BigUglyOne : Forums
- Biker Bob : Forums
- Biker Trash : Home
- birds nest : Home

Welcome Minimize

Patriot Guard Riders Mission Statement

The Patriot Guard Riders is a diverse amalgamation of riders from across the nation. We have one thing in common besides motorcycles. We have an unwavering respect for those who risk their very lives for America's freedom and security. If you share this respect, please join us.

We don't care what you ride, what your political views are, or whether you're a "hawk" or a "dove". It is not a requirement that you be a veteran. It doesn't matter where you're from or what your income is. You don't even have to ride. The only prerequisite is Respect.

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PGR 000114

- blacksmith6sis : Home
- blkvstar02 : We Get Letters...
- Bodysnatcher : Forums
- BonRu : Forums
- Bub : Forums
- Catfish : Forums
- ccheck : Forums
- ccochran : Forums
- cduehring : Forums
- Charles DuFresne : Home
- Chief_Investigator : Forums
- chorusgurrl : Forums
- cmfanelli : State Captains/Contact
- CPO : Forums
- crfforward : Forums
- dan t : Forums
- danrig : Forums
- daved350 : Forums
- Dazed : Forums
- deerpath : Home
- dk2onion : Home
- dmiller : Forums
- doghair : Forums
- E8MC : Forums
- Eagle1SG : Forums
- Fat Albert : Most Recent Posts
- Feets : Forums
- fly4bux : Forums
- FMailki : Forums
- fusc69 : Forums
- gailprp : Forums
- Gator : Forums
- gottagofarm : Forums
- GP_Paladin : Forums
- Great Dane : Forums
- GRNPAW : Forums
- Hammerfly : Forums
- hardrock : Forums

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MISSION COMPLETE--Cpl. Andres Aguilar Jr., 21, of Victoria, Texas-- 11 & 13 Apr 06

MISSION COMPLETE--Sgt. Israel Devora Garcia, 23, of Clint, Texas-- 12 Apr 06

ITINERARY UPDATE--Staff Sgt. Darrell P. Clay, 34, of Fayetteville, N.C.-- 17 Apr 06

MISSION COMPLETE--Staff Sgt. Eric A. McIntosh, 29, of Trafford, Pa./FT Myer, VA --11 April 06

MISSION COMPLETE--Chief Warrant Officer 3 Michael L. Hartwick, of Orrick, Mo.--14 Apr 06

MISSION COMPLETE--Cpl. Brian St. Germain, 22, West Warwick, RI-- 12 Apr 06

MISSION COMPLETE--CPL Scott Procopio, 20, Saugus, MA-- 11 Apr 06

MISSION COMPLETE--Hospitalman Geovani Padilla Aleman, 20, of South Gate, Calif.-- 14 Apr 06

MISSION COMPLETE--Pfc. Jeremy W. Ehle, 19, of Richmond, Va/Alexandria VA--12 April

PGR 000115

- harleygeek : Forums
- hd_honey2003 : Home
- hdrider : Forums
- Helms : PGR in the Media
- HMurray : Forums
- hrspwr : Home
- idrizie : Forums
- iharleydavid : Home
- indianspirit : Forums
- indyharley : Forums
- irngal : Forums
- iScoot2 : Forums
- J R : Forums
- jb_shadow : Forums
- jcurran516 : Forums
- JD Hog : Forums
- jeffmcpa : State Captains/Contact
- Jer72 : Home
- JFoosh : Home
- Jimi : Home
- jimmy : Home
- jimmy7694 : Forums
- jk8544 : Forums
- John Desch : Forums
- Ken or Wildman : Home
- KennyB : Forums
- kgalloway : Forums
- Kid : Forums
- KL Miller : anouncements
- kmerrell : Home
- Koolness : Forums
- Latin50 : Our History
- Lily : Forums
- magelor : Forums
- maginnis : Forums
- Marine82 : Forums
- merlin : Forums
- Michaelt : Forums

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Thanks for your support!

06

MISSION COMPLETE--Pfc. Joseph J. Duenas, 23, of Ceres, CA/Oakland, CA-- 13 Apr 06

LCPL NICHOLAS J. SOVIE, Ogdensburg, NY--25 May 06

MISSION COMPLETE--Tech. Sgt. Walter M. Moss Jr., 37, of Houston, Texas-- 11 Apr 06

MISSION COMPLETE--CPL Antoine J. McKinzie, 25, of Indianapolis, Ind.-- 11 Apr 06

Vietnam MIA-Col. Eugene D. Hamilton of Opelika, AL - Arlington National Cemetery- 26 Jun 06

ITINERARY UPDATE--Tech. Sgt. Patrick L. Shannon - Oklahoma City -Vietnam-- 15 Apr 06

Watch List

PLEASE READ BEFORE POSTING

Lance Cpl. Marcus S. Glimpse, 22, of Huntington Beach, Calif.

Pfc. Roland E. Calderonascenio, 21, of Miami, Fla.

PGR 000116

- midgett919 : Forums
- MOODY : Forums
- moonchild : Forums
- Murph H-D : Forums
- Norton : Forums
- numbawon : Home
- Omar53 : Forums
- padjr : Forums
- PARACHUTE : Forums
- peepaw : Home
- PGR Mad Dog : Forums
- PGR-Blade : Home
- phantom6000 : Home
- philliplovin : Forums
- pickle73 : Home
- pitcrew1 : Forums
- Pittman : Home
- Plainsman : State Captains/Contact
- pmbell64 : Forums
- Prettyhuge : Forums
- Proud USMC mom : Home
- Proud1sgt : Forums
- Purplegirl : Forums
- raiderbeast : Home
- rangerman : PGR in the Media
- Rdbling Lady : Forums
- Reaps : Members List
- reedro : Forums
- rickcrabb : Forums
- Ripp : Home
- rmounce : private messages
- Roadking Warrior : Forums
- ROJ : Home
- ron8453 : Forums
- RONLX1@VERIZON.NET : Home
- rsbeckwell : Forums

Spc. Scott M. Bandhold, 37, of North Merrick, N.Y.

Pfc. James F. Costello III, 27, of St. Louis, Mo.

Cpl. Joseph A. Blanco, 25, of Bloomington, Calif.

Pfc. George R. Roehl Jr., 21, of Manchester, N.H.

Lance Cpl. Eric A. Palmisano, 27, of Florence, Wis.

Spc. Kenneth D. Hess, 26, of Asheville, N.C.

Spc. Shawn R. Creighton, 21, of Windsor, N.C.

Spc. David S. Collins, 24, of Jasper Ga.

Spc. James W. Gardner, 22, of Glasgow, Ky

Pfc. Joseph L. Love, 22, of North Pole, Alaska

Spc. Daniel L. Sesker, 22, of Ogden, Iowa

Family Only Service - Capt. Timothy J. Moshier, 25, of Albany, N.Y.

Firefighter Captain Joe F. Prock, 52, Greenwood, LA

FAMILY ONLY--Sgt. 1st Class John T. Stone, 52, of Norwich, Vt

PGR 000117

- Russ : Forums
- sargie : Forums
- seanpost : Most Recent Posts
- sgtpotsie : Home
- snuffy5353 : Forums
- SteveTurner123 : Forums
- stix : Forums
- streetcruiser : Home
- stretchnit : Forums
- swade : Home
- tazmatech : Home
- Ted11276 : Home
- tejas96 : Home
- terry46901 : Forums
- teubanks : Home
- tomkatz4 : Forums
- Transylvanian Lady : Forums
- TucsonVTXF3 : Home
- Varaceman : Forums
- w4egv : Home
- Waterdog1952 : Most Recent Posts
- weRideHDs : Home
- Wescoot2 : Forums
- willprevale : Forums
- Winger_Ace : Forums
- woodchuck : Forums
- woody0402 : Forums
- youngblood1 : Forums
- zydeconut : Forums

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PGR 000118

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT F

of

"Supplemental Declaration of Jason D. Wallin"

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- Special Events Store

PGR FAQ

PGR FAQ

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1. Show our sincere respect for our fallen heroes, their families, and their communities.
2. Shield the mourning family and friends from interruptions created by any protestor or group of protestors.

We accomplish the latter through strictly legal and non-violent means.

As a new member you will have many, many questions. Please check this FAQ and the Forums carefully before posting your questions. There is so much information and traffic on the forums that cross posts are common. This FAQ has been compiled from questions posed on the forum, suggestions by other members, and policies adopted by our National Board.

MEMBERSHIP

WHAT SHOULD I DO FIRST WHEN I JOIN?

Fill out your information in your profile. State/Ride Captains use this information to contact you.

HOW MUCH INFORMATION DO YOU NEED FROM ME IN MY PROFILE?

It is important that your contact information is up to date in the event we need to contact you. At a minimum you should have your full name, email, city and state. A phone number would be helpful too, if you don't mind. ***No one but National and State Captains have access to this information,*** so don't worry about it getting out. After you have logged in click on your name in the upper right corner of the screen and it will take you to your profile where you can update your information. This can also be accessed by entering the Forums. You will see a tool bar as pictured below. Click on "My Profile". There you will be able to update your profile and account information and manage your thread and forum subscriptions.

Forums My Profile Search Members

ARE THERE ANY DUES OR MEMBERSHIP FEES?

No, membership is free. PGR is funded through purchases made from the PGR store, public donations, member donations and member businesses who donate. We also receive funding from the Google Ads in the Forums sections. These ads are in the banner and a sidebar on the left-hand side of the page. Downloading and using the Firefox browser also generates funds.

IS A DONATION TAX DEDUCTIBLE?

Yes. Patriot Guard Riders is a non-profit 501(c)3. Consult your professional tax preparer or the IRS for rulings on deductions for donations to non-profit organizations.

WHAT IS CORPORATE SPONSORSHIP?

Some corporations have elected to support the PGR through sponsorship of operations and functions of the PGR.

DOES THE PGR HAVE ANY PRINTED INFO TO PASS OUT TO POTENTIAL MEMBERS?

Yes. You may purchase approved business cards from a PGR member located in the **Links** section of the Navigation Bar. National is also working on a brochure which will soon be available.

HOW DO I GET OUR CLUB'S WEBSITE LINK ON THE LINKS PAGE?

Send the link and a graphic to **Hardbite** and he will add it to the PGR site.

QUESTIONS FROM BUSINESS OWNERS:

PGR 000139

I OWN A BUSINESS THAT MIGHT BE OF INTEREST TO PGR MEMBERS. CAN IT BE LISTED ON THE WEBSITE?

Yes it can. Send an email to **Hardbite@patriotguard.org** or **Schmidtrock@patriotguard.org** with the URL and a graphic from your site including any information you want posted. They will get it posted to the Links section in the Navigation Bar on the Home Page.

DO I HAVE TO OFFER A DISCOUNT TO PGR MEMBERS?

Although many member businesses do, it is not required nor is it expected. If you offer a discount it is at your discretion.

DO I HAVE TO DONATE A PORTION OF THE PROCEEDS FROM SALES TO PGR?

Although some businesses do, this is not required nor is it expected. Many members do like to patronize member businesses that offer a discount or donate funds to PGR from those sales. Any donation is at your discretion.

WHAT IF I HAVE AN IDEA FOR A FUNDRAISER FOR PGR?

All suggestions for fundraisers are appreciated. Fundraising ideas can be posted at the **PGR Suggestions** Forum in the National Forum. Any type of fundraiser in the name of the PGR should be approved by National before it is actually implemented. Please read the Forums before posting, your idea may have already been suggested and it may already be in the works.

WILL I GET A MEMBERSHIP CARD?

No. The PGR does not issue membership cards at this time. You may purchase customized business cards from member businesses posted in the **Links** listed on the Navigation Bar on the Home Page.

HOW WILL MY STATE CAPTAIN KNOW I'VE JOINED?

The National Board along with all the State Captains (SC) are listed in the Navigation bar on the Home Page under **Leadership Contacts>State Captains**. Open the link, scroll down to your state and email your SC to let him know you've joined. He/She also monitors the Regional Forums so if you post there to introduce yourself you may be contacted shortly. If you live in a state which does not currently have a captain you can post to the **Regional Forums** in your area and let everyone there know you're new. Post to the **Introductions and Shout Outs** Forum and introduce yourself.

IS THERE A DRESS CODE OR REQUIRED UNIFORM?

No. Dress for safety, comfort and respect. Many suggestions have been made regarding standard shirts or clothing but National has not adopted a dress code or policy for our members. A family may have a special request due to ethnic or

religious practices for a specifically colored shirt or other form of attire. Since our mission is "respect," we do everything in our power to honor those requests. Keep in mind that we are there to respect the family, and check your vests for any patches which may contain offensive language. Those patches can be covered with masking tape for the duration of the mission. Many members have decided to use a vest specific for PGR missions. There are several beautiful patches being offered as fundraisers for the PGR. You will find members selling those patches in threads on the **PGR Suggestions Forum** and in the **Links** section on the Navigation Bar on the Home Page.

DO I NEED SPECIAL CLOTHING TO ENTER MILITARY INSTALLATIONS?

Some missions do take place on military installations. These installations do require certain safety equipment for entrance to the base. This includes, but is not limited to, a DOT approved helmet, long sleeve shirt, full-fingered gloves, boots covering the ankle and long pants. Many installations also require a bright colored or reflective safety vest or belt.

CAN I WEAR MY M/C COLORS?

Some Law Enforcement Agencies have a "No Colors" policy for large groups of motorcyclists. You will be notified of this in the mission thread. Please respect their request and leave your colors at home. If you are unable to do so due to requirements of you club, we understand completely but ask that you stand down for the mission.

If you belong to another riding club please check with them before placing the PGR patch and pins on your club vest. Many clubs do not allow other patches and pins on their vests. They may also have restrictions regarding where you may wear your vest with their patch.

PGR BACK PATCH

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. Back patches representing M/C's or R/C's are earned by their members during the year or two in which they "prospect" or serve as a prospective member. They work hard to earn the right to wear the patch.

If you choose to purchase or wear the back patch please check with your state captain to make sure that he/she has contacted the COC in your state for approval of the patch BEFORE you purchase the patch. COC in some states are recommending that the back patch not be worn due to safety concerns for our members. Trust in their judgment, they are more aware of the attitudes of the individual M/C's than we are. WARNING: if you are asked to remove the garment on which you are wearing the patch, please do so immediately, and without contention, for your personal safety.

For more information regarding the 1%'ers, M/C's, R/C's and their traditions and policies please go to **M/C educational information.**

ARE THERE REGULAR CHAPTER MEETINGS?

PGR 000141

No. The PGR is a volunteer organization not a motorcycle club. We do not hold regular meetings however many folks organize informal area or state get-togethers and meet-n-greets. You will find information regarding these in your **Regional Forums**. Each region contains a thread specific to your state.

SINCE I AM A MEMBER CAN I USE THE PGR LOGO AND NAME?

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 **jbrown@patriotguard.org** before using it.

WHERE DO I PURCHASE PGR ITEMS?

The link to the **PGR store** is located in the Navigation Bar on the left-hand side of the Home Page. You will need to create a separate log-in from the one you use to log in to the PGR main site. Once you have entered the store please take the time to familiarize yourself with the policies and procedures of the store. Many of the questions you may have about the store will be answered there.

PGR STORE CHANGEOVER ISSUES

The new Online PGR Store is automated in many respects. This assures fewer errors, faster processing and more accurate delivery of the items you order. Included in the automation is inventory. When an order is received for an item, the system automatically reduces the inventory level of that item by one. All orders, including back orders, are automatically processed on what's called the FIFO method (First In-First Out). What this means to you is pretty simple... Your order is filled in the order in which it was received, regardless of whether it's in stock or back ordered. If an item is on back order, and you wait to order it till you see it's in stock, there may be a hundred people who have already ordered it and will be ahead of you. So, if something shows as on back order, and you want one, go ahead and order it and you'll be in line as soon as they arrive. In an attempt to reduce shipping expenses, the system allows for only two shipments per order; an initial shipment of all items currently in stock when the order is received, and one final shipment only when all B/O items are in stock.

During the change over from the old to the new PGR Store, inventory levels are "iffy" because the "old" and "new" stores are different software systems. Back orders being filled from the old store do not automatically reduce the inventory levels in the new store records. Therefore, it is possible that items show "in stock," but are actually already depleted. As time goes on and the "old store" orders are processed, this will clean itself up. When a shipping label is pulled up for printing, the order is automatically transferred to the "Shipped" category in your account records. This can result in some instances where your account shows an order as having been shipped when it actually was not. It will be shipped as soon as the items arrive in stock. Please bear with us as we work through these issues. The new system looks like it will work great as soon as all of the old store orders are finally processed.

Please keep in mind that the PGR Store is not Wal-Mart. We process orders after our "9 to 5" jobs and other PGR

responsibilities. We're working as fast as we can, but it may take up to 4 weeks for us to receive items on back order.

REGARDING THE PGR ONLINE STORE:

A number of people have asked if they or a friend can duplicate some of our stuff for free to help the cause. Our PGR name and logo 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.

WHAT IF I HAVE AN IDEA FOR AN ITEM FOR THE STORE?

Suggestions for the PGR store can be posted in the National Forums under the heading **Patriot Guard Store**. Check the threads in that Forum before you post. Your idea may have already been suggested and the answer will be there.

WEBSITE QUESTIONS

ONCE I'VE JOINED HOW DO I LOG INTO THE SITE?

The Log-in is located in the far upper right hand corner of the Home Page. If you Log in and check the box to "Remember Login" you will not need to log in each time you visit the site.

WHAT IS THE PHOTO GALLERY AND CAN I POST PICTURES THERE?

The photo gallery is reserved for PGR missions and events only. On your missions you may take photos and or videos with respect. **Please respect the family and fallen hero by not photographing them or the casket unless specifically requested by the family. Photos such as these will not be posted in the gallery in respect for our hero unless the file is specifically labeled that family permission has been obtained.**

Please, please please, (did I say please ?) limit your camera resolution to 640x480. This is the standard viewing size for internet pics and will turn out just fine. Secondarily it limits the file size to below 1mb. I've been receiving some incredible pictures but at huge resolution resulting in 1-2mb per picture. Our server isn't infinite in storage space and I would hate to have to start culling mission photos for space considerations.

Place your photos in a .zip file labeled with the hero's name and location and mail to **schmidtrock@patriotguard.org** and we will get them posted up ASAP.

PGR 000143

To do this with Windows OS, once you have the pictures uploaded to your computer, navigate to the folder you saved them in. While holding down the shift key, highlight each and every pic file you want to send. Once they are all highlighted, right click on the last one highlighted and select send to/compressed file. This will create a .zip file for you to attach to your email and send off to **schmidtrock@patriotguard.org**

Files should be no larger than 4-6 MB to ensure the photos will be received.

NAVIGATING THE PHOTO GALLERY

Click on the folder you would like to view. Once you have finished viewing that folder you can return to the main gallery by clicking the small arrow on the very left-hand side of the tool bar. To exit the gallery and return to PGR home page click the house icon in the upper right hand corner of the tool bar at the top of the gallery. The tool bar also allows you to email, download images in two sizes, and view images in a slideshow format.

WHAT ARE THE FORUMS AND HOW DO I USE THEM?

The forums are message boards set up for us to communicate with each other. They are **"Public Forums,"** so anyone can read them, including the families of our fallen heroes. Please take a few moments to familiarize yourself with the different Forums and their content. They each serve their own purpose. Stop in to the **Introductions and Shout Outs** and tell us a little about yourself. Make a connection in your **Regional Forum** also. There you will meet members in your area, learn about specific activities in your state and let others in your location know you're a new member. **Please check all pages of the threads before you post your suggestions or questions. You may find the answer already there.**

Once you have entered a Forum by clicking on its name you may subscribe to it by checking the **"Email me when someone posts to this forum."** You will find this located at the top of the forum on the left-hand side. If you don't wish to subscribe to a Forum but want to keep track of a particular thread you may check the box labeled **"Email me when someone replies to this thread"**. You will need to enter the thread by clicking on it in order to subscribe to it.

WHAT ARE ALL THESE GOOGLE ADS IN THE BANNER AND SIDEBAR OF THE FORUMS?

This is another way to fund PGR. PGR does not have control of the ads placed in the Banner and Sidebar and can not remove specific ads from these areas. Clicking on the ads sends funds to PGR.

There have been times when the Banner Ads have caused a slow down on navigation of the site. This problem can be fixed but will only work for users who are using the Internet Explorer browser, are running Microsoft Windows XP, and have their system up to date to at least Service Pack 2 (If you don't you won't see the "Manage Add-ons" under tools) If you are running Windows 98/ME or Windows 2000 this fix is not available to you. For I.E. ver. 6 users, since the ad uses the Macromedia Flash browser plug-in to function, you can simply disable it within the browser which will kill the ad and free your surfing within the PGR forum back up.

In Internet Explorer click on <Tools>, <Manage Add-ons>, Show "Add-ons that have been used by Internet Explorer."

PGR 000144

Look in the list in the window until you see something labeled like "Shockwave Flash Object," highlight it, and at the bottom of that window under settings, set it to "Disable." You may have to restart the browser for it to take effect, but the Flash add should be gone and surfing should return to normal. Just remember to re-Enable your Flash plug-in if you go elsewhere on the web to a page that uses properly coded Flash that doesn't hang up I.E. Not everyone should have to download and install a different browser just because of poor coding.

FORUM TOOLS

Delete Edit Quote Reply Alert

Directly above your post on the right-hand side you will find the tool-bar indicated above. You may delete or edit your own posts. Forum moderators are the only ones who can delete/edit posts of other members. If you find a post to be offensive, you may notify the Moderators by clicking on the Alert button directly above the offending post. **Please include your screen name AND full name as a signature to your alert.**

If you would like to reply directly to a specific post you may click on the Quote button directly above that post. This will highlight that post and place it in your reply. Type your reply and click Submit. If you simply wish to reply to the thread you may click on the Reply button.

QUICK REPLY

Located at the bottom of the thread is the Quick Reply. This allows you to reply to the thread but **does not allow** for uploading files and pictures or to post an active link. You must use the Reply button at the top of the thread to do so. Please keep posting of pictures and graphics to a bare minimum since this just eats up bandwidth. Mission pictures are not posted in Forums. They must be submitted to the webmaster in a specific format for upload to the **Photo Gallery**. Further instruction for posting mission photos is contained in this FAQ under **How Do I Use the Confirmed Mission Forum.**

PRIVATE MESSAGES (PM)

You can contact another member privately by using the Messages box located beneath the Navigation Bar on the left-hand side of the forums pages. It can also be found on the Home Page in the upper right-hand side beneath your name. You may also send an email to a member through the forums by clicking on his/her screen name highlighted in blue to the left of his/her post. This will take you to their profile where you will find their email address. Some members do not list email addresses so you may need to use the PM feature to communicate with them.

MORE TOOLS

My Profile Search Members

PGR 000145

This tool bar is located in the upper-right hand corner of the Forums pages. The "My Profile" link will take you to your profile where you can make any changes necessary. You can use "Search" to look for a particular post or subject on the forums. The "Members" link will take you to an alphabetical listing of all PGR members.

FORUM ETIQUETTE

Please keep in mind at all times when posting that these are **public forums**. Although you must log in to post to the forums anyone can read the messages. Families often times check the forums for communications regarding their loved one. The general public as well as prospective members are also able to access these forums. Law Enforcement, Clergy, and Media also check our site. Please keep the language of your posts clean. Political debates and statements are discouraged and posts containing these types of messages will be deleted by our Moderators. While references to protesters are sometimes necessary, discussions regarding protesters are discouraged, they are not the real reason we are here. Our mission is to honor and show respect to the fallen heroes and all veterans. We have been praised time and again for our professionalism on our missions. That attitude should carry over into our communications on our website. If you have a problem with a post or another PGR member please notify the moderators by clicking on the ALERT button found directly above the post in question. **Please include your screen name and full name as a signature to the alert.**

WHAT DO ALL THESE ABBREVIATIONS AND TERMS MEAN?

SC - State Captain. The State Captain monitors and sets up missions. There generally is only one State Captain per state. The SC makes contact with Law Enforcement (LEO), the Family, the Church, and Funeral Directors, to set up a mission, but may delegate that to a Ride Captain (RC) if absolutely necessary. State Captains can recruit as many Ride Captains as they feel they need to accomplish our objectives.

PRC, TRC & RC - Permanent Ride Captain, Temporary Ride Captain and Ride Captain. SC's recruit RC's in varying parts of the state to help recruit riders and groups in their areas and help with missions. A Ride Captain can be temporary RC (filling in if a SC or another PRC cannot make a mission) or permanent **RC**. Permanent RC's are listed on the Captains page and have full access to member's lists.

Maroon PGR Ball Caps. Maroon PGR ball caps are worn by State and Ride Captains to make it easy for mission attendees to identify them.

UG - Uninvited Guest. An UG is any individual or group that is there to disrupt the services of a fallen hero. This is our preferred term to be used for any protesters.

LEO and LE - Law Enforcement Officer and Law Enforcement. Local, County, and State Law

Enforcement Officers are the folks who make the majority of missions safe. Without their assistance, the PGR would not be as successful as it is.

CAO - Casualty Assistance Officer. These are the military men and women assigned to help the family.

COC - Confederation of Clubs

This is an organization that was founded to oversee all motorcycle clubs in the United States. It is made up of representatives from many, if not all, of the M/C's in the country. It is not a governing body per se, but a resource to which various M/C's may go to resolve disputes and issues, and also serves as an advocacy group for various clubs. Some states do not have a COC but may have another organization similar to it. Some states, due to their size, may have more than one COC.

KIA - Killed in Action

MIA - Missing in Action

POW - Prisoner of War

CAGE - A car or truck, enclosed vehicle.

DOD - United States Department of Defense. This is the agency from which we get our notices of KIA service members.

ROAD GUARD - Assists the RC with traffic control such as blocking intersections from cross traffic. They also keep an eye out along the line for potential problems.

TAIL GUNNER - This is usually the last rider of the group. His/her responsibilities may include, but are not limited to, staying alert for possible problems within the group, keeping the group in formation and up to speed, assisting with Road Guards. Many may be able to communicate with the RC by CB to report any accidents or problems.

STAND DOWN - This usually means that a watched or confirmed mission is cancelled. This can be because a family has requested a family-only service or the service has been moved to a different state. If the service is moved to a different state the mission thread will be changed to reflect the move.

HOW DO I USE THE WATCH LIST FORUM?

POSTING KIA NOTICE

It has been determined by National that to avoid confusion, that only the Web/Forum administrators will post KIA Notices confirmed by DOD in this forum. If you receive or notice a media story of a KIA not yet posted please refrain from posting. Our troops have embedded media reporters with them and there is no way to determine how the story got out or if the family has been notified properly if there is no DOD Confirmation Release. Instead, please forward the story to your state captain and courtesy copy **web@patriotguard.org**

REPLY POSTS

In order to help cut down the confusion and thread buildup please refrain from posting such as "Keep me posted," or asking if there is pertinent info on a KIA yet. The state captains and ride captains are working diligently in the background to get this info to you. **SCs and RCs** once you have pertinent information that a mission is confirmed please make a reply post as such and send a courtesy email to **web@patriotguard.org**. At this time the thread will be moved into the Confirmed Mission Rides forum after the mission has been confirmed by the **SC or RC**.

To help keep the Mission threads on track please limit it to mission information only. Idle conversations and meet and greets can be posted to the **Off Topic** or **Regional** sections of the Forums. This helps keep the information on mission, times and places easy to find.

If you see a media report about services with times and locations please refrain from reply posting this as well. Instead please forward this info to your SC or RC and courtesy copy **web@patriotguard.org**

Web administrators have provided a new module to the website in the Private Message feature. You can easily and quickly send your SC or RC a PM now.

HOW DO I USE THE CONFIRMED MISSIONS FORUM?

ITINERARY POSTING

SCs and RCs will be posting Mission Itinerary information as it becomes available. Once this is posted Web Administrators will re-post the Itinerary to the ***first post*** in the thread and make an edit to the subject line that says Itinerary Update. The date will also be added to the subject line.

REPLY POSTING

Feel free to post any questions you have at this time pertaining to the mission itinerary, staging locations etc. In order to

cut down on confusion and thread buildup though, please refrain from posting such as "Keep me posted," etc. Please use the Private Message function or emails to communicate to your SC or RC's.

If you see a media report about services with times and locations please refrain from reply posting this as well. Instead please forward this info to your SC or RC and courtesy copy **web@patriotguard.org**.

To help keep the Mission threads on track please limit it to mission information only. Idle conversations and meet and greets can be posted to the **Off Topic** or **Regional** sections of the Forums. This helps keep the information on missions, times and places easy to find.

RIDE REPORTS

Once a mission is complete the subject line will be edited to read Mission Complete. **At this time please refrain from posting any afterthoughts until the SC or RC has had a chance to gather thoughts and post a Ride Report.** At this time the thread will be locked and the Ride Report thread will be available for your comments and thoughts. The Mission thread will remain in the Confirmed Mission Rides forum in a Mission Complete status for 3 days to reflect on the Home Page sidebars and direct further readers to the Ride Report Thread. It would be nice if you could check in on the Ride Report once you have arrived home so your SC knows you are home safe and sound.

MISSION PHOTOS

On your missions you may take photos and or videos with respect. Please respect the family and fallen hero by not photographing them or the casket unless requested by the family. Photos such as these will not be posted in the gallery out of respect for our hero.

Please refer to the "WHAT IS THE PHOTO GALLERY AND CAN I POST PICTURES THERE?" FAQ for information on posting mission photos.

CAN I RECEIVE EMAIL NOTIFICATIONS OF MISSIONS?

Our SC/RC's are extremely busy making arrangements for missions in their areas. Although some State Captains are able to set up email lists for notification it is not done as a rule. The SC/RC's are incredibly busy working behind the scenes to contact family, map out routes, recon staging areas and coordinate with local Law Enforcement. They simply don't have time to email all members in their state. While many SCs do a single alert email to his state/area members this is not always the case. Please keep in mind that this is a volunteer organization and most of these folks also have jobs, families, and other PGR duties. It is your responsibility to keep track of possible missions.

You can receive blanket email notifications by subscribing to the Watch List. Possible missions are posted there until they become a Confirmed Mission. Click on the Watch List forum. In the top left-hand corner you will see **"Email me when someone posts to this forum."** Put a check in that box. Any posts to that forum will be sent to the email address you have listed in your profile.

Several members have set up a separate email address for PGR communications due to the high volume of information they wish to receive from the site. You may also want to keep track of other threads that are of interest to you. This will allow you to keep PGR communications separate from business and personal email. If you do not wish to receive blanket email from the Watch List you will need to log on to the site and check the list periodically. Information can change rapidly for missions so it is suggested that you check at least once a day. If you find a mission in your area you can enter the thread for that mission and subscribe to that thread by checking the Email notification box as described above.

WHAT IS THE DOD WEBSITE?

This is the **US Department of Defense** website. On the right hand side of the site under Press Resources you will find the link for Releases. An official notification of KIAs comes from the DOD. Once the DOD has released the information this means that all family members have been notified and the Moderators then post the listing to the Watch List. You may subscribe to the DOD website, however, ONLY the moderators will post the official notices to the PGR website. The missions are posted to our site in the same format used by the DOD so they are found more easily by people using a search engine such as Google.

WHAT TYPE OF MISSIONS DO WE DO?

Our main mission is to honor our fallen heroes, their families, and communities by attending memorial services and funerals. We are there to pay our respects and to shield the families from any interruptions by uninvited guests. While this was the original purpose of the PGR at its inception, our missions have expanded to include many other activities. Other programs are being implemented frequently. You can check the **Special Missions** Forum in the Ride Information section for updates. A link can also be found for specific special programs in the Navigation Bar under **About Us>Our Programs**.

WHAT IS A SPECIAL MISSION AND WHAT IF I HAVE AN IDEA FOR ONE?

The PGR has evolved into a group that honors all veterans from all conflicts. We have added **Special Missions** to include welcome home escorts for returning military personnel and units, send-offs, parades, visits to veteran's retirement homes, hospital visits to wounded vets and many other events. If you have an idea for a Special Mission you can contact your SC with the information. You will find more information regarding special missions under the **Ride Information** Forums.

WHAT IS HELP ON THE HOMEFRONT

Help on the Homefront is a charitable function which aids wounded veterans and their families. Ronny "Bear" Awtry is the one to work with regarding this wonderful mission.

MISSIONS

HOW DO I FIND OUT ABOUT MISSIONS IN MY AREA?

PGR 000150

You will use the Watch List and Confirmed Missions List. You may access these lists one of two ways. On the Home Page you will find a column on the right-hand side of the page. Click on the Watch List or Confirmed Missions List heading and it will take you to the respective forum. You can also access the lists by placing your cursor over the Forums link in the Navigation bar on the left-hand side of the page. A drop down menu will appear and you can then choose which Forum to enter by clicking on it. For further instructions please see the FAQ section for Forum Use.

WHAT CAN I EXPECT ON A MISSION?

This is a time of mourning and it is be very emotional for the family, community and the PGR members. It can get overwhelming so just let it flow. You will see many of your fellow members in tears or otherwise greatly affected. Don't hesitate to give a hug or offer a hand. We are all feeling the same emotions. You will also feel a great sense of pride in being there.

Your State or Ride Captain will have set up a staging area for everyone to meet. Please make sure you are there on time, fueled up and have already performed your pre-ride safety checks. Your State/Ride Captain will hold a briefing for any instructions and last minute information you may need. Please be sure to check the thread for that mission thoroughly just before you leave to make sure there aren't any last minute changes for times and locations. It is recommended that you print out the itinerary posted in the thread to take with you. Many SCs will post Mapquest links within the thread to assist you with directions to various staging areas.

The normal formation, but subject to your State or Ride Captain's discretion, with National approval, will be bikes with large flags in front, the rest of the bikes, then cars or other vehicles. In most cases there will be a pre-designated place for us to park, if not please DO NOT park in areas close to the building where the family and friends should park.

Once at the service there may be changes as to what we do or where we can help depending on what the family, funeral director, or LEOs want or need, so be listening up for the State or Ride Captain to make more announcements. On one mission we helped direct parking because the funeral home did not have enough people.

WHAT IS A LIABILITY WAIVER?

It is an agreement that you ride the mission at your own risk without holding Patriot Guard Riders liable for any accident or injury resulting from your participation in the mission or event. You will be required to sign a liability waiver list in order to ride/drive or attend a mission. The list is made available at each mission and must be signed at each mission.

DO WE ATTEND THE ACTUAL SERVICES?

Many families invite us into the chapel to attend the actual service. It is up to you if you choose to do so. Your SC/RC will let you know if the invitation has been offered.

CELL PHONES

PGR 000151

Please turn your cell phones off or to "silent" during the mission. If you must make or take a call please remove yourself from within the sight and hearing of the family and other participants until your call is complete.

SMOKING/EATING/DRINKING

Please pack your trash back out with you if you can't find a proper receptacle. Put your butts in your pocket until you can find a can or ashtray. The use of a film canister or baggie has been suggested to discard butts. Absolutely NO consumption of alcohol during a mission. Respect includes respect for the church, funeral home or cemetery grounds.

YOUR THROTTLE

If you must leave a mission early please choose an appropriate time preferably immediately before or after the services. Always remember this is about respect and keep your throttle to a minimum when starting and leaving the area.

WHAT DO I BRING TO A MISSION?

Make sure you bring water to drink. If you know it's going to be a long day bring some snacks or even pack a sandwich. Some folks have been known to generously provide water and snacks during the mission but this is not expected of them and it is your responsibility to provide your own. If, by chance, they have a donation jar located near the snacks feel free to drop something in to help defray their costs. Many also choose to donate back to the PGR. You are under no obligation to make the donation.

You may want to bring your own flag. A collapsing pole is recommended for ease of carrying if you do not wish to attach it to your bike **JTDent** offers a discount to PGR members. Most State or Ride Captains will have a number of flags with them but the more we have the better. If you need flags check the **Links** section in the Navigation Bar for both bike flags and 3'X5' flags.

Other equipment like, cold weather gear, rain gear, leather good, patches and business cards are avail in the **Links.** These are made available by PGR members at special pricing in most cases below wholesale. PGR flags are available through the PGR store.

You can purchase different types of flag poles and mounts. Check out the Forum thread **Flag Mounts.** You will find a wealth of information there for mounting flags on your bike.

Sunscreen and a small first aid kit are highly recommended.

HONORING SPECIAL RELIGIOUS OR ETHNIC TRADITIONS.

Our main purpose is to honor the fallen hero. We already do that with our presence and display of flags. There is no need to further honor religious or ethnic traditions of the family or community unless a specific request is made. If a family or community chooses to offer their thanks with a patch or other form of gift, as has been done on a previous mission, it is not

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up to us to return the favor. Gift-giving may be required by ceremonial traditions of certain ethnic groups. Some religious or ethnic traditions require clothing of a certain color. The family may make this request. Since our mission is to show honor and respect we make every effort to honor the family's wishes.

WHAT IS THE PGR PLAQUE?

The plaque is something that is presented to the families of the fallen service member. It says: "On behalf of a grateful America and the Patriot Guard Riders, please accept our sincere condolences on your tragic loss. May your pain be tempered by the knowledge that "NAME" is a true American Hero." Then it has the PGR emblem on the bottom. It is paid for by any revenue created by clicking on the ads on the sides of the website, or by some purchases from the PGR store.

WHAT IF A MISSION IS CANCELLED?

If a funeral mission is cancelled due to the family's request we DO NOT attend. This would be disrespectful to the family. If it is a public event you may attend as a citizen but we ask that you leave your PGR items at home, if possible. Our mission, first and foremost, is respect. Not only does that apply to families but also to the communities in which we live and serve.

ARE MISSIONS EVER LIMITED IN ATTENDANCE SIZE?

A family may wish to invite the PGR but only on a limited basis. Again, we do everything we can to honor the family's request.

DO I SALUTE AT MISSIONS?

It has been suggested that civilians should salute by placing their right hand over their heart. Many military personnel will give a hand salute or place a hand over their heart. While it has been customary that only military personnel in uniform should salute, recent changes in thought have led to giving a choice to those who have served. PGR maintains that the salute is your personal decision as long as it is in keeping with our mission of respect and honor.

HOW DO WE SHIELD THE MOURNERS FROM THE UGs?

If protestors are in attendance we simply hold our flags with our backs turned to the protestors. We, in no way, engage the protestor either verbally or physically. We may sing, rev our engines or say the Pledge of Allegiance but that is strictly up to the direction of the SC/RC. Take your cues from them.

WHAT DO I DO IF AN U.G. ATTEMPTS TO PROVOKE ME?

Stand with your back to them and ignore them. Your only function at the mission is to pay your respects to the fallen hero and his/her family.

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CAN I BRING MY CHILDREN TO MISSIONS?

Yes. It is suggested that you use your best judgment with smaller children. If your child becomes restless please be prepared to remove him from the area so as to not disturb the services. Perhaps you and your spouse or a friend can agree to a plan of action before you attend the mission. Talk with your children before hand to prepare them for what may happen. You will find that they may be able to understand more than you think. Give them a flag of their own that is a size they can handle. Teach them some flag etiquette. This can be a positive experience for your child.

FLAG ETIQUETTE

The flag that is of the utmost importance is our national flag, to which the greatest respect should be paid. No other flag can be flown above the national flag.

It is imperative that no one show disrespect to the national flag.

The national flag should never be "dipped" or lowered to any person or thing.

However, Regimental colors, State flags, and organizational or institutional flags can be dipped as a mark of honor. The flag should never be allowed to touch the ground. Flags are displayed in a specific order with the US flag always being in front of a line or on its own right. If, in a flag line, you are in doubt of your position please ask your SC or another member if you are in the correct position if you are holding a flag other than the US flag.

HOW DO I MOUNT FLAGS ON MY BIKE/CAR?

The American Flag is always mounted on its own right. The flag's own right is the side of the Canton, or blue field of the flag, also referred to as the Union. Other flags are mounted to the left of the American flag and at the same level or lower than the American flag. When several flags are used they are to be displayed in this order from the American flag's own right: US, other countries, states, counties, cities/municipalities, military branch, organization, and symbolic or personal. See the picture below for an example. This example also applies to cars and trucks.

This is directly from the U.S. flag code:

SEC. 3 That the flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

(a) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (j)
(b) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motor car, the staff should be fixed firmly to the

chassis or clamped to the right fender.

(c) No other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy. (See Public Law 107, page 4)

Present Arms -Salute or put your hand over your heart, whatever **you** are comfortable with.
If you are a flag bearer, do not salute or cover your heart.

The US FLAG is presented straight up with no dip whatsoever and no salute will be hand rendered when bearing the flag. All other flags including PGR flag will be dropped to a horizontal position.

Cover - headgear, hats. Some members feel this includes do-rags. Covers are not required to be removed during present arms in an outdoor environment.

Covers should be removed for prayers.

HELMET LAWS

WHICH STATES HAVE HELMET LAWS AND WHAT ARE THEY?

Listed here you will find all the helmet laws for all 50 states. Further information on the actual statutes is available HERE. While some states seem to have no helmet law they actually do require a helmet unless specific insurance requirements are met. Please check laws in individual states for specifics.

Of the fifty states, only 4 are 100% helmet law free! :

Colorado, Illinois, Iowa and New Hampshire

Of the other 46 states, 20 have full helmet laws for all motorcycle riders:

Alabama, California, Georgia, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, Oregon, Tennessee, Vermont, Virginia, Washington, and West Virginia.

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19 States have helmet laws that exempt adult riders, riders over the *age of majority* - 18 years old and over. Those states are:

Alaska, Arizona, Connecticut, Delaware, Hawaii, Idaho, Indiana, Kansas, Maine, Minnesota, Montana, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Utah, Wisconsin and Wyoming.

There are 7 states that require helmets for riders between the ages of 18 and 20.

Arkansas, Florida, Kentucky, Pennsylvania, Rhode Island, South Carolina, and Texas.

MISSION SAFETY

WHERE CAN I GO TO LEARN MORE ABOUT GROUP RIDING?

The **Motorcycle Safety Foundation** has excellent courses on group riding. Sign up for a class and hone your riding skills. Some Owner's Groups also give you a gift certificate for merchandise after you have taken the classes. This link contains three excellent videos that you can watch to get an idea of what is required for basic and group riding. Scroll down below the US map to the videos marked WATCH.

WHAT IS A CHASE VEHICLE AND WHAT DO THEY CARRY?

A chase vehicle is a car or truck which carries extra equipment for a group of motorcycle riders. This is a ***suggested*** basic list. You may not be able to carry all items listed. You may have more than one chase vehicle per mission and you can split the list with another vehicle.

For People

- Protein snacks
- Water
- Bottled water (bottles of water in an ice chest)
- Ice
- Gatorade
- Well-equipped First Aid kit to include:
  - Aspirin
  - Ibuprofen
  - Electrolyte tablets
  - Benadryl
  - Blanket
  - Towels

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- Latex gloves
- Snap and shake cold packs
- Space blanket
- Antibiotic cream
- Band-aids
- Gauze pads
- Bandage tape
- Scissors

Stuff for Bikes

- Bungee cords
- Flag Tie Downs
- Ratcheting nylon tie-down straps.
- Fuses
- Duct Tape
- Electrical Tape
- Tow Rope
- Air compressor or air tank (for soft/flat tires),
- Tire Patch/plug kit
- Highway markers/flares,
- Reflective vests (for folks having to direct traffic around a break-down, etc.),
- Flashlights (the new no-battery type),
- CB radio,
- Pre-paid cell phone
- Basic tool kit to include SAE and metric tools
- Loctite
- Jumper cables
- Battery charger
- Low jack with a flat plate that would go under a bike.
- Gasoline 1 - 2 gallons
- Crankcase oil
- Hypoid Gear oil
- Bailing wire
- Zip-ties / Wire Ties
- Assorted Hose Clamps (diff sizes)
- W/D 40
- Rags/Towel
- Hand Cleaner

- Extra Flags and poles

Stuff for Chase Vehicle

- Large caution sign on the rear of the truck
- Revolving yellow lights on top (check local laws)
- Two 7" x 20 yellow w/black stripe vertical caution signs to hang on either side of the tailgate

WHAT ARE SOME OF THE "COMMANDS" AND TERMS I HEAR DURING MISSIONS?

Kickstands up, Saddle up, Clutches out - This means we're leaving.

Present Arms - Stand respectfully with your flag, salute or put your hand over your heart, whatever you are comfortable with. If you are a flag bearer, do not salute or cover your heart. The national colors are presented straight up with no dip whatsoever and no salute will be hand rendered when bearing the flag.

Cover - headgear, hats. Some members feel this includes do-rags. **Covers are not required to be removed during present arms in an outdoor environment.** Covers should be removed for prayers though.

Parade Rest - relax

OTHER COUNTRIES

DO WE RIDE IN CANADA?

We have several Canadian members but, to date, have not ridden a mission in Canada though this is changing. National is working on a network for a Canadian branch of PGR. As of the writing of this FAQ we have one mission on the Watch List.

WHAT DO I NEED TO CROSS THE BORDER TO AND FROM CANADA?

- Driver's license or state ID for every adult in the vehicle should have birth certificates for all minors. Passports are going to be required within the next few years.
- No fireworks, weapons, firearms.
- If you have a DUI or OUI or any felony, you can be denied entry to Canada.
- You must have proof of insurance (even though they usually don't ask for it at the border).

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- Speed limits are in kilometers!!! 100 km/h = 60mph
- As with everything, you need to be polite and pleasant, because if you give any attitude, you will encounter problems entering either country.
- All Canadian provinces have universal motorcycle helmet laws.
- Some smaller border crossings aren't open 24 hours.
- Radar detectors are illegal.

When physically going through the border crossings, at minimum, ALL occupants are going to be asked where they're from, where they were born, where are they going, how long are you staying... but they can ask any other question they want. 9 times out of 10 you can get right through, but it is in their right to have you pull over and they will search the vehicle THOROUGHLY! Sometimes it's easier to avoid crossing at the larger "main" border crossings and going through some of the smaller points of entry instead, the guards don't seem as stressed.

Going to Canada, you can take 1 carton of cigarettes and 40 oz of liquor or a case of beer, preferably purchased at the "Duty Free" store at the border. Coming back, you can bring the same amounts back, but only if you've been in Canada for over 48 hrs (if it's less than 48 hrs, you would have to pay taxes on it). After 48 hours in Canada, you can bring back up to $400.00 in purchases (keep ALL receipts) - if it's under 48 hrs, once again, you would have to pay taxes. You're not supposed to bring plants, fruits or vegetables either way, although it seems to be stricter coming back in the US. (When crossing, most places will record your license plate, so they know how long you have been there.)

Canada has lots of taxes, if you spend over $200.00 on hotels or "large" purchases (not food, restaurants or little odds and ends), you can get the federal taxes (GST) back - there are forms available at the border and you can claim it there or you can mail it in. The receipts can be accumulated up to 2 years.

Most all Canadian's speak English. Those in the Province of Quebec speak French and prefer only French, and the signs are in French (where other Provinces have them in English and French).

Gas prices are almost double in Canada; fill up prior to crossing the border. Everything is metric, so gas is by the liter (approx 35% + higher).

Right now the exchange rate is roughly $1.00US = $1.10CA. We have found that it's easier to withdraw cash at a Canadian ATM machine (with our US bank issued ATM card) because you will get the current rate. If you try to exchange money at most places, they will give dollar for dollar ($1.00US = $1.00CA). We also pay for everything with credit/debit cards just because the rate fluctuates. Canada has $1.00 and $2.00 coins, not bills.

If bringing presents, DON'T WRAP THEM!! They will be unwrapped and searched to make sure it is not contraband.

The trailer trucks in Canada carry more weight and are larger than in the US, so you need to be more cautious.

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When ordering at a restaurant, order everything at once because you will never see the waiter again... they don't give ice in your soda... French fries come with gravy... yes, the beer WILL knock your socks off - it's a lot stronger... Canadian Heinz Ketchup is yummier than US Heinz Ketchup... they say "eh" at the end of every sentence... and remember that the US border guard can keep you from coming home!

HOW ARE FLAGS DISPLAYED IN CANADA?

Basically, in the same manner as in the US with the Canadian flag taking precedence over the US flag.

No flag, banner or pennant should be flown or displayed above the Canadian Flag.
Flags flown together should be approximately the same size and flown from separate staffs at the same height.

The Canadian Flag should be given the place of honor when flown or displayed with other flags:

- When two or more than three flags are flown together, the Canadian Flag should be on the left as seen by spectators in front of the flags; if a number of countries are represented, the Canadian Flag may be flown at each end of a line of flags.
- When three flags are flown together, the Canadian Flag should occupy the central position, with the next ranking flag to the left and third ranking to the right, as seen by the spectators in front of the flags.
- Where more than one flag is flown and it is impossible to hoist or lower at the same time, the Canadian Flag should be hoisted first and lowered last.

When the National Flag of Canada is raised or lowered, or when it is carried past in a parade or review, all present shoulc face the flag, men should remove their hats, and all should remain silent. Those in uniform should salute.

We hope this FAQ has answered many of your questions. Please feel free to contact your SC or another, more experienced member in your state with questions. The members of the National Board are available for questions also.

Advertisement

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT G

of

"Supplemental Declaration of Jason D. Wallin"

PGR FAQ

PGR FAQ

Welcome to the Patriot Guard Riders!

As our mission statement says:

We don't care what you ride, what your political views are, or whether you're a "hawk" or a "dove". It is not a requirement that you be a veteran. It doesn't matter where you're from or what your income is. You don't even have to ride. The only prerequisite is ***Respect***.

Our main mission is to attend the funeral services of fallen American heroes "as invited guests of the family" Every mission we undertake has two basic objectives:

1. Show our sincere respect for our fallen heroes, their families, and their communities.

2. Shield the mourning family and friends from interruptions created by any protestor or group of protestors.

We accomplish the latter through strictly legal and non-violent means.

As a new member you will have many, many questions. Please check this FAQ and the Forums carefully before posting your questions. There is so much information and traffic on the forums that cross posts are common. This FAQ has been compiled from questions posed on the forum, suggestions by other members, and policies adopted by our National Board.

MEMBERSHIP

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WHAT SHOULD I DO FIRST WHEN I JOIN?

Fill out your information in your profile. State/Ride Captains use this information to contact you.

HOW MUCH INFORMATION DO YOU NEED FROM ME IN MY PROFILE?

It is important that your contact information is up to date in the event we need to contact you. At a minimum you should have your full name, email, city and state. A phone number would be helpful too, if you don't mind. ***No one but National and State Captains have access to this information***, so don't worry about it getting out. After you have logged in click on your name in the upper right corner of the screen and it will take you to your profile where you can update your information. This can also be accessed by entering the Forums. You will see a tool bar as pictured below. Click on "My Profile". There you will be able to update your profile and account information and manage your thread and forum subscriptions.

Forums My Profile Search Members

ARE THERE ANY DUES OR MEMBERSHIP FEES?

No, membership is free. PGR is funded through purchases made from the PGR store, public donations, member donations and member businesses who donate. We also receive funding from the Google Ads in the Forums sections. These ads are in the banner and a sidebar on the left-hand side of the page. Downloading and using the Firefox browser also generates funds.

IS A DONATION TAX DEDUCTIBLE?

Yes. Patriot Guard Riders is a non-profit 501(c)3. Consult your professional tax preparer or the IRS for rulings on deductions for donations to non-profit organizations.

WHAT IS CORPORATE SPONSORSHIP?

Some corporations have elected to support the PGR through sponsorship of operations and functions of the PGR.

DOES THE PGR HAVE ANY PRINTED INFO TO PASS OUT TO POTENTIAL MEMBERS?

Yes. You may purchase approved business cards from a PGR member located in the **Links** section of the Navigation Bar. National is also working on a brochure which will soon be available.

HOW DO I GET OUR CLUB'S WEBSITE LINK ON THE LINKS PAGE?

Send the link and a graphic to **Hardbite** and he will add it to the PGR site.

QUESTIONS FROM BUSINESS OWNERS:

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I OWN A BUSINESS THAT MIGHT BE OF INTEREST TO PGR MEMBERS. CAN IT BE LISTED ON THE WEBSITE?

Yes it can. Send an email to **Hardbite@patriotguard.org** with the URL and a graphic from your site including any information you want posted. They will get it posted to the Links section in the Navigation Bar on the Home Page.

DO I HAVE TO OFFER A DISCOUNT OT PGR MEMBERS?

Although many member businesses do, it is not required nor is it expected. If you offer a discount it is at your discretion.

DO I HAVE TO DONATE A PORTION OF THE PROCEEDS FROM SALES TO PGR?

Although some businesses do, this is not required nor is it expected. Many members do like to patronize member businesses that offer a discount or donate funds to PGR from those sales. Any donation is at your discretion.

WHAT IF I HAVE AN IDEA FOR A FUNDRAISER FOR PGR?

All suggestions for fundraisers are appreciated. Fundraising ideas can be posted at the **PGR Suggestions** Forum in the National Forum. Any type of fundraiser in the name of the PGR should be approved by National before it is actually implemented. Please read the Forums before posting, your idea may have already been suggested and it may already be in the works.

WILL I GET A MEMBERSHIP CARD?

No. The PGR does not issue membership cards at this time.

HOW WILL MY STATE CAPTAIN KNOW I'VE JOINED?

The National Board along with all the State Captains (SC) are listed in the Navigation bar on the Home Page under **Leadership Contacts>State Captains**. Open the link, scroll down to your state and email your SC to let him know you've joined. He/She also monitors the Regional Forums so if you post there to introduce yourself you may be contacted shortly. If you live in a state which does not currently have a captain you can post to the **Regional Forums** in your area and let everyone there know you're new. Post to the **Introductions and Shout Outs** Forum and introduce yourself.

IS THERE A DRESS CODE OR REQUIRED UNIFORM?

No. Dress for safety, comfort and respect. Many suggestions have been made regarding standard shirts or clothing but National has not adopted a dress code or policy for our members. A family may have a special request due to ethnic or religious practices for a specifically colored shirt or other form of attire. Since our mission is "respect," we do everything in our power to honor those requests. Keep in mind that we are there to respect the family, and check your vests for any patches which may contain offensive language. Those patches can be covered with masking tape for the duration of the

mission. Many members have decided to use a vest specific for PGR missions. There are several beautiful patches being offered as fundraisers for the PGR. You will find members selling those patches in threads on the **PGR Suggestions Forum** and in the **Links** section on the Navigation Bar on the Home Page.

DO I NEED SPECIAL CLOTHING TO ENTER MILITARY INSTALLATIONS?

Some missions do take place on military installations. These installations do require certain safety equipment for entrance to the base. This includes, but is not limited to, a DOT approved helmet, long sleeve shirt, full-fingered gloves, boots covering the ankle and long pants. Many installations also require a bright colored or reflective safety vest or belt.

CAN I WEAR MY M/C COLORS?

Some Law Enforcement Agencies have a "No Colors" policy for large groups of motorcyclists. You will be notified of this in the mission thread. Please respect their request and leave your colors at home. If you are unable to do so due to requirements of you club, we understand completely but ask that you stand down for the mission.

If you belong to another riding club please check with them before placing the PGR patch and pins on your club vest. Many clubs do not allow other patches and pins on their vests. They may also have restrictions regarding where you may wear your vest with their patch.

PGR BACK PATCH

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. Back patches representing M/C's or R/C's are earned by their members during the year or two in which they "prospect" or serve as a prospective member. They work hard to earn the right to wear the patch.

If you choose to purchase or wear the back patch please check with your state captain to make sure that he/she has contacted the COC in your state for approval of the patch BEFORE you purchase the patch. COC in some states are recommending that the back patch not be worn due to safety concerns for our members. Trust in their judgment; they are more aware of the attitudes of the individual M/C's than we are. WARNING: if you are asked to remove the garment on which you are wearing the patch, please do so immediately, and without contention, for your personal safety.

For more information regarding the 1%'ers, M/C's, R/C's and their traditions and policies please go to **M/C educational information.**

ARE THERE REGULAR CHAPTER MEETINGS?

No. The PGR is a volunteer organization not a motorcycle club. We do not hold regular meetings however many folks organize informal area or state get-togethers and meet-n-greets. You will find information regarding these in your

Regional Forums. Each region contains a thread specific to your state.

SINCE I AM A MEMBER CAN I USE THE PGR LOGO AND NAME?

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 **jbrown@patriotguard.org** before using it.

WHERE DO I PURCHASE PGR ITEMS?

The link to the **PGR store** is located in the Navigation Bar on the left-hand side of the Home Page. You will need to create a separate log-in from the one you use to log in to the PGR main site. Once you have entered the store please take the time to familiarize yourself with the policies and procedures of the store. Many of the questions you may have about the store will be answered there.

PGR STORE CHANGEOVER ISSUES

The new Online PGR Store is automated in many respects. This assures fewer errors, faster processing and more accurate delivery of the items you order. Included in the automation is inventory. When an order is received for an item, the system automatically reduces the inventory level of that item by one. All orders, including back orders, are automatically processed on what's called the FIFO method (First In-First Out). What this means to you is pretty simple... Your order is filled in the order in which it was received, regardless of whether it's in stock or back ordered. If an item is on back order, and you wait to order it till you see it's in stock, there may be a hundred people who have already ordered it and will be ahead of you. So, if something shows as on back order, and you want one, go ahead and order it and you'll be in line as soon as they arrive. In an attempt to reduce shipping expenses, the system allows for only two shipments per order; an initial shipment of all items currently in stock when the order is received, and one final shipment only when all B/O items are in stock.

During the change over from the old to the new PGR Store, inventory levels are "iffy" because the "old" and "new" stores are different software systems. Back orders being filled from the old store do not automatically reduce the inventory levels in the new store records. Therefore, it is possible that items show "in stock," but are actually already depleted. As time goes on and the "old store" orders are processed, this will clean itself up. When a shipping label is pulled up for printing, the order is automatically transferred to the "Shipped" category in your account records. This can result in some instances where your account shows an order as having been shipped when it actually was not. It will be shipped as soon as the items arrive in stock. Please bear with us as we work through these issues. The new system looks like it will work great as soon as all of the old store orders are finally processed.

Please keep in mind that the PGR Store is not Wal-Mart. We process orders after our "9 to 5" jobs and other PGR responsibilities. We're working as fast as we can, but it may take up to 4 weeks for us to receive items on back order.

REGARDING THE PGR ONLINE STORE:

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A number of people have asked if they or a friend can duplicate some of our stuff for free to help the cause. Our PGR name and logo 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.

WHAT IF I HAVE AN IDEA FOR AN ITEM FOR THE STORE?

Suggestions for the PGR store can be posted in the National Forums under the heading **Patriot Guard Store**. Check the threads in that Forum before you post. Your idea may have already been suggested and the answer will be there.

WEBSITE QUESTIONS

ONCE I'VE JOINED HOW DO I LOG INTO THE SITE?

The Log-in is located in the far upper right hand corner of the Home Page. If you Log in and check the box to "Remember Login" you will not need to log in each time you visit the site.

WHAT IS THE PHOTO GALLERY AND CAN I POST PICTURES THERE?

The photo gallery is reserved for PGR missions and events only. On your missions you may take photos and or videos with respect. **Please respect the family and fallen hero by not photographing them or the casket unless specifically requested by the family. Photos such as these will not be posted in the gallery in respect for our hero unless the file is specifically labeled that family permission has been obtained.**

Please, please please, (did I say please ?) limit your camera resolution to 640x480. This is the standard viewing size for internet pics and will turn out just fine. Secondarily it limits the file size to below 1mb. I've been receiving some incredible pictures but at huge resolution resulting in 1-2mb per picture. Our server isn't infinite in storage space and I would hate to have to start culling mission photos for space considerations.

Place your photos in a .zip file labeled with the hero's name and location and mail to **photos@patriotguard.org** and we will get them posted up ASAP.

To do this with Windows OS, once you have the pictures uploaded to your computer, navigate to the folder you saved them in. While holding down the shift key, highlight each and every pic file you want to send. Once they are all highlighted, right click on the last one highlighted and select send to/compressed file. This will create a .zip file for you to attach to your

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email.

Files should be no larger than 4-6 MB to ensure the photos will be received.

NAVIGATING THE PHOTO GALLERY

Click on the folder you would like to view. Once you have finished viewing that folder you can return to the main gallery by clicking the small arrow on the very left-hand side of the tool bar. To exit the gallery and return to PGR home page click the house icon in the upper right hand corner of the tool bar at the top of the gallery. The tool bar also allows you to email, download images in two sizes, and view images in a slideshow format.

WHAT ARE THE FORUMS AND HOW DO I USE THEM?

The forums are message boards set up for us to communicate with each other. They are **"Public Forums,"** so anyone can read them, including the families of our fallen heroes. Please take a few moments to familiarize yourself with the different Forums and their content. They each serve their own purpose. Stop in to the **Introductions and Shout Outs** and tell us a little about yourself. Make a connection in your **Regional Forum** also. There you will meet members in your area, learn about specific activities in your state and let others in your location know you're a new member. **Please check all pages of the threads before you post your suggestions or questions. You may find the answer already there.**

Once you have entered a Forum by clicking on its name you may subscribe to it by checking the **"Email me when someone posts to this forum."** You will find this located at the top of the forum on the left-hand side. If you don't wish to subscribe to a Forum but want to keep track of a particular thread you may check the box labeled **"Email me when someone replies to this thread"**. You will need to enter the thread by clicking on it in order to subscribe to it.

WHAT ARE ALL THESE GOOGLE ADS IN THE BANNER AND SIDEBAR OF THE FORUMS?

This is another way to fund PGR. PGR does not have control of the ads placed in the Banner and Sidebar and can not remove specific ads from these areas. Clicking on the ads sends funds to PGR.

There have been times when the Banner Ads have caused a slow down on navigation of the site. This problem can be fixed but will only work for users who are using the Internet Explorer browser, are running Microsoft Windows XP, and have their system up to date to at least Service Pack 2 (If you don't you won't see the "Manage Add-ons" under tools) If you are running Windows 98/ME or Windows 2000 this fix is not available to you. For I.E. ver. 6 users, since the ad uses the Macromedia Flash browser plug-in to function, you can simply disable it within the browser which will kill the ad and free your surfing within the PGR forum back up.

In Internet Explorer click on , , Show "Add-ons that have been used by Internet Explorer." Look in the list in the window until you see something labeled like "Shockwave Flash Object," highlight it, and at the bottom of that window under settings, set it to "Disable." You may have to restart the browser for it to take effect, but the Flash add should be gone and surfing should return to normal. Just remember to re-Enable your Flash plug-in if you go elsewhere on the web to a page

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that uses properly coded Flash that doesn't hang up I.E. Not everyone should have to download and install a different browser just because of poor coding.

WHAT IF MY EMAIL ADDRESS CHANGES?

Log in to the site and click on your name in the upper right hand corner next to the Log in. This will take you to your Account Profile where you can make any changes necessary.

CAN I CHANGE MY SCREEN NAME?

No, your Screen Name is the User ID for your account. In order to change this you must un-register and then register using the new name of your choice.

I CAN'T REMEMBER MY USER ID OR PASSWORD. HOW DO I RETRIEVE IT?

Our Help Desk is accounts@patriotguard.org. Send an email requesting your information. We will look it up for you, reset your password and send you an email with the information.

FORUM TOOLS

Delete Edit Quote Reply Alert

Directly above your post on the right-hand side you will find the tool-bar indicated above. You may delete or edit your own posts. Forum moderators are the only ones who can delete/edit posts of other members. If you find a post to be offensive, you may notify the Moderators by clicking on the Alert button directly above the offending post. **Please include your screen name AND full name as a signature to your alert.**

If you would like to reply directly to a specific post you may click on the Quote button directly above that post. This will highlight that post and place it in your reply. Type your reply and click Submit. If you simply wish to reply to the thread you may click on the Reply button.

QUICK REPLY

Located at the bottom of the thread is the Quick Reply. This allows you to reply to the thread but **does not allow** for uploading files and pictures or to post an active link. You must use the Reply button at the top of the thread to do so. Please keep posting of pictures and graphics to a bare minimum since this just eats up bandwidth. Mission pictures are not posted in Forums. They must be submitted to the webmaster in a specific format for upload to the **Photo Gallery**. Further instruction for posting mission photos is contained in this FAQ under **How Do I Use the Confirmed Mission Forum.**

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PRIVATE MESSAGES (PM)

You can contact another member privately by using the Messages box located beneath the Navigation Bar on the left-hand side of the forums pages. It can also be found on the Home Page in the upper right-hand side beneath your name. You may also send an email to a member through the forums by clicking on his/her screen name highlighted in blue to the left of his/her post. This will take you to their profile where you will find their email address. Some members do not list email addresses so you may need to use the PM feature to communicate with them.

MORE TOOLS

My Profile Search Members

This tool bar is located in the upper-right hand corner of the Forums pages. The "My Profile" link will take you to your profile where you can make any changes necessary. You can use "Search" to look for a particular post or subject on the forums. The "Members" link will take you to an alphabetical listing of all PGR members.

FORUM ETIQUETTE

Please keep in mind at all times when posting that these are **public forums**. Although you must log in to post to the forums anyone can read the messages. Families often times check the forums for communications regarding their loved one. The general public as well as prospective members are also able to access these forums. Law Enforcement, Clergy, and Media also check our site. Please keep the language of your posts clean. Political debates and statements are discouraged and posts containing these types of messages will be deleted by our Moderators. While references to protesters are sometimes necessary, discussions regarding protesters are discouraged, they are not the real reason we are here. Our mission is to honor and show respect to the fallen heroes and all veterans. We have been praised time and again for our professionalism on our missions. That attitude should carry over into our communications on our website. If you have a problem with a post or another PGR member please notify the moderators by clicking on the ALERT button found directly above the post in question. **Please include your screen name and full name as a signature to the alert.**

WHAT DO ALL THESE ABBREVIATIONS AND TERMS MEAN?

SC - State Captain. The State Captain monitors and sets up missions. There generally is only one State Captain per state. The SC makes contact with Law Enforcement (LEO), the Family, the Church, and Funeral Directors, to set up a mission, but may delegate that to a Ride Captain (RC) if absolutely necessary. State Captains can recruit as many Ride Captains as they feel they need to accomplish our objectives.

PRC, TRC & RC - Permanent Ride Captain, Temporary Ride Captain and Ride Captain. SC's recruit RC's in varying parts of the state to help recruit riders and groups in their areas and help with

missions. A Ride Captain can be temporary RC (filling in if a SC or another PRC cannot make a mission) or permanent **RC**. Permanent RC's are listed on the Captains page and have full access to member's lists.

Maroon PGR Ball Caps. Maroon PGR ball caps are worn by State and Ride Captains to make it easy for mission attendees to identify them.

UG - Uninvited Guest. An UG is any individual or group that is there to disrupt the services of a fallen hero. This is our preferred term to be used for any protesters.

LEO and LE - Law Enforcement Officer and Law Enforcement. Local, County, and State Law Enforcement Officers are the folks who make the majority of missions safe. Without their assistance, the PGR would not be as successful as it is.

CAO - Casualty Assistance Officer. These are the military men and women assigned to help the family.

COC - Confederation of Clubs

This is an organization that was founded to oversee all motorcycle clubs in the United States. It is made up of representatives from many, if not all, of the M/C's in the country. It is not a governing body per se, but a resource to which various M/C's may go to resolve disputes and issues, and also serves as an advocacy group for various clubs. Some states do not have a COC but may have another organization similar to it. Some states, due to their size, may have more than one COC.

KIA - Killed in Action

MIA - Missing in Action

POW - Prisoner of War

CAGE - A car or truck, enclosed vehicle.

DOD - United States Department of Defense. This is the agency from which we get our notices of KIA service members.

ROAD GUARD - Assists the RC with traffic control such as blocking intersections from cross traffic.

They also keep an eye out along the line for potential problems.

TAIL GUNNER - This is usually the last rider of the group. His/her responsibilities may include, but are not limited to, staying alert for possible problems within the group, keeping the group in formation and up to speed, assisting with Road Guards. Many may be able to communicate with the RC by CB to report any accidents or problems.

STAND DOWN - This usually means that a watched or confirmed mission is cancelled. This can be because a family has requested a family-only service or the service has been moved to a different state. If the service is moved to a different state the mission thread will be changed to reflect the move.

HOW DO I USE THE WATCH LIST FORUM?

POSTING KIA NOTICE

It has been determined by National that to avoid confusion, that only the Web/Forum administrators will post KIA Notices confirmed by DOD in this forum. If you receive or notice a media story of a KIA not yet posted please refrain from posting. Our troops have embedded media reporters with them and there is no way to determine how the story got out or if the family has been notified properly if there is no DOD Confirmation Release. Instead, please forward the story to your state captain and courtesy copy **web@patriotguard.org**

REPLY POSTS

In order to help cut down the confusion and thread buildup please refrain from posting such as "Keep me posted," or asking if there is pertinent info on a KIA yet. The state captains and ride captains are working diligently in the background to get this info to you. **SCs and RCs** once you have pertinent information that a mission is confirmed please make a reply post as such and send a courtesy email to **web@patriotguard.org**. At this time the thread will be moved into the Confirmed Mission Rides forum after the mission has been confirmed by the **SC or RC**.

To help keep the Mission threads on track please limit it to mission information only. Idle conversations and meet and greets can be posted to the **Off Topic** or **Regional** sections of the Forums. This helps keep the information on mission, times and places easy to find.

If you see a media report about services with times and locations please refrain from reply posting this as well. Instead please forward this info to your SC or RC and courtesy copy **web@patriotguard.org**

Web administrators have provided a new module to the website in the Private Message feature. You can easily and quickly send your SC or RC a PM now.

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HOW DO I USE THE CONFIRMED MISSIONS FORUM?

ITINERARY POSTING

SCs and RCs will be posting Mission Itinerary information as it becomes available. Once this is posted Web Administrators will re-post the Itinerary to the ***first post*** in the thread and make an edit to the subject line that says Itinerary Update. The date will also be added to the subject line.

REPLY POSTING

Feel free to post any questions you have at this time pertaining to the mission itinerary, staging locations etc. In order to cut down on confusion and thread buildup though, please refrain from posting such as "Keep me posted," etc. Please use the Private Message function or emails to communicate to your SC or RC's.

If you see a media report about services with times and locations please refrain from reply posting this as well. Instead please forward this info to your SC or RC and courtesy copy **web@patriotguard.org**.

To help keep the Mission threads on track please limit it to mission information only. Idle conversations and meet and greets can be posted to the **Off Topic** or **Regional** sections of the Forums. This helps keep the information on missions, times and places easy to find.

RIDE REPORTS

Once a mission is complete the subject line will be edited to read Mission Complete. **At this time please refrain from posting any afterthoughts until the SC or RC has had a chance to gather thoughts and post a Ride Report.** At this time the thread will be locked and the Ride Report thread will be available for your comments and thoughts. The Mission thread will remain in the Confirmed Mission Rides forum in a Mission Complete status for 3 days to reflect on the Home Page sidebars and direct further readers to the Ride Report Thread. It would be nice if you could check in on the Ride Report once you have arrived home so your SC knows you are home safe and sound.

MISSION PHOTOS

On your missions you may take photos and or videos with respect. Please respect the family and fallen hero by not photographing them or the casket unless requested by the family. Photos such as these will not be posted in the gallery out of respect for our hero.

Please refer to the "WHAT IS THE PHOTO GALLERY AND CAN I POST PICTURES THERE?" FAQ for information on posting mission photos.

CAN I RECEIVE EMAIL NOTIFICATIONS OF MISSIONS?

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Our SC/RC's are extremely busy making arrangements for missions in their areas. Although some State Captains are able to set up email lists for notification it is not done as a rule. The SC/RC's are incredibly busy working behind the scenes to contact family, map out routes, recon staging areas and coordinate with local Law Enforcement. They simply don't have time to email all members in their state. While many SCs do a single alert email to his state/area members this is not always the case. Please keep in mind that this is a volunteer organization and most of these folks also have jobs, families, and other PGR duties. It is your responsibility to keep track of possible missions.

You can receive blanket email notifications by subscribing to the Watch List. Possible missions are posted there until they become a Confirmed Mission. Click on the Watch List forum. In the top left-hand corner you will see **"Email me when someone posts to this forum."** Put a check in that box. Any posts to that forum will be sent to the email address you have listed in your profile.

Several members have set up a separate email address for PGR communications due to the high volume of information they wish to receive from the site. You may also want to keep track of other threads that are of interest to you. This will allow you to keep PGR communications separate from business and personal email. If you do not wish to receive blanket email from the Watch List you will need to log on to the site and check the list periodically. Information can change rapidly for missions so it is suggested that you check at least once a day. If you find a mission in your area you can enter the thread for that mission and subscribe to that thread by checking the Email notification box as described above.

WHAT IS THE DOD WEBSITE?

This is the **US Department of Defense** website. On the right hand side of the site under Press Resources you will find the link for Releases. An official notification of KIAs comes from the DOD. Once the DOD has released the information this means that all family members have been notified and the Moderators then post the listing to the Watch List. You may subscribe to the DOD website, however, ONLY the moderators will post the official notices to the PGR website. The missions are posted to our site in the same format used by the DOD so they are found more easily by people using a search engine such as Google.

WHAT TYPE OF MISSIONS DO WE DO?

Our main mission is to honor our fallen heroes, their families, and communities by attending memorial services and funerals. We are there to pay our respects and to shield the families from any interruptions by uninvited guests. While this was the original purpose of the PGR at its inception, our missions have expanded to include many other activities. Other programs are being implemented frequently. You can check the **Special Missions** Forum in the Ride Information section for updates. A link can also be found for specific special programs in the Navigation Bar under **About Us>Our Programs**.

WHAT IS A SPECIAL MISSION AND WHAT IF I HAVE AN IDEA FOR ONE?

The PGR has evolved into a group that honors all veterans from all conflicts. We have added **Special Missions** to include welcome home escorts for returning military personnel and units, send-offs, parades, visits to veteran's retirement homes,

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hospital visits to wounded vets and many other events. If you have an idea for a Special Mission you can contact your SC with the information. You will find more information regarding special missions under the **Ride Information** Forums.

WHAT IS HELP ON THE HOMEFRONT

Help on the Homefront is a charitable function which aids wounded veterans and their families. Ronny "Bear" Awtry is the one to work with regarding this wonderful mission.

MISSIONS

HOW DO I FIND OUT ABOUT MISSIONS IN MY AREA?

You will use the Watch List and Confirmed Missions List. You may access these lists one of two ways. On the Home Page you will find a column on the right-hand side of the page. Click on the Watch List or Confirmed Missions List heading and it will take you to the respective forum. You can also access the lists by placing your cursor over the Forums link in the Navigation bar on the left-hand side of the page. A drop down menu will appear and you can then choose which Forum to enter by clicking on it. For further instructions please see the FAQ section for Forum Use.

WHAT CAN I EXPECT ON A MISSION?

This is a time of mourning and it is be very emotional for the family, community and the PGR members. It can get overwhelming so just let it flow. You will see many of your fellow members in tears or otherwise greatly affected. Don't hesitate to give a hug or offer a hand. We are all feeling the same emotions. You will also feel a great sense of pride in being there.

Your State or Ride Captain will have set up a staging area for everyone to meet. Please make sure you are there on time, fueled up and have already performed your pre-ride safety checks. Your State/Ride Captain will hold a briefing for any instructions and last minute information you may need. Please be sure to check the thread for that mission thoroughly just before you leave to make sure there aren't any last minute changes for times and locations. It is recommended that you print out the itinerary posted in the thread to take with you. Many SCs will post Mapquest links within the thread to assist you with directions to various staging areas.

The normal formation, but subject to your State or Ride Captain's discretion, with National approval, will be bikes with large flags in front, the rest of the bikes, then cars or other vehicles. In most cases there will be a pre-designated place for us to park, if not please DO NOT park in areas close to the building where the family and friends should park.

Once at the service there may be changes as to what we do or where we can help depending on what the family, funeral director, or LEOs want or need, so be listening up for the State or Ride Captain to make more announcements. On one mission we helped direct parking because the funeral home did not have enough people.

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WHAT IS A LIABILITY WAIVER?

It is an agreement that you ride the mission at your own risk without holding Patriot Guard Riders liable for any accident or injury resulting from your participation in the mission or event. You will be required to sign a liability waiver list in order to ride/drive or attend a mission. The list is made available at each mission and must be signed at each mission.

DO WE ATTEND THE ACTUAL SERVICES?

Many families invite us into the chapel to attend the actual service. It is up to you if you choose to do so. Your SC/RC will let you know if the invitation has been offered.

CELL PHONES

Please turn your cell phones off or to "silent" during the mission. If you must make or take a call please remove yourself from within the sight and hearing of the family and other participants until your call is complete.

SMOKING/EATING/DRINKING

Please pack your trash back out with you if you can't find a proper receptacle. Put your butts in your pocket until you can find a can or ashtray. The use of a film canister or baggie has been suggested to discard butts. Absolutely NO consumption of alcohol during a mission. Respect includes respect for the church, funeral home or cemetery grounds.

YOUR THROTTLE

If you must leave a mission early please choose an appropriate time preferably immediately before or after the services. Always remember this is about respect and keep your throttle to a minimum when starting and leaving the area.

WHAT DO I BRING TO A MISSION?

Make sure you bring water to drink. If you know it's going to be a long day bring some snacks or even pack a sandwich. Some folks have been known to generously provide water and snacks during the mission but this is not expected of them and it is your responsibility to provide your own. If, by chance, they have a donation jar located near the snacks feel free to drop something in to help defray their costs. Many also choose to donate back to the PGR. You are under no obligation to make the donation.

You may want to bring your own flag. A collapsing pole is recommended for ease of carrying if you do not wish to attach it to your bike **JTDent** offers a discount to PGR members. Most State or Ride Captains will have a number of flags with them but the more we have the better. If you need flags check the **Links** section in the Navigation Bar for both bike flags and 3'X5' flags.

Other equipment like, cold weather gear, rain gear, leather good, patches and business cards are avail in the **Links.**

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These are made available by PGR members at special pricing in most cases below wholesale. PGR flags are available through the PGR store.

You can purchase different types of flag poles and mounts. Check out the Forum thread **Flag Mounts.** You will find a wealth of information there for mounting flags on your bike.

Sunscreen and a small first aid kit are highly recommended.

HONORING SPECIAL RELIGIOUS OR ETHNIC TRADITIONS.

Our main purpose is to honor the fallen hero. We already do that with our presence and display of flags. There is no need to further honor religious or ethnic traditions of the family or community unless a specific request is made. If a family or community chooses to offer their thanks with a patch or other form of gift, as has been done on a previous mission, it is not up to us to return the favor. Gift-giving may be required by ceremonial traditions of certain ethnic groups. Some religious or ethnic traditions require clothing of a certain color. The family may make this request. Since our mission is to show honor and respect we make every effort to honor the family's wishes.

WHAT IS THE PGR PLAQUE?

The plaque is something that is presented to the families of the fallen service member. It says: "On behalf of a grateful America and the Patriot Guard Riders, please accept our sincere condolences on your tragic loss. May your pain be tempered by the knowledge that "NAME" is a true American Hero." Then it has the PGR emblem on the bottom. It is paid for by any revenue created by clicking on the ads on the sides of the website, or by some purchases from the PGR store.

WHAT IF A MISSION IS CANCELLED?

If a funeral mission is cancelled due to the family's request we DO NOT attend. This would be disrespectful to the family. If it is a public event you may attend as a citizen but we ask that you leave your PGR items at home, if possible. Our mission, first and foremost, is respect. Not only does that apply to families but also to the communities in which we live and serve.

ARE MISSIONS EVER LIMITED IN ATTENDANCE SIZE?

A family may wish to invite the PGR but only on a limited basis. Again, we do everything we can to honor the family's request.

DO I SALUTE AT MISSIONS?

It has been suggested that civilians should salute by placing their right hand over their heart. Many military personnel will give a hand salute or place a hand over their heart. While it has been customary that only military personnel in uniform should salute, recent changes in thought have led to giving a choice to those who have served. PGR maintains that the

salute is your personal decision as long as it is in keeping with our mission of respect and honor.

HOW DO WE SHIELD THE MOURNERS FROM THE UGs?

If protestors are in attendance we simply hold our flags with our backs turned to the protestors. We, in no way, engage the protestor either verbally or physically. We may sing, rev our engines or say the Pledge of Allegiance but that is strictly up to the direction of the SC/RC. Take your cues from them.

WHAT DO I DO IF AN U.G. ATTEMPTS TO PROVOKE ME?

Stand with your back to them and ignore them. Your only function at the mission is to pay your respects to the fallen hero and his/her family.

CAN I BRING MY CHILDREN TO MISSIONS?

Yes. It is suggested that you use your best judgment with smaller children. If your child becomes restless please be prepared to remove him from the area so as to not disturb the services. Perhaps you and your spouse or a friend can agree to a plan of action before you attend the mission. Talk with your children before hand to prepare them for what may happen. You will find that they may be able to understand more than you think. Give them a flag of their own that is a size they can handle. Teach them some flag etiquette. This can be a positive experience for your child.

FLAG ETIQUETTE

The flag that is of the utmost importance is our national flag, to which the greatest respect should be paid. No other flag can be flown above the national flag.

It is imperative that no one show disrespect to the national flag.

The national flag should never be "dipped" or lowered to any person or thing.

However, Regimental colors, State flags, and organizational or institutional flags can be dipped as a mark of honor. The flag should never be allowed to touch the ground. Flags are displayed in a specific order with the US flag always being in front of a line or on its own right. If, in a flag line, you are in doubt of your position please ask your SC or another member if you are in the correct position if you are holding a flag other than the US flag.

HOW DO I MOUNT FLAGS ON MY BIKE/CAR?

The American Flag is always mounted on its own right. The flag's own right is the side of the Canton, or blue field of the flag, also referred to as the Union. Other flags are mounted to the left of the American flag and at the same level or lower than the American flag. When several flags are used they are to be displayed in this order from the American flag's own

right: US, other countries, states, counties, cities/municipalities, military branch, organization, and symbolic or personal. See the picture below for an example. This example also applies to cars and trucks.

This is directly from the U.S. flag code:

SEC. 3 That the flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

(a) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (j)
(b) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motor car, the staff should be fixed firmly to the chassis or clamped to the right fender.
(c) No other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy. (See Public Law 107, page 4)

Present Arms -Salute or put your hand over your heart, whatever **you** are comfortable with.
If you are a flag bearer, do not salute or cover your heart.

The US FLAG is presented straight up with no dip whatsoever and no salute will be hand rendered when bearing the flag. All other flags including PGR flag will be dropped to a horizontal position.

Cover - headgear, hats. Some members feel this includes do-rags. Covers are not required to be removed during present arms in an outdoor environment.

Covers should be removed for prayers.

HELMET LAWS

WHICH STATES HAVE HELMET LAWS AND WHAT ARE THEY?

Listed here you will find all the helmet laws for all 50 states. Further information on the actual statutes is available HERE.

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While some states seem to have no helmet law they actually do require a helmet unless specific insurance requirements are met. Please check laws in individual states for specifics.

Of the fifty states, only 4 are 100% helmet law free! :

Colorado, Illinois, Iowa and New Hampshire

Of the other 46 states, 20 have full helmet laws for all motorcycle riders:

Alabama, California, Georgia, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, Oregon, Tennessee, Vermont, Virginia, Washington, and West Virginia.

19 States have helmet laws that exempt adult riders, riders over the *age of majority* - 18 years old and over. Those states are:

Alaska, Arizona, Connecticut, Delaware, Hawaii, Idaho, Indiana, Kansas, Maine, Minnesota, Montana, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Utah, Wisconsin and Wyoming.

There are 7 states that require helmets for riders between the ages of 18 and 20.

Arkansas, Florida, Kentucky, Pennsylvania, Rhode Island, South Carolina, and Texas.

MISSION SAFETY

WHERE CAN I GO TO LEARN MORE ABOUT GROUP RIDING?

The **Motorcycle Safety Foundation** has excellent courses on group riding. Sign up for a class and hone your riding skills. Some Owner's Groups also give you a gift certificate for merchandise after you have taken the classes. This link contains three excellent videos that you can watch to get an idea of what is required for basic and group riding. Scroll down below the US map to the videos marked WATCH.

WHAT IS A CHASE VEHICLE AND WHAT DO THEY CARRY?

A chase vehicle is a car or truck which carries extra equipment for a group of motorcycle riders. This is a ***suggested*** basic list. You may not be able to carry all items listed. You may have more than one chase vehicle per mission and you can split the list with another vehicle.

For People

- Protein snacks

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- Water
- Bottled water (bottles of water in an ice chest)
- Ice
- Gatorade
- Well-equipped First Aid kit to include:
  - Aspirin
  - Ibuprofen
  - Electrolyte tablets
  - Benadryl
  - Blanket
  - Towels
  - Latex gloves
  - Snap and shake cold packs
  - Space blanket
  - Antibiotic cream
  - Band-aids
  - Gauze pads
  - Bandage tape
  - Scissors

Stuff for Bikes

- Bungee cords
- Flag Tie Downs
- Ratcheting nylon tie-down straps.
- Fuses
- Duct Tape
- Electrical Tape
- Tow Rope
- Air compressor or air tank (for soft/flat tires),
- Tire Patch/plug kit
- Highway markers/flares,
- Reflective vests (for folks having to direct traffic around a break-down, etc.),
- Flashlights (the new no-battery type),
- CB radio,
- Pre-paid cell phone
- Basic tool kit to include SAE and metric tools
- Loctite
- Jumper cables

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- Battery charger
- Low jack with a flat plate that would go under a bike.
- Gasoline 1 - 2 gallons
- Crankcase oil
- Hypoid Gear oil
- Bailing wire
- Zip-ties / Wire Ties
- Assorted Hose Clamps (diff sizes)
- W/D 40
- Rags/Towel
- Hand Cleaner
- Extra Flags and poles

Stuff for Chase Vehicle

- Large caution sign on the rear of the truck
- Revolving yellow lights on top (check local laws)
- Two 7" x 20 yellow w/black stripe vertical caution signs to hang on either side of the tailgate

WHAT ARE SOME OF THE "COMMANDS" AND TERMS I HEAR DURING MISSIONS?

Kickstands up, Saddle up, Clutches out - This means we're leaving.

Present Arms - Stand respectfully with your flag, salute or put your hand over your heart, whatever you are comfortable with. If you are a flag bearer, do not salute or cover your heart. The national colors are presented straight up with no dip whatsoever and no salute will be hand rendered when bearing the flag.

Cover - headgear, hats. Some members feel this includes do-rags. **Covers are not required to be removed during present arms in an outdoor environment.** Covers should be removed for prayers though.

Parade Rest - relax

OTHER COUNTRIES

DO WE RIDE IN CANADA?

We have several Canadian members but, to date, have not ridden a mission in Canada though this is changing. National is working on a network for a Canadian branch of PGR. As of the writing of this FAQ we have one mission on the Watch List.

WHAT DO I NEED TO CROSS THE BORDER TO AND FROM CANADA?

- Driver's license or state ID for every adult in the vehicle should have birth certificates for all minors. Passports are going to be required within the next few years.
- No fireworks, weapons, firearms.
- If you have a DUI or OUI or any felony, you can be denied entry to Canada.
- You must have proof of insurance (even though they usually don't ask for it at the border).
- Speed limits are in kilometers!!! 100 km/h = 60mph
- As with everything, you need to be polite and pleasant, because if you give any attitude, you will encounter problems entering either country.
- All Canadian provinces have universal motorcycle helmet laws.
- Some smaller border crossings aren't open 24 hours.
- Radar detectors are illegal.

When physically going through the border crossings, at minimum, ALL occupants are going to be asked where they're from, where they were born, where are they going, how long are you staying... but they can ask any other question they want. 9 times out of 10 you can get right through, but it is in their right to have you pull over and they will search the vehicle THOROUGHLY! Sometimes it's easier to avoid crossing at the larger "main" border crossings and going through some of the smaller points of entry instead, the guards don't seem as stressed.

Going to Canada, you can take 1 carton of cigarettes and 40 oz of liquor or a case of beer, preferably purchased at the "Duty Free" store at the border. Coming back, you can bring the same amounts back, but only if you've been in Canada for over 48 hrs (if it's less than 48 hrs, you would have to pay taxes on it). After 48 hours in Canada, you can bring back up to $400.00 in purchases (keep ALL receipts) - if it's under 48 hrs, once again, you would have to pay taxes. You're not supposed to bring plants, fruits or vegetables either way, although it seems to be stricter coming back in the US. (When crossing, most places will record your license plate, so they know how long you have been there.)

Canada has lots of taxes, if you spend over $200.00 on hotels or "large" purchases (not food, restaurants or little odds and ends), you can get the federal taxes (GST) back - there are forms available at the border and you can claim it there or you can mail it in. The receipts can be accumulated up to 2 years.

Most all Canadian's speak English. Those in the Province of Quebec speak French and prefer only French, and the signs

are in French (where other Provinces have them in English and French).

Gas prices are almost double in Canada; fill up prior to crossing the border. Everything is metric, so gas is by the liter (approx 35% higher).

Right now the exchange rate is roughly $1.00US = $1.10CA. We have found that it's easier to withdraw cash at a Canadian ATM machine (with our US bank issued ATM card) because you will get the current rate. If you try to exchange money at most places, they will give dollar for dollar ($1.00US = $1.00CA). We also pay for everything with credit/debit cards just because the rate fluctuates. Canada has $1.00 and $2.00 coins, not bills.

If bringing presents, DON'T WRAP THEM!! They will be unwrapped and searched to make sure it is not contraband.

The trailer trucks in Canada carry more weight and are larger than in the US, so you need to be more cautious.

When ordering at a restaurant, order everything at once because you will never see the waiter again... they don't give ice in your soda... French fries come with gravy... yes, the beer WILL knock your socks off - it's a lot stronger... Canadian Heinz Ketchup is yummier than US Heinz Ketchup... they say "eh" at the end of every sentence... and remember that the US border guard can keep you from coming home!

HOW ARE FLAGS DISPLAYED IN CANADA?

Basically, in the same manner as in the US with the Canadian flag taking precedence over the US flag.

No flag, banner or pennant should be flown or displayed above the Canadian Flag.
Flags flown together should be approximately the same size and flown from separate staffs at the same height.

The Canadian Flag should be given the place of honor when flown or displayed with other flags:

- When two or more than three flags are flown together, the Canadian Flag should be on the left as seen by spectators in front of the flags; if a number of countries are represented, the Canadian Flag may be flown at each end of a line of flags.
- When three flags are flown together, the Canadian Flag should occupy the central position, with the next ranking flag to the left and third ranking to the right, as seen by the spectators in front of the flags.
- Where more than one flag is flown and it is impossible to hoist or lower at the same time, the Canadian Flag should be hoisted first and lowered last.

When the National Flag of Canada is raised or lowered, or when it is carried past in a parade or review, all present shoulc face the flag, men should remove their hats, and all should remain silent. Those in uniform should salute.

We hope this FAQ has answered many of your questions. Please feel free to contact your SC or another, more experienced member in your state with questions. The members of the National Board are available for questions also.

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 23

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

From: IN State Captain [mailto:INPGR@rcfpro.com]
Sent: Thursday, March 27, 2008 6:19 PM
To: Bill Richart
Subject: FW: Invoice from PGR

sorry I meant in Dec 2005 he was selling stuff - here is my invoice for something I bought from him and guess what it shows invoiced from PGR and not him and the web site on the invoice is also the patriotguard.org site and not his - what was anybody to think other than it was a PGR store.

I believe the attorney would like this invoice.

God Bless and Thanks for All You Do,

Sincerely,

Richard Wilbur - IndyHarley
Indiana PGR, Inc. State Captain
~~~~~~~~~~~~~~~~~~~~~~
We Stand for Those Who Stand for US (TM)
~~~~~~~~~~~~~~~~~~~~~~
4 Wheels or 2, Be A Patriot Guard Rider
Riding With Honor and Respect
~~~~~~~~~~~~~~~~~~~~~~
Indiana PGR - http://indianapatriotguard.org

From: PGR [mailto:pgr@valornet.com]
Sent: Saturday, January 07, 2006 5:53 PM
To: richard@rcfpro.com
Subject: Invoice from PGR

Dear Customer :

Your invoice is attached. Please remit payment at your earliest convenience.

PayPal Account = pgr@valornet.com
~~~~~~~~~~~~~~~~~~~~~~

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

To view your invoice
Open the attached PDF file. You must have Acrobat® Reader® installed to view the attachment.

PGR
3728 S. Elm Place
PMB #137
Broken Arrow, OK 74011-1803

Invoice

Date	Invoice #
12/23/2005	493

Bill To	Ship To
Wilbur, Richard 904 N. Cecil Avenue Indianapolis, IN 46219	

Terms	Via	
Due on receipt	None	

Quantity	Item Code	Description	Price Each	Amount
1	LSTS-XL	Long Sleeve PGR T-Shirt/XL	15.95	15.95
1	TS-XL	T-Shirt/XL	12.95	12.95

Total	$28.90
Payments/Credits	$0.00
Balance Due	$28.90
Customer Total Balance	$58.80
Job Total Balance	$58.80

E-mail	Web Site
pgr@valornet.com	www.patriotguard.org

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 24

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

PGR Store

3728 S. Elm Place
PMB #137
Broken Arrow, OK 74011-1803

PGR Store Invoice

Date	Invoice #
3/18/2006	2274

Bill To	Ship To
Richart, Bill 218 E. Boonville Sedalia, MO, 65301	Richart, Bill 218 E. Boonville Sedalia, MO, 65301

Terms	Via
Consignment	US Mail

Quantity	Item Code	Description	Order Status	Price Each	Amount
20	AB	PGR Arm Band		16.50	330.00
20	DTP	Memorial Mission Ride Dog Tag Pin		1.98	39.60
20	Vest Patch	2" X 3" PGR Vest Patch		3.50	70.00

Total	$439.60
Payments/Credits	$0.00
Balance Due	$439.60
Customer Total Balance	$462.40
Job Total Balance	$462.40

If mailing, please include a copy of this invoice with payment.

E-mail	Web Site
pgr@valornet.com	www.patriotguard.org

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 25

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

PGR STORE INVOICE

Mark Blaha
1021 N. 190th Rd.
Minneapolis, Ks 67467
mkbakashooter@carrollsweb.com

Patriot Guard Riders
3728 S. Elm Place
PMB # 137
Broken Arrow, OK 74011-1803
pgr@valornet.com

PRODUCT	QTY	PRICE (Incl. S/H)	TOTALS
VEST PATCH	1	$3.50	$3.50
WINDSHIELD BANNER	1	$14.95	$14.95
DECAL - RIDER	3	$3.95	$11.85
DECAL - SUPPORTER		$3.95	$0.00
ARMBAND	1	$17.95	$17.95
BIKE FLAG		$17.95	$0.00
			$0.00
			$0.00
		TOTAL	$48.25

If paying via Paypal, please use account: pgr@valornet.com

If paying via check or M/O, pleas make payable to: Bonnie Brown

Thank you for your order!
Patriot Guard Riders

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 26

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

Twister's

Your Original PGR Store...and MORE!

Date: 06/02/08

Name:
Address:
City, ST, Zip:

Paid Via:

Qty		Price	Amount
	Windshield Lettering	$14.95	$0.00
	Roadname:		
	City, St:		
	Color:		
	Font:		
	Helmet Decals	$3.75	$0.00
	OKC Memorial Patch	$4.50	$0.00
	Asphalt Patch	$4.50	$0.00
	Summer Mesh Cap - Red	$12.95	$0.00
	Summer Mesh Cap - Blue	$12.95	$0.00
	Summer Mesh Cap - Black	$12.95	$0.00
	Gas Pump Decal	$3.00	$0.00
	5 Mission Halo Pin	$5.95	$0.00
	10 Mission Halo Pin	$5.95	$0.00
	National Debt Pin	$5.00	$0.00
	Immigration Patch	$5.50	$0.00
	PGR Visor	$12.95	$0.00
	Live The Code Patch	$5.50	$0.00
	Star Families Patch	$5.00	$0.00
	Small Triangle PGR Patch	$5.00	$0.00
	Windshield Banner	14.95	$0.00
	Ride Captain Patch	$5.00	$0.00
	Armband	$16.50	$0.00
	Back Patch	$20.00	$0.00
	Welcome Home Pin	$5.00	$0.00
	Other		
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
			$0.00
		Total	$0.00

Please Remit Payment to:

PayPal Account = jeffbrown@valornet.com
Please make checks payable to:
Twister's
8321 S. 8th Street
Broken Arrow, OK 74011

For questions on orders already placed, contact: jeffbrown@valornet.com
If you have problems placing an order, contact: jtaucher@patriotguardstore.org

Thank you for your continued support of "Twister's" and the PGR.

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 27

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

From: Jeff Brown [jeffbrown@valornet.com]
Sent: Tuesday, October 31, 2006 9:39 PM
To: john danner
Cc: head shed; lavendernlace@hotmail.com
Subject: RE: To Answer Why Nevada left the

John,

I'll try to answer your questions to the best of my ability. I ask that you read my answers with a true quest for the truth.

Here's where you can find the June financials posted by Waldo. As they are update by our new accountant, they will be posted:
http://patriotguard.org/Forums/tabid/61/view/topic/forumid/9/postid/158393/Default.aspx
It was posted July 19, so, as you can see this information has been available for quite some time.

The Non-Profit status has been posted all over the website...all State Captains (including NV) are aware of that.

Of course there is a treasurer for the PGR. Jason Wallin is treasurer, and during his leave of absence, Jon Tatum has assumed that position.

Yes, the PGR sells stuff...You say that like it's a bad thing. That's how we help finance the organization without any dues. It keeps the website running, it's purchased over 5,000 3X5 American flags and poles for our members to hold in flag lines to honor our fallen heroes, It paid for PGR representatives of the HOTH program to go to Walter Reed Army Medical Center to meet with the medical staff and the national leadership of the American Legion, and to visit the wounded soldiers their. It paid for the Healing Fields at Sturgis, SD, and most recently it sent a $1,000 check to a wounded soldier and his family who were in dire need. Tell me how this is a bad thing!

Currently we have four national sponsors who have provided some services from time to time to the PGR...not any funds.

I see no need to respond the Dolan issue. It's been hammered to death.

There are no salaried employees of the PGR...period! The only person that receives any monthly compensation from the PGR for services is our outside accountant. We do pay for legal and other types of services when needed.

We have a board of trustees and a national advisory board...you can see all of that on the national leadership contact page.
http://patriotguard.org/LeadershipContacts/NationalLeadership/tabid/245/Default.aspx

Let me explain something to you. The PGR is a national organization, not fifty individual state organizations. It's not a "database". It was started by and is run by people all over this nation, people like you, who

feel very deeply about the honor and respect due those who serve our country. People who give thousands of hours of their time to make this work and work well. It was not and is not run for profit, fame, or any other such nonsense. Contrary to what you may want to believe, it was not started by the American Legion Riders, and it damn sure wasn't started by the current leaders of the Nevada Patriot Guard. They asked for positions of leadership in the PGR, not the Nevada PGR, and we given that responsibility. As of 48 hours before they broke away, they verbally assured Bonnie Cutler that they were 100% behind the national organization and had no plans to split. If they say otherwise, they are lying. They then abused their positions and access by taking the PGR email list and have used it in an attempt recruit their own members.

John, you are absolutely right about the grassroots membership being the driving force within the PGR. But let me explain something to you. It is the PGR organization and its founders and leaders who started, formed, organized, informed and brought the resources together to make the whole thing happen and keep it happening on a national level. If you don't think your national and state leaders are standing in the flag lines at missions, you are very mistaken. These folks travel more miles and participate in more missions than you can ever imagine. Let's give a little credit where credit is due. The state and national leaders work their butts off. If you think for one minute that the responsibilities surrounding a 60,000 member organization is a walk in the park, you're kidding yourself. I've never worked so hard in my life, and the rest of the national and state leaders do the same.

Calling the PGR a "database" is an insult to every PGR member in the nation, and one of the most absurd accusations I have heard yet.

I have taken a lot of time to answer your questions. I hope I did so to your satisfaction.

Sincerely,
Jeff

P.S. Feel free to forward this email to anyone else who has questions.

-----Original Message-----
From: john danner [mailto:bikerjohnone@hotmail.com]
Sent: Tuesday, October 31, 2006 7:45 PM
To: jeffbrown@valornet.com; lavenderNlace@hotmail.com
Subject: RE: To Answer Why Nevada left the PGR

Thanks for the info.. I didn't know nor have I seen nor heard that PGR is a "legal non-profit(501c3) corporation".. I also have never seen nor am I able to pull up any financial statement of PGR. I'm not a "puter wizard" so it may be my inability but, hopefully, this information is readily and easily accessible to all the 1500 member in Arizona. And, I have asked, flatout, what kind of organization is this with not a word in response.. A database can conduct "hundreds of missions in every state and families write

thank you letters" because we, grassroots bikers and veterans, are there in person and they have our "leader's" e-mail addresses. This isn't difficult to understand.. We can agree that there is NO treasure's office in your organization and I know that you, "national". is selling products; I do know that the AZ PGR does sell merchandise at missions, and Louann has said that we have "sponsors" and I asked her: "What do they do and how do they sponsor and support us"?? Still no answer.. I do, now, know that Robert Dolan is a "phony" and he did "resign" however he has returned to the missions as a Road Guard and was welcomed by the "leaders".. For me, this is an abomination of our mission.. I don't "know more than you do" because I heard a rumor about Dolan and asked Louann, directly, and she never responded so all I had was a rumor.. And, I know that Dolan was selling PGR merchandise. Please direct and help me find the financial statement so that I am better informed.. As a member of the PGR, are there any salaried positions in the PGR? Is there a board of Directors? I have chosen for whom I will ride and honor, in part, because I cannot afford the time and expense of missions to honor all whom we are attempting to honor and I will not be consumed by this cause or any cause for that matter that comes before my family.. I am retired and have limited funds and even time is limited and spent on other things but I will continue to honor the fallen soldier, support, and shield the families of the fallen.. However, I will not associate with a sonofabitch who says he was a Navy Seal and POW when he was, apparently, neither.. That sickens me to the core.. My four brothers and I served, honorably, (one was killed in Normandy after Omaha Beach) in WWII and Korea.. ALL of us could have avoided the military by claiming our Amish Mennonite conscientious objection to the military and/or bearing arms..

Thanks for the comeback cuz it, at least, gave me some information that I need.. I'm sure you are aware of the need for this organization to be "squeaky clean" to avoid any misunderstanding by the public and especially those we choose to honor and support.. danner

>From: "Jeff Brown" <jeffbrown@valornet.com>
>To: <bikerjohnone@hotmail.com>
>CC: "Bill Lines" <blines@charter.net>,<lavenderNlace@hotmail.com>,"Head
>Shed" <headshed@patriotguard.org>
>Subject: RE: To Answer Why Nevada left the PGR
>Date: Mon, 30 Oct 2006 17:52:01 -0600
>
>John,
>
>These innuendos are not new. The same tripe has popped up before when
>someone wants to start their own organization.
>
>Finances? Legal Organization? Phonies? I've even seen where the PGR is
>being called nothing but an Oklahoma "database". How does a database
>conduct literally hundreds of missions in every state in the union? Why
>would hundreds of family members write thank you letters to a "database"?
>Come on, let's get real. The PGR membership stands proudly to honor those
>who serve our nation. These members are not a database!
>
>First, the Patriot Guard Riders, Inc. is a legal, non-profit (501c3)
>corporation. All of the documentation is posted in the state captains

>forums and SOP's. All SC's and RC's have had access to that for a long
>time. Those who are saying otherwise are either misinformed or flat lying.
>Yes, it was set up in Oklahoma. That's where I live and it had to be set
>up
>somewhere...makes sense to me.
>
>Financials have been posted on the PGR website several times and will
>continue to be as they are updated. We have now hired an actual accountant
>with over 20 years experience in non-profit organizations. As a non-profit
>organization, we are accountable to the IRS and nobody is planning to go to
>jail.
>
>I don't know what "phonies" are leading the PGR. To my knowledge there
>have
>been two instances where a PGR members have misrepresented themselves. One
>was a State Captain and I think one was a ride captain. When discovered
>and
>verified, both were relieved of their leadership positions. If you know of
>others, then you know more than I do. This kind of thing has happened in
>every organization of any size.
>
>As far as missions for anyone other than current KIA's...that's been dealt
>with a thousand times. If you don't believe in it, don't go. How much
>simpler can it get? The majority of PGR members do find the others you
>mention as worthy of an honor mission. If you don't, not a problem,
>brother...it's a volunteer organization.
>
>The PGR is one national organization, not 50 state organizations. After
>all, it's not the Arizona or Oklahoma military, it's the United States
>military. We can get more accomplished for our vets and active duty
>military
>this way.
>
>I find it incredible that trusted PGR state leaders, who held those
>position
>of leadership for months and led PGR missions, now have nothing good to say
>about the same organization they led a few says ago.
>
>John, like anyone else, you're free to draw your own conclusions and do
>whatever you think is right. You, and a lot of other Nevada and Arizona
>members are being subjected to the same line of misinformation used by the
>handful of others who, rather than honorably resign their positions and
>start new organizations from the ground up, chose to spread this crap and
>in
>an attempt to influence PGR members to join them. I guess they think it's
>easier than doing something on their own. I hope you will be able to see
>through this and make an informed choice.
>
>Regardless of your decision, ride safe.
>
>Sincerely,
>Jeff Brown "Twister"
>Executive Director
>Patriot Guard Riders
>www.patriotguard.org

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 28

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

Perry, Bonnie

From: Jeff Brown [jeffbrown@valornet.com]
Sent: Friday, February 24, 2006 4:38 PM
To: David240@aol.com; chipe@pobox.com
Cc: Bonnie Cutler; Kurt Mayer; Kevin Smith; Hugh Knaus; Jason Wallin "Waldo"
Subject: RE: Patriot Guard

Chip,

I really hate to do this, but the Patriot Guard Riders cannot allow individual state PGR sites for various legal and administrative reasons. Legally, it opens the door for unauthorized use of the name and logo and sets a precedent that, should it ever be contested, weakens our position against the unauthorized use. Administratively, we have found that information that should be on the national site gets posted to a state site and people begin missing information. I hope you understand.

Thanks,
Jeff Brown "Twister"
Executive Director
Patriot Guard Riders
www.patriotguard.org

-----Original Message-----
From: Chip [mailto:chipe@pobox.com]
Sent: Friday, February 24, 2006 11:27 AM
To: David240@aol.com
Cc: jbrown@patriotguard.org
Subject: Patriot Guard

David,
My name is Chip Elliott and I am the Connecticut State Captain. We have a Connecticut web site which can be found at http://www.patriotguardct.org

If you give me permission and send me the information, I will post your name, nickname, city, state and email address (which will be blocked from bots).

Our National Site is the best place to get current information, stay in touch with the National happenings, etc. Our local site will hold all local information such as missions, mission status, etc.

Thank you for your interest, and forward me that information if you wish to become an active member of the CT chapter of PGR.

Chip
Micah 6:8

From: Jeff Brown <jeffbrown@valornet.com>
Sent: Thursday, May 11, 2006 7:43 AM
To: dsj30c@yahoo.com
Cc: Execs <exec@patriotguard.org>
Subject: Your website

Dear Sir or Madam,

Please remove the Patriot Guard Riders Logos from your website. Although we appreciate your position on the war, we feel your site is purely political in nature and the use of PGR logos intimates our support of these views.

Sincerely,
Jeff Brown "Twister"
Executive Director
Patriot Guard Riders
www.patriotguard.org
No virus found in this outgoing message.
Checked by AVG.
Version: 7.5.524 / Virus Database: 270.3.0/1503 - Release Date: 6/14/2008 6:02 PM

Perry, Bonnie

From: Jeff Brown [twister@patriotguard.org]
Sent: Thursday, June 15, 2006 2:16 PM
To: Bonnie Cutler; head shed
Subject: RE: Here's the patch

Sorry Folks,
This is a "No-Go"...the PGR name is trademarked and cannot be used like this. It does not fir in with the cummulative image we are trying to establish across the nation. Whoever did this did not have permission. This needs to cease immediately.
Jeff

From: Bonnie Cutler [mailto:bonniecutler@earthlink.net]
Sent: Thu 6/15/2006 8:35 AM
To: head shed
Subject: Here's the patch

This is the patch that the PGR members in Minnesota are using. They started using it because there was confusion as to who was PGR and who was other biker groups, and this is what they came up with. No logo so they didn't think it would be a problem. They wear the yellow PGR logo patch on the front.

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 29

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JEFF BROWN,	)	
	)	
Opposer and	)	
Petitioner,	)	
	)	
vs.	)	Opposition No. 91181448
	)	
PATRIOT GUARD RIDERS, INC.,	)	Serial No. 77/040,379
	)	
Applicant and	)	
Respondant.	)	

- -

THE DEPOSITION OF BONNIE PERRY, produced as a witness on behalf of the Opposer and Petitioner, in the above-styled and numbered cause, taken on the 13th day of October 2008, in the City of Tulsa, County of Tulsa, State of Oklahoma, before me, Marlene Percefull, Certified Shorthand Reporter, duly certified under and by virtue of the laws of the State of Oklahoma.

1 A P P E A R A N C E S

2

3 FOR THE OPPOSER: Ms. Courtney L. Bru
Ms. Rachel Blue
4 Attorneys at Law
320 S. Boston
5 Suite 500
Tulsa, OK 74103

6

7 FOR THE APPLICANT: Mr. David J. Marr
8 Mr. James A. O'Malley
Attorneys at Law
9 105 W. Adams St.
36th Floor
10 Chicago, IL 60603

11

12 ALSO PRESENT: Mr. Jeff Brown
Mr. Bill Richart

13

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24

25

1 I N D E X

2

3 W I T N E S S P A G E

4

5 Bonnie Perry

6 Direct Examination by Ms. Bru 4

7 Cross Examination by Mr. Marr 36

8 Redirect Examination by Ms. Bru 39

9 Cont'd Redirect Exam by Ms. Bru 46

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15 EXHIBITS

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28 Sierge posting --
24 29 PGR Forum 12-10-06 101
30 No Exhibit None
25 31 PGR Forum 11-17-06 --

1 just brief e-mails. 9:53AM
2 Q When was that, do you remember?
3 A After he had filed, I do not recall a time.
4 Q Would that have been 2006, 2008?
5 A Maybe 2008, maybe 2007, after I left the board. 9:53AM
6 Q Have you e-mailed Jeff Brown recently about any
7 topic?
8 A No.
9 Q What's your personal opinion on the trademark
10 issue? Who do you think owns the mark Patriot Guard 9:53AM
11 Riders in your own personal opinion?
12 A Patriot Guard Riders.
13 Q And why?
14 A Because it was created for Patriot Guard Riders.
15 It was created for an organization that was to operate 9:54AM
16 under that name.
17 Q What basis do you have for that belief?
18 A The fact that we started as the Patriot Guard
19 Riders. We as an organization, the group of us.
20 Q Let's take a break. 9:54AM
21 (Following a short recess at 9:54 a.m.,
22 proceedings continued on the record at 10:13 a.m.)
23 Q How do you know Jason Wallin? When was the first
24 time you ever met Jason Wallin?
25 A I knew him through XL forum. It was a Sportster 10:14AM

1 application? 10:46AM
2 A No.
3 Q No?
4 A Well, I haven't had occasion to have to talk to
5 anybody about it. Can I clarify? 10:46AM
6 Q Sure.
7 A Early in the beginning in the PGR, we were told
8 right away that the PGR name and logo had been
9 trademarked, the incorporation papers had been filed,
10 and it had been told to many members and to many 10:46AM
11 organizations who attempted to use our name or try to
12 get in with us, that the PGR was incorporated, that the
13 name and the logo belonged to the Patriot Guard and
14 that no one could use it. So we -- we continued to
15 relay that information to people over the next year who 10:46AM
16 wanted to use the trademark. We let them know the
17 company owned it. We got this information from Jeff
18 personally, he told us that it had been trademarked.
19 And it was not until Jeff resigned that we found out
20 that no trademark application had ever been filed. 10:47AM
21 Q Okay. Have you ever filed a trademark
22 application?
23 A Not personally, no.
24 Q Have you ever worked with incorporating an
25 organization? 10:47AM

1 perhaps getting a license for the PGR logo? 6:44PM
2 A It was related to me by other board members that
3 they had spoken to him about providing him with a
4 license for the PGR logo.
5 Q They were going to give him a license for the PGR 6:44PM
6 logo?
7 A Yes.
8 Q Who told you that?
9 A That would have been Bill Lines or Ronnie Awtry,
10 I'm not sure which one, during the conference call. 6:44PM
11 Q If you will look at this. Have you ever seen that
12 before?
13 A No, I haven't.
14 Q "Sierge, we only have permission to use the PGR
15 logo on the Web site. No permission given for anything 6:45PM
16 else. Respects, Ed." And it's Wescoot2. So we're
17 talking about Ed Mueller here. He's also a big fan of
18 freedom, justice and brotherhood as of November 15,
19 2006. "Diplomacy, the art of telling someone to go to
20 hell and they look forward to the trip." What was Ed's 6:45PM
21 position on the board at this time?
22 A He was a member of the board of directors.
23 Q Just a member?
24 A Uh-huh.
25 Q Okay. And you were on the board at this time? 6:45PM

1 A Yes. 6:45PM
2 Q Was it your understanding that you had permission
3 to use the PGR list logo on the Web site?
4 A Absolutely. It belonged to the organization.
5 Q But if it belonged to the organization, why 6:46PM
6 couldn't the organization not use it for anything else?
7 A I'm not sure why Ed wrote this.
8 Q As a board of directors member, we heard testimony
9 today that they were authorized to speak for the
10 membership on behalf of the board. Would you agree 6:46PM
11 with that?
12 A Not without the rest of the board, no, I would not
13 agree with that.
14 Q Take a look at this one. Do you remember at some
15 point the group decided -- the organization decided to 6:46PM
16 have a design contest for a ride coin?
17 A I think so, yes.
18 Q And my understanding of a ride coin is just like a
19 souvenir, that you participated in an event. And other
20 organizations have ride coins? 6:47PM
21 A Yes.
22 Q There was posted by Waldo, Jason Wallin Waldo, 15
23 November 2006. He was still serving as corporate
24 treasurer at this time. Proposed rules for challenged
25 coin design. "Number 2, forbidden design elements 6:47PM

1 includes the copy written logo that Jeff Brown drew as 6:47PM
2 we only have permission to use it on the Web site but
3 not in marketing material." Was Jason on the board at
4 this time?
5 A Yes. 6:47PM
6 Q Why do you think he had the same understanding as
7 Ed on the same date as permissible use of the logo and
8 impermissible use of the logo?
9 A I don't know why he had that. There were -- there
10 were times -- and during this time we were being 6:48PM
11 threatened with a lawsuit saying that this was going
12 to -- there was going to be a challenge towards the
13 trademark. So at that time both Jason, all of us,
14 decided to -- although we still had the logo, we still
15 used it, we just tried to approach it lightly until we 6:48PM
16 could settle the claims of the lawsuit that were going
17 to be made.
18 Q Where was the lawsuit filed?
19 A There was none. There were threats.
20 Q Other posting from the same date. Looks like it's 6:48PM
21 still about the coin design. Do you know whether or
22 not Jeff Brown ever attempted to copyright the logo?
23 A No, I don't.
24 Q Did PGR, Incorporated, ever attempt to copyright
25 the logo? 6:49PM

1 A Jeff had told us that it was copyrighted for the 6:49PM
2 organization already. He told many people that.
3 Q Who threatened you with a lawsuit?
4 A Jeff Brown.
5 Q Did he relay that information to you directly? 6:49PM
6 A No.
7 Q Did he relay that to the board?
8 A He relayed it to probably members of the board,
9 perhaps Ronnie or Snap or both.
10 Q Bill Lines? 6:49PM
11 A Bill Lines.
12 Q This LadyTrog, a person named LadyTrog on
13 15-11-2006. Looks like she's Carmen Anderson. And
14 she's referring to the post by Waldo that we just
15 talked about. And she asks, "So what is the 6:49PM
16 copywritten logo." And Jason responds, "The logo that
17 sits in the upper right and left of each page on the
18 site. Anything else is fair game." Again, the board,
19 I guess, was acting under the impression that it had be
20 copywritten? 6:50PM
21 A No -- well, perhaps at that time we still had --
22 we weren't aware.
23 Q Were you privy to any of the discussions between
24 Jeff Brown and the board in November of 2006 regarding
25 the store? 6:50PM

1 A No. That would have been Snap, Bill Lines and 6:50PM
2 Ronnie Awtry.
3 Q Jeff didn't have negotiations with the entire
4 board about the logo in November of 2006?
5 A No. 6:50PM
6 Q This is another forum posting. At the top Ed
7 Mueller, "The logo was approved for the Web site, but
8 approval for merchandising was turned down." Do you
9 know whether or not Jeff Brown has offered PGR,
10 Incorporated, that he would allow them to use the logo 6:51PM
11 on the Web site but not allow them to use the logo on
12 merchandise?
13 A I believe that he did make that statement.
14 Q And why was that rejected?
15 A Because we have the copyright, that we -- it 6:51PM
16 belonged to the company, that anything that Jeff did
17 for the company creating the design, creating the name,
18 drawing the logo, everything was done on behalf of the
19 company. So when he offered to license it to us, we
20 turned him down because it wasn't his to license, it 6:51PM
21 was ours.
22 Q In November of 2006, it looks like board members
23 are operating under the assumption that Jeff did own
24 the logo?
25 A They weren't operating under that assumption, they 6:51PM

1 were going -- trying to tread lightly in light of the 6:51PM
2 fact that he was trying to protest the fact that we
3 were claiming ownership.
4 Q But the board believed it had ownership?
5 A Yes, the board believed it had ownership and even 6:52PM
6 when they wrote this.
7 Q That is typical board response, to tread lightly?
8 A Not necessarily board response.
9 Q Who turned down an approval for merchandising?
10 A I don't know. 6:52PM
11 Q If you owned the mark, why would you ever agree to
12 that?
13 A We've never agreed to that.
14 MR. MARR: She's asked and answered that
15 question. 6:52PM
16 MS. BRU: As long as she's answering it --
17 MR. MARR: She did answer it.
18 MS. BRU: -- I'm okay with that.
19 Q At the bottom, "The logo which appears on the top
20 of our Web page is owned by Jeff Brown. He has given 6:52PM
21 us the permission to continue to use it only on our Web
22 site and not for merchandising any product." Again,
23 why did anyone care what Jeff was going to allow if PGR
24 owned the mark?
25 A Jeff was claiming he had already trademarked that 6:52PM

1 and we didn't know, I'm going to guess, that at this 6:52PM
2 time we were not sure, thus treading lightly.
3 Q This is after you filed your application for
4 trademark.
5 A Well, then I'm not sure. 6:53PM
6 Q Take a look at this one. It's dated the 10th of
7 December 2006. And specifically I want to refer you to
8 Page 3.
9 MR. MARR: Courtney, where do you see
10 December 7, 2006? 6:54PM
11 Q December 10, 2006. Go the Page 3. It's Bates
12 labeled PGR 001989. Someone is talking to Monica.
13 Looks like it's Ed Mueller talking to Monica. It was
14 in December of 2006 after everyone had filed trademark
15 applications. "Monica, let's put the facts out once 6:54PM
16 again." And in discussing the facts Ed says, "The
17 current board asked to see the records of the PGR
18 store. We were told it was a private business and
19 those records would not be made available to us. Jeff
20 asked that we allow the store to remain open until he 6:54PM
21 sold out of all the product which he currently had in
22 stock. The BoD agreed to that. The BoD asked Jeff if
23 we could continue to use the current logo since Jeff
24 made it very clear up to that point that he had the
25 logo trademarked. Jeff told the BoD that we could use 6:54PM

1 the current logo and name on the Web site, but would 6:55PM
2 not grant us the use for any items to be merchandised.
3 In an attempt to continue to use the current logo, the
4 BoD negotiated with Jeff that he could continue to run
5 his store and Jeff agreed that we, PGR, could also open 6:55PM
6 a store and he would grant us the right to use the
7 current logo on any merchandise." Do you think that
8 accurately summarizes the facts?
9 A Not that I'm aware of the facts, no.
10 Q Okay. What would be different? 6:55PM
11 A Well, it was never my understanding that Jeff was
12 granting us permission to use anything. I understand
13 he attempted to grant up permission but it was all my
14 stance and my understanding that he didn't have that
15 right. 6:55PM
16 Q Seven, "During further talks to clarify," assuming
17 it's Jeff's, last position, he made it known that we
18 could only use the current logo on merchandise which
19 did not duplicate any item which he sold. The BoD did
20 not accept those terms and took a chance and filed for 6:56PM
21 a trademark on the current logo." Would you agree with
22 me that Ed is saying that one through seven happened
23 before PGR filed its logo?
24 A I would guess that's what he's meaning, yes.
25 Q "it was at that time the BoD found out that Jeff 6:56PM

1 did not have the logo trademark. Our application beat 6:56PM
2 his into the trademark office by approximately 700."
3 Which I'll tell you right now is not a fact.
4 MR. MARR: That 700 is an hour. Is that
5 what you said? 6:56PM
6 Q It's an hour, yeah. Would you agree, based on the
7 posting it looks like Ed Mueller believed that Jeff was
8 the owner of the logo and that in an effort to beat
9 Jeff because Jeff hadn't yet filed a trademark, he
10 directed PGR to file a trademark? 6:57PM
11 A No. I wouldn't agree to that.
12 Q Why would you not agree to that?
13 A Because I believe he was under the same thinking
14 as I was and that was that we had the -- that if Jeff
15 filed a trademark, it was done on behalf of the 6:57PM
16 organization. And once we found out that it wasn't
17 done, we felt we had the right to go file it because it
18 was a logo and name that was only used by the
19 organization and not Jeff as an individual.
20 Q "The BoD did not accept those terms and took a 6:57PM
21 chance, filed for the trademark on the current logo."
22 A If I had to guess, which is only what I would be
23 doing, I would say he meant to, in case it hadn't been
24 filed for because we could not find evidence that it
25 had been, so we took a chance and went ahead and filed. 6:57PM

1 Q This was stapled. I apologize in advance. In 6:58PM
2 this is a forum posting dated 17 November 2006 Snap67.
3 Is that Bill Lines?
4 A Yes.
5 Q "We realize that there are a lot of questions, and 6:58PM
6 a lot of answers and a lot of rumors floating around
7 concerning the issues that led to Jeff's resignation,
8 and the current status of the PGR as a nonprofit
9 organization. Outlined below are the facts as we
10 understand them." Who do you think he's referring to 6:58PM
11 when he says "we"?
12 A I'm guess he's speaking on behalf of the board.
13 Q "Number 1, Jeff created the concept of PGR
14 national and the PGR store. Number 2, Jeff designed
15 the logo on the merchandise that it appears on. Number 6:59PM
16 3, Jeff and his wife are the sole owners of the PGR
17 store. Number 4, the PGR store was placed on the front
18 page of the Web site for members to order their PGR
19 items, leaving some members to believe that the store
20 belongs to the PGR. Five, we've been told that 100 6:59PM
21 percent of the proceeds from the PGR store belonged to
22 Jeff. Six, to date Jeff has donated approximately
23 $67,000 to the PGR. Seven, based on concerns, the
24 board asked Jeff to see the income. Eight, Jeff
25 refused to divulge, it's nobody's business. Nine, Jeff 6:59PM

1 stated he's made approximately $30,000 personal 6:59PM
2 profits. Based on the fact Jeff was making profit, the
3 BoD determined it created a conflict of interest and
4 when asked by the board to give the information, Jeff
5 chose to resign. Jeff has offered the PGR the use of 7:00PM
6 the logo and name Patriot Guard Riders to use on our
7 Web site only for a period of one year. Jeff has made
8 it very clear that this excludes the PGR from being
9 able to use the logo or name in connection with any
10 merchandising. Fourteen, while transitioning to new 7:00PM
11 leadership, the BoD, through investigation, became
12 aware that Jeff had neither completed the trademarking
13 application for the logo and name, nor the application
14 for national tax exempt status for the PGR 501(c)(3).
15 The board is now working on creating a new logo. From 7:00PM
16 this point forward, the current BoD plans to run the
17 PGR site. Transparency. More open communications."
18 Let's go back. "Transparency with regard to all issues
19 concerning PGR management i.e. financials, PGR store
20 (when one is open)," et cetera, et cetera. Do you 7:00PM
21 understand -- did you understand that those were the
22 facts as of 17 November 2006?
23 A Understand that that's the order of how things
24 occurred, yes.
25 Q And we agree and we already said that Bill Lines 7:01PM

1 was speaking on behalf of the board of directors? 7:01PM
2 A He put out a statement, yes.
3 Q What has changed since that the PGR now argues
4 that it created and owns the PGR logo?
5 A PGR didn't -- 7:01PM
6 MR. MARR: I object that there's testimony
7 that the PGR never stated it created the logo.
8 MS. BRU: We'll let the transcript show.
9 I'm pretty sure it's there.
10 Q You can answer. 7:02PM
11 A Jeff Brown created the logo and the merchandise
12 but he did so for the PGR as a member of the board of
13 directors of the PGR, and not on behalf of himself. It
14 with all for the PGR. Everything he's done is PGR.
15 Q Do you base that on the fact that he filed his 7:02PM
16 trademark application as an individual?
17 A No.
18 Q What do you base that on?
19 A The fact that I think that he did everything on
20 behalf of the PGR based on his own statements. 7:02PM
21 Q Did he tell people that he was the sole owner of
22 the PGR store?
23 A Not --
24 MS. BRU: I'm going to just note for the
25 record that Mr. Marr, before Bonnie had a chance to 7:02PM

1 answer, looked at Bonnie and shook his head no 7:02PM
2 before she responded.
3 A I was waiting for an objection if there was one.
4 Not -- what was your question again?
5 Q How did Snap know that Jeff and his wife were the 7:03PM
6 sole owners of the PGR store as of 17 November 2006?
7 A That's when Jeff told us.
8 MR. MARR: Now I'm going on record saying
9 that I was indicating that I was not going to make
10 an object and that she could answer the question. 7:03PM
11 MS. BRU: That's fine.
12 Q Do you disagree with any of these facts?
13 A These are not facts as we know them, these are
14 facts as -- I wouldn't even call these facts. This is
15 a series of events. We were not aware of all the facts 7:03PM
16 until after we were able to fully investigate it and
17 this was within a week of it all going down.
18 Q So you didn't investigate it before you filed an
19 application for PGR?
20 A That is not what I said. 7:03PM
21 Q Did the board investigate into who was using the
22 mark before it filed its application on November 9,
23 2006?
24 A As far as seeing if there was a trademark filed
25 for it? 7:04PM

1 Q Yes. 7:04PM
2 A Yes.
3 Q Did the board investigate whether or not anyone
4 was using the mark prior to filing its application on
5 November 9, 2006? 7:04PM
6 A Yes.
7 Q They did?
8 A I believe they did, yes.
9 Q If you'll go back and look at 29, this series of
10 events. There were conversations about Jeff continuing 7:04PM
11 or further use of the logo prior to the filing of the
12 trademark application by PGR on November 9, 2006?
13 A What number was that again?
14 Q Number 7 -- Paragraph 7 Paragraph 6, Paragraph 5.
15 MR. MARR: I'm going to object to this 7:05PM
16 line of questioning. It's been asked and answered.
17 I know you're not happy with the answer you're
18 getting from the witness, but she's already
19 testified that it's her understanding there was a
20 sequence of events and that she did not understand 7:05PM
21 this to be the facts as were agreed to by the board.
22 So, I mean, in view of the late hour, I object to
23 your going back to revisit and trying to get the
24 answer that you want, so I'm going to permit her to
25 answer two more questions then and that's it on this 7:05PM

1 same document. 7:05PM
2 MS. BRU: Move to strike the speaking
3 portions of your objection. They're improper during
4 a deposition on that grounds.
5 MR. MARR: I rephrased her testimony. 7:05PM
6 MS. BRU: I agree that you did rephrase
7 her testimony and that's the problem.
8 MR. MARR: My understanding of her
9 testimony.
10 Q What has changed? What event occurred that 7:06PM
11 changed the board's understanding that Jeff created the
12 concept of PGR national? What facts did the board
13 discover that changed that?
14 A That changed the fact that Jeff created it? None.
15 He created it for the organization. 7:06PM
16 Q What did the board find out that would change its
17 belief that Jeff designed the logo and the merchandise
18 that it appears on?
19 A There's nothing that made that change because he
20 created it all for the organization. 7:06PM
21 Q Where there does it say that Jeff created it for
22 the organization?
23 A It doesn't say it in these series of events. It
24 was common knowledge.
25 Q When did Jeff tell you he created it for the 7:06PM

1 organization? 7:06PM
2 A Many times over the years.
3 Q When?
4 A When he said, hey, guys I'm getting a call for
5 merchandise from members of the organization. I'm 7:06PM
6 going to create this logo and I'm going make these
7 items so that we can sell them in the PGR store so
8 people can go to missions with their PGR attire.
9 Q And he volunteered to pay for at least the first
10 round of merchandise himself? 7:07PM
11 A Someone had to, yes.
12 Q Why did Jeff do it?
13 A Because he was the one that came up with the idea
14 of creating merchandise for the Patriot Guard Riders.
15 He had the funds available. 7:07PM
16 Q Did the board discover facts that would dispute
17 that Jeff and his wife are the sole owners of PGR
18 store? The PGR store is in parentheses -- or is in
19 hyphens.
20 A Again, I wouldn't say that's fact at all, no. 7:07PM
21 Q Is the board in the practice of posting
22 information that's not factually accurate on the forum
23 posting to inform the membership?
24 A There have been times that board members have
25 posted items on the forums without the knowledge of 7:07PM

1 other board members, yes. 7:07PM
2 Q And we've testified -- we've heard testimony here
3 today that account access can be terminated for posting
4 nonfactual information on a forum.
5 A I wasn't privy to that. 7:08PM
6 Q Do you know if Snap's access was terminated for
7 posting nonfactual information?
8 A Again, no, I do not know.
9 MS. BRU: I think I'm just about at the
10 limit here. Do you have any more questions? 7:08PM
11 MR. MARR: I only have one question.
12 RECROSS EXAMINATION
13 Q Bonnie, you testified that to your knowledge Jeff
14 expended personal funds to pay for the initial
15 merchandise and was then reimbursed. To your 7:08PM
16 knowledge, did anyone else expend personal funds to
17 help the organization get up and running?
18 A Yes.
19 Q Who was that?
20 A Jason Wallin expended funds to purchase all the 7:09PM
21 servers for the Web site. Many members purchased items
22 to support the mission, to further the cause of the
23 Patriot Guard. I don't really know a full accounting.
24 MR. MARR: That's the only question.
25 MS. BRU: Redirect on that question. 7:09PM

1 SIGNATURE PAGE

2

3 I, Bonnie Perry, do hereby certify
4 that the foregoing deposition was presented to me by
5 Marlene Percefull as a true and correct transcript of
6 the proceedings in the above-styled and numbered cause,
7 and I now sign the same as true and correct.

8

9 Witness my hand this 6th day of
10
11 November, 2008.

12

13

14 Bonnie Perry
15 Bonnie Perry

16

17 SUBSCRIBED AND SWORN TO before me
18
19 this 6th day of November, 2008.

20

21 LYNN CHEBETAR
NOTARY PUBLIC, STATE OF TEXAS
MY COMMISSION EXPIRES
22 SEPT. 25, 2010

Lynn Chebetar
Notary Public

23 My Commission Expires:

24

25

CORRECTIONS TO THE DEPOSITION OF BONNIE PERRY
OCTOBER 13, 2008

Page No./Line No.	Correction
5/19	Change "Bonnie" to "BonRu"
5/22	Change "Bonnie" to "BonRu"
18/6	Change "PatriotGuardRiders.org" to "PatriotGuard.org"
40/24	Change "brach" to "branch"
45/10	Should read "Now that one, I do not know."
45/16	Should read "just the bylaws and other PGR documents."
54/10	Change "scooter 60" to read "scooter sissy"
57/2	Change "there" to "there in National"
60/6	Delete the word "me"
60/22	Change "contact" to "exact"
62/17	Change "presented" to "represented that"
62/18	Delete the word "or" at the beginning of that line
65/2	Change the first word "It" to "I"
71/25	Delete the number "3" at the end of the sentence
95/13	Change "up" to "us," and "all" to "always"

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 30

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

Gmail BETA

John Jacobs Jacobs <mnjjacobs@gmail.com>

Trademark filings

1 message

John Jacobs <mnjjacobs@gmail.com> **Thu, Mar 9, 2006 at 9:25 AM**
To: Jeff Brown <jeffbrown@valornet.com>

Jeff - I know you're busy, so just a reminder on this - I'm holding off completing the trademark and copyright paperwork to see if incorporation is in the near future.

Also, given the recent exposure, it might be prudent for you to think about a couple more things around protecting the name and logo.

The easy one is that PGR should start using the trademark symbol (the little "TM", not the R-in-a-circle) on the website and other printed matter (like PGR Store items). Once the trademark is registered, the "TM" can be replaced with the registered trademark symbol, which is the R-in-a-circle, or sometimes "(R)". The "TM" just lets the world know that the owner considers the name and logo to be trademarks. The (R) has legal effect if anyone ever misuses it, but that has to wait through the government process.

The second thing to consider is registration of a "collective trademark" which works a little differently than registering the name or logo. The trademark/servicemark registration protects the connection between you (or the corporation, if it goes that way) and the name/logo. A collective mark lets the owner control what people call themselves "Patriot Guard Riders" and take action if unauthorized people try to use the designation. The best example I can think of is "Realtor". The idea is that the collective mark owner has some rules for admitting and controlling members, so they have legal protection against people who use the designation without following the rules. I'm not aware of a pressing need for the collective mark at the moment, unless there are actual concerns about people improperly calling themselves members, and reflecting badly on PGR or using claimed membership for their own purposes (like a political candidate or business). Even if there aren't any known problems, should things continue to grow quickly it might be worth keeping in mind.

John Jacobs

On 3/5/06, **Jeff Brown** <jeffbrown@valornet.com> wrote:

John,
Thank you sir.

Jeff Brown
8321 S. 8th St.
Broken Arrow, OK 74801

I'll try to give you a call tomorrow or Tuesday...just got back from 700 miles on a mission

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 31

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

Gmail by Google BETA

John Jacobs Jacobs <mnjjacobs@gmail.com>

Trademark applications

1 message

John Jacobs <mnjjacobs@gmail.com> Tue, Oct 3, 2006 at 11:50 PM
To: Jeff Brown <twister@patriotguard.org>

Jeff -

At long last, I've gotten through all searching and am ready to finalize the trademark application paperwork, and I need your input.

As it stands, we can register four marks - 1. the words "PATRIOT GUARD RIDER", 2. the words "Riding with Respect", 3. the logo including the folded flag/stars, "Patriot Guard Rider" around it and "Riding with Respect" below and 4. "Scooter Sissy". Registration gives us legal rights to protect the phrases and the logo from unauthorized use. The registrations also protect against confusingly similar uses like the unauthorized vest design from ebay, and maybe splinter groups (if the name or logo they use is similar to the non-descriptive parts of the marks).

The first three registrations can be made in up to 6 classes of "goods and services" - 1. Association services (which is the trademark office lingo for the mission rides and other core activities), 2. Clothes, 3. Patches, 4. Flags and banners, 5. Pins and 6. License plates. The Scooter Sissy mark can be registered for Patches, and maybe for Association services (if we can show that the name is used in connection with a mission (like advertising it). However, each class, for each mark will cost either $325 or $375, so it could run upwards of $6500 in government fees. I don't know what your budget will permit, but that seems like a lot to me.

I think we can safely protect the PGR identity by registering the words "PATRIOT GUARD RIDER" in all 6 classes, and the others in association services (and Scooter Sissy in the Patches class). That would be between $3250 and $3750, all together. The only downside of that approach is that someone else could use the unregistered mark or something "confusingly similar" (like a copycat logo without the PGR words, or just "Riding with Respect") in a state where the PGR marks haven't been sold on the particlar class of goods first (not that there are many anymore, I suspect). That's because whoever sells goods with a particular mark first gets the right to prevent others from using it in that state/area.

The minimal approach would be to register only "Patriot Guard Rider" and maybe "Riding with Respect" for Association services. Assuming we've sold all the classes of goods into most of the 50 states, we could rely on state/common law in case someon tried to sell unauthorized (infringing) goods, but that would require legal help local to the infringer to really do anthing to stop them. With federal registration, state law (and local lawyers) aren't nearly as necessary.

Please let me know how you'd like to proceed, and feel free to call or reply with any questions. My apologies for taking so long to get to this project.

John Jacobs

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 32

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

Gmail talk BETA

John Jacobs Jacobs <mnjjacobs@gmail.com>

Trademark online application

3 messages

John Jacobs <mnjjacobs@gmail.com> **Wed, Nov 1, 2006 at 10:38 PM**
To: Jeff Brown <twister@patriotguard.org>

Jeff -

I think I've figured out the new Trademark office system. I'm attaching everything you should need to get the first application filed, but it will take at least 30 minutes (mostly to get all the digital photos attached). This application is for the "Patriot Guard Rider" words used for missions and the store items. It's the most important one, I think.

If this works well, I'll provide the files (with your help on one) to do the other servicemarks (the logo, "Riding with Respect", "Scooter Sissy" and "Gathering of the Guard").

Step-by-step instructions (I'd suggest printing this email for reference)

1. Save all the attachments in this email to a new folder on your computer

2. Go to http://teasplus.uspto.gov/TeasPlus/index.jsp

3. At the bottom of that page, click the browse button and select the file in the new folder you just created called "TM APPLICATION PGR" with an extension of ".xml" or a type of XML Document and then hit continue. That will load the data.

4. Verify your info (making any corrections needed and hit continue

5. Click "Continue" at the bottom of the next page too (it specifies the PGR text mark particulars)

6. The next page is called "Basis for filing". You're going to have to attach the attachment images to each of the lines in the table near the bottom. For each of the 8 lines, you'll do the following:

6A - Click the link in the last column (called Assigned Filing Basis(es)) with the link text reading "1(a)".
6B - Below the table at the bottom, click the button "Attach/Remove Specimen"
6C - Click "Browse" and select the JPG file for the appropriate goods/services - the names are pretty straightforward and the goods/services description that the picture should match is highlighted in yellow in the table just a little bit up the page
6D - Click "Attach" and confirm the picture is the right one
6E - Click "Return to Application"

6F - Click "Assign Filing Basis"
6G - Repeat for the next line in the table

7. With all of the 8 lines of filing basis assigned, click "Continue" at the bottom.

8. Continue again (this page is my contact info)

9. Note the total fees - should be $1650 for this one.

10. In the Signature Information box, select the "Sign Directly" button.

11. Near the bottom, the Signature box should be blank, with the Signatory Name and Position filled in. Your signature is whatever you want, put between slash marks - like /Jeff Brown/ or /JB/ or whatever you prefer. The link on the field name gives more "help" if you need it.

12. Click in the "Date Signed" - it should fill in automatically.

13. Click "Validate"

14. On the Validation page - fill in my email for acknowledgement - mnjjacobs@gmail.com in both fields

15. Read the whole page and click the "If you have read" box.

16. Click the "Pay/Submit" button - you can pay by credit card or EFT from a bank account and step through the appropriate pages.

I don't use the online payment stuff at work, so I don't have any experience with that part, but I'm sure it's the usual online process.

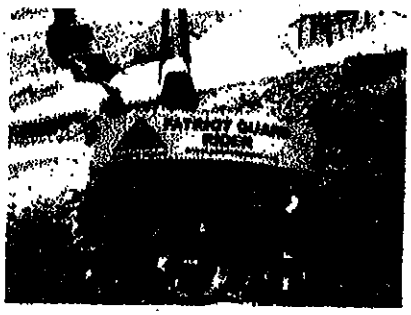
If you run into problems, call me and we'll walk through the steps together.

John Jacobs
W 484.582.5604
H 610.918.1595

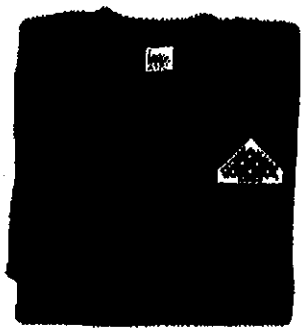
---

9 attachments

Patriot_Guard_Rider_License_Plate_Thumb.jpg
13K



Patriot_Guard_Rider_Windshield_Banner_Thumb.jpg
17K



Patriot_Guard_Rider_SShirt_Thumb.jpg
11K

Patriot_Guard_Rider_Patch_Thumb.jpg
14K

Patriot_Guard_Rider_Lapel_Pin_Thumb.jpg
14K

Patriot_Guard_Rider_Bike_Flag_Thumb.jpg
15K

Patriot_Guard_Rider_Ballcap1_Thumb.jpg
10K

Patriot_Guard_Rider_Association_Services.jpg
103K

TM APPLICATION PGR.xml
16K

Jeff Brown <twister@patriotguard.org> **Wed, Nov 8, 2006 at 9:11 AM**
To: John Jacobs <mnjjacobs@gmail.com>

John,
Thanks for all your hard work. However, the link (item # 2) will not open for me. Also, if you sent me an release form to allow usage ot the TM items, I cannot find it. If you get a minute, could you resend it.
Thanks again,
Jeff

From: John Jacobs [mailto:mnjjacobs@gmail.com]
Sent: Wed 11/1/2006 8:38 PM
To: Jeff Brown
Subject: Trademark online application

[Quoted text hidden]

John Jacobs <mnjjacobs@gmail.com> **Thu, Nov 9, 2006 at 10:13 PM**
To: Jeff Brown <twister@patriotguard.org>

[Quoted text hidden]

TM APPLICATION PGR.xml

16K

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 33

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

John Jacobs Jacobs <mnjjacobs@gmail.com>

Trademark License

5 messages

John Jacobs <mnjjacobs@gmail.com> **Wed, Apr 26, 2006 at 9:46 PM**
To: Jeff Brown <twister@patriotguard.org>

Jeff -

Attached is a license agreement as we discussed. You can use it for situations like the memorial rockers. It has all the required legal pieces and I've highlighted in yellow the items that have to be filled in for each user of the names and/or logo.

It gives you approval of the goods/services and any changes, so you can make sure they meet your standards. It provides for collecting a license fee or not (and I've noted that the fee could be payable to a PGR entity - your tax advisor should think about that one). You would set the fee, if any and send the document to the person who wants to use the names/logo and they'd fill in names, etc., and sign two copies of it first. You sign second, keeping one copy and returning one.

As soon as possible, you should license the three corporations as users, with fairly broad descriptions of the Permitted Use. Everyone else gets as narrow a description as possible. Odd as it seems, you can sign for both you and as an officer of Patriot Guard Riders, Inc.

Let me know if you have any questions, or think I missed anything. The agreement should work in this form until the marks are federally registered.

PGR TM License.doc
37K

Jeff Brown <twister@patriotguard.org> **Fri, Apr 28, 2006 at 10:23 AM**
To: John Jacobs <mnjjacobs@gmail.com>

John,
Thank you sir. As soon as I get my haed above water I'll review it and contact you should I have any additional questions. Briefly, I've been contacted by a couple of members who want to have their bikes painted with the PGR logo and name. I don't have a problem with it, should I send them one of these agreements to sign?
Thanks,
Jeff

From: John Jacobs [mailto:mnjjacobs@gmail.com]
Sent: Wed 4/26/2006 8:46 PM

To: Jeff Brown
Subject: Trademark License

[Quoted text hidden]

John Jacobs <mnjjacobs@gmail.com> **Fri, Apr 28, 2006 at 1:54 PM**
To: Jeff Brown <twister@patriotguard.org>

Technically, it would be appropriate to license that kind of use. There's not a huge risk, so I don't think it would be horrible if folks did those things without permission, but if they ask, it would be good to have a consistent response.

From the trademark perspective, a professional bike painter is the biggest concern since he's making a commercial use - the agreement would work with him (and you'd limit the Licensed Use in the document to one certain customer's bike). If the painter isn't doing the work for money, it's technically a trademark law matter, but hard to get excited about. The bike owner isn't really doing anything trademark law covers.

From the copyright perspective (which the form also covers), both the painter and the biker owner require a license to copy and display the logo. For a non-pro painter or DIYer legal permission could be accomplished with a simple letter or email that says:

"I, Jeff Brown, owner of the rights to the Patriot Guard Rider logo, hereby grant [NAME] a non-exclusive, perpetual (for the duration of the applicable copyright) license to (a) reproduce the logo on [PERSON'S BIKE, etc.], and (b) to display it publicly."

John Jacobs

[Quoted text hidden]

John Jacobs <mnjjacobs@gmail.com> **Wed, Nov 8, 2006 at 9:40 AM**
To: Jeff Brown <twister@patriotguard.org>

Jeff -

A few things -

1. The license agreement is attached. If you're giving permission on "Scooter Sissy" or "Gathering of the Guard" that would replace the PGR items in the first "WHEREAS" clause. The other "fill in" items are highlighted with yellow.

2. If you haven't put a license in place to allow PGR, Inc. to use the trademarks, we should get that done ASAP. Let me know if you need any assistance with it.

3. For the link that won't cooperate - you should be able to get to the page as follows:
A. go to http://www.uspto.gov

B. click Trademarks on the upper left
C. Click the File Online link that appears under Trademarks
D. On the right side, click the "Apply for a NEW mark" link
E. Click the "Trademark/Servicemark Application, Principal Register" link (the first box on the page)
F. Click the "TEAS Plus Form" button and then the "CONTINUE" button at the bottom of the page - that takes you to the page where the not-working link should have.

4. Sorry to see that you're stepping down as Executive Director. I think you've done an excellent job of making PGR work, and reaching the right decisions many, many times. I'm happy to keep working with you on this stuff for as long as it makes sense.

John Jacobs
[Quoted text hidden]

PGR TM License.doc
37K

Jeff Brown <twister@patriotguard.org> **Thu, Nov 9, 2006 at 1:09 PM**
To: John Jacobs <mnjjacobs@gmail.com>

John,
Please call me as soon as you can. URGENT
Thanks,
Jeff
918-449-1652

From: John Jacobs [mailto:mnjjacobs@gmail.com]
Sent: Wed 11/8/2006 7:40 AM
To: Jeff Brown
Subject: Fwd: Trademark License

[Quoted text hidden]

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 34

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

Patriot Guard Riders

Standing For Those Who Stood For US

Friday, June 13, 2008

..:: ALL Forums ::..

jomalley Logout

Code Amber Alert

This is the Code Amber Amber Alert Ticker: -- CodeAmber.org needs yo

Navigation

- Home
- About Us
- Leadership Contacts
- Letters of Appreciation
- Fallen Warrior Scholarship
- ALL Forums
- Help on the HomeFront
- Most Recent Posts
- Photo Gallery
- Media/Press
- Fallen Members
- Events
- Troop Support Partners
- PGR FAQ
- PGR Gear

Patriot Guard Riders Forum

Unanswered Not Read My Forums Active Topics

Forums My Profile Search Members

Forums > Off-Topic > Dead Horse Barn

Subject: I'm tired of personal attacks!

Topic is locked

Page 1 of 7 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | > | >>

Author	Messages	Oldest First
Twister ● Posts: 1811 Broken Arrow, OK	06 Oct 2006 1:46 PM Folks, The following excerpt from an outside forum was just brought to my attention. I won't name the forum, as I don't feel it's appropriate. The author, Tamara, claims to be a PGR	Alert

Dialup Homepage

Directory

Click to send an email to the departments below:

User Support
Moderators
Photos
Media
Media Sightings
Submit Picture of Day
Web Site Administrator
Communications Officer
Letters Of Appreciation
Help On The Homefront

Mission Request

Click on the link below to make initial contact with us regarding honor mission requests:

Contact Us

Contact Arlington National Cemetery

member...so be it:

...Second, if you look at their financials. Mr. Brown does not show any profit from the PGR store. That is because he holds the TM for all the products. So if you are trying to buy anything to show you are PGR member, it goes to his corp, not to the non profit PGR. Pretty good cash cow. Not that I have any problem with the man making a living, but don't make yourself out to be some big hero while pocketing the profits.

I respond to this for one reason...I'm really getting sick and tired of personal attacks on my motives, my honesty, my patriotism and my integrity by those who would chose to besmirch the PGR.

I've posted all of this before, but I'll do it once again.

The PGR is a non-profit organization, the PGR Store is not. There are very definite reasons for this. Being a 501c3, the PGR, Inc. is highly regulated by the federal government as to what moneys can and cannot be raised and how they are spent. The PGR Store can do whatever it wants with the income.

Never has one penny of PGR money been spent, borrowed, stolen, or misappropriated by the PGR Store....that means jail time and I'm too pretty for that.

At the time of this posting, the PGR store has put $67,937.24 into the PGR, Inc. (this does not include cost of goods, shipping, etc.). It has gone for family plaques, legal fees, reimbursement to members for PGR "out-of-pocket" expenses, PGR Banners, expenses for the Gathering of the Guard, The Healing Field, and other PGR expense. The PGR Store is, by far, the largest source of income to the PGR, Inc.

I spend between 12-14 hours every single day on PGR and related issues, along with my "real job", the same as many of you do.
I pay my own travel and bike expenses, the same as you.
I often neglect my family and professional responsibilities, the same as you.

I have been very fortunate to have earned a good income in my professional career over

the years. I have a nice home, cars, bike, and very few bills. I've educated myself, worked hard, and had some breaks. I apologize for none of this. This allows me the "luxury" of devoting a great deal of time and energy to the PGR.

I've never made myself out to be a "hero", nor am I looking for any kudos. I will, however, make the following statement to all the "Tamara's" that may be lurking out there...
Don't personally attack me unless you're willing to match me hour-for-hour and dollar-for-dollar. When you're willing to do that, welcome to the PGR, we can certainly use you.

That's my last word on this.

Thanks,

Jeff

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 35

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

2007 WL 775578 (Trademark Tr. & App. Bd.)

THIS OPINION IS NOT A PRECEDENT OF THE T.T.A.B.

Trademark Trial and Appeal Board
Patent and Trademark Office (P.T.O.)

ASICS CORPORATION
v.
PARAGON DEVELOPMENT CORPORATION

OPPOSITION 91160352

February 28, 2007

Before Quinn, Bucher and Taylor
Administrative Trademark Judges

By the Board:

On October 16, 2006, opposer filed a motion for leave to amend its notice of opposition to add a claim of fraud, and on the following day (October 17, 2006), opposer filed a motion for summary judgment on the fraud claim. Both motions have been fully briefed. We first consider opposer's motion for leave to amend the notice of opposition.

OPPOSER'S MOTION TO AMEND

It has been held that amendment of a pleading generally should be allowed with great liberality, at any stage of the proceeding, where necessary to bring about a furtherance of justice, unless it is shown that entry of the amendment would violate settled law or be prejudicial to the rights of the non-moving party. See *American Optical Corporation v. American Olean Tile Company, Inc.*, 168 USPQ 471, 473 (TTAB 1971); *Space Base Inc. v. Stadis Corp.*, 17 USPQ2d 1216 (TTAB 1990); and *Buffett v. Chi-Chi's, Inc.*, 226 USPQ 428 (TTAB 1985).

The proposed newly-added claim of fraud has been sufficiently pleaded, and entry thereof would nor violate settled law. Moreover, we find the claim to have been timely made, inasmuch as it appears to have been based, in part, on information opposer obtained during a discovery deposition taken on October 12, 2006, less than one week before it filed its motion to amend. In addition, any possible prejudice to applicant as the non-moving party may be alleviated by extending the discovery and trial dates, as we have done below. See TBMP § 507.02 (2d ed. rev. 2004).

Accordingly, opposer's motion for leave to amend the notice of opposition to assert a fraud claim is hereby granted. Opposer's amended notice of opposition is entered into the record as the operative pleading in this case.

OPPOSER'S MOTION FOR SUMMARY JUDGMENT

A motion for summary judgment is a pretrial device, intended to save the time and expense of a full trial when a party is able to demonstrate, prior to trial, that there is no genuine issue of material fact, and that it is entitled to judgment as a matter of

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law. See Fed. R. Cir. p. 56(c); TBHP § 528.01 (2d ed. rev. 2004). To prevail on its motion, opposer must establish that there is no genuine issue of material fact in dispute, thus leaving the case to be resolved as a matter of law. See *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986); *Opryland USA Inc. v. Great American Music Show Inc.*, 970 F.2d 847, 23 USPQ2d 1471 (Fed. Cir. 1992); and *Sweats Fashions Inc. v. Pannill Knitting Co. Inc.*, 833 F.2d 1560, 4 USPQ2d 1793 (Fed. Cir. 1987). The Board views the evidence in a light most favorable to applicant, as the non-movant, and all justifiable inferences are to be drawn in applicant's favor. *Lloyd's Food Products Inc. v. Eli's Inc.*, 987 F.2d 766, 25 USPQ2d 2027 (Fed. Cir. 1993); *Opryland USA, supra.*

*2 Fraud in the procurement of a trademark registration occurs when an applicant knowingly makes a false representation of a material fact in an attempt to obtain a registration to which he is not otherwise entitled. *See Torres v. Cantine Torresella S.r.l*, 808 F.2d 46, 1 USPQ2d 1483, 1484 (Fed. Cir. 1986); *Medinol Ltd. v. Neuro Vasx Inc.*, 67 USPQ2d 1205 (TTAB 2003); *Mister Leonard Inc. v. Jacques Leonard Couture Inc.*, 23 USPQ2d 1064, 1065 (TTAB 1992). Fraud must be proven with clear and convincing evidence ("to the hilt"), and any doubt must be resolved against a finding of fraud. See *Giant Food, Inc. v. Standard Terry Mills, Inc.*, 229 USPQ 955, 962 (TTAB 1986). Furthermore, fraud will not lie if it can be proven that the statement, though false, was made with a reasonable and honest belief that it was true. See *Woodstock's Enterprises Inc. (California) v. Woodstock's Enterprises Inc. (Oregon)*, 43 USPQ2d 1440 (TTAB 1997); *aff'd* 152 F.3d 942 (Table, Text in WESTLAW), Unpublished Disposition, 1998 WL 93984, Fed. Cir., Mar 05, 1998 (NO. 97-1580).

Applicant filed an application to register the mark ENER-GEL for "orthopedic' shoe inserts for medical purposes used for foot support" in International Class 10 and for "replacement insoles" in International Class 25.[FN1] Opposer contends that applicant fraudulently intended to obtain registration for its mark in Class 10 by deceiving the Office into believing that applicant's insoles have a medical purpose, when it knew or should have known that the goods serve no medical purpose.[FN2] Applicant, on the other hand, contends that it is entitled to register its mark in Class 10 because the insoles are sold by podiatrists and because they provide foot support for the wearer.

After reviewing the arguments and supporting papers of the parties, we find that opposer has not met its burden of establishing that no genuine issue of material fact exists as to its fraud claim. At a minimum, genuine issues of material fact exist as to whether applicant has made a false representation to the Office that its product has a medical purpose and whether, if the product does not have a medical purpose, that applicant made such representation knowingly and with the intent to obtain a registration in Class 10 to which it was not entitled.[FN3]

In view thereof, applicant's motion for summary judgment is denied.[FN4] Proceedings herein are resumed and trial dates, including the close of discovery, are reset as follows. Applicant is allowed until THIRTY DAYS from the mailing date of this order to file its answer to opposer's amended notice of opposition.

DISCOVERY PERIOD TO CLOSE:	**May 1, 2007**
30-day testimony period for party in the position of plaintiff to close:	**July 30, 2007**
30-day testimony period for party in the position of the defendant to close:	**September 28, 2007**
15-day rebuttal period for party in the position of the plaintiff to close:	**November 12, 2007**

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*3 **IN EACH INSTANCE,** a copy of the transcript of testimony, together with copies of documentary exhibits, must be served on the adverse party within **thirty days** after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rules 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

FN1. Ser. No. 78207014.

FN2. Opposer also argues, in its motion for summary judgment, that applicant misled the Office "when it copied the identification of goods from [an unrelated third party's] application it intended to oppose." Opposer further argues that applicant misled the public into thinking that its mark was registered, that "it's product was patent pending," and that it had "sold a number of different models when it did not." Finally, opposer contends that applicant "misidentified its date of first use by over one year." *Opposer's Motion for Summary Judgment pp. 10-11.* While opposer argues that these allegations give rise to a claim of fraud, "in all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with particularity." Fed. R. Civ. P. 9(b). None of the above allegations were included by opposer in the notice of opposition. Accordingly, opposer cannot obtain summary judgment thereon. See *Giant Food, Inc. v. Standard Terry Mills, Inc.*, 229 USPQ at 961.

FN3. The fact that we have identified only a few genuine issues of material fact as sufficient bases for denying the motion for summary judgment should not be construed as a finding that these are necessarily the only issues which remain for trial.

FN4. The parties should note that the evidence submitted in connection with opposer's motion for summary judgment is of record only for consideration of the motion. To be considered at final hearing, any such evidence must be properly introduced in evidence during the appropriate trial period. *See Levi Strauss & Co. v. R. Josephs Sportswear Inc.*, 28 USPQ2d 1464 (TTAB 1993); *Pet Inc. v. Bassetti*, 219 USPQ 911 (TTAB 1983); *American Meat Institute v. Horace W. Longacre, Inc.*, 211 USPQ 712 (TTAB 1981).

2007 WL 775578 (Trademark Tr. & App. Bd.)
END OF DOCUMENT

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 36

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

Trademark Trial and Appeal Board Electronic Filing System. http://estta.uspto.gov
ESTTA Tracking number: **ESTTA182629**
Filing date: **12/21/2007**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	JeffBrown
Granted to Date of previous extension	12/29/2007
Address	8321 S. 8th St. Broken Arrow, OK 74801 UNITED STATES

Attorney information	Rachel Blue Doerner Saunders Daniel & Anderson 320 S. Boston, Suite 500 Tulsa, OK 74103 UNITED STATES rblue@dsda.com Phone:918-591-5324

Applicant Information

Application No	77040379	Publication date	10/30/2007
Opposition Filing Date	12/21/2007	Opposition Period Ends	12/29/2007
Applicant	Patriot Guard Riders, Inc. 312 Granite Ct Windsor, CO 80550 UNITED STATES		

Goods/Services Affected by Opposition

Class 045. First Use: 2005/11/11 First Use In Commerce: 2006/06/01
All goods and services in the class are opposed, namely: Organizing and conducting support groups in the field of combat veterans and their families

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Torres v. Cantine Torresella S.r.l.Fraud	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	77041061	Application Date	11/09/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	PATRIOT GUARD RIDER		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 006. First use: First Use: 2005/12/09 First Use In Commerce: 2005/12/09 Metal license plates Class 014. First use: First Use: 2005/12/14 First Use In Commerce: 2005/12/14 Ornamental pins Class 024. First use: First Use: 2005/11/29 First Use In Commerce: 2005/11/29 Cloth banners; Fabric flags Class 025. First use: First Use: 2005/12/08 First Use In Commerce: 2005/12/08 Hats; Short-sleeved or long-sleeved t-shirts Class 026. First use: First Use: 2005/12/23 First Use In Commerce: 2005/12/23 Embroidered patches for clothing Class 035. First use: First Use: 2005/10/27 First Use In Commerce: 2005/11/09 Association services, namely, promoting the interests of families of deceased military members and families of deceased veterans

Attachments	77041061#TMSN.jpeg (1 page)(bytes) 884110_1.pdf (1 page)(12136 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/RachelBlue/
Name	Rachel Blue
Date	12/21/2007

The opposed application and that of the opposer were filed on the same day within minutes of each other. Opposer's application reflects his earlier use of the mark in commerce, at least as early as 2005. The application filed by PGR, Inc. was initiated by an individual who is no longer an officer or member of the board of directors of that group and who filed the application without authorization and with full knowledge of Mr. Brown's prior rights in the mark.

PGR, Inc., was well aware that Mr. Brown had founded the organization, still in its infancy at that point, and that Mr. Brown had prior use of the mark not only on the organization's services but also on merchandise that he produced using the name. The affidavit that PGR, Inc. knew of no other party entitled to use the mark PATRIOT GUARD RIDERS was fraudulent.

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 37

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

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: 77040379
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**
MARK INFORMATION	
*MARK FILE NAME	\\TICRS\EXPORT2\IMAGEOUT2 \770\403\77040379\xml1\FT K0002.JPG
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	Patriot Guard Riders Riding with Respect
*COLOR MARK	YES
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of this mark has a yellow field with a blue and white folded American flag and blue text.
*COLOR(S) CLAIMED (If applicable)	yellow, blue, and white
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	900 x 572
APPLICANT INFORMATION	
*OWNER OF MARK	Patriot Guard Riders, Inc.
*STREET	312 Granite Ct
*CITY	Windsor
*STATE	Colorado

(Required for U.S. applicants)	
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	80550
PHONE	970-402-1892
EMAIL ADDRESS	jason@patriotguard.org
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
*STATE/COUNTRY OF INCORPORATION	Oklahoma
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	045
*FIRST USE ANYWHERE DATE	At least as early as 11/11/2005
*FIRST USE IN COMMERCE DATE	At least as early as 06/01/2006
*DESCRIPTION	Organizing and conducting support groups in the field of **MILITARY AND MILITARY FAMILY SUPPORT**
*FILING BASIS	SECTION 1(a)
*FIRST USE ANYWHERE DATE	At least as early as 11/11/2005
*FIRST USE IN COMMERCE DATE	At least as early as 06/01/2006
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT2\IMAGEOUT2\770\403\77040379\xml1\FT K0003.JPG
SPECIMEN DESCRIPTION	this is a sample of a t-shirt that we sold to help raise money for scholorships for the families of fallen soldiers.
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION (if applicable)	

*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
*NAME	Patriot Guard Riders, Inc.
FIRM NAME	Patriot Guard Riders, Inc.
*STREET	312 Granite Ct
* CITY	Windsor
* STATE (Required for U.S. applicants)	Colorado
* COUNTRY	United States
* ZIP/POSTAL CODE (Required for U.S. applicants only)	80550
PHONE	970-402-1892
* EMAIL ADDRESS	jason@patriotguard.org
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
TOTAL FEE DUE	275
SIGNATURE INFORMATION	
* SIGNATURE	/Jason D. Wallin/
* SIGNATORY'S NAME	Jason D. Wallin
SIGNATORY'S POSITION	Treasurer, Patriot Guard Riders, Inc.
* DATE SIGNED	11/09/2006
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Nov 09 13:14:12 EST 2006
TEAS STAMP	USPTO/FTK-72.250.47.100-2 0061109131412723527-77040 379-3507c3ba14ce17d9c93f0 87827a0f348e6-CC-1533-200

61109113619488470

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: 77040379
Filing Date: 11/09/2006

To the Commissioner for Trademarks:
MARK: Patriot Guard Riders Riding with Respect (stylized and/or with design, see mark)

The literal element of the mark consists of Patriot Guard Riders Riding with Respect. The applicant claims color as a feature of the mark, namely, yellow, blue, and white. The mark consists of this mark has a yellow field with a blue and white folded American flag and blue text.

The applicant, Patriot Guard Riders, Inc., a corporation of Oklahoma, having an address of 312 Granite Ct, Windsor, Colorado, United States, 80550, 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 045: Organizing and conducting support groups in the field of MILITARY AND MILITARY FAMILY SUPPORT

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.

Correspondence Information: Patriot Guard Riders, Inc.
312 Granite Ct
Windsor, Colorado 80550
970-402-1892(phone)
jason@patriotguard.org (authorized)

A fee payment in the amount of $275 will be submitted with the application, representing payment for 1 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: /Jason D. Wallin/ Date: 11/09/2006
Signatory's Name: Jason D. Wallin
Signatory's Position: Treasurer, Patriot Guard Riders, Inc.

RAM Sale Number: 1533
RAM Accounting Date: 11/09/2006

Serial Number: 77040379
Internet Transmission Date: Thu Nov 09 13:14:12 EST 2006
TEAS Stamp: USPTO/FTK-72.250.47.100-2006110913141272
3527-77040379-3507c3ba14ce17d9c93f087827
a0f348e6-CC-1533-20061109113619488470

PATRIOT GUARD

RIDERS

"Riding With Respect"

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 38

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

To: Patriot Guard Riders, Inc. (jason@patriotguard.org)

Subject: TRADEMARK APPLICATION NO. 77040379 - PATRIOT GUARD RIDERS "RIDING WITH RESPEC ETC. - N/A

Sent: 3/16/2007 10:21:11 PM

Sent As: ECOM101@USPTO.GOV

Attachments: Attachment - 1

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/040379

APPLICANT: Patriot Guard Riders, Inc.

77040379

CORRESPONDENT ADDRESS:
PATRIOT GUARD RIDERS, INC.
312 GRANITE CT
WINDSOR, CO 80550-5491

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: PATRIOT GUARD RIDERS "RIDING WITH RESPEC ETC.

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:
jason@patriotguard.org

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at http://tarr.uspto.gov/, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 77/040379

The assigned examining attorney has reviewed the referenced application and determined the following.

No Conflicting Marks Noted
The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

Specimen

The specimen is not acceptable because it does not show the applied-for mark used in connection with any of the goods and/or services specified in the application. An application must include a specimen showing the applied-for mark in use in commerce for each class of goods and/or services based on Section 1(a) in the application. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051 and 1127; 37 C.F.R. §§2.34(a)(1)(iv) and 2.56; TMEP §§904 and 1301.04.

In this case, the specimen show a mutilated version of the applicant's proposed mark used in ornamental fashion on a t-shirt; it does not evidence use of the mark as a source indicator for "organizing and conducting support groups in the field of military and military family support."

Therefore, applicant must submit the following:

(1) A substitute specimen showing use of the mark for each class of goods and/or services specified in the application; and

(2) The following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: **"The specimen was in use in commerce at least as early as the filing date of the application."** 37 C.F.R. §2.59(a); TMEP §904.09. If submitting a specimen requires an amendment to the dates of use, applicant must also verify the amended dates. 37 C.F.R. §2.71(c).

Examples of specimens for services are signs, photographs, brochures, website printouts or advertisements that show the mark used in the sale or advertising of the services. TMEP §§1301.04 *et seq*. Please note that the attached web page from the applicant's site is a good example of a proper specimen for this case, if it was in use in commerce at least as early as the filing date of this application.

If applicant cannot satisfy the above requirements, applicant may amend the Section 1(a) filing basis (use in commerce) to Section 1(b) (intent to use basis), for which no specimen is required. However, should applicant amend the basis to Section 1(b), registration cannot be granted until applicant later amends the application back to use in commerce by filing an acceptable allegation of use with a proper specimen. 15 U.S.C. §1051(c); 37 C.F.R. §§2.76, 2.88; TMEP Chapter 1100.

In order to amend to Section 1(b), applicant must submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: **"Applicant has had a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application as of the filing date of the application."** 15 U.S.C. §1051(b); 37 C.F.R. §§2.34(a)(2) and 2.35(b)(1);

TMEP §806.03(c).

Pending a proper response, registration is refused because the specimen does not show the applied-for mark in use in commerce as a trademark or service mark for the identified goods or services. 15 U.S.C. §§1051 and 1127; 37 C.F.R. §§2.34(a)(1)(iv) and 2.56.

If applicant submits a response via electronic means, please note that the substitute specimen must be a digitized image submitted in JPG or PDF format. 37 C.F.R. §2.56(d)(4); TMEP §904.02.

The following is a sample declaration under 37 C.F.R. §2.20 with a supporting statement for a substitute specimen:

> The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting there from, declares *that the substitute specimen was in use in commerce at least as early as the filing date of the application;* all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

_____
(Signature)

_____
(Print or Type Name and Position)

_____
(Date)

In order to properly "sign" a TEAS form, applicant can either (1) choose an electronic signature consisting of any combination of letters, numbers, spaces and/or punctuation marks, preceded and followed by the forward slash symbol (/) (e.g., */john doe/*), and enter this in the signature block on the TEAS form, or (2) attach a JPG or PDF image of a declaration under 37 C.F.R. §2.20, together with a pen-and-ink signature. 37 C.F.R. §2.193(c)(1)(iii); TMEP §804.05.

Disclaimer

The applicant must insert a disclaimer of "RIDERS" in the application because the term(s) is/are merely descriptive of the goods and/or services. Trademark Act Section 6, 15 U.S.C. Section 1056; TMEP sections 1213 and 1213.08(a)(i).

The term "RIDERS" is defined as:

rid·er

rid·er (rī'der) *noun*

1. One that rides, especially one who rides horses.
2. **a.** A clause, usually having little relevance to the main issue, that is added to a legislative bill. **b.** An amendment or addition to a document or record.

3. Something, such as the top rail of a fence, that rests on or is supported by something else.[1]

The term "RIDERS" merely describes a feature of the applicant's services, namely, motorcycle riders who gather together to honor veterans (see attachment of applicant's website).

Trademark Act Section 6(a), 15 U.S.C. Section 1056(a), states that the Commissioner may require the applicant to disclaim an unregistrable component of a mark. Trademark Act Section 2(e), 15 U.S.C. Section 1052(e), bars the registration of a mark which is merely descriptive or deceptively misdescriptive, or primarily geographically descriptive of the goods. Therefore, the Commissioner may require the disclaimer of a portion of a mark which, when used in connection with the goods or services, is merely descriptive or deceptively misdescriptive, or primarily geographically descriptive. If an applicant does not comply with a disclaimer requirement, the examining attorney may refuse registration of the entire mark. TMEP section 1213.01(b).

A disclaimer does **not** remove the disclaimed matter from the mark. It is simply a statement that the applicant does not claim **exclusive** rights in the disclaimed wording or design apart from the mark as shown in the drawing.

The following cases explain the disclaimer requirement more fully: *In re Kraft, Inc.*, 218 USPQ 571 (TTAB 1983); *In re EBS Data Processing, Inc.*, 212 USPQ 964 (TTAB 1981); *In re National Presto Industries, Inc.*, 197 USPQ 188 (TTAB 1977); *In re Pendleton Tool Industries, Inc.*, 157 USPQ 114 (TTAB 1968).

The computerized printing format for the *Trademark Official Gazette* requires a standard form for a disclaimer. TMEP section 1213.08(a)(i). A properly worded disclaimer should read as follows:

> No claim is made to the exclusive right to use "RIDERS" apart from the mark as shown.

See In re Owatonna Tool Co., 231 USPQ 493 (Comm'r Pats. 1983).

Color Location Statement – Clarification Needed

The color location statement disagree with the colors depicted in the mark shown on the drawing. The drawing shows the mark in the colors yellow, blue and white; however the color location statement specifies a yellow field with a blue and white folded American flag and blue text. The color drawing, color claim and location statement must agree. 37 C.F.R. §2.52(b)(1); TMEP §807.07(c).

Therefore, applicant must submit either: (1) a corrected color claim and/or location statement that agree with the colors depicted in the drawing of the mark, or (2) a color drawing that agrees with the color claim and location statement.

If applicant chooses option (1), the following color claim and/or location statement are suggested: "The colors yellow, blue and white are claimed a features of the mark. The color blue appears in the background and in the words "PATRIOT GUARD RIDERS"; the color yellow appears in the words "RIDING WITH RESPECT" and in the triangle frame containing the words "PATRIOT GUARD RIDERS; and the color white appears in the six five-pointed stars in the interior triangle."

If applicant submits a substitute drawing, applicant is advised that amendments or changes to the applied-for mark in a substitute drawing will not be accepted if the changes would materially alter the mark. 37 C.F.R. §2.72; TMEP §807.14.

Recitation of Services

The wording "military and military family support" in the recitation of services is unacceptable as indefinite, as indicated below. The applicant must amend the recitation to specify the common commercial name of the services, to indicate their nature, and/or to specify the field or industry in which the services are performed, as indicated below in the suggested recitation. If there is no common commercial name for the services, the applicant must describe the services in detail. TMEP section 1402.11.

It is the applicant's duty and prerogative to identify the goods and services. TMEP Section 1402.01(d). The identification of goods or services should be clear, accurate and as concise as possible. *See Procter & Gamble Co. v. Economics Laboratory, Inc.*, 175 USPQ 505 (TTAB 1972); *In re Cardinal Laboratories, Inc.*, 149 USPQ 709 (TTAB 1966); *California Spray-Chemical Corp. v. Osmose Wood Preserving Co. of America, Inc.*, 102 USPQ 321 (Comm'r Pats. 1954); *Ex parte A.C. Gilbert Co.*, 99 USPQ 344 (Comm'r Pats. 1953). Furthermore, the identification of goods and services must be specific and definite. *In re Societe Generale des Eaux Minerales de Vittel S.A.*, 1 USPQ2d 1296 (TTAB 1986), *rev'd on other grounds*, 824 F.2d 957, 3 USPQ2d 1450 (Fed. Cir. 1987). TMEP Section 1402.01.

The *Acceptable Identification of Goods and Services Manual* sets out acceptable language for identifying goods and services of various types. Utilizing identification language from the Manual may enable trademark owners to avoid problems relating to indefiniteness with respect to the goods or services identified in their applications for registration; however, applicants should note that they must assert actual use in commerce or a bona fide intent to use the mark in commerce for the goods or services specified. TMEP Section 1402.04.

The applicant is strongly encouraged to consult the Acceptable Identification of Goods and Services Manual. The Manual is available on the PTO's "homepage" on the Internet, which can be accessed at **http://www.uspto.gov**. The Manual may also be purchased, along with other trademark information, in a CD-ROM format from the Office of Electronic Information Products Development of the Patent and Trademark Office ((703) 306-2600). *See* notice at 1190 TMOG 67 (Sept. 17, 1996). In addition, the Manual is available in hard-copy on a subscription basis from the Government Printing Office. TMEP Section 1402.04.

Please note that, while an application may be amended to clarify or limit the recitation, additions to the recitation are not permitted. 37 C.F.R. Section 2.71(b); TMEP section 1402.06. Therefore, the applicant may not amend to include any services that are not within the scope of the services recited in the present recitation.

The applicant may adopt the following recitation, if accurate:

> "Organizing and conducting support groups in the field of combat veterans and their families," in International Class 45.

Trademark Attorney Suggested

Applicant may wish to hire a specialist attorney to assist in prosecuting this application because of the

technicalities involved. The Office cannot aid in the selection of a trademark attorney. 37 C.F.R. §2.11. Applicant may wish to consult the Yellow Pages for a listing of attorneys specializing in trademark or intellectual property law, or seek guidance from its local Bar Association attorney-referral service.

TEAS Plus Response Requirements

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: TEAS Plus applicants should submit the following documents using the Trademark Electronic Application System (TEAS) at http://www.uspto.gov/teas/index.html: (1) written responses to Office actions; (2) preliminary amendments; (3) changes of correspondence address; (4) changes of owner's address; (5) appointments and revocations of attorney; (6) amendments to allege use; (7) statements of use; (8) requests for extension of time to file a statement of use, and (9) requests to delete a §1(b) basis. If any of these documents are filed on paper, they must be accompanied by a $50 per class fee. 37 C.F.R. §§2.6(a)(1)(iv) and 2.23(a)(i). Telephone responses will not incur an additional fee. NOTE: In addition to the above, applicant must also continue to accept correspondence from the Office via e-mail throughout the examination process in order to avoid the additional fee. 37 C.F.R. §2.23(a)(2).

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Alec Powers/
Trademark Examining Attorney
US Patent and Trademark Office
Law Office 101
Phone: 571-272-9309
Fax: 571-273-9101

HOW TO RESPOND TO THIS OFFICE ACTION:

- ONLINE RESPONSE: You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at http://www.uspto.gov/teas/index.html. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- REGULAR MAIL RESPONSE: To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the *date of receipt in the Office*,** not the postmarked date. To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at http://tarr.uspto.gov.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending

applications can be viewed and downloaded online at http://portal.uspto.gov/external/portal/tow.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at http://www.uspto.gov/main/trademarks.htm

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

---

[1]*The American Heritage® Dictionary of the English Language, Third Edition* copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

Patriot Guard Riders

Standing For Those Who Stood For US

Navigation

- Home
- About Us
- Leadership Contacts
- Letters of Appreciation
- Fallen Warrior Scholarship
- ALL Forums
- Help on the HomeFront
- Photo Gallery
- Media/Press
- Fallen Members
- Events
- Corporate Sponsors
- Troop Support Partners
- Links
- PGR FAQ
- PGR Gear

Our Mission

Patriot Guard Riders Mission Statement

The Patriot Guard Riders is a diverse amalgamation of riders from across the nation. We have one thing in common besides motorcycles: We have an unwavering respect for those who risk their very lives for America's freedom and security. If you share this respect, please join us.

We don't care what you ride, what your political views are, or whether you're a "hawk" or a "dove". It is not a requirement that you be a veteran. It doesn't matter where you're from or what your income is. You don't even have to ride. The only prerequisite is Respect.

Our main mission is to attend the funeral services of fallen American heroes as invited guests of the family. Each mission we undertake has two basic objectives:

1. Show our sincere respect for our fallen heroes, their families, and their communities.

2. Shield the mourning family and friends from interruptions created by any protestor or group of protestors.

We accomplish the latter through strictly legal and non-violent means.

Copyright © 2005 -2006 by Patriot Guard Riders Terms Of Use, Privacy Statement

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 39

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

SUPPLEMENTAL DECLARATION OF WILLIAM H. RICHART II

I, William H. Richart II, declare and state as follows:

1. I am over 21 years old, and I have personal knowledge of the facts of this Declaration and could testify competently to them if called upon to do so.

2. Patriot Guard Riders, Inc. ("PGR") submitted a specimen at the time of filing United States Trademark Application Serial No. 77/040,379 which was a photograph of a t-shirt (front and back) that PGR sold to help raise money for scholarships for the families of fallen soliders.

3. I purchased one of the t-shirts displayed in the photograph that was submitted as a specimen at the time of filing United States Trademark Application Serial No. 77/040,379.

4. The t-shirt, on the front thereof, over the left breast, clearly displays the mark applied for in United States Trademark Application Serial No. 77/040,379, namely "Patriot Guard Riders 'Riding With Respect'" and design.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 26 Feb 09

William H. Richart II

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 40

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77040379
LAW OFFICE ASSIGNED	LAW OFFICE 101
MARK SECTION (no change)	
OWNER SECTION (no change)	
LEGAL ENTITY SECTION (no change)	
ARGUMENT(S)	
Applicant respectfully submits that "Riders" should not be subject to a disclaimer, as it does not describe the services in any way. In fact, many members of the organization which perform the identified services under the trademark are not motorcycle riders, and the mission statement identified by the Examining Attorney specifies as such.	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	045
DESCRIPTION	
Organizing and conducting support groups in the field of MILITARY AND MILITARY FAMILY SUPPORT	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 11/11/2005
FIRST USE IN COMMERCE DATE	At least as early as 06/01/2006
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	045
DESCRIPTION	
Organizing and conducting support groups in the field of combat veterans and their families	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 11/11/2005
FIRST USE IN COMMERCE DATE	At least as early as 06/01/2006

STATEMENT TYPE	"The substitute specimen(s) was in use in commerce as of the filing date of the application."
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT13\770\403\77040379\xml1\ROA0002.JP G
SPECIMEN DESCRIPTION	scanned photograph of a Patriot Guard Riders patch which is worn by members when promoting and performing the services identified
ADDITIONAL STATEMENTS SECTION	
DESCRIPTION OF THE MARK (and Color Location, if applicable)	"The mark consists of the color blue which appears in the background and in the words "PATRIOT GUARD RIDERS"; the color yellow appears in the words "RIDING WITH RESPECT" and in the triangle frame containing the words "PATRIOT GUARD RIDERS"; and the color white appears in the six five-pointed stars in the interior triangle."
COLOR(S) CLAIMED (If applicable)	"The color(s) yellow, blue and white is/are claimed as a feature of the mark."
MISCELLANEOUS STATEMENT	Please delete the color claim currently of record.
CORRESPONDENCE SECTION	
NAME	James R. Foley
FIRM NAME	Trexler, Bushnell, Giangiorgi, Blackston
INTERNAL ADDRESS	36th Floor
STREET	105 West Adams St.
CITY	Chicago
STATE	Illinois
ZIP/POSTAL CODE	60603
COUNTRY	United States
PHONE	312-704-1890
FAX	312-704-8023
EMAIL	ptodocket@trexlaw.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
DECLARATION SIGNATURE	/James R. Foley/
SIGNATORY'S NAME	James R. Foley

SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	08/23/2007
RESPONSE SIGNATURE	/James R. Foley/
SIGNATORY'S NAME	James R. Foley
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	08/23/2007
AUTHORIZED SIGNATORY	YES

FILING INFORMATION SECTION

SUBMIT DATE	Thu Aug 23 16:17:49 EDT 2007
TEAS STAMP	USPTO/ROA-67.36.193.194-20070823161749749608-77040379-380adf5cfeaa14775acd8de6328cb13a2e3-N/A-N/A-20070823154646822734

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **77040379** has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Applicant respectfully submits that "Riders" should not be subject to a disclaimer, as it does not describe the services in any way. In fact, many members of the organization which perform the identified services under the trademark are not motorcycle riders, and the mission statement identified by the Examining Attorney specifies as such.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 045 for Organizing and conducting support groups in the field of MILITARY AND MILITARY FAMILY SUPPORT

Original Filing Basis:

Filing Basis: Section 1(a), 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 11/11/2005 and first used in commerce at least as early as 06/01/2006, and is now in use in such commerce.

Proposed: Class 045 for Organizing and conducting support groups in the field of combat veterans and their families
Filing Basis: Section 1(a), 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 11/11/2005 and first used in commerce at least as early as 06/01/2006, and is now in use in such commerce.
Applicant hereby submits a new specimen for Class 045. The specimen(s) submitted consists of scanned photograph of a Patriot Guard Riders patch which is worn by members when promoting and performing the services identified.
For an application based on 1(a), Use in Commerce, "The substitute specimen(s) was in use in commerce as of the filing date of the application."
Specimen File1

CORRESPONDENCE ADDRESS CHANGE
Applicant proposes to amend the following:
Current: PATRIOT GUARD RIDERS, INC. 312 GRANITE CT WINDSOR, CO 80550-5491
Proposed: James R. Foley of Trexler, Bushnell, Giangiorgi, Blackston, having an address of 36th Floor 105 West Adams St. Chicago, Illinois United States 60603, whose e-mail address is ptodocket@trexlaw.com, whose phone number is 312-704-1890 and whose fax number is 312-704-8023.

ADDITIONAL STATEMENTS
Description of mark
"The mark consists of the color blue which appears in the background and in the words "PATRIOT GUARD RIDERS"; the color yellow appears in the words "RIDING WITH RESPECT" and in the triangle frame containing the words "PATRIOT GUARD RIDERS"; and the color white appears in the six five-pointed stars in the interior triangle."

Color Claim
"The color(s) yellow, blue and white is/are claimed as a feature of the mark."

Please delete the color claim currently of record.

SIGNATURE(S)
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: /James R. Foley/ Date: 08/23/2007
Signatory's Name: James R. Foley
Signatory's Position: Attorney of record

Response Signature
Signature: /James R. Foley/ Date: 08/23/2007
Signatory's Name: James R. Foley
Signatory's Position: Attorney of record

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Mailing Address: James R. Foley
Trexler, Bushnell, Giangiorgi, Blackston
36th Floor
105 West Adams St.
Chicago, Illinois 60603

Serial Number: 77040379
Internet Transmission Date: Thu Aug 23 16:17:49 EDT 2007
TEAS Stamp: USPTO/ROA-67.36.193.194-20070823161749749
9608-77040379-380adf5cfeaa14775acd8de632
8cb13a2e3-N/A-N/A-20070823154646822734

2000 Eighth H.O.G.
PATRIOT
GUARD
RIDER
"Riding With Respect"

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 41

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

SUPPLEMENTAL DECLARATION OF BONNIE PERRY

I, Bonnie Perry, declare and state as follows:

1. I am over 21 years old, and I have personal knowledge of the facts of this Declaration and could testify competently to them if called upon to do so.

2. Patriot Guard Riders, Inc. ("PGR") filed a trademark application for the mark "Patriot Guard Riders 'Riding With Respect'" and design ("the Mark") on November 9, 2006 with the United States Patent and Trademark Office.

3. PGR used the Mark interchangeably to include either the plural word "Riders" or the singular word "Rider".

4. Attached hereto as Exhibit A is a copy of a brochure which provides evidence that PGR used the Mark with the plural word "Riders".

5. The brochure of Exhibit A also shows a slightly altered version of the Mark which uses the singular word "Rider".

Executed on: 2/24/2009

Bonnie Perry

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT A

of

"Supplemental Declaration of Bonnie Perry"

Some gave none, some gave some.

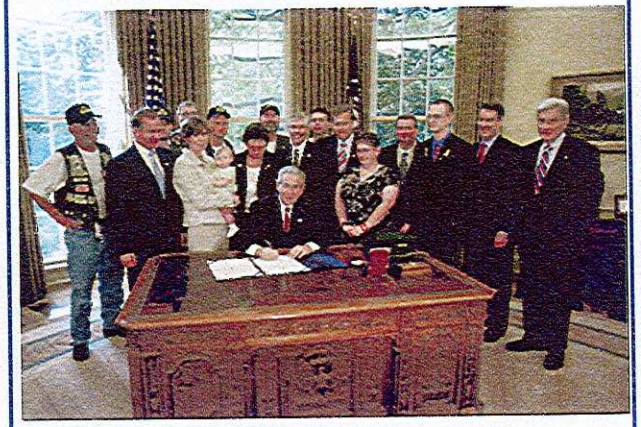
They gave all for us.

They are our sons & daughters, husbands & wives, mothers & fathers, friends & neighbors.

Will you join with us as we honor them?

The Patriot Guard Riders Making a Difference

On Memorial Day, May 29th 2006 members of the Patriot Guard Riders were honored to be invited to the White House as President George W. Bush signed the "Respect for America's Fallen Heroes Act". This act prohibits protests within 300 feet of the entrance of a federal cemetery 60 minutes before to 60 minutes after a funeral. The efforts of the Patriot Guard Riders to shield the families of our fallen soldiers at funerals from protestors played a part in bringing this legislation about.



Recognized by the United States Congress:

H.R. 731 resolves that United States Congress expresses its deepest appreciation to the Patriot Guard Riders who:

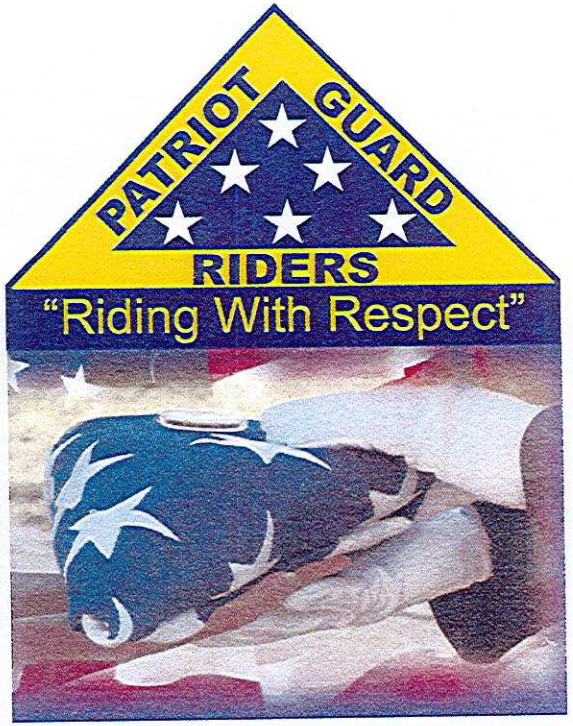
"Attend military funerals across the country to show respect for fallen members of the Armed Forces and, when needed, shield mourning family members and friends of the deceased from protestors who interrupt, or threaten to interrupt, the dignity of a funeral; and

"In so doing, help to preserve the memory and honor of the Nation's fallen heroes."

June 20, 2006

The Patriot Guard Riders

"Riding With Respect"



Join us as we honor those who have paid the ultimate price for our great nation's freedom.

www.patriotguard.org

Mission Statement:

The Patriot Guard Riders (PGR) is a diverse amalgamation of over 47,000 riders from every state in the nation that ride together as the "Patriot Guard Riders" to honor fallen soldiers at funeral services across the country. We have one thing in common besides motorcycles, we have an unwavering respect for those who risk their very lives for America's freedom and security. If you share this respect, please join us.

We don't care what you ride, what your political views are, or whether you're a "hawk" or a "dove". It is not a requirement to be a veteran. It doesn't matter where you're from or what your income is. You don't even have to ride. The only prerequisite is Respect.

What we do:

Our main mission is to attend the funeral services of fallen American heroes as invited guests of the family. Each mission we undertake has two basic objectives.

1. Show our sincere respect for our fallen heroes, their families, and their communities.

2. Shield the mourning family and friends from interruptions created by any protestor or group of protestors.

PATRIOT GUARD RIDERS
"Riding With Respect"

We accomplish our mission through strictly legal and non-violent means.

The PGR is NOT a protest or counter protest group. If you do not agree with our mission statement then please do not join. If you do share this respect for our service men and women then please join us.

How we accomplish it:

Throughout America, the Patriot Guard Riders, have formed a network of members who use the DOD, Internet, and word of mouth to keep abreast of funeral service arrangements for fallen soldiers. Our website, **www.patriotguard.org**, spreads the word to our nation-wide membership in order to set up Mission Rides to pay their respects. Working closely with the family, local law enforcement, and the local community, the Patriot Guard Riders have gathered as many as 500 riders at a time to honor a fallen solider.

What can you do?

Visit our web site at **www.patriotguard.org** to join the PGR. We are a national organization and welcome more members for our mission rides

Join The Patriot Guard Riders at www.patriotguard.org

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 42

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

Oct 10, 2007

NOTICE OF PUBLICATION UNDER 12(a)

1. Serial No.:
77/040,379

2. Mark:
PATRIOT GUARD RIDERS "RIDING WITH RESPEC
Etc. and design

3. International Class(es):
45

4. Publication Date:
Oct 30, 2007

5. Applicant:
Patriot Guard Riders, Inc.

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

Correspondence Address:

James R. Foley
Trexler, Bushnell, Giangiorgi, Blackston
36th Floor
105 West Adams St.
Chicago IL 60603

TMP&I

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 43

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

C

2001 WL 935809 (P.T.O.)

Trademark Trial and Appeal Board
Patent and Trademark Office (P.T.O.)

BENTWOOD TELEVISION CORPORATION
v.
AMERICAN THEATRE WING, INC.

Cancellation No. 29,146

July 31, 2001

Before Quinn, Hairston and Rogers
Administrative Trademark Judges.

By the Board:

Bentwood Television Corporation ("petitioner") seeks to cancel the registration of American Theatre Wing, Inc. ("respondent") for the mark

"Tony" Awards

for "giving of dinners and the making of telecasts in connection with the recognition of distinguished achievement in the theatre."[FN1] In its petition to cancel, petitioner asserts that respondent has abandoned its mark "by failure to use it and by otherwise nakedly licensing any and all uses thereof, including many commercial uses that are outside the scope of its registrations." Specifically, petitioner asserts that respondent has used the mark without the quotation marks; in a typeface different from the one appearing on the registration certificate; and without the "S" in "AWARDS".

Respondent, in its answer, denies the salient allegations of the petition to cancel and includes affirmative defenses.

This case now comes up for consideration of (a) respondent's contested motion (filed October 29, 1999) for a protective order;[FN2] (b) petitioner's motion (filed April 21, 2000) for summary judgment on the ground of abandonment; and (c) respondent's cross motion (filed June 5, 2000) for summary judgment on the ground of abandonment.

We turn first to the petitioner's motion for summary judgment exclusively[FN3] on the ground of abandonment. In support of its motion for summary judgment, petitioner cites an out-of-date version of the Lanham Act, and argues that respondent "has not made any use of the mark, at all. Moreover, it has not done so for more than two[FN4] years. Obviously [respondent] has abandoned its registered mark and has no intention of making any use of it now or in the foreseeable future."

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In support of its motion, counsel for petitioner states in an affidavit that:

> Commencing on February 3, 2000, a hearing was held on the dispute between petitioner and Alexander H. Cohen on the one hand and League on the other respecting ownership of the programs [previously mentioned].
> ... [the president of respondent] testified...that he has "rarely seen it [[i.e., the words "Tony Awards"] in Coronet type. Elsewhere he stated that the words "Tony Awards" "had been done various ways. In addition, Mr. Somlyo admitted that the registered mark was not used on [respondent's] letterhead. The relevant pages of [the president of respondent's] arbitration hearing testimony are annexed as Exhibit 8."[FN5]

As exhibits to its motion, petitioner has attached a copy of the petition to cancel; a copy of the Board's scheduling order; a copy of petitioner's first demand for production of documents; a copy of respondent's answer; a copy of petitioner's letter to respondent alleging respondent's failure to engage in discovery; a copy of the involved registration certificate; and copies of two transcripts from the arbitration hearing.[FN6]

*2 In its cross motion for summary judgment, respondent argues that none of these minor variations have altered the overall impact of the mark or the public's ability to associate it with respondent. These variations are intended to update the appearance of the mark to maintain its aesthetic appeal to consumers. Further, respondent argues that "[I]n the instant case, petitioner has not even alleged that the mark has lost its significance as an indication of origin (and certainly it has not offered a shred of proof to support any such allegation)." In support of its position, respondent has submitted the declarations of respondent's counsel and respondent's president. The pertinent paragraphs of the respondent's president's declaration read as follows:

> It is conceded that Registrant has used minor variations of the form of the mark in the registration. These variations include: (i) using the Mark in block letters and in a type face different from that in the registration; (ii) using the Mark without the quotation around the word "Tony"; (iii) omitting the final "s" from the word "Awards"; and (iv) using the registration symbol after the word "Tony" or after the word "Awards". However, none of these variations have significantly altered the form of the Mark as registered, either aurally or visually. Further, none of these variations has in anyway changed the fact that the public: (i) continues to associate the Tony Awards with excellence in Broadway theater, just as it did when the Mark was first used in 1947 or when it was registered in 1974; and (ii) continues to associate the Mark with Registrant.
> Registrant has elected to make minor alterations to the Mark in order to maintain the aesthetic appeal of the Mark with the consuming public. Quite simply, we believed that the Mark, as registered, appeared dated and was in need of updating.
> Evidence that the significance of the Mark to the consuming public has remained unchanged and undiminished is seen in the tremendous volume of unsolicited press coverage relating to Registrant and the Mark.

In further support of its cross motion, respondent has included a copy of another registration indicating ownership in respondent for the mark TONY for "entertainment services, namely providing dinners, dances and entertainment in connection with the recognition of distinguished achievement in the theatre; the presentation of awards in recognition of distinguished achievement in the theatre; television show production; and educational services, namely, conducting seminars in the field of the theatre."

Additional exhibits include: an agreement dated June 19, 1975 between The League of New York Theatres and Producers, Inc. and Bentwood Television Corporation; a publication titled "Tony Award Productions: Rules for Use of the Tony Awards® Trademarks and Materials"; copies of advertisements displaying the mark; various other examples of use of the mark; a copy of the American Theatre Wing's Tony Awards Website; and a selection of articles from newspapers and websites discussing production of the television awards programs and the awards recipients.

*3 Petitioner, in response to respondent's cross motion, asserts that there are three flaws with respondent's arguments:

> (1) The generic words "Tony Awards" are not a variation on the registered mark

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"Tony" Awards

(2) Respondent has not tacked on an additional distinctive mark or used only part of a distinctive mark, it has abandoned all precept [sic] of distinctiveness and claims rights to a generic name.
(3) It proposes to retain registration of a distinctive, albeit never used mark, so as to stake out a claim in a generic proper name "Tony."

Petitioner also attached a copy of the arbitration award.

Summary judgment is an appropriate method of disposing of cases in which there are no genuine issues of material fact in dispute, thus leaving the case to be resolved as a matter of law. *See* Fed. R. Civ. P. 56(c). The party moving for summary judgment has the initial burden of demonstrating the absence of any genuine issue of material fact. *See Celotex Corp. v. Catrett*, 477 U.S. 317 (1986), and *Sweats Fashions Inc. v. Pannill Knitting Co.*, 833 F.2d 1560, 4 USPQ2d 1793 (Fed. Cir. 1987). A factual dispute is genuine, if, on the evidence of record, a reasonable finder of fact could resolve the matter in favor of the non-moving party. *See Opryland USA Inc. v. Great American Music Show Inc.*, 970 F.2d 847, 23 USPQ2d 1471 (Fed. Cir. 1992), and *Olde Tyme Foods Inc. v. Roundy's Inc.*, 961 F.2d 200, 22 USPQ2d 1542 (Fed. Cir. 1992). The evidence must be viewed in a light most favorable to the non-movant, and all justifiable inferences are to be drawn in the non-movant's favor. *See Lloyd's Food Products Inc. v. Eli's Inc.*, 987 F.2d 766, 25 USPQ2d 2027 (Fed. Cir. 1993), and *Opryland USA, supra.*

We find that there are no genuine issues of material fact as to the claim of abandonment. Petitioner argues that respondent is using the mark without the quotation marks; in a typeface different from the one appearing on the registration certificate; and without the "S" in "AWARDS". Respondent admits these facts but argues that the differences are not significant enough to deem the registered mark abandoned.

Having determined that there is no question of material fact in dispute, we must now decide whether registrant has abandoned its registered mark because it has used the mark (1) without the quotation marks; (2) in a type face different from the one appearing on the registration certificate; and (3) without the "S" in "AWARDS."

The principal case pertinent to this issue is *Ilco Corp. v. Ideal Security Hardware Corp.*, 527 F.2d 1221, 188 USPQ 485 (CCPA 1976). In *Ilco*, the court stated that "the law permits a user who changes the form of its mark to retain the benefit of its use of the earlier form, without abandonment, if the new and old forms create the same, continuing commercial impression." 527 F.2d at 1224, 188 USPQ at 487.

*4 If the new form of the mark creates a different commercial impression from that of the original mark, it is deemed to be a material alteration of the character of the mark. *In re Holland American Wafer Co.*, 737 F.2d 1015, 222 U.S.P.Q. 273 (Fed. Cir. 1984)

Petitioner's allegation that the variations of the mark used by respondent, i.e., those without the quotation marks or in a typeface different from the one appearing on the registration certificate, are so different from the registered mark as to constitute an abandonment of the registered mark is in error. The commercial impression of the registered mark is not changed by the presence or absence of quotation marks or the use of difference typeface. *Cf. In re Ervin*, 1 USPQ2d 1665 (TTAB 1986) (use of slanting script and quotation marks do not render laudatory matter a registrable mark); *In re Burlington Industries, Inc.*, 196 USPQ 718 (TTAB 1977) (exclamation point in CHAMPAGNE! fails to change connotation of term alone). *See also Ex parte Hanna Paint Mfg. Co.*, 103 USPQ 217 (Comm'r Pats. 1954) (change of words in mark from arcuate display in "fancy capital letters" to "block letters in a straight line" a mere modernization); and *Ex parte Petersen & Pegau Baking Co.*, 100 USPQ 20 (Comm'r Pats. 1953) (change in type face held not a material difference).

We turn finally to petitioner's concern about respondent's sometime deletion of the "s" in "awards". Contrary to peti-

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tioner's argument, there is no material difference, in a trademark sense, between the singular and the plural form of a word. *See* Wilson v. Delaunay, 245 F.2d 877, 114 USPQ 339, 341 (CCPA 1957); *In re Sarjanian*, 186 USPQ 307 (TTAB 1962).

Accordingly, we find that respondent's registered mark

"Tony" Awards

has not been abandoned merely because of respondent's occasional use of the mark without quotation marks, without the "s" in "awards" or in a font other than Coronet. These minor changes do not alter the commercial impression of the mark; rather, the forms create the same, continuing commercial impression.

In view thereof, petitioner's motion for summary judgment is denied; respondent's cross motion for summary judgment is granted;[FN7] and the petition to cancel is dismissed with prejudice.

FN1. Registration No. 979,150 issued on February 19, 1974; renewed February 19, 1994.

FN2. Petitioner inappropriately objected to the motion by filing a motion for sanctions requesting the Board to strike respondent's answer. See Fed. R. Civ. P. 11(c) and Trademark Rule 2.120(g).

FN3. In a footnote at page 6 of its affidavit in support of its motion for summary judgment, petitioner asserts that "[t]he evidence of abandonment is so pervasive that petitioner need not raise issues such as naked licensing and fraud in this motion." Moreover, petitioner argues the claims of naked licensing and fraud as tangential to the abandonment claim, rather than as separate claims.

FN4. The minimum period of nonuse was extended to three consecutive years to establish a prima facie case of abandonment. 108 Stat. 4809, 4981-82 (1994). Respondent in its response to petitioner's motion also references the outdated law.

FN5. This arbitration has been terminated. The arbiter determined that the "Lanham Act claim was not timely asserted, and even if it were, no violation has been shown by the way which the League asserted its consent right."

FN6. In the Board's order of March 29, 2001, the parties were asked to refrain from filing multiple copies of documents that are already of record.

FN7. Because granting of respondent's cross motion for summary judgment dispenses with this proceeding, the contested motion for a protective order is hereby denied as moot.

3IF17F06C097E011D59D8800C04F42085Bimage/png831px116.0448.04001.401IF17F06C197E011D59D8800C04F42085Bimage/png820px115.0435.04001.402IF17F06C297E011D59D8800C04F42085Bimage/png820px112.0428.04001.4032001 WL 935809 (P.T.O.)
END OF DOCUMENT

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

JEFF BROWN,	)	
	)	
Opposer,	)	
	)	Opposition No. 91181448
v.	)	
	)	Application No. 77/040,379
PATRIOT GUARD RIDERS, INC.,	)	
	)	
Applicant.	)	

EXHIBIT 44

of

"Applicant's Opposition to Opposer's Motion for Summary Judgment"

Trademark/Service Mark Application, Principal Register

Serial Number: 77383586
Filing Date: 01/29/2008

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77383586
MARK INFORMATION	
***MARK**	PATRIOT GUARD RIDERS
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	PATRIOT GUARD RIDERS
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
***OWNER OF MARK**	Patriot Guard Riders, Inc.
***STREET**	2448 E. 81st Street, Suite 5900
***CITY**	Tulsa
***STATE** (Required for U.S. applicants)	Oklahoma
***COUNTRY**	United States
***ZIP/POSTAL CODE** (Required for U.S. applicants only)	74137-4259
PHONE	312-704-1890
FAX	312-704-8023
EMAIL ADDRESS	ptodocket@trexlaw.com
LEGAL ENTITY INFORMATION	

TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Oklahoma
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	006
*IDENTIFICATION	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
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT15\773\835\77383586\xml1\APP0003.JP G
SPECIMEN DESCRIPTION	Scanned photograph of mark applied to the goods
*INTERNATIONAL CLASS	014
*IDENTIFICATION	Ornamental pins; commemorative coins
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
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT15\773\835\77383586\xml1\APP0004.JP G
SPECIMEN DESCRIPTION	Scanned photograph of mark applied to the goods
*INTERNATIONAL CLASS	024
*IDENTIFICATION	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
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT15\773\835\77383586\xml1\APP0005.JP G
SPECIMEN DESCRIPTION	Scanned photograph of mark applied to the goods
*INTERNATIONAL CLASS	025

*IDENTIFICATION	Hats; short-sleeved and long-sleeved t-shirts; sweatshirts; doo-rags
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
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT15\773\835\77383586\xml1\APP0006.JP G
SPECIMEN DESCRIPTION	Scanned photograph of mark applied to the goods
*INTERNATIONAL CLASS	026
*IDENTIFICATION	Embroidered patches for clothing; armbands
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
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT15\773\835\77383586\xml1\APP0007.JP G
SPECIMEN DESCRIPTION	Scanned photograph of mark applied to the goods
*INTERNATIONAL CLASS	045
*IDENTIFICATION	Organizing and conducting support groups in the field of combat veterans and their families
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 11/09/2005
FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT15\773\835\77383586\xml1\APP0008.JP G
SPECIMEN DESCRIPTION	Printout of web site page
ATTORNEY INFORMATION	
NAME	James R. Foley
ATTORNEY DOCKET NUMBER	2569/47154/2
FIRM NAME	Trexler, Bushnell, Giangiorgi, Blackstone & Marr, Ltd

STREET	105 W. Adams, 36th Floor
CITY	Chicago
STATE	Illinois
COUNTRY	United States
ZIP/POSTAL CODE	60603
PHONE	312-704-1890
FAX	312-704-8023
EMAIL ADDRESS	ptodocket@trexlaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	David J. Marr

CORRESPONDENCE INFORMATION

NAME	James R. Foley
FIRM NAME	Trexler, Bushnell, Giangiorgi, Blackstone & Marr, Ltd
STREET	105 W. Adams, 36th Floor
CITY	Chicago
STATE	Illinois
COUNTRY	United States
ZIP/POSTAL CODE	60603
PHONE	312-704-1890
FAX	312-704-8023
EMAIL ADDRESS	ptodocket@trexlaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes

FEE INFORMATION

NUMBER OF CLASSES	6
FEE PER CLASS	325
***TOTAL FEE DUE**	1950
***TOTAL FEE PAID**	1950

SIGNATURE INFORMATION

SIGNATURE	/james r. foley/
SIGNATORY'S NAME	James R. Foley
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	01/29/2008

PTO Form 1478 (Rev 9/2006)
OMB No. 0651-0009 (Exp 12/31/2009)

Trademark/Service Mark Application, Principal Register

Serial Number: 77383586
Filing Date: 01/29/2008

To the Commissioner for Trademarks:

MARK: PATRIOT GUARD RIDERS (Standard Characters, see mark)
The literal element of the mark consists of PATRIOT GUARD RIDERS.
The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Patriot Guard Riders, Inc., a corporation of Oklahoma, having an address of
2448 E. 81st Street, Suite 5900
Tulsa, Oklahoma 74137-4259
United States
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.

International Class 006: Metal license plates

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, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 006, 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. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Scanned photograph of mark applied to the goods.
Specimen File1

International Class 014: Ornamental pins; commemorative coins

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, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 014, 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. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Scanned photograph of mark applied to the goods.
Specimen File1

International Class 024: Cloth banners; fabric flags

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, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 024, 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. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Scanned photograph of mark applied to the goods.
Specimen File1

International Class 025: Hats; short-sleeved and long-sleeved t-shirts; sweatshirts; doo-rags

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, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 025, 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. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Scanned photograph of mark applied to the goods.
Specimen File1

International Class 026: Embroidered patches for clothing; armbands

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, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 026, 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. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Scanned photograph of mark applied to the goods.
Specimen File1

International Class 045: Organizing and conducting support groups in the field of combat veterans and their families

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, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 045, the mark was first used at least as early as 11/09/2005, and first used in commerce at least as early as 11/09/2005, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Printout of web site page.
Specimen File1

The applicant hereby appoints James R. Foley and David J. Marr of Trexler, Bushnell, Giangiorgi, Blackstone & Marr, Ltd
105 W. Adams, 36th Floor
Chicago, Illinois 60603
United States
to submit this application on behalf of the applicant. The attorney docket/reference number is 2569/47154/2.

Correspondence Information: James R. Foley
105 W. Adams, 36th Floor
Chicago, Illinois 60603
312-704-1890(phone)
312-704-8023(fax)
ptodocket@trexlaw.com (authorized)

A fee payment in the amount of $1950 has been 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.

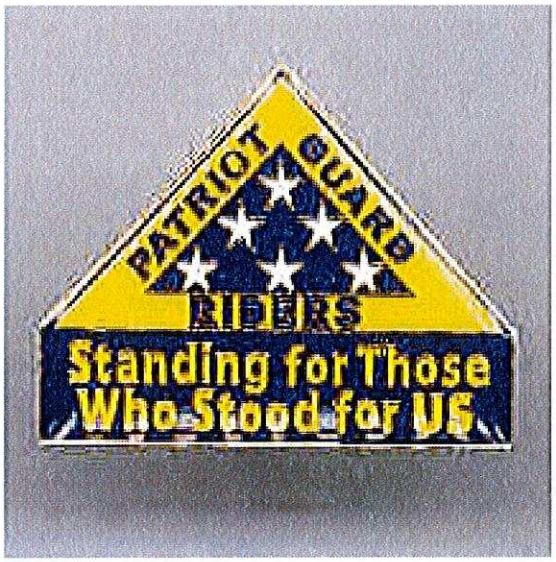
Signature: /james r. foley/ Date Signed: 01/29/2008
Signatory's Name: James R. Foley
Signatory's Position: Attorney of record

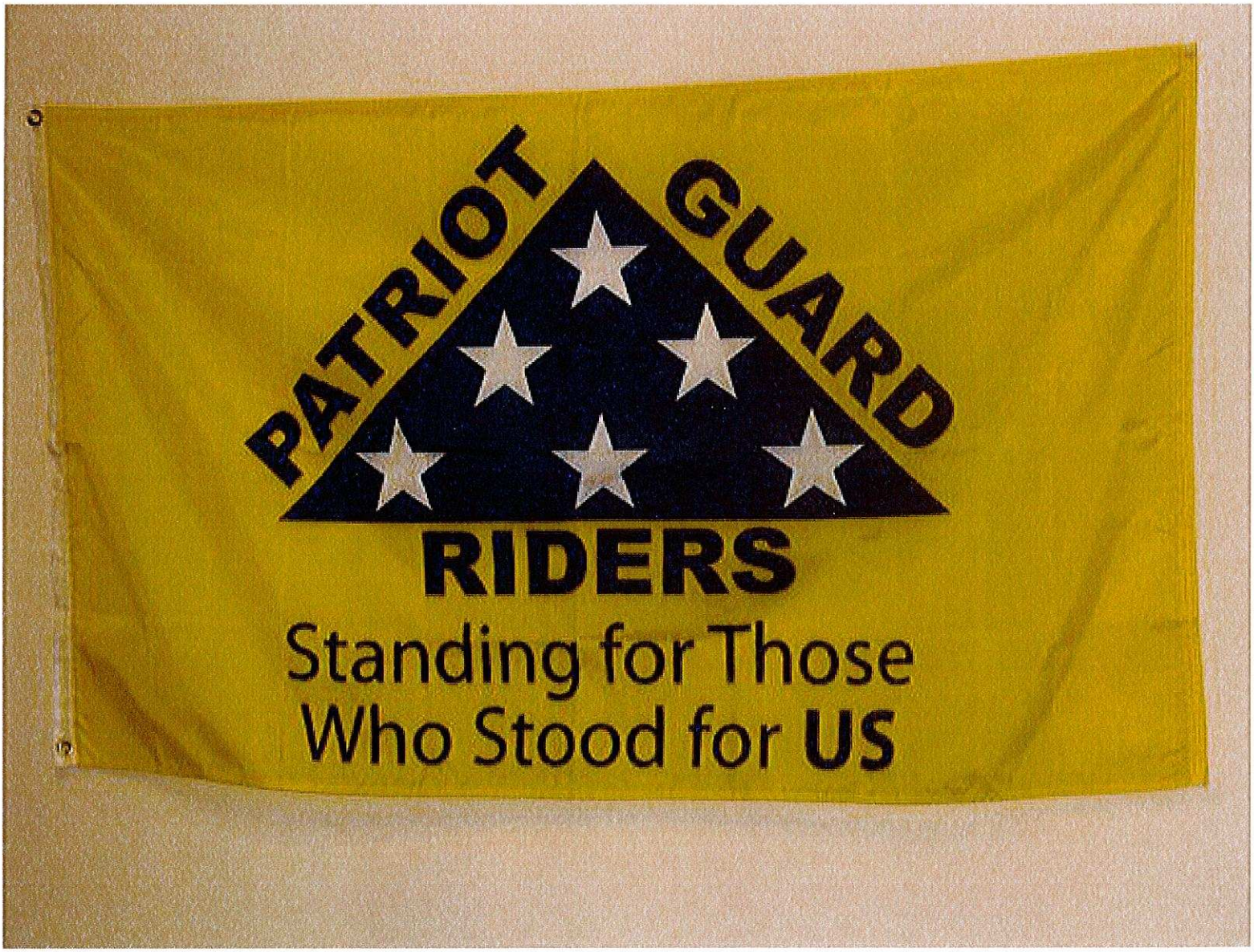
RAM Sale Number: 2982
RAM Accounting Date: 01/30/2008

Serial Number: 77383586
Internet Transmission Date: Tue Jan 29 18:09:21 EST 2008
TEAS Stamp: USPTO/BAS-67.36.193.194-20080129180921319546-77383586-4002eded1ba5ee99cd3831b5b4be564597-DA-2982-20080129165750856196

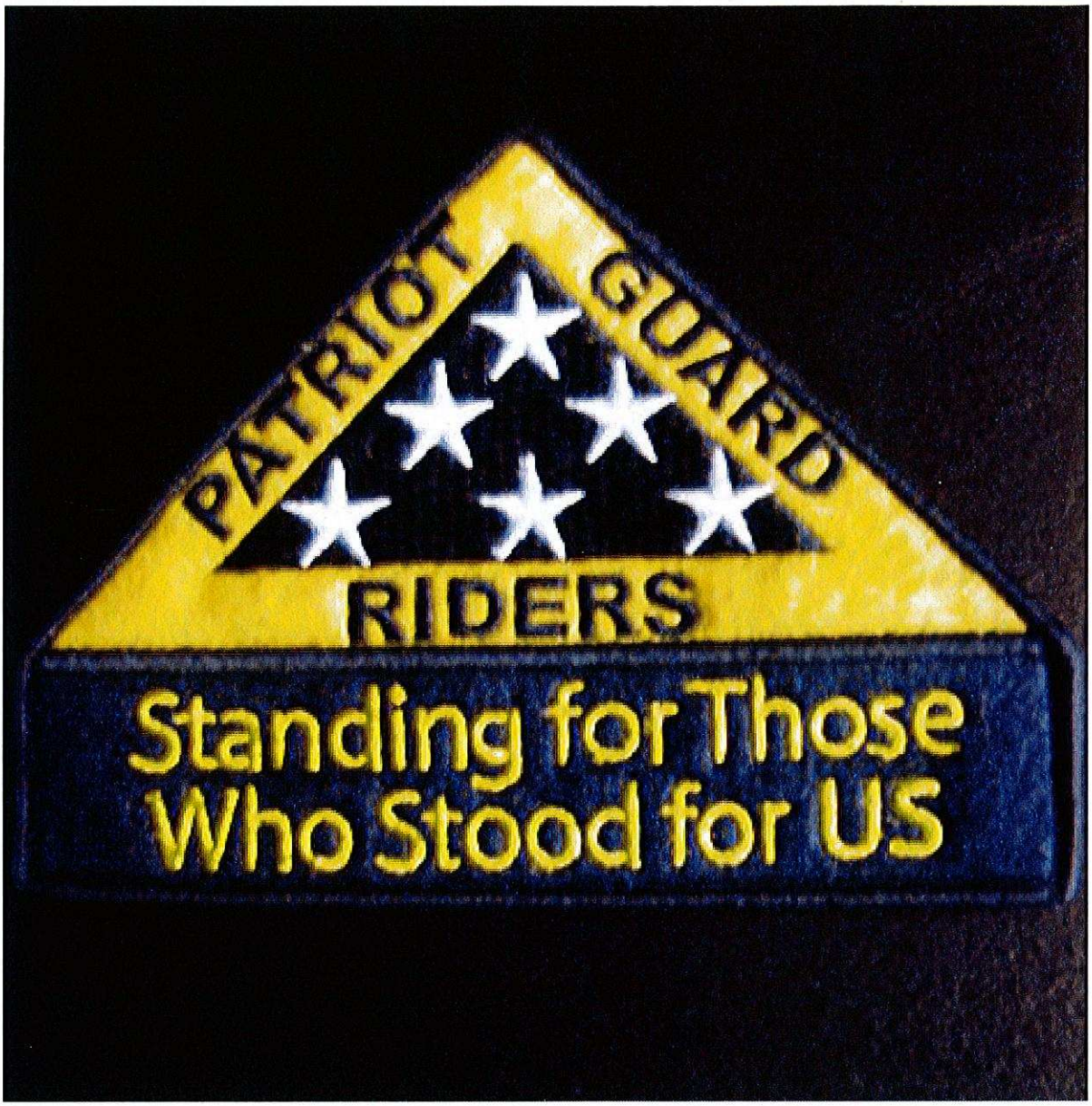
PATRIOT GUARD RIDERS

Standing for Those Who Stood for US
PATRIOT GUARD RIDERS


PATRIOT GUARD
RIDERS
Standing for Those
Who Stood for US


PATRIOT GUARD
RIDERS
Standing for Those
Who Stood for US

PATRIOT GUARD
RIDERS
Standing for Those
Who Stood for Us


PATRIOT GUARD
RIDERS
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Who Stood for US

America Online 9.0 Security Edition SE - [Our Mission]
File Edit Mail Community Services Safety Window Keyword Sign Off Help
Read 3 Write IM People Safety Settings Music Finance Pictures Expressions Help Remind Me Greetings Movietone
Quick Start http://www.patriotguard.org/AboutUs/OurMission/tabid/60/Default.aspx Go Search

Patriot Guard Riders

Standing For Those Who Stood For US

esday, January 29, 2008

..:: About Us » Our Mission ::..

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- Fallen Warrior Scholarship
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- Fallen Members
- Events
- Troop Support Partners
- PGR FAQ
- PGR Gear
- Dialup Homepage

Our Mission

Patriot Guard Riders Mission Statement

The Patriot Guard Riders is a diverse amalgamation of riders from across the nation. We have one thing in comm motorcycles. We have an unwavering respect for those who risk their very lives for America's freedom and security. If you respect, please join us.

We don't care what you ride, what your political views are, or whether you're a "hawk" or a "dove". It is not a requirement th veteran. It doesn't matter where you're from or what your income is. You don't even have to ride. The only prerequisite is Resp

Our main mission is to attend the funeral services of fallen American heroes as invited guests of the family. Each undertake has two basic objectives.

1. Show our sincere respect for our fallen heroes, their families, and their communities.

2. Shield the mourning family and friends from interruptions created by any protestor or group of protestors.

We accomplish the latter through strictly legal and non-violent means.