



# BULKY DOCUMENTS

(Exceeds 100 pages)

Filed: 7/13/2011

Title: OPPOSER'S SUPPLEMENTAL NOTICE OF  
FILING TESTIMONY DEPOSITION AND EXHIBITS  
PURSUANT TO RULES 2.123 AND 2.125.

Part 1 of 2

**91181448**

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July 12, 2011

VIA FEDERAL EXPRESS

Trademark Trial and Appeal Board  
U.S. Patent and Trademark Office  
Madison East, Concourse Level Room C 55  
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Alexandria, VA 22314

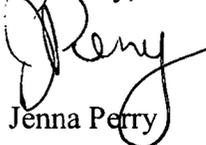
Re: Opposition No. 91181448  
*Jeff Brown v. PGR, Inc.*

# 77040379

Dear Madam or Sir:

Enclosed for filing in the above opposition proceeding is Opposer's Supplemental Notice of Filing Testimony Deposition and Exhibits Pursuant to Rules 2.123 and 2.125. Should you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,

  
Jenna Perry

JP/dg  
Enclosure

cc: James A. O'Malley, Esq. (w/encl.)



07-13-2011

U.S. Patent & TMO/c/TM Mail Rpt Dt. #72



**CERTIFICATE OF SERVICE**

I hereby certify that on this 12<sup>th</sup> day of July, 2011, a true and correct copy of the foregoing OPPOSER'S SUPPLEMENTAL NOTICE OF FILING TESTIMONY DEPOSITION AND EXHIBITS PURSUANT TO RULES 2.123 AND 2.125 (including the certified signed deposition transcript and exhibits referenced above) was sent first class mail, postage prepaid to:

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

3 JEFF BROWN, )  
4 )  
5 Opposer and Petitioner, )  
6 ) Opposition Number:  
vs ) 91181448  
7 )  
8 ) Serial Number:  
9 PATRIOT GUARD RIDERS, INC., ) 77/040,379  
10 Applicant and Respondent)

ORIGINAL

13 THE DEPOSITION OF **RONNY ROY AWTRY**,  
14 produced as a witness on behalf of the  
15 Opposer, taken before Elizabeth Ann Behles,  
16 a Certified Shorthand Reporter in and for  
17 the State of Oklahoma, on the 4th and 5th  
18 days of May, 2010, in the City of Tulsa,  
19 County of Tulsa and State of Oklahoma,  
20 pursuant to the Federal Rules of Civil  
21 Procedure.

22 MIDWEST REPORTING, INC.  
23 Certified Shorthand Reporters  
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**STIPULATIONS**

1  
2 It is stipulated and agreed by and  
3 between the parties hereto that the  
4 deposition is taken pursuant to Notice To  
5 Take Deposition, and that the same may be  
6 taken at this time and place.

7 It is further stipulated and agreed  
8 that all objections are to be made at this  
9 time and place.

**APPEARANCES**

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21 Also present: Mr. Jeff Brown  
22 Mr. Bill Richart  
23 Mr. Tom Hoffman  
24  
25

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I N D E X

WITNESS PAGE

RONNY ROY AWTRY

MAY 4, 2010

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**RONNY ROY AWTRY,**

Being first duly sworn to tell the truth,  
the whole truth, and nothing but the truth,  
testifies as follows, to-wit:

DIRECT EXAMINATION

BY MRS. BLUE:

Q. Okay. Good afternoon, Ronny. My name  
is Rachel Blue. You've already met me just  
a little while ago. I am counsel for Jeff  
Brown in an opposition proceeding that's  
before the Trademark Trial and Appeal Board  
at the US Patent and Trademark office, and  
we're going to talk today about that matter.

You're here to give what's called  
testimonial deposition, and it's my  
understanding that you're here by agreement.  
I sent you a Notice of Deposition in this,  
and I asked you to be here today; is that  
correct?

A. Yes, yes.

Q. Okay. Well, I'm going to ask you some  
questions, and what I want to make sure that

1 you understand is that if I ask you a  
2 question you don't understand, ask me to  
3 clarify it. If I didn't speak up enough or  
4 you didn't hear me, ask me to clarify.

5 You're under oath, so you have a duty  
6 to answer the questions fully and truthfully  
7 and as completely as you can. If you think  
8 of something that changes your answer to an  
9 earlier question, please be sure you let me  
10 know that and go back to it. We can always  
11 do that.

12 If you don't feel well at any time, or  
13 if you need a break, let me know. The only  
14 thing I'm going to ask you is if we're in  
15 the middle of a question and you haven't  
16 finished your answer yet, let's wait until  
17 your finish your answer to take a break, okay?

18 A. Okay.

19 Q. But when you need one, let us know.  
20 The same goes for the rest of you. We've  
21 got a court reporter, and she's going to  
22 make a transcript. And so that means that  
23 you need to answer out loud, and you need to  
24 try to say "yes" or "no," not "huh-uh" or  
25 "uh-huh," or "yeah" and try not to nod your

1 head or shake your head. She needs to hear  
2 you answer so that she can take it down.

3 A. Okay.

4 Q. Okay, all right. Well, let's get  
5 started.

6 A. Do you by any chance have extra piece  
7 of paper or pen in case I have any of those  
8 questions you asked me about?

9 Q. Certainly.

10 A. All right, thank you.

11 Q. Can you tell us your full name, please?

12 A. Ronny Roy Awtry.

13 Q. Would you spell that for the Record,  
14 please?

15 A. R-O-N-N-Y, R-O-Y, A-W-T-R-Y.

16 Q. Are you known by any other names?

17 A. Bear.

18 Q. Okay. Is that what we would call your  
19 road name or your ride name?

20 A. Yes, that is my road name.

21 Q. Okay. I'll make sure I use the right  
22 terminology. What's your address?

23 A. My address is 834 Rock Creek Lane,  
24 three words, Red Oak, two words, Texas, 75154.

25 Q. How long have you lived there?

1 A. Three years.

2 Q. Are you feeling okay today?

3 A. Yes.

4 Q. Taking any medication?

5 A. No.

6 Q. Any other substances that might cause  
7 you to have trouble answering questions today?

8 A. No.

9 Q. Okay. Do you have any headaches; do  
10 you have any illnesses?

11 A. No.

12 Q. All right. Is there anything that you  
13 can think of that would prevent you from  
14 giving your full testimony today?

15 A. No.

16 Q. Okay. All right, where were you born?

17 A. Corpus Christi, Texas.

18 Q. Did you grow up there?

19 A. No.

20 Q. Where'd you grow up?

21 A. In North Texas in Duncanville  
22 primarily and the area I'm still in.

23 Q. Okay. Where'd you go to school?

24 A. Duncanville High School.

25 Q. Okay. Did you go to college?

1 A. Yes, I did.

2 Q. And where'd you graduate from?

3 A. I graduated from Central Texas College.

4 Q. Okay. When did you graduate?

5 A. In 1999.

6 Q. Did you go to any other schools?

7 A. That's it.

8 Q. Did you do any time in the military?

9 A. No.

10 Q. Do you have any certificates or  
11 licenses or degrees?

12 A. I have two degrees: One an Associate  
13 of liberal arts, and one in Associated  
14 applied science, air conditioning and  
15 refrigeration. And I have a Texas  
16 contractor license with a Class A air  
17 conditioning comfort cooling license.

18 Q. Okay. So would it be safe to assume  
19 that that's what you do for a living?

20 A. That's what I do for a living.

21 Q. Air conditioning repair, okay.

22 A. (Indicating).

23 Q. All right, let's talk a little bit  
24 about this case. You've been deposed before  
25 in this matter; is that correct?

1 A. That is correct.

2 Q. Do you remember the date of that  
3 deposition?

4 A. No, I don't.

5 Q. Okay.

6 A. A year or two; it's been awhile.

7 Q. You know from your testimony in that  
8 deposition that this today is a dispute that  
9 revolves around the use of the trademark  
10 Patriot Guard?

11 A. Yes, I do.

12 Q. Okay. Now, I'm going to do my very  
13 best when I'm asking you questions today to  
14 refer to the PGR, Inc., when I mean the  
15 corporation, and I'll try to say the PGR  
16 organization when I mean your organization.

17 A. Okay.

18 Q. But if I forget or I'm not clear in  
19 that in some way, and you don't understand  
20 my question, please stop me and ask me to  
21 clarify.

22 A. Of those two PGR, Inc., and PGR  
23 organization --

24 Q. Uh-huh.

25 A. Is there a different timeline some way

1 for me to reference?

2 Q. As I ask the questions I'll try to  
3 make that clear, but if you don't understand  
4 it, you be sure and ask me. Okay?

5 A. Okay.

6 Q. All right. How long have you been a  
7 member of the PGR organization?

8 A. I believe the date was January the 5th  
9 or 6th of 2006.

10 Q. Okay.

11 A. Somewhere in early January, within a  
12 week of that date.

13 Q. Okay. Tell us about why you joined  
14 the PGR.

15 A. I joined the PGR because it was the  
16 right thing to do. I couldn't stand the  
17 fact of these heinous individuals protesting  
18 at military funerals, being the family of a  
19 missing in action Vietnam soldier.

20 Q. Okay. When you joined the PGR  
21 organization, was there any leadership  
22 structure in the organization?

23 A. Yes, there was.

24 Q. Can you talk about that?

25 A. At the national or state level or all

1 levels?

2 Q. All of it.

3 A. There was a state captain that was  
4 Bonnie Cutler, and there was a national  
5 structure which was Curt Mayer. At the, I  
6 guess Board of Director level, Jason Wallin  
7 and Jeff Brown. And within weeks I became  
8 what's called a contact coordinator for the  
9 State of Texas, and I began developing the  
10 contact list and method of alerting riders  
11 for missions within the State of Texas.

12 Q. Now, when you said, I think you said  
13 Bonnie Cutler was the state captain?

14 A. Yes.

15 Q. Was she a state captain for the State  
16 of Texas?

17 A. For the State of Texas.

18 Q. Okay. Did other states have state  
19 captains at that point?

20 A. Most of them probably did at that  
21 point. I don't know for sure on that  
22 because I was just a guy who wanted to start  
23 going on missions.

24 Q. Okay. Now, what do you mean when you  
25 say a mission, what does that mean?

1       A. A mission is our primary function of  
2 going to the funeral services for soldiers  
3 who are killed in action initially, and that  
4 expanded scope. But initially it was to go  
5 to the funeral services for soldiers who  
6 were killed in action and/or shield the  
7 family from protestors.

8       Q. Were there always protestors at these  
9 funerals?

10      A. No.

11      Q. When there were no protestors, what  
12 did you do?

13      A. The same thing we did when there were  
14 protestors.

15      Q. Just rode in the funeral procession?

16      A. No, stand there at the funeral  
17 procession, stand at the -- at the funeral  
18 home with flags, kind of at attention, and  
19 just as a general show of support for the  
20 families, that there's a country that feels  
21 their loss, and their communities are  
22 standing with them to show support for the  
23 sacrifice their families made.

24      Q. Okay. Now, you said a minute ago, I  
25 think, that you became the contact

1 coordinator to alert other members to  
2 missions. Did you do that just for Texas or  
3 for every place in the country?

4 A. Well, initially just for Texas. But  
5 within probably a couple of weeks of me  
6 doing that, Bonnie Cutler became the  
7 national captain, and for all intents and  
8 purposes recommended me to Jeff initially as  
9 somebody to help him sort out his  
10 uncontrollable email, which was in the  
11 hundreds per day. I later inherited this  
12 curse, but in the hundreds per day. And  
13 from there I kind of naturally fell into my  
14 first thing, which was contact coordinating.  
15 And I developed the method of contacting  
16 nation-wide when the DOD announcement came  
17 in and the captain secured the invitation,  
18 then I would, through the national aspect,  
19 send out emails to the riders in the area or  
20 the state specifically and let them know  
21 that there was a mission taking place.

22 Q. Okay. Did you have an official title  
23 when you did that?

24 A. Contact coordinator.

25 Q. Okay.

1 A. Yeah.

2 Q. Was that an appointed position or an  
3 elected one?

4 A. Appointed.

5 Q. Okay.

6 A. We were growing so fast in the early  
7 days it was all you could do to hold on as  
8 the merry-go-round spun faster and faster  
9 and try to get some help into help plug the  
10 holes.

11 Q. When you -- after you became the  
12 contact coordinator, did you advance beyond  
13 that position at any time?

14 A. Yes, I did.

15 Q. Tell us about that.

16 A. Initially, I followed up a story of a  
17 wounded soldier at Brooke Army Medical  
18 Center. And it was an Internet story, and  
19 as with so much of the Internet, I thought  
20 it was a hoax. So I actually called Brooke  
21 Army Medical Center, and I understand  
22 there's HIPAA laws and all. But I called  
23 down to the nurses ward to check on the  
24 soldiers well-being, and I actually ended up  
25 on the phone with this soldier who had no

1 hands that could really be used at the time  
2 and talking to him on the phone and was  
3 invited to Brooke Army Medical Center to  
4 come see him.

5           And I went to Brooke Army Medical  
6 Center and I came back, and I reported to  
7 the board what I had just experienced  
8 walking through. I went to see this  
9 soldier, and I met him out front. And the  
10 sergeant -- or not the sergeant, the  
11 captain, Captain Flores at Brooke Army  
12 Medical Center invited me to meet some of  
13 the soldiers on the burn unit.

14           So in this turn of events, within ten  
15 days I'm walking around on the burn unit at  
16 Brooke Army Medical Center meeting wounded  
17 soldiers. And I immediately told the board  
18 about this. And the board at that time  
19 consisted of Curt, Jason, and Jeff, but  
20 there was myself, Bonnie and Snap that were  
21 kind of national departments heads, give or  
22 take, kind of advisor, basically in on all  
23 the board decisions at that point.

24       Q. Can I ask you a question before you go  
25 on, who's Snap?

1 A. Bill Lyons.

2 Q. Okay, thanks.

3 A. And at that point Jeff verbatim said,  
4 "Do we need to do something about this?"  
5 And I said, "Yes, we do." I had no need for  
6 this. And he said that they'd develop a  
7 plan and make it happen. How -- what does  
8 the rest of the board say? And the rest of  
9 the board said, "Make it happen," and that's  
10 the creation of our Help On The Homefront.  
11 And I became the director of Help On The  
12 Homefront, and launched into this.

13 Basically it's the -- it's the second  
14 and lesser of the two missions that the  
15 Patriot Guard Riders does. It does -- it  
16 encompasses everything but our primary  
17 mission, which our primary mission is and  
18 always has been honoring the fallen  
19 soldiers, which later included Veterans,  
20 and, you know, our other military personnel  
21 or first responders.

22 Q. Okay. What does HOTH do exactly?

23 A. Help On The Homefront; anything we  
24 can. You've got soldiers that -- there were  
25 instances where a husband and wife divorced

1 when the child's real young, and the mother  
2 or the father goes out and is -- disappeared  
3 from the life. The soldier gets  
4 catastrophically wounded in action, and he's  
5 in one of the major trauma centers. But the  
6 step-mother, who actually raised the kid,  
7 cannot get military passes or anything on  
8 the spur of the moment, and they'll fly the  
9 father and the mother or whichever, you  
10 know, whichever parent had disappeared, they  
11 will fly them both down there. Even if one  
12 hadn't been a part of their lives, but the  
13 step-parents are stuck out.

14 And we've flown step-parents to the  
15 major medical centers to visit the kids.  
16 We've participated in home repair projects  
17 for soldiers at home with dilapidated  
18 houses.

19 A soldier one time who couldn't get --  
20 his wife was actually shot, and he had to  
21 wait for all the papers to transfer. And  
22 the state captain brought it to our  
23 attention, and we put it on a credit card  
24 worried about being reimbursed later. We  
25 called the board together, and we

1 immediately, instead of waiting a day for  
2 this to get sorted out, we immediately -- he  
3 had his leave approved through his  
4 commanding officer, put him on an airplane  
5 and flew him home.

6 Q. So really it could run the gamut then  
7 is what you're saying?

8 A. Yeah.

9 Q. Okay. How were these requests funded;  
10 where'd you get the money?

11 A. Initially in the early days, the money  
12 came from the -- from Jeff or from the PGR  
13 store.

14 Q. All right. So after you became  
15 director of HOTH, or Help On The Homefront,  
16 did you hold any other positions within the  
17 PGR organization?

18 A. Within about a month -- that was  
19 around the very first of May, 2006. Within  
20 about a month around the -- June 6th or  
21 12th, somewhere in that time range, Curt  
22 Mayer, one of the original three board  
23 members had disappeared. Nobody had heard  
24 anything for literally a month. You just  
25 couldn't find him. You couldn't hunt him.

1 down. His wife was going to leave him if he  
2 participated in any Patriot Guard Rider  
3 functions anymore, quote, unquote. I mean,  
4 he told us that. And at that time the  
5 board, which was Jeff and Jason, voted to  
6 have Bill Lyons, Snap, take the third seat.  
7 And shortly after that, within a few days  
8 literally or a week maybe, they decided to  
9 expand to a five-man board, and Bonnie  
10 Cutler was the fourth, and I was the fifth.

11 Q. Okay. How long did you hold that  
12 position as a director?

13 A. Until November or December of 2007.

14 Q. So from June 2006 until -- I'm sorry,  
15 what'd you say?

16 A. November or December.

17 Q. November of 2007?

18 A. 2007, yes, ma'am.

19 Q. Okay. Now, during that time period  
20 did the rest of the composition board remain  
21 the same. Who were the other members of the  
22 board?

23 A. Well, the original five-man board, and  
24 then Jeff's resignation took place in  
25 November of 2006, at which point Ed Mueller

1 was brought on the board. And the board  
2 maintained that composure from November of  
3 2006 until August of 2007, when I caught  
4 Jason Wallin stealing money through a PayPal  
5 account, and he was not the secretary.

6 After Jeff left -- I became the  
7 treasurer of the Patriot Guard Riders in  
8 either November or early December of 2006,  
9 and Jason resigned immediately in August of  
10 2006. And that --

11 MR. O'MALLEY: That's -- okay,  
12 some dates are wrong there.

13 BY MRS. BLUE:

14 Q. Is that --

15 A. August 2007, yes.

16 Q. Okay. Thank you.

17 A. We switched a year. And immediately  
18 upon -- we had already held the board  
19 elections for the replacement of an odd --  
20 every other year; two go in, three go in;  
21 two go in, three go in, or two go out and  
22 three go out, however you want to look at  
23 it. And we'd already held the elections and  
24 the posts were going to be filled by Bill  
25 Richarts and Donny Schneider. And we went

1 ahead and pulled Bill Richarts in to fill  
2 the position of Jason Wallin early, or the  
3 vacated board seat of Jason Wallin early in  
4 August.

5 Q. Okay.

6 A. Of 2007.

7 Q. So Bill became a director in August of  
8 2007; is that right?

9 A. Yes.

10 Q. O just wanted to make sure I got the  
11 dates rights there.

12 A. Donny Schneider replaced another board  
13 member in November when the regular seats  
14 were changed, as well as Bill -- I can't  
15 remember his name. Like a fleeting moment  
16 in the wind, Bill --

17 MR. BROWN: Lowery.

18 A. -- Bill Lowery stepped in. That's  
19 okay --

20 MR. O'MALLEY: I'm going to ask  
21 him not to answer questions.

22 MRS. BLUE: Yes.

23 MR. BROWN: I'm sorry.

24 A. No problem. Bill Lowery stepped in,  
25 so the board -- the three out were replaced.

1 And at that point the board consisted of --  
2 that was the official change over of the  
3 board, and the board officially consisted of  
4 myself, Ed Mueller, Bill Richarts, Bill  
5 Lowery, and Donny Schneider. And then I was  
6 going to serve for a period of time further,  
7 but due to the my father's health, my  
8 company's neglect and the amount of time I  
9 put into the organization, I went ahead and  
10 I resigned my position in, as I said,  
11 November, December, 2007 and left.

12 I essentially -- I essentially stayed  
13 on long enough to complete the official  
14 inhouse audit of -- as treasurer of the  
15 Jason Wallin. And at that point we had  
16 taken it all the way through. We had turned  
17 it over to the accountant. The accountant  
18 had gone over the notes and gone over my  
19 audit, and from what I understand later that  
20 that had changed a bit, but it was completed  
21 as far as inhouse and all the evidence we  
22 could find.

23 Q. Okay. Well, we'll probably get to  
24 that in just a minute. After you resigned  
25 in November, December of '07, did you take

1 another officer's position; what did you do  
2 next within the PGR?

3 A. Nothing, I became a rider.

4 Q. Okay.

5 A. I essentially came home from being at  
6 war for several years and kissed my wife.  
7 And coming home was literally walking out of  
8 the back room's computer where I was day and  
9 night and walking into the other room and  
10 tell my wife "Honey, I'm home," and enjoyed  
11 life for a little bit.

12 Q. Okay, so did you -- would you say then  
13 that you just became a regular member at  
14 that point?

15 A. Just became a regular member at that  
16 point.

17 Q. All right.

18 A. I was still, as I had completed the  
19 official full term, and due to the change  
20 over of the board, I was -- my resignation  
21 was accepted. And I was at that point  
22 given -- all board members who resigned or  
23 leave in good standing are at that point  
24 awarded advisory positions to the board of  
25 directors as past standing boards to deliver

1 past emails, past information, training, et  
2 cetera, for instances that we've already  
3 gone through as an organization to new board  
4 members coming along, so hopefully, we don't  
5 have to hit ourself on the same thumb with  
6 the same hammer time and again.

7 Q. Do you then as an advisory member have  
8 access to forums within the Patriot Guard  
9 website?

10 A. I did for a very short time, and then  
11 my statuses were just pulled to regular  
12 membership. And I had lost all access to  
13 the state captains forum, the ride captains  
14 forum and the other forums that I was  
15 supposed to have access to, but I no longer  
16 did. I just had regular access and Help On  
17 The Homefront access.

18 Q. Do you know why you lost your access?

19 A. No, and I don't know that anybody  
20 knows why. But it was supposed to have been  
21 fixed for several years, but it never was.

22 Q. Okay. Okay, did you at any time act  
23 as a website administrator or moderator or  
24 have anything to do with the website?

25 A. Yes, I did. I never was a moderator;

1 I was never part of the moderator team. But  
2 in about early August of 2006, Jason Wallin  
3 pulled a disappearing act and disappeared  
4 from contact. You couldn't get him on  
5 emails, cell phones or anything. Every blue  
6 moon you could get him maybe once or twice a  
7 month.

8 But at that point the website was  
9 having problems, and Jason had taught me a  
10 little about the website. My analogy is I  
11 was a gorilla with a machine gun, and I  
12 could pull the trigger and couldn't  
13 guarantee who got shot, but -- so I rebooted  
14 the computer several times and dumped  
15 several backup copies that would build up.  
16 It locked the whole system up. And assign  
17 email addresses, I always had that ability  
18 to assign email addresses. And I had admin  
19 privileges to the website just based on my  
20 initial starting of the contact coordinator  
21 duties. So I did have access to all of the  
22 administration functions to the website.

23 Q. So could you read any posts on the  
24 website?

25 A. Anything on the website.

1 Q. Did you often read posts on the website?

2 A. Yes.

3 Q. Okay. Okay, let's talk a little bit  
4 about Jeff. How do you know Jeff Brown?

5 A. Through the Patriot Guard Riders. As  
6 I said, shortly after Bonnie became national  
7 member she pulled me on board to try to help  
8 Jeff sort out his un-sortable email list,  
9 and instead I kind of fell into the Help on  
10 The Homefront. I never did what I was  
11 originally -- it's kind of the story of the  
12 Patriot Guard. I never did what I was  
13 originally hired for, but I did something.

14 Q. When did you first meet Jeff?

15 A. Face-to-face or phone or email?

16 Q. Either way.

17 A. February of '06.

18 Q. Okay. Had you spoken to him before  
19 then?

20 A. No.

21 Q. Had you emailed with him before then?

22 A. No. I've only been a member since  
23 January, so --

24 Q. Had you met any other Patriot Guard  
25 members face-to-face before --

1 A. Oh, yes.

2 Q. -- you met Jeff?

3 A. Within a week of me joining I rode  
4 from Dallas, Texas to Houston, Texas to go  
5 on the first mission that I personally went  
6 on; not the first mission, period.

7 Q. When you met Jeff did he hold a  
8 leadership position in the organization?

9 A. He was president of Patriot Guard Riders.

10 Q. At that point, how long was an  
11 officer's term?

12 A. There was not -- there was no term  
13 limits at that time.

14 Q. Okay. Was that -- is that still the  
15 case?

16 A. No, they're two year term limits  
17 currently.

18 Q. When did that change?

19 A. After Jeff's resignation and we redid  
20 the by-laws, we decided that there would be  
21 a limit to two year terms. The five-man  
22 board at that time consisted of Ed Mueller,  
23 Bonnie Cutler and myself, Snap -- Bonnie  
24 Cutler, myself -- Jason.

25 Q. Okay, so you and Jeff then were on the

1 board of directors at the same time; is that  
2 right?

3 A. Yes.

4 Q. Okay. Were you aware of any other  
5 roles that Jeff played within the Patriot  
6 Guard?

7 A. Other than being the head cat herder,  
8 he ran the Patriot Guard Rider store.

9 Q. Okay. When did you learn that he ran  
10 the Patriot Guard Rider store?

11 A. First time I ordered merchandise,  
12 which I mean, I immediately -- I joined and  
13 within a week ordered merchandise. So, I  
14 mean, I may have officially had contact with  
15 him, but not interpersonal kind of contact.

16 Q. Okay. So you think your order of  
17 merchandise was within a few weeks of -- you  
18 said you joined in August?

19 A. No, in June.

20 Q. June --

21 A. I mean, January, January 2006.

22 Q. January 2006?

23 A. Yes.

24 Q. Okay. Tell us about the PGR store,  
25 what did it do?

1       A. The PGR store sold the gear that most  
2 of our riders used to display who they were,  
3 the Patriot Guard Riders for mission  
4 purposes. Windshield banners for  
5 motorcycle, caps, tee-shirts, mission pins;  
6 the list has kind of evolved.

7           I mean, in the early days I think when  
8 I first joined there was maybe a dozen, I  
9 don't remember exactly, but maybe a dozen,  
10 and by June or July there was several things  
11 you could buy.

12       Q. How are the prices on the store?

13       A. They were good.

14       Q. When you bought the merchandise from  
15 that store did you have -- well, let me  
16 strike that.

17           What was your understanding of how  
18 that store was owned or operated?

19       A. I didn't have any understanding.

20       Q. Okay.

21       A. All I was doing was purchasing  
22 merchandise to represent myself to go on  
23 missions with.

24       Q. Did your understanding of -- did you  
25 ever gain any understanding of who owned the

1 store?

2 A. Yes, I did.

3 Q. Okay, tell us about that.

4 A. I learned initially that Jeff owned  
5 the store from Jason Wallin.

6 MR. O'MALLEY: Objection; hearsay.

7 MRS. BLUE: He can testify to it  
8 if Jason said it directly to him.

9 MR. O'MALLEY: Go forward.

10 BY MRS. BLUE:

11 Q. Okay. Go ahead.

12 A. Jason Wallin told me in June of 2006,  
13 shortly before the gathering of the guard,  
14 that Jeff owned the Patriot Guard Rider store.

15 Q. I'm sorry, tell me again what the date  
16 was there?

17 A. June of '06.

18 Q. June '06?

19 A. Yes.

20 Q. What's the gathering of the guard?

21 A. Gathering of the guard is our yearly  
22 national gathering of riders from all across  
23 the country into one location to fellowship  
24 and usually have entertainment and guest  
25 speakers, and just stuff to go be a Patriot

1 Guard Rider with other Patriot Guard Riders.

2 Q. Okay. Where was it held in June of 2006?

3 A. Claremore, Oklahoma.

4 Q. Was Jeff there?

5 A. Yes, he was.

6 Q. When Jason told you that Jeff owned  
7 the store, did you ever say anything to Jeff  
8 about that?

9 A. I did at some point. I don't know  
10 exactly when, but I did at some point. I'm  
11 thinking that I didn't say anything to Jeff  
12 until maybe late July, early August of 2006,  
13 after the gathering of the guard.

14 Q. Did Jeff make any secret of owning the  
15 store?

16 A. Not that I'm aware of, no  
17 particular -- I didn't much care who owned  
18 the store when I first started buying  
19 merchandise. And I can't say that it was  
20 ever really a point of topic anywhere until  
21 the Kansas Patriot Guard Riders, the guys  
22 who always said they were the original  
23 founding fathers. They said something about  
24 it in their fleeting departure, although  
25 they blamed Help on The Homefront and the

1 American Legion already doing that as their  
2 reason for leaving the organization. But  
3 there was generally something about Jeff  
4 owning the store at that time, and that  
5 would have been the first time. I wasn't  
6 the national captain or over the captain, so  
7 that would have been the first time that  
8 Bonnie Cutler or Snap or the board as a  
9 whole had heard that in passing. And at  
10 that time it just came in passing and went.  
11 I don't believe there was any discussion,  
12 any topic, any communications.

13 Q. Okay. Did you ever see on the PGR  
14 forums any postings with regard to Jeff's  
15 ownership of the store?

16 A. That hit the forums in literally three  
17 weeks, give or take, before Jeff's  
18 resignation, that's when -- that's when that  
19 started to get heated and nasty.

20 Q. Okay. I'm going to show you, I'll  
21 mark this as Exhibit 1.

22 (Whereupon Deposition Exhibit Number  
23 1 was marked for identification.)

24 MRS. BLUE: And this is, Jim, for  
25 you, this is produced in your documents to

1 us. It's PGR 006225 is the Bate's stamped  
2 on it. It's a post from Jason Wallin,  
3 Patriot Guard website.

4 BY MRS. BLUE:

5 Q. I want you to look at that.

6 A. Okay.

7 Q. I need you to take a look at that and  
8 read it and tell me when you're finished.

9 A. Okay.

10 Q. Okay. Who is "Waldo"?

11 A. Jason Wallin.

12 Q. Okay. Do you see here that this is a  
13 post from Waldo on December 16th, 2005. He  
14 is talking about the web store and banner  
15 advertising; do you see that?

16 A. Yes.

17 Q. Okay. Do you see that he is  
18 indicating that there are some PGR items  
19 that Jeff has put together. I assume he's  
20 referring to the store there; would that be  
21 your assumption as well?

22 A. Yes.

23 Q. Okay. Would you take from this post  
24 that Jeff had any involvement or ownership  
25 in the store?

1       A. I would say that it definitely implies  
2 that Jeff has some items put together, so if  
3 you want to buy a PGR merchandise to --  
4 Jeff's the guy to talk to.

5       Q. Okay. All right, who can read that  
6 PGR forums?

7       A. The PGR forums are primarily -- I  
8 wasn't never a forum-specific person, but  
9 there are parts of the forums that are  
10 locked to anybody that is not a member. And  
11 to be a member you just merely have to  
12 register. It's free. And at that point you  
13 can read the forums based on your level of  
14 ride.

15               I mean, the home page is open to  
16 everybody, and I believe that you could,  
17 without -- I've always had membership since  
18 the day I was a member, so I don't know what  
19 a non-member would necessarily see. But you  
20 could click on the mission links and it  
21 would take you to the threads regarding  
22 mission links. So I think that that was  
23 always -- the particular forums related to  
24 the individual services and the home page  
25 were always open.

1           The majority of the forum was only  
2 open if you were a member. And then there  
3 were privileges assigned based on your level  
4 or rank, for lack of a better word, in the  
5 organization that allowed you privileges to  
6 see various other stuff.

7           Q. Okay. Are you aware of any other  
8 posts besides this one that might have  
9 indicated that Jeff Brown owned the PGR store?

10          A. Other than the specific one where Jeff  
11 said that he owned the store in November,  
12 I'm not aware necessarily of any forum post  
13 that said that, no. I don't remember. I  
14 don't believe there were.

15          Q. Now, when you refer to a post you --  
16 are you referring to a post that Jeff made  
17 in November saying he owned the store?

18          A. Yeah.

19          Q. Okay. Do you remember the context of  
20 that post?

21          A. Yes, there were people who had decided  
22 that initially, as it started to build,  
23 there were people who decided that that was  
24 totally unacceptable; at which point Jeff  
25 basically said that was how it's been and

1 that's how it's always been. And, of  
2 course, the unacceptable level just kept  
3 rising in regards to some on membership and  
4 some in the board of directors.

5 Q. Okay. Do you have any other reason to  
6 know about Jeff's ownership of the store?

7 A. Well, as I said, Jason told me. I had  
8 personally talked to Jeff about it later,  
9 and I know that Snap knew about it. I  
10 talked to Snap about it, Bill Lyons.

11 MR. O'MALLEY: Objection; hearsay.

12 MS. BLUE: Go ahead.

13 THE WITNESS: Okay.

14 MRS. BLUE: I'm Also going to add  
15 into the Record that, "Snap," who is also  
16 Bill Lyons is deceased?

17 MR. O'MALLEY: Correct.

18 A. Okay. And that's -- that's my  
19 official understanding of the story in the  
20 early days.

21 BY MRS. BLUE:

22 Q. Okay. Do you know whether any other  
23 members of the board of directors were aware  
24 of that ownership?

25 A. Well, as I said, the original Kansas

1 three in June had said --

2 MR. O'MALLEY: Objection; hearsay.

3 BY MRS. BLUE:

4 Q. Go ahead.

5 A. As part of their reason for the  
6 disgruntledness with the national Patriot  
7 Guard Riders organization, that Jeff owned  
8 the store and was making money, and the  
9 board really didn't do anything about it.  
10 And I know that myself, I had communications  
11 with it prior to the big October blow-up  
12 with Snap, with Jeff, with Jason. They  
13 were -- never talked to Bonnie about it.

14 Q. Okay. Were those communications with  
15 Snap and Jeff and Jason in person or through  
16 email or telephone call?

17 A. Telephone call.

18 Q. Okay. Were all three of you on all  
19 those calls, or were they individual calls  
20 between two of you at a time?

21 A. Individual calls.

22 Q. Okay.

23 A. The original one with the Kansas three  
24 were all the board members were on the  
25 phone.

1 Q. Okay, including you?

2 A. Including me.

3 Q. Thank you.

4 A. All five of us that were the original  
5 five-man board when it was expanding.

6 Q. Okay. Do you have any other  
7 conversations with any other members that  
8 were not officers regarding Jeff's  
9 ownership?

10 MR. O'MALLEY: Objection; hearsay.

11 A. I don't remember. I will say that at  
12 times, because as I started to grow, Tom  
13 became my -- Tom Hoffmann became my  
14 assistant HOTH coordinator, and we both  
15 together handled the HOTH program. And I  
16 did confide in Tom on a friendship level and  
17 on particular -- but as friends and as  
18 frequent as we have conversations, I would  
19 not testify to any specifics, only that he  
20 may have general knowledge of conversations  
21 we've had. Because as this whole thing  
22 generally grew and built, I was probably the  
23 person who told him about the resignation of  
24 Jeff, the original story, I mean. There are  
25 times -- and on that degree of friendship on

1 that degree of level, there's probably not  
2 much that we have not talked about. So that  
3 would probably be one of the only souls  
4 outside of the organization and my wife that  
5 I might have discussed things with.

6 BY MRS. BLUE:

7 Q. Okay, so other than Mr. Hoffmann and  
8 your wife, you don't remember personally  
9 telling anyone else about Jeff's ownership  
10 in that store?

11 A. I don't know that I personally told him.

12 Q. Okay.

13 A. But I very well could have.

14 Q. Okay, fair enough. Okay, you referred  
15 a couple times today about Jeff's term as an  
16 officer coming to an end. Why did Jeff's  
17 term as an officer come to an end?

18 A. Well, resigned. There were -- there  
19 was a movement to -- and there were people  
20 who wanted him stripped of his presidency.  
21 And counsel, advice from me and Snap were  
22 that resignation was the best thing for the  
23 organization, and so he resigned. We -- we  
24 did not think it was good for anybody if the  
25 board physically removed him and booted him

1 out of office. That would be a horrible  
2 precedent for the organization, and he  
3 resigned.

4 The events leading up to it were that  
5 Jeff left on a Friday to go to Alabama for,  
6 I believe, the Alabama gathering of the  
7 guard to see -- and actually, he was with  
8 Bill Lyons. And within a couple of hours of  
9 him getting out of touch and leaving for the  
10 airport, Jason Wallin called a board meeting  
11 and myself, Jason, Bonnie, and Ed Mueller,  
12 who wasn't on the board of directors at the  
13 time, were on the call.

14 Q. Why was Ed Mueller on the call?

15 A. I don't know. He was going -- well,  
16 he did fill Jeff's vacant position.

17 Q. Well, was that before the resignation?

18 A. That was after the resignation.

19 Q. So were people who were not on the  
20 board of directors typically on a conference  
21 call of this nature?

22 A. Not of this nature, no. But there  
23 were typically -- at that time it was not  
24 uncommon for them to have, for the board of  
25 directors to have lots of people on calls

1 for various topics, especially national or  
2 regional captains or state captains in  
3 regards to specific happenings in that  
4 particular area to just monitor what was  
5 happening with the board, just so we had  
6 membership involved to some degree.

7 Q. What was Ed Mueller's position at that  
8 time before he assumed Jeff's position on  
9 the board?

10 A. I believe that Ed had become the  
11 national captain because Bonnie was  
12 overwhelmed and needed to shed some of her  
13 responsibilities. We all kind of did -- as  
14 I said, in the early days as we grew, we all  
15 started to wear so many hats that you didn't  
16 get anything done. So we started bringing  
17 more people on, such as Tom later became the  
18 Help On The Homefront director. I mean, it  
19 was something I had to let go.

20 Q. Uh-huh.

21 A. Which I never would have; I'd still be  
22 in that job and -- be happy. I loved that  
23 job. And Ed had previously been, I believe,  
24 a forum moderator; unsure as to specifically  
25 before national captain what he had done.

1 Q. Was he a forum moderator during the  
2 time this call took place?

3 A. I do not remember.

4 Q. What was Bonnie's title at that point?

5 A. She was a board of directors member,  
6 and her specific was Board of Director over  
7 captain. So she was supposed to be the  
8 direct contact for the board of directors  
9 for the national captain.

10 Q. Okay. How about Jason, what was his  
11 title at this time?

12 A. Jason was officially the treasurer at  
13 that time.

14 Q. Okay.

15 A. As well as he was the head website guru.

16 Q. Was that his formal title, Guru?

17 A. I don't know if he had a formal title.

18 It was forum administrator, I mean, he went  
19 by Waldo like the, "Where's the Waldo"  
20 character --

21 Q. Right.

22 A. That's where that came from so --

23 Q. Okay.

24 A. Yes, that was -- guru was probably the  
25 best title.

1 Q. Okay. Now, had you met Jason Wallin  
2 at the time that this telephone call took  
3 place; had you met him in person?

4 A. Yes, I had.

5 Q. Okay. How did you meet him?

6 A. I met him first at the gathering of  
7 Guard in Claremore, Oklahoma, in July of  
8 2006. And I met him the second time -- I  
9 stayed in his home in, I think Windsor,  
10 Colorado in mid August of 2006, because I  
11 went as a representative for the Patriot  
12 Guard Riders to personally liaison with the  
13 national commander and national adjutant of  
14 the American Legion, who we, as I talked  
15 about the Kansas three, were an original  
16 point of contention for the organization.  
17 And there was a lot of bad feelings growing  
18 between the American Legion riders and the  
19 Patriot Guard Riders. And I had been  
20 working with their national offices to mend  
21 these wounds. And I physically were on  
22 their very first inaugural Fallen Warrior  
23 Scholarship ride for part of it, and I met  
24 the commander and adjutant in Colorado.

25 Q. Okay. Now, when Jason initiated this

1 call, did he give a reason for the telephone  
2 call?

3 A. The uproar and fevered pitch on the  
4 forum threads was growing out of control and  
5 extremely hostile, and we needed to get  
6 ahead of this.

7 Q. Okay. Was the phone call open to  
8 anyone besides these five people that were  
9 on it?

10 A. Five people; myself --

11 Q. I'm counting Bonnie, Jeff, Ed, Jason,  
12 and you?

13 A. Not Jeff.

14 Q. I'm sorry.

15 A. Talking about --

16 Q. I got that one?

17 A. Yes, Bonnie, Ed, Jason and me, there's  
18 four.

19 Q. Okay, four.

20 A. No.

21 Q. Okay. Could regular members typically  
22 get on a conference call like this if they  
23 wanted to?

24 A. No.

25 Q. Was there any attempt to keep anyone

1 else from getting on the conference call?

2 A. The initial conference call happened  
3 on a Friday, and it was brought up that  
4 something needed to be done. We  
5 generally -- there was topic of discussion,  
6 and I -- quite frankly, this whole scenario  
7 set real bad with me. So I said we needed  
8 to call a break and we needed to think about  
9 this, and we needed to get back together at  
10 another time. And that set fairly well with  
11 the board, and they decided that the other  
12 time would be first thing in the morning.

13 So the call was continued first thing  
14 in the morning on Saturday while Jeff was  
15 still out of town and Snap was still at the  
16 gathering of the guard. And I immediately  
17 left two voice mail messages with Bill Lyons  
18 trying to get other parties involved in  
19 this. I did not call Jeff. I called Bill  
20 Lyons just because I thought the nature of  
21 the topic of the call, since it's concerned  
22 Jeff specifically, and the nature of the  
23 topic which was self-dealing, that it would  
24 be most prudent to call Bill to get some age  
25 and wisdom involved in the phone call

1 because it was pretty fever pitched.

2 Q. Why was it fever pitched?

3 A. Because they wanted to immediately  
4 call for a vote, and right off the bat they  
5 wanted to call for a vote to remove Jeff  
6 from the presidency and fire him.

7 Q. Was there any kind of a quorum that  
8 was required to call for a vote like that?

9 A. Yes, there was. There was three of  
10 five was the requirement for an action of  
11 that magnitude, or for any action to be --  
12 anything -- the board had to have at least a  
13 minimum of a three out of five.

14 Q. Okay. But there were four of you, and  
15 Ed was not a Board of Directors member; is  
16 that right?

17 A. Ed was not a board of directors member.

18 Q. So did you have a quorum for this  
19 phone call?

20 A. We had three.

21 Q. Okay.

22 A. But at that particular point we did  
23 not have a quorum because I would not have  
24 voted at that particular time without  
25 further investigation. As I said, I wanted

1 to get off the phone and call Snap as  
2 quickly as possible. But, unfortunately, he  
3 was having a great time at the Alabama  
4 gathering of the guard.

5 Q. Okay. When the call continued on  
6 Saturday morning, was there a vote?

7 A. There was not a vote, per se. There  
8 was a pending vote put in place to move  
9 forward with it; however, when Snap finally  
10 came back into the picture after he went  
11 home and put Jeff on an airplane, and  
12 figured out what was going on, Snap kind of  
13 put his foot down and is the one who  
14 immediately thought of the nasty, evil  
15 precedence this may set, and that we  
16 probably ought to find a kinder, softer way  
17 to proceed forward.

18 Q. Did anybody decide that they ought to  
19 talk to Jeff about this?

20 A. By the time it was given to Jeff it  
21 had essentially come to, "Here's your  
22 marching orders," at which point Jeff wrote  
23 as a rather heart-felt letter about how  
24 broken hearted he is that this whole thing  
25 had conspired in this particular manner, and

1 he turned in his resignation.

2 Q. And when you said, "Here's your  
3 marching orders," what were those marching  
4 orders?

5 A. That it was always the intention at  
6 that -- by that point to remove Jeff from  
7 office. It was, the whole point was  
8 initially that it was self-dealing as far as  
9 the quorum of the board.

10 Q. How long after the conference call did  
11 you give this -- these marching orders to  
12 Jeff?

13 A. Snap, as soon as Jeff was probably on  
14 the ground, Snap probably picked up the  
15 phone. I think Snap immediately called  
16 Jeff, so probably Sunday night, Monday  
17 morning. I don't know remember exactly, but  
18 no lengthy period of time elapsed.

19 Q. Was he given any opportunity to rebut  
20 the --

21 A. No, I mean, by that point it was -- we  
22 have a section, a small minority, very vocal  
23 section of the membership that consists of a  
24 few people; state captains primarily, at the  
25 time Richard Wilbur, Andy Harley, "Steam,"

1 which was Randy Stephens, Mona Mead, which  
2 goes by "Monica," and Tony Turner, which  
3 were pretty much the driving force behind  
4 this whole scenario in the first place and  
5 in bringing it to such a head so fast. And  
6 it came through Bonnie in that particular  
7 direction as national captain, and they were  
8 state captains underneath her.

9 But Jason Wallin was -- Jeff had been  
10 calling for -- there was a period of time  
11 when Jason pulled that disappearing act,  
12 right around the time I went to Colorado and  
13 I stayed in his home, and we physically had  
14 talks about this as well.

15 Q. This is August of '06?

16 A. August of '06. Jason had talked to me  
17 in depth about the arrangements of how  
18 monies were made in the organization.

19 MR. O'MALLEY: Objection; hearsay.

20 A. He told me specifically that he made  
21 the money from the banner ads and the Google  
22 ads and that stuff and that --

23 BY MRS. BLUE:

24 Q. What did you say to Jason when he told  
25 you that?

1       A. I said, "What about the merchandise  
2 that was sold on the website, the Healing  
3 Fields merchandise and the Sponsor a Flag  
4 merchandise and that kind of stuff?" And he  
5 said, "No, the organization made that." All  
6 he made was the Google ads, and that that  
7 had been his understanding from the day one  
8 with Jeff was that Jeff would run the store,  
9 and that he would run the Google ads. And  
10 that they would both independently recover  
11 their costs and time devoted to getting this  
12 organization running from the two endeavors  
13 that they pursued.

14       Q. Let me ask you this: When Jason said  
15 that he would run the Google ads, what was  
16 your understanding. What he meant by run  
17 the Google ads?

18       A. Well, specifically that he set up the  
19 Google ads to run on the website and would  
20 use that to offset the costs for servers,  
21 for, you know, make -- you know, he did  
22 understand that he would make some money  
23 based on the amount of time he spent  
24 programming on the website, which I didn't  
25 think was unreasonable myself. Because in

1 the early days anybody knew that Jeff and  
2 Jason, specifically, those two individuals  
3 put enormous amounts of time into the  
4 organization to get it started. And every  
5 time Jeff would talk about putting a new  
6 item in the store, he would do what needed  
7 to be done: Take it down, pay the money,  
8 pick it up and box up and send stuff out of  
9 his own home. And Jason was doing a lot of  
10 programming stuff right there, just on the  
11 website. But Jason would use it to offset  
12 the cost is what he had said, and that he  
13 wasn't making any money off of any of the  
14 other store items. But during Jason's  
15 disappearing act, Jeff continually brought  
16 up on board calls, "Can somebody get hold of  
17 Jason and get the checkbook from Jason?"  
18 Because he wrote, that I'm aware of, a  
19 \$20,000 check to the Healing Fields because  
20 they were calling state captains and  
21 everybody looking for us to make good on our  
22 debt, and Jason did not pay any of the  
23 bills. And then Jeff started talking about  
24 hiring an independent accountant to go over  
25 the books.

1           And that's about the time that Jason  
2 had the talk with me about exactly how the  
3 store ran and how the money got -- you know,  
4 that kind of stuff. But he told me he  
5 wasn't making any money, which I later found  
6 through our audit that he got everything;  
7 his personal PayPal account which was linked  
8 to it. None of it ever -- out of a 130,  
9 \$150,000; I'd have to see the numbers in  
10 front of me, \$35,000 of nearly \$150,000  
11 actually made it to the PGR Patriot Guard  
12 Riders, Inc. bank account from all the stuff  
13 that Jason had done, the stuff that he had  
14 said had gone in.

15           But in that August talk, Jason was  
16 talking about some way about how much money  
17 the store was probably making, and that it  
18 needed to -- something needed to be done to  
19 harangue the money back into the Patriot  
20 Guard Riders' national account.

21           Now, at the same time he's talking out  
22 the side of his neck because he's stealing  
23 the organization blind his own self. But at  
24 that time Jeff is paying all the expenses  
25 that aren't getting paid and looking for an

1 audit on the other organization.

2           And the organization for Help on The  
3 Home Front sent me to Walter Reed;  
4 reimbursed me for airfare and hotel. I  
5 wouldn't accept any other monies because I  
6 have to eat, I have to do whatever I have to  
7 do, so that's just normal part of everyday  
8 living. But the organization voted to comp  
9 my airfare and hotel, and the check came  
10 from the Patriot Guard Rider store, okay.  
11 Patriot Guard Rider store or Jeff Brown  
12 himself, it did not -- there was no -- there  
13 was no physical checks for anybody to write  
14 anything because Jason had them.

15           And we went so far as to send Wayne  
16 Hemmert to Jason's house to get the  
17 checkbook, and Jason said that he'd take  
18 care of it, he'd put it in the mail to Jeff  
19 tomorrow. And he physically ripped half of  
20 a checkbook; not in part like tearing this  
21 sideways, but he took half of a checkbook,  
22 ripped it off, put in it the mail and sent  
23 it to Jeff so that he had some Bank of  
24 Oklahoma checks to pay some Patriot Guard  
25 Riders' bills. But by this point we've

1 already got people thinking we're a bunch  
2 were biker crooks because we've already  
3 ripped them off for not paying our bills.

4 Q. Now, when you said that Jeff was  
5 paying expenses, do you know what funds he  
6 was using to make those payments?

7 A. At the time I did not understand the  
8 difference between Patriot Guard Riders'  
9 store ownership, trademarks, any of that  
10 kind of stuff. Unequivocally, all I knew  
11 was Jeff was paying the bills.

12 Q. Okay. Was he using his personal funds?

13 A. My understanding was that he was using  
14 funds from the merchandise sold to the  
15 Patriot Guard Riders' store to pay for the  
16 bills.

17 Q. Now, let's go back to the conference  
18 call for a second. Before Jason initiated  
19 this call, I think you testified a few  
20 minutes ago that you had had a conversation  
21 with Snap regarding Jeff's ownership of the  
22 store; is that right?

23 A. That's correct.

24 Q. Okay. So when you got Snap on the  
25 phone on the Saturday morning, if I

1 understood your testimony correctly, what  
2 did he have to say about Jeff's ownership of  
3 the store?

4 MR. O'MALLEY: Objection; hearsay.

5 A. Well, Snap's feeling at the time was  
6 that -- this is after it had already blown  
7 up and the board had pretty much pushed in  
8 the direction, which is -- does that clarify  
9 the time frame?

10 BY MRS. BLUE:

11 Q. Sort of.

12 A. No.

13 Q. Tell me a little bit more --

14 A. I mean, what time frame --

15 Q. -- Snap's not here to tell us anything  
16 now anyway, so --

17 A. Okay, okay, but, I mean, what are  
18 talking exactly?

19 Q. Well, when you got Snap, who is now  
20 deceased, back on the telephone --

21 A. Okay.

22 Q. After the first Friday and Saturday --

23 A. Okay.

24 Q. -- missed, right.

25 A. Okay. By that point, it was a living

1 hell. The website was exploding. There  
2 were agitators; there were people defending  
3 Jeff. It was like being in a freaking war  
4 zone. Excuse my terminology there. It was  
5 horrible. Anybody who was around at that  
6 time will tell you it was horrible. It was  
7 coming apart at the seams.

8 And by that point a fast resolution  
9 appeared to be the best option. And by that  
10 resolution Snap believed that at that point  
11 that it was probably better if Jeff were  
12 gone right then, too. However, previously,  
13 before that in our talks before that, Snap  
14 stood with me in alignment that we really  
15 wanted Jeff to draw a salary from the  
16 organization. Because in board of  
17 directors' talks, Jeff had told all of us  
18 that he had quit his job to run the store  
19 and the organization full time.

20 Q. Now, when you say board of directors'  
21 talks, do you mean talks that occurred  
22 previous to this --

23 A. Yes.

24 Q. -- conference call?

25 A. Previous to that. And --

1 Q. Jeff told you that he had quit his job  
2 to run the store full time?

3 A. Jeff told us he quit his job within a  
4 week or two of it happening, and that was  
5 spring, early summer of 2006. I don't know  
6 exactly, it's his job. But at the time that  
7 Jeff quit working to run the Patriot Guard  
8 Riders full time, that's what made me ask  
9 the first question. It does not take a  
10 rocket scientist to figure out that a man is  
11 quitting a job and lives in a nice house,  
12 has a nice means of income, this all  
13 happened before the Patriot Guard Riders;  
14 that somehow he's going to be supporting  
15 himself. So that's where I personally --  
16 that's where Snap personally keyed in on.

17 And one of the single biggest peas  
18 that I've always had in this whole dispute  
19 was that nobody knew Jeff was making any  
20 money, but yet he had told us that he quit  
21 his job and was doing the Patriot Guard  
22 Riders full time. And I knew that every  
23 time I ordered something it came from Broken  
24 Arrow, Oklahoma. I mean, maybe I don't  
25 remember him saying exactly that he ran and

1 owned the store and was making the profits  
2 on it, but -- everybody had to -- well, I  
3 can't speak for everybody. Maybe I'm just  
4 more intelligent than the average soul, but  
5 I just had to assume he was earning a living  
6 and wasn't living on the street and running  
7 the Patriot Guard Riders' store and giving  
8 up his means of income. That's -- I would  
9 like to believe people are not that naive,  
10 but maybe I'm wrong.

11 MRS. BLUE: Let's take a two  
12 second break here.

13 (A short recess was had)

14 MRS. BLUE: Let's go back on the  
15 Record. All right, Ronny, I'll just remind  
16 you; you know we took a break, but,  
17 obviously, you're still under oath.

18 THE WITNESS: Okay.

19 BY MRS. BLUE:

20 Q. All right. Let's go back a little bit  
21 to the time before Jeff's resignation. Were  
22 you ever a party to any discussion with Jeff  
23 regarding Jason Wallin and his duties as  
24 treasurer?

25 A. Well, I mean, on the board calls he

1 was visibly upset about people calling in  
2 looking for monies that were supposed to  
3 have been paid and that were not being taken  
4 care of. And he was paying the funds and  
5 asking for a checkbook. And that's when he  
6 became vocal about calling for an audit on  
7 the Patriot Guard Rider, Incorporated Bank  
8 of Oklahoma bank account.

9 Q. Was Jason on these calls when Jeff was  
10 calling for an audit?

11 A. Jason wasn't anywhere to be found.  
12 Jason wasn't answering calls. His voice  
13 mail was completely blocked up, you know,  
14 "This mail box is full." He was not  
15 answering emails. Once a week or so you  
16 might be able to get hold of him. He did  
17 take some calls from me specifically. I  
18 don't know who else, but he did take a call  
19 from me every blue moon, because I was  
20 running the website. And as I said, I was a  
21 gorilla with a machine gun. I'm convinced I  
22 crashed it for three days just trying to  
23 help.

24 Q. A feat to be proud of there. Who else  
25 was on the telephone calls where Jeff asked

1 for or -- what'd you say, upset about the  
2 checkbooks and the monies being paid?

3 A. There were board of directors com  
4 calls, so I mean, that long ago it happened  
5 several times over the course of probably a  
6 month.

7 Q. Okay.

8 A. And you -- and the board of directors,  
9 the five-man board, minus Jason, were on the  
10 call. Jason may have been there and heard  
11 that direct once or twice. I don't know if  
12 he made any of those calls in that period.  
13 But they had to be aware of what we were  
14 looking for because by then Jeff was sending  
15 folks to his house. And there were at that  
16 time national department heads.

17 At that particular time there was a  
18 group of people which we call national  
19 department heads which consisted of -- and I  
20 don't know if any of these people were  
21 specifically, but all of them could have  
22 been: Tom, Elise was the mail team. I  
23 don't know, Bill might have been as -- you  
24 can ask him, as the head forum guy. I don't  
25 know if he was the forum guy at that

1 particular time, but there were a group of  
2 four or five department heads that were  
3 regularly on these calls in some capacity,  
4 shape, form, or fashion that may or may not  
5 have been there. So those particular ones  
6 were privy, were at least available to the  
7 five-man board and possibly five other  
8 department head-type people that possibly  
9 heard that.

10 Q. Okay. Do you know if Jason Wallin is  
11 still involved with the PGR?

12 A. I do not. Due to his intricate nature  
13 with the website, he was contacted several  
14 times after his resignation.

15 Q. When you say, "his resignation," do  
16 you mean his resignation as officer, or as a  
17 member, what?

18 A. As board of directors when the PayPal  
19 discrepancies were brought to light. There  
20 was --

21 Q. We're going to talk about those in  
22 just a second.

23 A. Okay.

24 Q. You testified a few minutes ago that  
25 there were, in your mind, some discrepancies

1 in the PayPal accounts. Are you telling us  
2 that Jason took money from the organization?

3 A. Okay, this is a two part answer.

4 Q. Okay.

5 A. Originally with Jeff's resignation,  
6 and Jason had already confided in me and I  
7 don't know who else, but me for sure, that  
8 the deal was that Jeff did the store and  
9 that Jason got the website Google ads, the  
10 funds from those, and that was to offset  
11 their costs for time and effort. That when  
12 it all rained down on Jeff and he had  
13 resigned, within days I said, "Now, Jason,  
14 what about you and the Google ads?" And  
15 within a couple of hours he had sent a  
16 Promissory Note and said what had happened;  
17 if he needed to be pulled, whatever, he'd be  
18 pulled, resign or whatever, but that he had  
19 confided the deal that him and Jeff had been  
20 operating under since the founding of the  
21 organization.

22 And at that time the organization  
23 forgave him for debts based on he signed all  
24 ownership of servers, of everything involved  
25 with the organization, he signed all of that

1 over. And I specifically asked him on those  
2 calls, I said, "Was it Google ads only or  
3 was it the Healing Field shirts and  
4 everything else that was sold through the  
5 website?" And meaning everything excepting  
6 the official store and whatever capacity it  
7 existed. And he said --

8 MR. O'MALLEY: Objection; hearsay.

9 A. He said that it was entirely -- that  
10 was all that he had got was just the PayPal  
11 for the Google ads. So we still wanted to  
12 verify just based on judiciary  
13 responsibility that that indeed was true.  
14 And I can remember Bonnie and Ed thought,  
15 no, we don't need to and --

16 MR. O'MALLEY: Objection; hearsay.

17 A. -- and on the board official call.  
18 And Snap said I think --

19 MR. O'MALLEY: Objection; hearsay.

20 A. -- it would be better to proceed with  
21 this. So the board took an official vote,  
22 and we went -- we went ahead and decided we  
23 were going to do an audit on the PayPal  
24 accounts.

25 BY MRS. BLUE:

1 Q. What did you say to the board  
2 regarding the PayPal audit?

3 A. That was -- okay, at this same time,  
4 this is when Jason said, "And now I'll turn  
5 --"

6 MR. O'MALLEY: Objection; hearsay.

7 A. -- I'm turning this over. I no longer  
8 want to be the treasurer. Somebody else has  
9 to step in and be the treasurer.

10 BY MRS. BLUE:

11 Q. Did you have any response to Jason  
12 when he said that? What did you say to  
13 Jason about that?

14 A. Well, that's -- on that call I asked  
15 him was it only those funds or was it the  
16 other merchandise sold; the Healing Field  
17 flags and the donations for the flags, and  
18 he said no, that was only those accounts.  
19 That was all that was there.

20 Q. Okay.

21 A. So we voted as a board so to ahead and  
22 pull a PayPal audit, and Jason was going to  
23 supply the PayPal records. Because they  
24 were his personal PayPal account, he was  
25 going to supply the PayPal records to John

1 Tatum, the accountant. And this went back  
2 and forth for several months about getting  
3 the records to the accountant.

4 I took this extremely -- I took a  
5 large degree of importance to this because  
6 now I was a treasurer based on people  
7 calling self-dealing on Jeff, me having  
8 knowledge that Jason had done this, I wanted  
9 the PayPal cleared up.

10 Jason never supplied anything to the  
11 accountant except for a standard Microsoft  
12 Word document with some figures plugged in  
13 it -- or an Excel's document with some  
14 figures plugged in it and sent them over.  
15 And the accountant said, "I can't do  
16 anything with this." And --

17 Q. Did the accountant say that to you?

18 A. The accountant said that to me, who  
19 reported to it the board. Because as  
20 treasurer, I was the contact with the  
21 accountant and the bank officers.

22 Q. Did this communication take place in  
23 writing, or did you all talk on the  
24 telephone?

25 A. I did -- most of the my communications

1 with John Tatum I did on the telephone.

2 Q. Okay.

3 A. However, in February or so, I  
4 called -- I was starting to get upset  
5 because this was going nowhere, and it  
6 looked bad that it was installing. And  
7 Jason would say, "Oh, well, I sent you my  
8 records." It's like, "No, no. Well, he's  
9 an accountant, send him officially what he  
10 needs."

11 And I called the accountant to see how  
12 it was going. I talked to the accountant  
13 three or four times a week. And I called  
14 him to see how it was going, and he told me  
15 that he had been called off the  
16 investigation by Snap, who was the then  
17 sitting president. And I said, "Not good."  
18 I said, "I am the treasurer." I said, "if  
19 that's where you stand." And I talked to  
20 Snap and he said, you know, it just needed  
21 to go away.

22 And I received a letter at that time,  
23 and I have it somewhere from John Tatum. I  
24 told him, "I want a letter that I did not  
25 initiate the closing of the investigation

1 into Jason's PayPal account. That as  
2 treasurer this was not mine. This was --  
3 the president had put a stop to this, and  
4 that if it's coming to an end it's not at my  
5 bequest," and he supplied that letter.

6 Q. Okay. Now, a second ago I thought I  
7 heard you testify that Jason had sent in a  
8 Promissory Note to the board?

9 A. Okay. That was -- there was two.  
10 Jason said in regards to -- that this was  
11 all the money that was missing, and that he  
12 was signing over -- it was like \$12,000 or  
13 something, and he was signing over all the  
14 servers and all that official gadgetry to  
15 the organization, all his ownership to it.  
16 At which point I asked him, "Is that  
17 everything, including the stuff on the  
18 store?" And he said, "Yes." So there  
19 are -- yes, he did turn over a Promissory  
20 Note, but only for the Google ads.

21 Q. Now --

22 A. What was later in discrepancy was when  
23 we actually found records of the PayPal  
24 transactions was he had actually pocketed  
25 all the money through his PayPal account for

1 all the Healing Field flags, for all the  
2 Healing Field shirts, for any of the Sturgis  
3 Patriot Guard shirts he had made, for any of  
4 that -- that had all gone to Jason.

5 Q. Now, let me ask you this: How did he  
6 send that Promissory Note. Did he send it  
7 by email, did he --

8 A. By email, and he sent it to all the  
9 board members.

10 Q. Do you have a copy of that email?

11 A. Somewhere I do. Don't have it with  
12 me, but somewhere I do.

13 Q. Well, it's possible that I have missed  
14 that email in the massive amounts of  
15 documents that have been produced in this  
16 case, but I have not seen that.

17 MRS. BLUE: Do you know if that's  
18 been made available.

19 MR. O'MALLEY: I'm not positive  
20 right now.

21 MRS. BLUE: To the extent that it  
22 hasn't and you have possession of it, I'm  
23 going to ask that you make it available.  
24 I've asked for that --

25 MR. O'MALLEY: Sure.

1 MRS. BLUE: -- in production.

2 BY MRS. BLUE:

3 Q. Okay, let's go back to the this  
4 spreadsheet for a minute. How was that  
5 spreadsheet transmitted to the board; was it  
6 via email. Did you mail a letter to  
7 somebody?

8 A. The initial dollar amount that he  
9 was --

10 Q. Uh-huh.

11 A. Okay, he -- okay, you got to  
12 understand. It was real dicey in how this  
13 whole thing transpired because originally  
14 when Jeff was -- resigned, I said, "What  
15 about your part, Jason?" And Jason then  
16 came clean, but what he said was the Google  
17 ads only.

18 Q. Uh-huh.

19 A. And that's what we requested the  
20 PayPal account was to verify that what he  
21 was coming clean on was accurate, which  
22 later it was far, far from accurate upon  
23 prudent investigation, and to the tune of  
24 \$130,000 not accurate. But if --

25 Q. Was that your investigation or John

1 Tatum's?

2 A. That's my investigation. And what I  
3 found out later, John Tatum reconciled my  
4 numbers as good. Ed Mueller went back to  
5 John Tatum with numbers because Jason  
6 protested the accounting on it. And Jason  
7 later presented a document which said  
8 something to the effect of he itemized what  
9 he had paid for, like the trip to  
10 Washington, DC, and the hotel fees and the  
11 trip to Indianapolis for the Indy 500, that  
12 he had all paid for.

13 However -- and it was my understanding  
14 from Jason and Jeff that Jeff had reimbursed  
15 for those costs as official Patriot Guard  
16 Rider stuff. And Jason was still claiming  
17 these items as he had paid them. So  
18 probably by combining, you know, receipts  
19 from Jeff the truth could have been got to.  
20 But my understanding is that Jason was  
21 double-dealing himself on what was actually  
22 what he was claiming as expenses. Because  
23 somehow it went from \$130,000 to \$30,000 I  
24 think was near the official estimate. And  
25 \$100,000 worth of petty expenses is a pretty

1 hard number to reconcile. I can't imagine  
2 being -- if it was an IRS audit, I can't  
3 imagine writing off \$100,000 worth of petty  
4 expenses and getting away with it. But  
5 that's the number that Ed officially  
6 released.

7 Later, after my audit and John Tatum's  
8 approval of my audit, then I do know that  
9 there was some back and forth with the  
10 board. This was after I was gone, because  
11 Jason officially --

12 MR. O'MALLEY: Objection; hearsay.

13 BY MRS. BLUE:

14 Q. Do you know how Ed released that  
15 number or that audit?

16 A. On the Internet. I mean, on the  
17 website, I believe.

18 Q. Okay. Was it in any kind of a secured  
19 form, or could anybody see it?

20 A. I don't remember. By this point,  
21 frankly, I didn't log on to the Patriot  
22 Guard Riders' website after my resignation.  
23 I didn't attempt to log on -- maybe once or  
24 twice just to log on and to see if my  
25 account was active and if my state cap pulls

1 had been activated but never really to do  
2 anything. I don't remember intentionally  
3 logging on to verify until David David's  
4 removal and my website privileges had been  
5 removed, and Hal Horton had told me I had  
6 been banned from the website.

7 Q. So what is your understanding of the  
8 total amount of money that Jason Wallin  
9 supposedly took?

10 A. \$130,000, approximately; I don't have  
11 that number in front of me.

12 Q. Well, did Jason ever make an admission  
13 of that in writing anywhere?

14 A. No. To the best of my knowledge, no.  
15 He didn't like my numbers, as he said that  
16 he -- some of those were legitimate, as I  
17 just explained, that Jeff had claimed that  
18 he had reimbursed Jason for.

19 Q. Okay. Was --

20 A. And that's --

21 Q. -- Jason, I'm sorry, go ahead.

22 A. In all honesty, at no point in my  
23 investigation as treasurer was I allowed to  
24 seek verification of reimbursement of funds  
25 from Jeff.

1 Q. Why not?

2 A. Because I was -- Bonnie Cutler and Ed  
3 Mueller basically thought I was Jeff's  
4 puppet and spied on the board of directors,  
5 and I had been ordered by that point to  
6 cease and desist Patriot Guard  
7 communications with Jeff. And, frankly,  
8 nothing he could have brought to the table  
9 in that audit anybody gave a damn about.

10 Q. And when you say you weren't allowed  
11 to seek reimbursement of funds from Jeff, do  
12 you mean that you weren't allowed --

13 A. No, no, no, Jason's reimbursement.  
14 Jason claimed --

15 Q. You weren't allowed to seek any  
16 information regarding the reimbursements  
17 that Jason was claiming; is that what you're  
18 saying?

19 A. Correct.

20 Q. Okay, I just wanted to clarify that.  
21 Was Jason allowed to continue in his  
22 leadership role? I think you said he was a  
23 secretary after the results of this audit.

24 A. No, no, no. As soon as -- in setting  
25 up a donations account for the Patriot Guard

1 Riders, my American Express secured all the  
2 Patriot Guard Riders' PayPal accounts. I  
3 don't know if they still do, but as recently  
4 as six months ago I couldn't use one of my  
5 American Express cards on PayPal because it  
6 was securing an account, and the only  
7 account it was linked with was Patriot Guard  
8 Riders, but I was creating a donations  
9 account.

10 Now, I went to create a Patriot Guard  
11 Riders' email address -- and this is the  
12 whole thing that brought Jason to light.  
13 But previous to that Jeff had been screaming  
14 all along something along these lines in the  
15 background. And various people, Carey  
16 Hamilton and others had brought this up, and  
17 I frankly thought it was -- at the time I  
18 frankly thought that it was just hard  
19 feelings on Jeff screaming about Jason.

20 And I told Jeff at one time that if  
21 this is true and I can find anything about  
22 it, I promise you I'll bring it to light,  
23 and that's the PayPal kind of meander.

24 But in the creation of this donation  
25 account the mail server came back and said,

1 this donation that Patriot Guard already  
2 exists. So I went to it, and I looked at  
3 it. And like most of the Patriot Guard  
4 accounts at that time there was three  
5 thousand spam messages stuck on it. And I  
6 scrolled all the way down to the first of it  
7 and, lo and behold, all the way back to the  
8 initial opening of the Bank of Oklahoma  
9 account that Jason Wallin was treasurer on  
10 to, I believe it was late February of 2006,  
11 was every single PayPal transaction that  
12 Jason would not turn over to the  
13 organization in that email. And I merely  
14 spent three days sorting through spam and  
15 pulling out the good email addresses so that  
16 I could actually run a set of numbers.

17           The first night that I found it after  
18 about three hours of hammering through this  
19 and getting a fraction of the way into it, I  
20 had already found \$30,000 worth of  
21 transactions in here, and they were  
22 everything. They were peoples' Healing  
23 Fields shirts, and there were -- and the  
24 funny thing about it is I don't remember any  
25 transactions from Google ads. There were no

1 Google ads. It was -- all the PayPal  
2 transactions were completely linked to  
3 Healing Field shirts, to sponsoring flags,  
4 to the Sturgis shirts, to special events  
5 that we would put up on the website that was  
6 supposed to be paid, the \$20,000 to the  
7 vendor that was calling us a crook at that  
8 point that Jeff paid.

9         So at that point, frankly, that's when  
10 lots of the events of the past started to  
11 gel into chronological order that you could  
12 actually put together. Because in the fast  
13 growing phase, as I've said, one of the big  
14 deficits of the boards -- I sat on  
15 officially two boards. Let's call it the  
16 original board, which was Jeff, Jason, and  
17 us, and then the next board which was led by  
18 Snap and us, and then a month or two into  
19 the next board, so let's just say two  
20 official boards that I was partaking in. We  
21 left very little documentation. We left  
22 very little trail. That's why we initiated  
23 the advisory status for past board members  
24 so that -- to try to pick our brains so we  
25 could help you all move along because there

1 wasn't any time.

2           As I said, the time around Jeff's  
3 resignation you will find a thread in there  
4 with Monica Mead pushing and pushing and  
5 pushing. And, frankly, in an open thread,  
6 it was not an open thread, it was in a ride  
7 captains' thread, I called her a bitch  
8 because she pushed so hard. And I got more  
9 fan mail out of that statement, state  
10 captains from all over the country said,  
11 "I've been waiting on one of you board of  
12 directors to say that."

13           And -- but, yeah, that's exactly where  
14 it was. There was just such an uproar that  
15 there was not time to do anything. So being  
16 able to sit back and look at the  
17 chronological order of things, that at this  
18 point where I sit today, Jeff knew damn good  
19 and well that Jason was ripping off the  
20 organization; was calling for the checkbooks  
21 to get out of that man's hand, and an audit  
22 into what was happening.

23           At that point Jason talked to me in  
24 August about how to start crossing Jeff out  
25 to get him out of the occasion, which later

1 culminated with the uproar that took place.  
2 Jason's first initial call to, "Let's have a  
3 call to get Jeff out of here while he's out  
4 of town." And Jason not coming clean on any  
5 of his own dirt until I said, "Jason, what  
6 about your Google ads?" And Jason said,  
7 "Oh, yeah, here's how much I got, and here's  
8 a list of the stuff I've given to the  
9 organization," and the board said, "Okay,  
10 clear."

11 Q. Okay. All right, so at this time did  
12 Jason have any control over the PGR website  
13 or its domain name?

14 A. Absolutely. That was the single  
15 biggest fear that the original five-man  
16 board had of launching Jason and just firing  
17 him outright was that Jason was the only  
18 person in the organization that knew where  
19 the servers were.

20 Jason could have unplugged the  
21 computers and gone home, and it would have  
22 essentially shut us down. We might have  
23 been able to get it back up and running.  
24 And that's one of the things that we were  
25 looking at. Right there around this time

1 leading up to it was we were looking at  
2 alternative methods of mirroring the website  
3 onto Go Daddy or something, and we were  
4 looking at that kind of thing right around  
5 now, too.

6 Q. Did Jason threaten to take the servers  
7 or unplug them?

8 A. No.

9 Q. Do you know if Jason owned the Patriot  
10 Guard dot org website or domain name at that  
11 time?

12 A. At that time the Patriot Guard dot org  
13 was registered to Jason Wallin. And like  
14 other things, I later found out that for the  
15 first two years of our organization we  
16 didn't even have license to dot net Nuke,  
17 our website. Our physical software was  
18 Jason's copy of it because as I was looking  
19 to purchase other modules in 2007 or to move  
20 down the road, Jason told me to be real  
21 careful because that's not registered.

22 MR. O'MALLEY: Objection; hearsay.

23 BY MRS. BLUE:

24 Q. Did you verify whether those were  
25 registered?

1       A. Frankly, I didn't know how to  
2 register; I didn't know how to verify. I  
3 just did what I was told and tried not to  
4 stir up any trouble that would have shut us  
5 down.

6       Q. Where were the servers located  
7 physically, do you know?

8       A. In a co-location --

9       Q. In November of 2006. Let me clarify  
10 that?

11       A. In November of 2006, I had already  
12 learned that they were in a co-location  
13 facility that -- called Whatwire, and they  
14 were not physically in his home. We were  
15 worried that they were in his home, that  
16 he'd unplug it, and now he's got the servers  
17 and everything.

18       Q. Okay. Okay, let me introduce our  
19 Exhibit 2.

20                       (Whereupon Deposition Exhibit Number  
21 2 was marked for identification.)

22 BY MRS. BLUE:

23       Q. This is a series of posts on the PGR  
24 forum that were produced in response to our  
25 document production requests to the PGR.

1 They're Bate's stamped PGR 003530.

2           Okay, Ronny, if you'll look at this  
3 for us and tell us who is the poster on this  
4 first page, which at the top is Page three  
5 of ten. I think that probably refers to a  
6 thread on the website.

7           A. Yes, that's "Waldo," Jason Wallin.

8           Q. Okay. If you'll go to page five of ten?

9           A. Okay.

10          Q. We're going to read beginning with, "I  
11 want to make..." would you read that to us?

12          A. "I want to make this formal notice  
13 that as of today all software and  
14 hardware used for the website,  
15 servers, firewalls, and switches are  
16 donated to the PGR, Incorporated. In  
17 addition I am releasing any claim I  
18 have to the domain name patriotguard  
19 dot org. FYI --"

20          Q. That's good, thanks. So what's the  
21 date on this post?

22          A. The date on this post is 11-21 of 2 --  
23 oh, hold on, that's the date it was printed.  
24 The 10th of November, 2006.

25          Q. Is that before or after Jeff Brown was

1 asked to resign?

2 A. That is after. This is -- this is  
3 within a day of me calling him on the mat  
4 about his own --

5 Q. Okay. Now, is there anything that --  
6 in this post that reminds you of any other  
7 circumstances that led to this ownership  
8 transfer between Jason and the PGR?

9 A. I'm sorry, clarify?

10 Q. Sure. That wasn't a very clear  
11 question, I'm sorry.

12 Having reading this post now, and if  
13 you want to certainly take some time and  
14 familiarize yourself with the rest of it,  
15 but does it give you the opportunity to  
16 refresh your recollection about anything  
17 else Jason might have said about  
18 transferring those servers back to the PGR?

19 And if it doesn't, then that's fine.  
20 I just want you to take a look at it and see  
21 if it reminds you of anything that happened  
22 about that time?

23 A. Well, the bylaws as he's talking about  
24 it, he does say that they're working on the  
25 new ones. The original bylaws are the

1 three-man board which were never updated.

2 Q. Okay. All right, let me ask you this  
3 -- actually, I'm going to go ahead and  
4 introduce in, this is Number 3.

5 (Whereupon Deposition Exhibit Number  
6 3 was marked for identification.)

7 BY MRS. BLUE:

8 Q. This is Page 59 of the testimony you  
9 gave on October 28th, 2003 in this matter.  
10 If you'll take a quick second and look at  
11 that.

12 (Off the Record)

13 A. Okay, go ahead.

14 BY MRS. BLUE:

15 Q. Okay. If you'll take a look at your  
16 Answer that begins at the top of the page  
17 after the little letter A, it looks like you  
18 testified that there was a fear that if too  
19 hard a move was made against Jason, he would  
20 shut the Patriot Guard Riders down. Is that  
21 your testimony from earlier; do you remember  
22 that?

23 A. Yes.

24 Q. Okay. And why did the -- why was  
25 there a fear about that? Let me ask it that

1 way.

2 A. Well, because he still had the  
3 technical ability, such as when I later  
4 discovered, the very night that I discovered  
5 the email account for donations that showed  
6 the listing of the PayPal transactions, and  
7 I immediately called Jason, immediately that  
8 is after I did a backup and saved all of  
9 those answers. I immediately called Jason  
10 and said, "What the hey, Buddy. I just  
11 found all of these things. What's going  
12 on?" And he said blah, bluh, bluh, bluh; he  
13 just stuttered and mumbled and had no valid  
14 reason for them, and then he knew what I had  
15 found.

16 That very night my personal -- nobody  
17 else's personal email suffered this, but  
18 that very night donations at Patriot Guard  
19 dot org disappeared. And --

20 Q. Donations, monetary donations or the  
21 button that you could use to donate on the  
22 website?

23 A. No, the emails that I had found that  
24 substantiated Jason's stuff from the  
25 organization disappeared from the mail

1 servers. Not anybody could do that.  
2 Somebody with administration privileges and  
3 access of where to even go and look had to  
4 know where that was to physically go remove  
5 that body of emails, that proof that Jason  
6 had stolen.

7 Q. Okay.

8 A. At which point I raised bloody hell.  
9 And, lo and behold, there was an old backup  
10 Jason found that he could restore those  
11 from, but I already had a backup that I had  
12 saved before I had called him. And that was  
13 within hours, days at the most, of Jason  
14 resigning. As soon as he knew that I had  
15 found that, Jason resigned.

16 Q. So it was that deletion of those  
17 emails that gave rise to the board's fear  
18 that he would shut down the website?

19 A. No, just the general fear that --  
20 okay, I can't say it any other way than in  
21 regards to the website, Jason was almost  
22 Omnipotent. When I said guru earlier, I  
23 mean just that. There were aspects of our  
24 organization that nobody -- we kept bringing  
25 in, "Do we have a volunteer that could do

1 this?" And we kept bringing in people who  
2 would flounder and do nothing and talk about  
3 how this program might be bad or that, and  
4 never do anything productive, which gave  
5 rise to me saying that, "I can't really be  
6 doing this."

7 And I initially gave Bill Richarts and  
8 Neal Hoopert in the original organization  
9 chart, co -- talked to the board about it  
10 and, they were co-website administrators, or  
11 co-directors of that facility, because I  
12 didn't wanted to do it. It was -- the  
13 expertise to run it were outside of mine,  
14 and hopefully the goal was to find somebody  
15 who could do it because we kept floundering.  
16 So, I mean, literally there are things  
17 called back doors. There's all kinds of --  
18 it is real easy to sabotage websites if  
19 you're an ace computer programmer, and  
20 you're surrounded by gorillas with machine  
21 guns.

22 Q. Well, let me ask you this question --

23 A. And we -- and up until just before --  
24 just before Jeff's removal -- now, this is  
25 much later; this is in August of '07. Until

1 right at the time of Jeff's resignation,  
2 nobody knew where the servers were.

3 Q. So Jason wasn't removed until August  
4 of '07?

5 A. Right.

6 Q. Okay.

7 A. He was originally found that he did  
8 the Google's -- that's I keep getting  
9 confused at, because there's two scenarios.  
10 One, he came clean on the Google ad, but he  
11 only came clean on a quart when he had  
12 actually stole 500 gallons. And that's --  
13 that took awhile to find through the  
14 stumbling of the donations at Patriot Guard  
15 website to actually prove that. And Jason  
16 knew where the servers were; nobody else  
17 did. Jason knew how to run the servers;  
18 nobody else did. There was so much to do  
19 with the original computers of the  
20 organization that, yes, Jason could have had  
21 a backdoor login or any kind of stuff.  
22 Jason -- we were scared that if we went at  
23 Jason too hard, he would shut the  
24 organization down.

25 Q. Now, since --

1       A. And nobody knew how to stop him or  
2 even to verify if he had done it. I only  
3 use the missing emails to justify my  
4 statement in that I find the proof and it  
5 disappears.

6       Q. Okay. All right, well, what is the  
7 scope of the Patriot Guard organization.  
8 How many states do members live in?

9       A. All of them.

10      Q. Okay. So --

11      A. Plus protectorates.

12      Q. All right, so how do those members  
13 communicate with one another?

14      A. Well, primarily the initial way of  
15 communication is to monitor the website.

16      Q. Okay, so is the -- the website's the  
17 primary means of communication then?

18      A. Absolutely, first and foremost.

19      Q. And so if you shut that website down,  
20 what happens to the organization?

21      A. It dies. I mean, it could be  
22 recovered, but what happens to the  
23 organization, It dies. I mean, everybody  
24 goes into panic mode until some kind of Plan  
25 B is popped up and you go. I understand

1 that there's -- probably much better now,  
2 which was the direction we were trying to go  
3 to back then, but at that particular time  
4 it's dead, bingo.

5 And the other thing, there was another  
6 method of communication, which is the  
7 national contact coordinator, and that was  
8 the mail server. And once again, the only  
9 other backup or secondary system we had,  
10 Jason was the omnipotent guru over that as  
11 well, so --

12 Q. Okay. So if Jason had been hit by a  
13 bus, what would have happened?

14 A. It would have got ugly. We wouldn't  
15 have known where to go. We wouldn't even  
16 have known where to go push a button to turn  
17 the servers back on.

18 Q. Okay. All right, so who owns the  
19 domain name now, to the best of your knowledge?

20 A. Jason signed the domain name over at  
21 the time that he came clean on the Google  
22 ads at Jeff's removal in November of '06.  
23 That's when --

24 Q. He signed it over to who?

25 A. The Patriot Guard Riders dot org.

1 Q. Okay, was --

2 A. -- or is it --

3 Q. Was that before or after the Patriot  
4 Guard Riders had some form of incorporation?

5 A. Okay.

6 Q. Whatever that was, whether it was a  
7 501 c 3 or anything else?

8 A. That was after.

9 Q. Okay, all right. You have talked a  
10 little bit about Jon Tatum. Do you know  
11 where Jon Tatum lives?

12 A. Not now, but he did live here in  
13 Tulsa. And when I was dealing with him  
14 primarily, he lived in Tennessee.

15 Q. Okay. And what's John Tatum's  
16 profession?

17 A. He is an accountant.

18 Q. Okay. Do you know if he's a CPA?

19 A. I do not know that for sure. I always  
20 thought he was, and I had later been told  
21 that he was not.

22 Q. Okay. Do you know who hired John  
23 Tatum on behalf of the Patriot Guard  
24 organization?

25 A. Jeff.

1 Q. Okay. Do you know when Jeff hired him?

2 A. I do not know because he was already  
3 in place at the time of Jeff's removal.  
4 Because when Jason said, "That I will not  
5 be --" as he said here, "that I will not be  
6 handling any money any more, period," I  
7 immediately started dealing with Jon Tatum,  
8 our accountant, to set up our treasury, so  
9 he was already in place.

10 Q. Okay. Was there any connection  
11 between the hiring of John Tatum to perform  
12 an audit and Jeff's resignation other than  
13 the concern over Jason's failure to turn  
14 over the checkbooks?

15 A. Repeat the question?

16 Q. Well, let me ask it a different way.  
17 That's too hard. Why did Jeff hire Jon  
18 Tatum?

19 A. Jeff hired Jon Tatum to go over the  
20 Patriot Guard Riders books.

21 Q. Okay.

22 A. Because he had been paying the Patriot  
23 Guard Riders' expenses rather than the  
24 Patriot Guard Riders for stuff that the  
25 Patriot Guard Riders was selling in a

1 special event store on its own website that  
2 was supposed to be entirely connected to the  
3 Patriot Guard Riders' corporate bank  
4 account.

5 Q. And tell us about that a little bit.

6 A. Well, that's the Healing Fields, the  
7 Healing Field flags, shirts, Sturgis shirts,  
8 were all initially -- Healing Fields was  
9 something Jason brought to the organization.  
10 We voted that, yeah, it sounded like a good  
11 idea. They were going to put up a flag for  
12 every soldier killed in --

13 Q. Who voted that?

14 A. The five -- the first five-man board  
15 being Bonnie, myself, Snap.

16 Q. Okay.

17 A. Jeff, Jason. And we thought that  
18 would be a wonderful idea to sponsor this.  
19 They were putting up a flag with a name on  
20 it for every soldier who had been killed in  
21 the war on terror.

22 And to sponsor it, because it was  
23 going to cost a large sum of money, we were  
24 going to sell sponsorships of flags, at  
25 which point I believe you could request the

1 flag and the pole that it was on returned  
2 when the Healing Fields were torn down. And  
3 you could also -- or you could just donate  
4 the money, and you could also purchase a tee  
5 shirt, either a Sturgis or a Sturgis Healing  
6 Fields shirt. And to do that, that was  
7 going to be separate. We talked about it  
8 directly, and that was going to be separate  
9 from the Patriot Guard Riders store, and it  
10 was going to run through what we were going  
11 to term a special event store.

12 Q. Why was it going to be separate from  
13 the Patriot Guard store?

14 A. Because it was a special event, and  
15 Jason was going to oversee it.

16 Q. Whose decision was that?

17 A. That was the board of directors.

18 Q. Was Jeff involved in the board of  
19 directors at that time?

20 A. Yes.

21 Q. Okay. Okay, so you were selling the  
22 Sturgis tee-shirts on this special part of  
23 the website?

24 A. Yes. The front page, actually.

25 Q. Okay.

1 A. Actually, the middle of the front page  
2 of the website.

3 Q. And Jeff hired Jon Tatum to help sort  
4 out the money from those sales; is that what  
5 you testified to?

6 A. Yes, that the people were calling --  
7 basically, we were crooks and leaving them  
8 with bad debts because we sponsored the  
9 Healing Fields and weren't sending them any  
10 money. And the South Dakota state captain  
11 had called Jeff, not -- yeah, had called  
12 Jeff --

13 MR. O'MALLEY: Objection; hearsay.

14 A. And Jeff brought it to the board, and  
15 the board decided that we needed to pay the  
16 bills. Jeff said he would write them a  
17 check, but he wanted the checkbooks back,  
18 and he wanted an audit on the accounts.

19 BY MRS. BLUE:

20 Q. Okay. Was any legal action ever taken  
21 against Jason Wallin for the funds that  
22 couldn't be accounted for?

23 A. Not the ones that he -- not the --  
24 okay, for the ones that could be accounted  
25 for, that's -- the ones denied --

1 Q. Let's do it another way.

2 A. Okay, for the --

3 Q. Did the board or the organization ever  
4 take any legal action against Jason Wallin?

5 A. What we did was we contacted the FBI.  
6 And the FBI told us -- now this is -- Ed  
7 Mueller reported back to the board that his  
8 conversation with the FBI --

9 MR. O'MALLEY: Objection; hearsay.

10 A. -- when he was president was that the  
11 official stance of the FBI was they'll put  
12 it in the -- they'll turn in the complaint,  
13 and that usually in, usually in events of  
14 corporate -- oh, I don't know the word;  
15 corporate theft, essentially, that if it's  
16 not in a quarter million dollar or higher  
17 range, they generally don't waste their time  
18 with it. But they will leave it on file,  
19 and that will be up for their in-house  
20 investigators to decide, and they'll call us  
21 back if they ever want to talk to us.

22 BY MRS. BLUE:

23 Q. Was there any email exchanged among  
24 the board members regarding this FBI  
25 investigation?

1 A. I don't remember.

2 Q. Did you personally have any  
3 conversation or express any opinion to any  
4 other board member about the FBI investigation?

5 A. Well, it was a topic that was brought  
6 forward. We voted to call the FBI. And Ed  
7 was the point man on the board of directors  
8 assigned to be the contact to the FBI and to  
9 report back the findings from them. So,  
10 yes, there was discussion in that matter.  
11 There was also discussion about pursuing the  
12 money from Jason.

13 Q. Was that done?

14 A. The money was not pursued from Jason  
15 because the legal costs to recover what he  
16 was -- what he had stolen, I think the term  
17 I used on the conference call was, "You  
18 can't squeeze blood out of a turnip," along  
19 with several other people felt the same way.  
20 So throwing good money after bad would have  
21 proven to be a bad judiciary responsibility  
22 on the part of the board. We were advised  
23 by our accountant along that same realm and  
24 the corporate attorney.

25 Q. Your accountant being Jon Tatum?

1 A. Jon Tatum.

2 Q. Okay.

3 A. And we were advised by Jon Tatum that  
4 our best act would be to send Jason a 1099,  
5 I think, and bill him for those -- stuff.  
6 So at some -- so that we as an organization  
7 recognized that there had been that money,  
8 and that it wasn't -- just disappeared, to  
9 take us off the hook for misappropriating  
10 the funds.

11 And we had the complaint filed with  
12 the FBI, along with the 1099 to back up that  
13 we're saying the money did exist, and it  
14 does not exist any longer. And this is the  
15 easiest way for us to get out of it without  
16 spending any more money.

17 Q. Okay. After the decision was made to  
18 contact the FBI, was Jason still treasurer?

19 A. No, Jason was gone. Jason resigned.

20 Q. He resigned as a member as well?

21 A. No, he resigned from the board of  
22 directors. I don't think his membership was  
23 ever questioned. I don't think it was.

24 Q. Do you remember the date that Jason  
25 resigned?

1       A. Approximately August the 15th of 2007,  
2 somewhere in there.

3       Q. Did the audit that Jon Tatum conducted  
4 provide the organization with any other  
5 information that you recall?

6       A. No.

7       Q. Okay. Did that audit suggest that  
8 there had been any other PGR member or  
9 leader that had misused funds?

10      A. No.

11      Q. Were the audit results released to the  
12 membership at large of the organization?

13      A. That was after I had left. As I --  
14 earlier something was on the website. I  
15 don't remember the extent. It might have  
16 been in the presidential corner or something  
17 there or a formal announcement but --

18      Q. Who would have been president?

19      A. That would have been Ed Mueller.

20      Q. Okay, so he would have posted that?

21      A. Yes.

22      Q. Okay. Did you personally have any  
23 exchange with Jason Wallin or see any post  
24 by Jason regarding the use of the Patriot  
25 Guard trademark before Jeff's resignation?

1 A. Not that I recall.

2 Q. Okay.

3 A. At the time -- for the Record, I will  
4 state that at the time I was not on the  
5 lynch Jeff Brown band wagon. There was --

6 MR. O'MALLEY: Objection;  
7 non-responsive.

8 MRS. BLUE: No, he's not  
9 finished. Let him finish before we --

10 A. There was a very vocal and adamant  
11 lynch Jeff Brown coalition that took place,  
12 and I was not. I have often been the  
13 odd-man-out because I've told people for  
14 years that Jeff is my friend. And I've been  
15 told for years that that also makes me an  
16 enemy of the Patriot Guard Riders. And --  
17 but the lynch Jeff Brown coalition was not  
18 part of mine.

19 I knew what was happening with the  
20 store. My goal, when all this had arisen  
21 was, my goal was I wanted Jeff Brown to  
22 become the first paid employee of the  
23 Patriot Guard Riders. I think the term I  
24 used exactly, and you'll find it in several  
25 of my forum posts is I invented this

1 imaginary guy called Uncle Bubba, and Uncle  
2 Bubba thinks he is the most intelligent  
3 human being that ever walked the face of the  
4 planet, and he wouldn't know how to pour  
5 piss out of a boot with the instructions on  
6 the heel. And I told Jeff Brown I think  
7 specifically that, "Uncle Bubba will not  
8 understand this," and that I think that if  
9 we move towards a solution, that it may be  
10 better for everybody involved. Jeff had  
11 better faith in the membership than that,  
12 and Uncle Bubba proved to be a very real  
13 idiot.

14 MR. O'MALLEY: Objection;  
15 non-responsive.

16 MRS. BLUE: All right.

17 (Whereupon Deposition Exhibit Number  
18 4 was marked for identification.)

19 BY MRS. BLUE:

20 Q. I'm going to have you take a look at a  
21 post here. We're on Exhibit 4, which is a  
22 document that was produced by the PGR in  
23 response to one of our document production  
24 requests. The Bate's stamp is PGR 003540.

25 I'll ask you to take a look at that

1 and tell us what that is.

2 A. This is a post from the Patriot Guard  
3 Riders' forum.

4 Q. Okay. What's the first full post on  
5 that page?

6 A. Do you want me to read it?

7 Q. No, can you just tell us what it is,  
8 or identify it for us? The post from -- if  
9 you'll look in the middle of the page  
10 beginning 15th November 2006, 1:43 p.m.

11 A. Well, it's Jason saying that Jeff had  
12 given the Patriot Guard Riders position --  
13 permission to use the PGR logo, the  
14 trademark that's in dispute, I would suppose.

15 Q. Okay. This post says:

16 "The permission to use this logo has  
17 been granted for use on the website  
18 only. For use on business cards I  
19 would contact Jeff and ask him about  
20 it, as he drew the logo and by his own  
21 statements has filed a copyright of  
22 the logo personally."

23 What, as a PGR member, would you think  
24 if you were reading that post?

25 A. It plainly says that Jeff is granting

1 the PGR the right to use the logo, and  
2 that's it.

3 Q. Would you think that Jeff created the  
4 logo from this post?

5 A. I'm --

6 MR. O'MALLEY: Objection; leading.

7 BY MRS. BLUE:

8 Q. Let me ask you what you think of this  
9 statement:

10 "For use on the business cards I would  
11 contact Jeff and ask him about it as  
12 he drew the logo."

13 A. That would say that if anybody else  
14 wanted permission to use the logo, they need  
15 to go ask Jeff as well.

16 Q. Okay.

17 A. Implying that the PGR could not grant  
18 that permission to other individuals.

19 Q. Why would the PGR not be able to grant  
20 permission, that permission to individuals?

21 A. Because Jason's statement is that Jeff  
22 has granted us permission --

23 Q. Okay.

24 A. And we don't have permission to grant  
25 it to other people.

1 Q. So who was controlling the mark then.  
2 If you read this, who would you think was  
3 controlling the mark?

4 A. I would think that Jeff was  
5 controlling the mark, if I were to read this.

6 Q. Okay.

7 A. In context it is written.

8 Q. Okay. All right, let's go -- well,  
9 actually, let me ask you one more question  
10 about this. From reading that post would  
11 you as a member think that PGR could make  
12 any use that it wanted to of that mark?

13 A. No. It says that PGR could use it for  
14 the website only.

15 Q. Okay. All right, this is -- what are  
16 we at, 5?

17 A. Can I go back and clarify something here?

18 Q. Sure.

19 A. You're asking me about this specific  
20 context, 15th November, 2006.

21 Q. Uh-huh.

22 A. And this does not -- this is a moment  
23 of time that happened clear nearly a week  
24 and a half to two weeks after Jeff's  
25 resignation.

1 Q. Okay. Do you think that's significant  
2 in some way?

3 A. Yes. The initial resignation by Jeff  
4 was followed by -- immediately by a  
5 negotiation with myself and Bill Lyons with  
6 Jeff Brown.

7 Q. And I'll let you know we're going to  
8 talk about that in just a minute, but you  
9 can feel free to, if you think there's  
10 something significant that relates to this  
11 post, feel free to tell us what that is.

12 A. Well, the significance of it is that  
13 in negotiations Jeff had previously talked  
14 to two of the board members that were on  
15 communication basis with him about the PGR  
16 controlling the logo in and of itself. So  
17 there were --

18 Q. Who were those two members that he was  
19 talking with?

20 A. Myself and Bill Lyons.

21 Q. Okay.

22 A. This is a further continuation after  
23 another major event, being the filing of the  
24 trademark itself had physically taken place,  
25 I believe.

1 Q. Okay.

2 A. And there were preceding things that  
3 would give rise to the context of this  
4 sentence.

5 Q. Okay.

6 A. Okay, that's it.

7 Q. All right.

8 (Whereupon Deposition Exhibit Number  
9 5 was marked for identification.)

10 BY MRS. BLUE:

11 Q. This Exhibit 5 is a printout  
12 downloaded from the Patent and Trademark  
13 Office on May 3rd, 2010. We killed a lot of  
14 trees on this. And this is PGR, Inc's  
15 application, serial number 77040379. The  
16 application's already been made of Record.  
17 I think this is Petitioner's 14 in Mr.  
18 Richart's deposition. This is -- I have a  
19 color copy for the court reporter here. I  
20 thought it would be easier for us to look at.

21 MR. O'MALLEY: I'm sorry to  
22 interrupt, did you say that there was a PGR  
23 Bate's stamp on this, or did I mishear?

24 MRS. BLUE: No, you didn't, and  
25 that's what I'm getting to.

1 MR. O'MALLEY: Okay.

2 MRS. BLUE: The application  
3 itself was produced in Mr. Richart's  
4 deposition, and I imagine it's also going to  
5 come in on a Notice of Reliance. If you  
6 want me to go get --

7 MR. O'MALLEY: No, that's fine, I  
8 just --

9 MRS. BLUE: Yes, I just wanted to  
10 tell you where it came from so we can  
11 authenticate it, and if you will stipulate  
12 that it appears to be a printout from the  
13 PTO.

14 MR. O'MALLEY: It appears to be  
15 although it's rather long, but --

16 MRS. BLUE: Well, that's fine.

17 BY MRS. BLUE:

18 Q. Let's kind of walk through this a  
19 little bit, and it might take us a little  
20 bit.

21 Ronny, if you'll take a look up at the  
22 top of this first page, we see about five  
23 lines down it says: "Mark." Do you see  
24 that?

25 A. I do.

1 Q. And what appears right under that word  
2 mark?

3 A. The Patriot Guard Riders' logo.

4 Q. Okay. And then if we go on down to  
5 the bottom of the page where it says: "Last  
6 applicant, owner of record," tell me what it  
7 says there.

8 A. Patriot Guard Riders, Incorporated.

9 Q. Okay, and what's the address there?

10 A. 312 Granite Court. Jason Wallin's  
11 address.

12 Q. Okay. Okay, go to the -- flip to the  
13 next page.

14 A. Okay.

15 Q. See where it says, "Goods and/or  
16 Services" there? Can you tell me what it  
17 says. There's a line that says,  
18 "International Class: 45; Class Status:  
19 Active," and then read that next line in for  
20 me, please?

21 A. "Organizing and conducting support  
22 groups in the field of combat veterans and  
23 their families."

24 Q. Okay. And the first use date in  
25 commerce?

1 A. 6-1 2006.

2 Q. Okay. And the first use date?

3 A. 11-11-2005.

4 Q. Okay. Now, I want you to flip on over  
5 to this. I think we've got to flip one,  
6 two; there's a page that says, "Trademark/  
7 Service Mark Application, Principal  
8 Register."

9 A. Okay.

10 Q. Okay, keep going on that --

11 A. Okay.

12 Q. -- till you get to the page, the  
13 middle of the page. It says, "Declaration,"  
14 and you have to go one more.

15 A. Okay.

16 Q. Do you see that?

17 A. Okay.

18 Q. If you will read the first two lines  
19 of that, please?

20 A. "The undersigned, being hereby warned  
21 that willful false statements and the  
22 like so made are punishable by fine or  
23 imprisonment or both under 18 USC  
24 Section 1001, and that such willful  
25 false statements and the like may

1           jeopardize the validity of the  
2           application or any resulting  
3           registration."

4           Q. Okay, that's good. Thanks. Now,  
5           let's skip on down to the bottom of this and  
6           begin, "...to the best of his/her  
7           knowledge." Read the rest of it for me.

8           A. Same paragraph?

9           Q. Uh-huh.

10          A. I'm trying to find it.

11          Q. Seventh line down toward the end of  
12          the line.

13          A. Oh, sorry.

14                 "...to the best of his/her knowledge  
15                 and belief, no other person, firm,  
16                 corporation or association has the  
17                 right to use the mark in commerce,  
18                 either in the identical form thereof,  
19                 or in such near resemblance thereto as  
20                 to be likely when used on or in  
21                 connection with the goods, services of  
22                 such other person to cause confusion,  
23                 or to cause mistake or to deceive; and  
24                 that all statements made of his/her  
25                 own knowledge are true, and that all

1 statements made on information and  
2 belief are believed to be true."

3 Q. Okay. Now, do you see the next line  
4 where it says, "signature"?

5 A. Yes.

6 Q. Okay, what do you see on that line.  
7 Can you read it for me?

8 A. Jason D. Wallin.

9 Q. Okay. Now, I realize that you're not  
10 a lawyer, and I don't want to ask you for  
11 any kind of legal conclusion. But what do  
12 the words the undersigned and the appearance  
13 of Jason's name on the this document suggest  
14 to you?

15 A. That Jason Wallin was the person  
16 filing out this document.

17 Q. Okay. All right --

18 A. And he was.

19 Q. Okay. What's the date that Jason  
20 Wallin's name appears on that signature line?

21 A. November 9th of 2006.

22 Q. Okay. Did you ever have any  
23 conversation with Jason Wallin that  
24 suggested that he knew Jeff Brown had  
25 claimed to use the mark Patriot Guard?

1 A. Well --

2 MR. O'MALLEY: Objection; hearsay.

3 A. When Jason filed, we had a board of  
4 directors call, at which point Jason,  
5 independently, had researched the mark to  
6 determine if it was a mark held on file, and  
7 it was not, so -- at that time. So Jason  
8 determined that -- the board voted to  
9 authorize Jason to proceed with filing the  
10 trademark, and Jason did so.

11 BY MRS. BLUE:

12 Q. Why did the board tell Jason to file  
13 that mark?

14 A. Because --

15 Q. Or file that application, I'm sorry.

16 A. Because the board believed at the time  
17 that it was the first horse to the trough  
18 gets to drink; that the owner has to first  
19 right of claiming it.

20 Q. Did you believe that?

21 A. Not trained in legal law, I saw no  
22 reason not to. I had no idea until this  
23 first right of commerce or any other  
24 specifics of trademark law, so I thought  
25 that that was fairly accurate as well. But,

1 apparently, commerce seems to be a big issue.

2 Q. If you had read that declaration while  
3 trying to file an application yourself,  
4 would you have signed it?

5 A. Me, myself, no, because it says if you  
6 know of other persons who are doing so,  
7 that -- I wouldn't have touched it with a  
8 ten foot pole. I would have told Jason to  
9 do it.

10 Q. Did Jason ask anyone else on the board  
11 whether he should sign that declaration?

12 A. No, Jason --

13 Q. Let me rephrase that. Did he ask you  
14 whether he should sign that declaration?

15 A. No, he did not. Jason was given  
16 orders to fill out the trademark application  
17 and to -- and at which point we had a com  
18 call, at which point he came back and said  
19 he had filled out the application and  
20 submitted it and released -- none of these  
21 documents. These were, I think this page  
22 looks recognizable; something to the effect  
23 of this page was included in an email to us.  
24 But none of the -- none of this came  
25 through, none of the -- none of the

1 disclaimers for legal purposes.

2 Q. Did Jason ever say anything during  
3 this conference call with the board  
4 regarding how he chose the dates of use in  
5 this application?

6 A. I mean, in all honesty, yes, he did.

7 Q. What did he say?

8 A. He determined at which date he thought  
9 it was first used by Jeff and added a couple  
10 of days to it to determine a good, valid  
11 date for us to use it in the organization.

12 MR. O'MALLEY: Objection; hearsay.

13 A. That's what he told us on an official  
14 board of directors conference call.

15 BY MRS. BLUE:

16 Q. Did anyone discuss that with him?

17 A. Well --

18 Q. Did anyone ask him if he thought that  
19 was a good idea. Did you ask him that?

20 A. Frankly, Bonnie Cutler and Ed Mueller  
21 were ecstatic; that was a wonderful idea.

22 MR. O'MALLEY: Objection; hearsay.

23 BY MRS. BLUE:

24 Q. What did you think about it?

25 A. I just thought it was more BS in a

1 long line of BS.

2 Q. Did you say that?

3 A. No. I was -- I was greatly  
4 outnumbered, as I have already stated; me  
5 being one of the few people still on  
6 speaking terms with Jeff garnered me no  
7 friends.

8 Snap being Snap, Snap was -- Snap was  
9 Snap. How do you argue with somebody  
10 wearing as many decorations as he wore and  
11 such a humble man and tell him he's on bad  
12 seats? So it was just understood that me  
13 and Snap were on speaking terms with Jeff  
14 still, and that I better keep my mouth shut  
15 and not be Jeff's puppet on the board.

16 MRS. BLUE: Hang on just a  
17 second. Let's go off the Record for just a  
18 second.

19 (Off the Record)

20 MRS. BLUE: Go back on.

21 BY MRS. BLUE:

22 Q. Did any of the board of directors  
23 besides Jason have any input into this  
24 application?

25 A. Other than the board voting to tell

1 Jason to file it when he discovered that it  
2 was not filed, no.

3 Q. Did Jason sign this application on  
4 behalf of the board of directors?

5 A. I believe he did.

6 Q. Will you read what it says about the  
7 signatory's position there?

8 A. The treasurer of Patriot Guard Riders,  
9 Incorporated?

10 Q. Uh-huh.

11 A. I don't know if he was still the  
12 treasurer. There was another piece of  
13 evidence we flipped through where he made  
14 statements about he wasn't going to handle  
15 the money any more. But as of 11-9 of '06,  
16 he -- I don't know if he was the treasurer  
17 or not. He was on the board of directors.

18 Q. Okay.

19 A. This was a tornado for about three  
20 weeks in this time frame.

21 Q. I think you've already testified --  
22 well, strike that.

23 Did you know on November 9th, 2006,  
24 that Jeff Brown had used either this logo or  
25 one like it on any merchandise?

1 A. Yes.

2 Q. Okay. What kind of merchandise?

3 A. Hats, shirts, windshield banners,  
4 mission pins. I mean, they -- on everything.

5 Q. Okay. How about the line that appears  
6 on the bottom of this logo, "Riding With  
7 Respect," had Jeff used that?

8 A. Yes.

9 Q. How about the triangular design  
10 that -- my understanding is it's supposed to  
11 be like a folded flag?

12 A. Yes.

13 Q. Had Jeff used that --

14 A. Yes.

15 Q. -- banner? Do you know whether  
16 anybody else on the board of directors knew  
17 that?

18 A. Well, that's a vague question, and  
19 that is that everybody on the board of  
20 directors by this point knew that Jeff was  
21 running his store. And so everybody on the  
22 board of directors knew that Jeff was using  
23 this logo. The confusion is whose logo was  
24 Jeff using? So yes, everybody -- the answer  
25 to the question is yes, everybody, everybody

1 who hated Jeff and wanted him strung up and  
2 everybody that loved Jeff and wanted him  
3 reinstated. Everybody knew that Jeff was  
4 using this logo by 11-9 of 2006.

5 Q. All right. Let's go to some posts  
6 here.

7 MRS. BLUE: What are we on now,  
8 6?

9 (Whereupon Deposition Exhibit Number  
10 6 was marked for identification.)

11 BY MRS. BLUE:

12 Q. All right. This is part of a forum  
13 thread. The Bate's stamp is PGR 003626. It  
14 is produced in response to a document  
15 production request from the opposer.

16 Let's look at the post at the top of  
17 the page. And I've been on a couple of  
18 websites myself, the forums, and I  
19 understand that this is a paste of  
20 somebody's previous post into this --

21 A. Right.

22 Q. Let's begin with where it starts:  
23 "Straight up question then Jeff."

24 A. Okay.

25 Q. Okay.

1 "Is the PGR logo and all that goes  
2 with it going to PGR, Inc. or not?  
3 Simple yes or no question. Lots of  
4 people would appreciate a response I  
5 think."

6 Ronny, you want to read in the answer  
7 that he's been posted there?

8 A. "Dennis, straight up answer... there's  
9 never been an issue with the PGR, Inc.  
10 using the name or logo on the website  
11 or any non-commercial use. I've made  
12 that clear from the beginning and  
13 don't even know how, other than some  
14 people trying to stir up crap, that  
15 question ever came up. Any other use  
16 will be decided on a case-by-case  
17 basis. Jeff."

18 Q. Okay. Is this post by Jeff an accurate  
19 characterization of how he had treated the  
20 PGR, Inc's use of the logo?

21 A. Officially, there had never been a  
22 decisive moment that brought the use of the  
23 logo to the attention of the organization of  
24 a whole until members, such as this, started  
25 asking questions. And not then -- there had

1 never been -- there had never been -- there  
2 had never been a moment's contemplation  
3 officially by the Patriot Guard Riders'  
4 national board of directors in regards to  
5 the logo and Jeff in any capacity.

6 I mean, the talks that had taken place  
7 were regards to the store, but in regards to  
8 the logo specifically in the national  
9 organization, that never became a topic  
10 until we filed our logo and Jeff filed his  
11 logo. Until the two logos were filed, there  
12 was never a discrepancy, up to and including  
13 Jeff was going to close his store, and we  
14 could start selling items with the logo on  
15 it as soon as his items sold out. But that  
16 was the first original deal that me and  
17 Snap, Bill Lyons, had negotiated with Jeff.  
18 However, when that was taken to the board of  
19 directors, I will give you the response that  
20 came. Quote, unquote, Ed Miller -- Mueller:  
21 "Fuck that son-of-a-bitch."

22 MR. O'MALLEY: Objection; hearsay.

23 A. That was on a board of directors com  
24 call. There was never --

25 MRS. BLUE: You should object to

1 language.

2 MR. O'MALLEY: That, too.

3 A. There was never to be a negotiation  
4 with Jeff in any shape, form, or fashion,  
5 regarding the logo, the store, or anything.

6 As a matter of fact, the trademark was  
7 a secondary issue. It was one those times  
8 where you do something, and you don't think  
9 about the second move, like a chess game,  
10 until you're already at the second move.  
11 The whole move was always to shut down  
12 Jeff's store, take the money over by the  
13 organization itself until somebody figured  
14 out that -- what's this crazy thing called a  
15 trademark.

16 BY MRS. BLUE:

17 Q. Okay. Does this post suggest to you  
18 that Jeff was willing to allow the PGR, Inc.  
19 to use this logo in connection with the  
20 website and its association services?

21 A. This -- and the associated services.

22 Q. Well, let's just leave it with the  
23 website.

24 A. Yes.

25 Q. Does this post suggest to you that

1 Jeff was willing to let --

2 A. Yes.

3 Q. -- the group use it on the website?

4 A. Yes.

5 Q. Okay. You talked a minute ago about  
6 the firestorm over the store. Well, that's  
7 my categorization of it; you might have a  
8 different one. And one of the issues was  
9 the ownership of that store, okay?

10 Was there an understanding among the  
11 membership, or are you aware whether there  
12 was an understanding within the membership  
13 that Jeff owned the store?

14 A. I don't know. I'd never really spent  
15 that much time pondering it. When I was a  
16 member and not in a position of leadership,  
17 I was just buying stuff from the store. I  
18 wasn't aware of a difference until Jason  
19 Wallin told me there was a difference.

20 Q. Okay.

21 A. And to that capacity, the Help On The  
22 Homefront program had already started. And  
23 to be real honest, it didn't matter to me a  
24 whole lot because every request for Help On  
25 The Homefront that was ever submitted

1 through the board of directors was funded.  
2 through Jeff.

3 I did not see a dissemination in  
4 purposes until the split of Jeff and the  
5 Patriot Guard Riders. They served one and  
6 the same purpose to the fullest extent.

7 Q. Okay.

8 MR. O'MALLEY: Rachel, can we  
9 have a chance for a break, whenever.

10 MRS. BLUE: As a matter of fact,  
11 why don't we take one right now?

12 (Whereupon, a recess was had)

13 MRS. BLUE: Back on the Record,  
14 and we will try to keep our next break short  
15 because I think Ronny, you and Tom are both  
16 on an 8:30 flight, and we're going to try  
17 wrap you up so that you don't have to stay  
18 over.

19 So, all right, let's get started.  
20 I'm going to give you what I have marked  
21 Exhibit 7.

22 (Whereupon Deposition Exhibit Number  
23 7 was marked for identification.)

24 BY MRS. BLUE:

25 Q. This is another email or another post

1 produced by the PGR. The Bate's stamp is  
2 PGR 001383. It's produced in response to a  
3 request to produce documents.

4 Okay, there you go. Ronny, if you'll  
5 take a look at this post November 15th,  
6 2006, 2:58 p.m. by Waldo, who you had  
7 testified previously is Jason Wallin.

8 Let's take a look at this post from  
9 Jason, which is proposed rules for a  
10 challenge coin design. Would you please  
11 read numbers one and two in that post?

12 A. "One: Required design elements  
13 include the words, "Patriot Guard  
14 Riders," and, "Standing For Those Who  
15 Stood For US." Note, the US is all  
16 caps so that it is -- can mean us  
17 or the United States. Forbidden  
18 design elements -- two: Forbidden  
19 design elements include the  
20 copy written logo that Jeff Brown  
21 drew, as we only have permission to  
22 use it on the website but not in  
23 marketing materials."

24 Q. Okay. Now, this post is dated  
25 November 15th, which is the date -- several

1 days after Jason had filed a trademark  
2 application on behalf of the Patriot Guard,  
3 or PGR, Inc., correct?

4 A. I'm sorry, repeat?

5 Q. This post is dated November 15th, 2006?

6 A. Yes.

7 Q. Which is after Jason's filing of a  
8 trademark application on behalf of PGR,  
9 Inc., correct?

10 A. Yes.

11 Q. Okay. Why then, if Jason had signed a  
12 declaration indicating that only the PGR was  
13 entitled to use Patriot Guard Riders in the  
14 trademark application, would he say that  
15 "forbidden design elements include the copy  
16 written logo that Jeff Brown drew"?

17 A. Because he knew it was disputed; the  
18 trademark was in dispute.

19 Q. So does that seem inconsistent with  
20 the declaration that he signed that said  
21 only PGR had the right -- PGR, Inc. had the  
22 right to use Patriot Guard Riders in that  
23 trademark application?

24 A. In the physical trademark application,  
25 yes.

1 Q. Okay. Okay, let's do 8.

2 (Whereupon Deposition Exhibit Number  
3 8 was marked for identification.)

4 BY MRS. BLUE:

5 Q. This is going to be Plaintiff's  
6 Exhibit 8. There's another forum post.  
7 It's Bate's stamped, PGR 003662, produced in  
8 response to the opposer's document  
9 production requests. Down at the bottom of  
10 that page did you see a post dated  
11 November 17th, 2006?

12 A. Yes.

13 Q. Who does it look like the poster is  
14 there?

15 A. That is Jeff Brown.

16 Q. Okay. Can you read us the first three  
17 sentences in that post?

18 A. "Well, it looks like I'm dammed if I  
19 do and dammed if I don't. Once again  
20 the folks -- once again folks, the  
21 store is a "for profit" business. It  
22 has never been and -- it always has  
23 been and that's always been out in the  
24 open. I have yet to figure out why  
25 some people have a need to initiate

1 conspiracy theories and others are  
2 quick to believe in them. I busted my  
3 butt for the PGR and make no apologies  
4 for anything I've done."

5 Q. Okay. Do you see a little further  
6 down that post indicates that Jeff, who's  
7 the poster here, and Jason discussed that  
8 Jeff would set up the store, and he would  
9 set up the website advertising as for profit  
10 companies?

11 A. Yes.

12 Q. Okay. Let's turn to the next page.  
13 All right, if you will go down to the one,  
14 two, three, fourth paragraph beginning,  
15 "With all due respect."

16 A. Okay.

17 Q. Would you read that paragraph to us?

18 A. "With all due respect, instead of  
19 asking me why we don't sign over a  
20 private business that is personally  
21 funded that we did all the design work  
22 for, all the product research, all the  
23 tasks of ordering and inventorying,  
24 all the packing and shipping, all the  
25 order problems, all the myriad of

1 other tasks necessary to make it  
2 successful, plus assumed all the  
3 financial risk, why not just  
4 graciously say, 'Hey, thanks for all  
5 the donations and the hard work to  
6 make it happen, and please keep  
7 'em coming,' and let it go at that."

8 Q. Okay. Okay, who would have able to  
9 see this post by Jeff Brown? It was posted  
10 to a forum.

11 A. Yeah, I was reading the forum.  
12 American's doing the right -- Patriot Guard  
13 Riders' forum, Patriot Guard Riders. Here's  
14 the answer to that. I can't tell from the  
15 forum exactly which forum it came from,  
16 however, by that point I believe that Jeff  
17 no longer had the ride captain status, so  
18 that would have been the general forums, and  
19 any member could have seen that.

20 Q. Okay.

21 A. However, I could be mistaken and that  
22 could be ride captains only, but I think  
23 that was initially pulled from Jeff right  
24 off the bat.

25 Q. All right. So would a person who saw

1 that post understand that Jeff operated that  
2 store for profit?

3 A. Yes.

4 Q. Would you have understood that?

5 A. That's what it's stating. Yes, I  
6 would have.

7 Q. Okay.

8 A. And behind the scenes though, when  
9 he's talking about him and Jason, that was  
10 what was initially told to me by Jason in  
11 June of '06.

12 MR. O'MALLEY: Objection; hearsay.

13 BY MRS. BLUE:

14 Q. Does this post confirm any previous  
15 understanding that you had with regard to  
16 Jeff's ownership of the store?

17 A. Yes, it did.

18 Q. Okay. Okay, let's do Number 9.

19 (Whereupon Deposition Exhibit Number  
20 9 was marked for identification.)

21 BY MRS. BLUE:

22 Q. All right. This is a forum post,  
23 Bate's stamp PGR 003737, produced in  
24 response to our Request for Production of  
25 Documents. And this is post-dated November

1 19th, 2006 by -- you're going to have to  
2 tell me, is we Wescoot or Wescoot?

3 (Pronunciation)

4 A. Wescoot.

5 Q. Wescoot2. Who is "Wescoot2"?

6 A. Ed Mueller.

7 Q. Okay. All right, if you will turn to  
8 the second page of this post or this -- yes,  
9 this post. And right underneath what  
10 appears to be a paste of a previous post  
11 from another poster, beginning with, "Well,  
12 you've asked many question --" I think it  
13 should be "questions." "I'll attempt to  
14 answer them as best I can."

15 All right, if you will read in that  
16 next paragraph beginning with, "Let's tackle  
17 the easy one first."

18 A. "Let's tackle the easy one first. The  
19 store, which has always been owned by  
20 Jeff, your questions relating to the  
21 store and the store website must be  
22 addressed to him. Jeff was  
23 responsible for obtaining the name and  
24 the dot org name. That has never been  
25 in the past, nor will it ever be in

1 the future, under the control of  
2 Patriot Guard Riders, Incorporated.  
3 From the very beginning it was set up  
4 as a private company owned and  
5 operated by Jeff Brown."

6 Q. Okay, thank you. Could any member of  
7 the Patriot Guard see this post; was it  
8 restricted in any way to a portion of the  
9 membership?

10 A. I can't answer that for sure because  
11 that doesn't dictate to us. I don't know if  
12 it was or not, but it was at least available  
13 to ride captains, state captains. But John  
14 in Minnesota, I think that was Birdie, I'm  
15 not sure, but he's definitely in the ride  
16 captain's area, but I'm unsure exactly which  
17 group of forums, but you had to be some type  
18 of membership of some shape, form, or  
19 fashion to be in there.

20 Q. Okay, was this a private communication  
21 between John in Minnesota and Ed?

22 A. No, this was a forum poster.

23 Q. Okay, thanks.

24 A. Can I comment on something real quick,  
25 and I'll make it quick?

1 Q. Uh-huh.

2 A. Ed also stated here that: "You also  
3 asked about the donations..." the very next  
4 sentence:

5 "I'm assuming you're speaking about  
6 the donate button which is located on  
7 the PGR website. All those donations  
8 went into the bank account of the  
9 Patriot Guard Riders, Incorporated,"  
10 which it did not.

11 Q. Okay.

12 A. All those funds went into Jason  
13 Wallin's bank account.

14 Q. All right. Let's go to Exhibit 10.

15 (Whereupon Deposition Exhibit Number  
16 10 was marked for identification.)

17 BY MRS. BLUE:

18 Q. All right. This is another post,  
19 forum post. This is Bate's stamped PGR  
20 002166. It was produced in response to  
21 production of documents request. It also  
22 has a second sticker on it. You can see it  
23 on your copy that says Petitioner's  
24 Exhibit 31. This was produced in an earlier  
25 deposition.

1 A. Okay.

2 Q. But we'll mark it 10 for this one.

3 MRS. BLUE: Is that okay with  
4 you, Jim?

5 MR. O'MALLEY: That's fine.

6 BY MRS. BLUE:

7 Q. Okay. All right, this post is dated  
8 November 17th, 2006?

9 A. Yes.

10 Q. It looks like the poster is "Snap67";  
11 is that Bill Lyons?

12 A. That's Bill Lyons.

13 Q. It says under there that he is the  
14 captain, national executive director; is  
15 that right?

16 A. Yes.

17 Q. Okay. Let's take a look at Numbers 1,  
18 2, 3, 4, 5, 6, of this post. It looks like  
19 Snap is posting to the membership at large  
20 here; is that correct?

21 A. Yes, letters from the PGR president.  
22 Patriot Guard Riders national -- letter from  
23 the president, yes.

24 Q. Okay. What does Number 1 say?

25 A. "Jeff created the concept of the

1 national and the PGR store -- PGR  
2 national and the PGR store."

3 Q. Okay, Number 2?

4 A. "Jeff has design the logo and the  
5 merchandise it appears on."

6 Q. Okay, Number 3?

7 A. "Jeff and his wife are the sole  
8 owners of the PGR store."

9 Q. Okay, how about 4?

10 A. "The PGR store was placed on the front  
11 page of the website for members to  
12 order their PGR items, leading some  
13 members to believe that the store  
14 belongs to the PGR."

15 Q. Okay. Let's go down to Number 17.

16 Can you read that?

17 A. "The BOD is now working on creating a  
18 new logo for sale of items in the  
19 special events store, drafting  
20 appropriate by-laws and applying for  
21 501 c 3 tax attempt status, which we  
22 understand from our attorney will  
23 cover the PGR activities for the  
24 preceding 18 months."

25 Q. Were you on the board of directors

1 when that decision was made?

2 A. Yes.

3 Q. Can you tell us what was behind that  
4 decision to create a new logo?

5 A. The -- initially, there was no money,  
6 and the PGR national leadership initially  
7 wanted to avoid any kind of Court conflicts  
8 because, as stated many times, the only one  
9 who wins when attorneys are involved are the  
10 attorneys. So we wanted to avoid a legal  
11 battle and find an option. It was of great  
12 concern if we could find some kind of  
13 representation, logo, trademark, that would  
14 fly with the membership that could supercede  
15 the previous logo and give us our autonomy  
16 from Twister, Jeff Brown.

17 Q. Okay. Did you manage to do that?

18 A. "Standing For Those Who Stood For US"  
19 was that attempt to do so.

20 Q. Okay.

21 A. It was generally thought that the  
22 organization as a whole was pretty well  
23 identified and at peace with the trademark  
24 that we'd always kind of stood under, and it  
25 was just impossible to move away from

1 anything not similar to some shape, form, or  
2 fashion to that.

3 Q. Okay. Was it your intention then to  
4 keep the trademark similar in some shape,  
5 form, or fashion?

6 A. Yes.

7 Q. Okay.

8 (Whereupon Deposition Exhibit Number  
9 11 was marked for identification.)

10 BY MRS. BLUE:

11 Q. Exhibit 11.

12 A. All right.

13 Q. This is a forum post. It's Bates  
14 stamped PGR 004105. It's a post again by  
15 Wescoot2, which you previously testified as  
16 Ed Mueller. The post is dated March 26th,  
17 2007, 10:23 a.m.

18 All right, let's go down to the  
19 sentence beginning, "Let me see if I can  
20 answer your questions..." can you read that  
21 through the next paragraph?

22 A. "You asked when the merchandise is  
23 going to be available... what  
24 merchandise?" It's -- "items that  
25 being developed, may or many not be

1 placed in the store. The marketing  
2 team comes up with ideas and presents  
3 them to me. I take them to the entire  
4 BOD and it voted upon. So there is no  
5 timeline available on items being  
6 developed."

7 Q. Okay. Do you know what Ed Mueller was  
8 talking about there?

9 A. Oh, yes, initially when the first  
10 store started up, we were showing items for  
11 sale that weren't ready for shipment from  
12 CDM, who we had chosen as a fulfillment  
13 center. And people were buying them and  
14 upset that they weren't coming.

15 Q. Okay, so when Ed says, "what  
16 merchandise?" And says items that -- I  
17 assume he means that are being developed, he  
18 says, "...being developed may or may not  
19 ever be placed in the store."

20 Did you have any items in the store at  
21 that point?

22 A. Yes, because we started -- we were  
23 having funds available by December. By the  
24 time that I had become treasurer, we were  
25 already starting to take funds in. I don't

1 remember to what degree. There were only a  
2 few items. I mean, we literally -- he goes  
3 on to state how we develop an item, and  
4 that's pretty much it. "Hey, do we want to  
5 sell these things?" And we'd get one drawn  
6 up and sometimes the sample's made, and you  
7 look at them and then they go. But if you  
8 take that sample and you say, "Okay, we're  
9 going to go," and you put it on the website  
10 for sale, and the fulfillment center hasn't  
11 had time to purchase the merchandise,  
12 prepare the logos, whatever, then you find  
13 people buying things that aren't available  
14 for shipment.

15 And the Patriot Guard Riders are a  
16 large group of initially, primarily, bikers,  
17 and individually-minded, cowboy-type people  
18 and hard-headed individualists. And you buy  
19 something, you expect it to come pretty soon.

20 Q. You're telling me you don't like to  
21 wait then?

22 A. They don't like to wait, no.

23 Q. All right. Do you know what logo  
24 those items had on them?

25 A. "Standing For Those Who Stood For US."

1 Q. Okay. It appears from this post that  
2 those items weren't available, and that's  
3 what Ed's trying to tell membership?

4 A. Yes, most of the items were available,  
5 but there were a few that were lagging or  
6 that we'd sell out of. And we'd -- it was a  
7 rocky transition between Jeff's store and  
8 the new store, but --

9 Q. Well, it sounds like from this post,  
10 and correct me if I'm wrong, that some of  
11 the items weren't -- hadn't even been  
12 developed yet; is that right?

13 A. Yes, I mean, there's -- there was a  
14 thread on there, okay? This may be out of  
15 that thread. There was a thread on the  
16 website that were marketing ideas at one  
17 time.

18 Q. Uh-huh.

19 A. And, I mean, they would come fast and  
20 furious: Kickstand pads, license plate,  
21 pins, caps, sweaters, plates, like the Elvis  
22 collection. And people, just because they  
23 were posting it that, "Hey, this would be  
24 great," I mean, "Why don't we  
25 start imprinting the colors on Boston

1 Terriers to read Patriot Guard Riders?" And  
2 they would part expecting this stuff to  
3 start coming right off the pipeline. And it  
4 was rather -- there was two scenarios that  
5 took place. One of them was the total biker  
6 mentality with no foundation, demanding  
7 products that they thought were going to  
8 come out ASAP, and they wanted them here,  
9 and they wanted them now. And there were a  
10 few items that were having shipping  
11 problems, and it could have been in either  
12 one of those context because they were both  
13 taking place.

14 Q. Okay, all right.

15 (Whereupon Deposition Exhibit Number  
16 12 was marked for identification.)

17 BY MRS. BLUE:

18 Q. This is another forum post. This is  
19 Bate's stamped PGR 003509, produced in  
20 response to request to produce documents.

21 This is a post dated November 9th,  
22 2006. It looks like the author is HLang or  
23 Lange -- excuse me. Let's go to the second  
24 page of the post. Up at the top it says  
25 Page 2 of 19, which I think --

1 A. Okay.

2 Q. -- refers to the thread, the number of  
3 pages in the thread.

4 A. Okay.

5 Q. Let's go to the one, two, three, third  
6 full paragraph there beginning with  
7 "Anyway..."

8 A. All right. "Anyway, way, way back  
9 when this thing started, Twister did  
10 not hide the fact that he owned the  
11 PGR store, that it was a for profit  
12 thing, whereas the PGR was a non --  
13 it was a nonprofit thing. I don't  
14 know how PGR would become, how big it  
15 would get --"

16 Q. I think you skipped a line there.

17 A. Oh.

18 Q. "I don't know --"

19 A. "I don't know why it was set up this  
20 way and I don't care. There was no  
21 way that anyone could have seen what  
22 the PGR would become, how big it would  
23 get, or that it could be operated at  
24 least as a break even operation. All  
25 that came later. I think what was

1 (sic) happened was that everything got  
2 so big so fast that the owners were  
3 taken by surprise. I do not believe  
4 that anyone could have seen just how  
5 big the store would become, or how  
6 much money would go through it.  
7 Regardless of how much it makes to  
8 design the items, someone has to pay  
9 the trademark --"

10 MR. O'MALLEY: You skipped a line  
11 again, I'm sorry.

12 A. Oh. "Someone had to design the items,  
13 someone had to --"

14 MR. O'MALLEY: I'm sorry --

15 MRS. BLUE: Go back to,  
16 "Regardless of how much it makes..."

17 A. "Regardless of how much it makes now,  
18 back then someone had to front the  
19 store, do the work and get the items  
20 shipped. Someone had to design the  
21 items, someone had to pay to trademark  
22 them to protect their investment. I  
23 didn't do it, the malcontents didn't  
24 do it, Twister did it. He did the  
25 work to at least make the PGR break

1 even. Yeah, he could have given every  
2 penny to the PGR, but I believe that  
3 he deserved much more than he could  
4 have possibly got from the store. If  
5 the store had lost money, I wonder how  
6 many people that say Twister shouldn't  
7 have made a profit would say the PGR  
8 should bail him out. No, heaven  
9 forbid that would happen. That (sic)  
10 would say it is -- that it is his  
11 problem and he should have to cover it."

12 Q. Okay. Who could see this post, do you  
13 know?

14 A. That's in the state captains' area,  
15 state captains and ride captains only, that's -

16 Q. Okay. Would a state captain or a ride  
17 captain reading this post understand that  
18 HLang or -- is it Lang or Lange?

19 A. Henry Lang, HLang.

20 Q. HLang believed that Twister, who is  
21 also Jeff Brown, owned the store?

22 A. Yes.

23 Q. Okay.

24 (Whereupon Deposition Exhibit Number  
25 13 was marked for identification.)

1 BY MRS. BLUE:

2 Q. This is 13. This is Bate's stamped  
3 PGR 003503, produced in response to request  
4 for document request from the opposer.

5 A. Okay.

6 Q. It is post dated November 9th, 2006,  
7 by "Adccop," if you will go down and read  
8 the paragraph beginning with, "The national  
9 PGR..."

10 A. "If the national PGR was built with --  
11 by Jeff with his time, spirit, funds,  
12 and separation from his family. It is  
13 his to do with as he wants. If you  
14 disagree with his version or vision,  
15 leave and start your own group. If  
16 your ideas are so great then you  
17 shouldn't have to invest a lot to make  
18 it work. (Tongue in cheek.)"

19 Q. All right. Do you know what -- where  
20 this post would have appeared?

21 A. This was in the state captain area,  
22 specifically of the state captains/ride  
23 captains' forum. So state captains -- I  
24 believe it should have been state captains  
25 only, but that might have -- state captains

1 were only supposed to see state captains,  
2 and ride captains/state captains were  
3 supposed to be visible to everybody.

4 Q. Okay. Would a state captain reading  
5 this post believe that this member at least  
6 understood that Jeff started the national PGR?

7 A. Yes.

8 Q. Okay, okay.

9 (Whereupon Deposition Exhibit Number  
10 14 was marked for identification.)

11 BY MRS. BLUE:

12 Q. Let's go to 14. Okay, this is,  
13 appears to be an email communication from  
14 Jon Tatum. It's Bate's stamped 003047,  
15 communications to Ed Mueller.

16 Ronny, were you on the board of  
17 directors at the same time as Ed Mueller?

18 A. Yes.

19 Q. Have you ever seen this email exchange  
20 before?

21 A. I don't know. I don't remember. Ed  
22 was -- oh, yeah, Ed was, too. Yes, we were  
23 both on the board together.

24 Q. Okay. Were you on the board together  
25 on September 25th, 2007?

1 A. Yes, we were.

2 Q. Okay. You referred earlier today in  
3 your testimony, I believe, to some  
4 communication from Jon Tatum regarding the  
5 PGR store. Do you know if this was a  
6 communication you were referring to?

7 A. I'm sorry, repeat the question? I was  
8 reading.

9 Q. Earlier today you testified that you  
10 had seen some communication from Jon Tatum  
11 regarding the ownership of the PGR store.  
12 Do you know if this is it?

13 A. It could have been, I don't --

14 Q. Okay, you want to read it and refresh  
15 your memory a little?

16 A. I'm familiar with the contents of it  
17 and I've probably seen it, but just due to  
18 the time I don't -- I don't specify recall  
19 it. But everything that -- I was just  
20 scanning it, and everything is par for the  
21 course. I think I've seen this document,  
22 but I wouldn't swear to it.

23 Q. Okay. Well, can you tell us what Jon  
24 Tatum says at the top of the email?

25 A. "Ed, Jeff's store had nothing to do

1 with the non-profit corporation. The  
2 non-profit didn't even exist for  
3 the -- most of the time that Jeff had  
4 the store. There may have been a  
5 short period that Jeff was selling  
6 product while the nonprofit was in  
7 existence, but I'm not sure what those  
8 dates would have been. He operated  
9 the store as a sole proprietor for tax  
10 purposes. I never prepared Jeff's tax  
11 return, so I can't say how that was  
12 handled. The attorney is correct with  
13 the assumptions below, however, that  
14 timing is what would hold up in Court  
15 and with the IRS. Hope this helps.  
16 Let me know if you have any other  
17 questions. I'm always glad to help."

18 Q. Did you ever have any conversation  
19 with Ed or with anybody else on the board of  
20 directors regarding the 501 c 3 as it  
21 related to Jeff's ownership of the store?

22 A. Yes, it was a topic.

23 Q. Okay. What was the nature of the topic?

24 A. Well, the topic was the time of  
25 whether it was self-dealing. And one of the

1 examples that was commonly brought up was  
2 the Diuretics (sic) -- L. Ron Hubbard and  
3 Scientologists, how he essentially sold his  
4 own book to all his own congregation and  
5 eventually was -- that was just a big topic  
6 of, to use as an example, that was  
7 discussed. Literally, we discussed L. Ron  
8 Hubbard and Diuretics and -- Dianetics and --

9 Q. Dianetics?

10 A. Dianetics, yeah; I never read it,  
11 yeah. And Scientology because L. Ron  
12 Hubbard apparently had been found guilty of  
13 self-dealing, in that he was the president  
14 of his nonprofit and that -- and that that's  
15 what they were trying to link Jeff to was  
16 that he was selling his own merchandise to  
17 his congregation, and that he was  
18 self-dealing.

19 And in the dealings with the  
20 accountants, specifically and the events  
21 leading up to my conversation with Ed was  
22 that, "Are you turning an undue profit?"  
23 The questions that were asked of me as the  
24 treasurer was, you know, undue profits,  
25 "What are your things being sold for?" Are

1 you selling a \$5 for \$15 an item, but it's  
2 your product so that you're making extra  
3 money. Because myself, as an air  
4 conditioning company -- this is an example  
5 that was brought up. If the PGR built a  
6 national headquarters, and I was awarded the  
7 contract, that would not be self-dealing if  
8 I was on the board of directors doing the  
9 air conditioning works on the new buildings  
10 unless I did a \$50,000 air conditioning job  
11 for \$100,000 so I could turn an extra easy  
12 buck because I was a shoe-in. And it's just  
13 a continual gouging really on the part of --

14 Q. It was an issue with the board of  
15 directors?

16 A. (Indicating).

17 Q. Does -- reading this now, do you think  
18 that the accountant saw a tax problem?

19 A. No.

20 Q. Do you think that he thought that  
21 Jeff's ownership of the store jeopardized  
22 the status of the 501 c 3?

23 A. No, he did not. He never did.

24 Q. Okay, all right. Ronny, have you ever  
25 asked Jeff for permission to use any version

1 of the Patriot Guard trademark?

2 A. Yes, I did.

3 Q. And what was the nature of that request?

4 A. That was on my race car.

5 Q. Okay, what did Jeff say about it?

6 A. I sent him a formal letter and asked  
7 him if I could use the logo expressly and  
8 replicate it for use on the race car, not to  
9 be sold or used for profitability, just for  
10 personal use on my race car. And he said  
11 that he did agree with that and gave me  
12 permission to use it.

13 Q. Okay. Now, why didn't you ask PGR,  
14 Inc. if you could use it on the race car?

15 A. I asked them next.

16 Q. Okay.

17 A. And, frankly, I did it in that order  
18 because after I left the board, I don't know  
19 what took place about -- I knew that when I  
20 left the board, "Standing For Those Who  
21 Stood For US," was what was being used. And  
22 that was not any kind of -- "Riding With  
23 Respect" had kind of been moved away from,  
24 and I'm, "Riding With Respect."

25 Q. What does the wrap around your race

1 car say?

2 A. "Riding With Respect."

3 Q. Okay. Why did you ask the PGR, Inc.,  
4 if you could use, Riding With Respect?

5 A. Out of respect. I mean, it's  
6 literally, Riding With Respect is for --  
7 when I left the board, the big contention  
8 seemed to be the Riding With Respect logo,  
9 and some of the documents have shown that  
10 Riding With Respect was clearly disputed by  
11 Jeff as his, and the Patriot Guard Riders  
12 had moved on to, "Standing For Those Who  
13 Stood For US." And I always thought that  
14 sounded gay and wordy, and I never -- none  
15 of the materials that I ever owned have  
16 Riding -- have Standing For Those Who Stood  
17 For US on it.

18 Yes, I take that back. There was hats  
19 that were given to us at the gathering of  
20 the guard when I was still on the board of  
21 directors, a black national directors hat,  
22 and I do have that hat, Standing For Those  
23 Who Stood For US, but --

24 Q. Okay.

25 A. I'm Riding With Respect because I'm a

1 biker, and Standing For Those Who Stood For  
2 US was a second shot, hole-in-the-dark, kind  
3 of move-past-it type thing. And I own too  
4 much stuff that says, "Riding With Respect."  
5 It's all kind of wore out these days, but,  
6 you know, hats, shirts and Sturgis shirts  
7 and Healing Field shirts and --

8 Q. Oh, gosh, okay. All right, let's talk  
9 a little bit about Standing For Those Who  
10 Stood For US.

11 When do you remember that slogan --  
12 it's called a slogan -- being introduced for  
13 use in connection with Patriot Guard  
14 organization or with any merchandise?

15 MR. O'MALLEY: I'll object to  
16 whole line of questioning about this. It's  
17 irrelevant.

18 MRS. BLUE: Okay, I'm going to go  
19 ahead and ask.

20 MR. O'MALLEY: That's fine.

21 A. It came into --

22 MRS. BLUE: It's relevant to the  
23 issue of likelihood of confusion.

24 A. The 10th, somewhere around the time  
25 that all this is happening, somewhere in the

1 neighborhood of the 10th to 15th of November  
2 of '06 probably. I know that when the  
3 contention first came out that we decided,  
4 or that -- the dual filing, Jeff and the  
5 Patriot Guard Riders, that as it says, that  
6 we stopped using the Riding With Respect and  
7 started using For Those Who Stood For US as  
8 an alternate. And that idea came  
9 specifically from -- Jason Wallin presented  
10 it, and we accepted it shortly after that.

11 BY MRS. BLUE:

12 Q. Is that slogan used by itself?

13 A. It's use with the folded flag, with  
14 the Patriot Guard Riders. The standard  
15 logo, just the bottom rocker for all intents  
16 and purposes is Standing, that's --

17 Q. Is it the logo that appears on Mr.  
18 Hoffmann's shirt here?

19 A. Yes, it is.

20 Q. Okay.

21 MR. O'MALLEY: We are going to  
22 have to bring that shirt into evidence now.  
23 I'm sorry, take it off --

24 BY MRS. BLUE:

25 Q. Or if -- he can look at Exhibit Number

1 13 if you want to look at the logo then so  
2 we don't have to have Mr. Hoffmann give us  
3 his shirt off his back. If you want to go  
4 back to Exhibit Number 13 --

5 A. Yes, ma'am.

6 Q. -- and look at the logo at the top of  
7 page; is that it?

8 A. That's it.

9 Q. Okay. There's a hat sitting on the  
10 table here.

11 A. Yeah.

12 Q. I think that belongs to Jeff Brown?

13 A. Yes.

14 Q. All right, why don't you put that hat  
15 next to Exhibit Number 13, please.

16 A. (Witness complied).

17 Q. Okay. Take a look at those two logos.  
18 Do they look very much alike to you?

19 A. They look have much alike, except for  
20 the bottom.

21 Q. Okay.

22 A. Standing For Those Who Stood For US,  
23 and Riding With Respect.

24 Q. Okay. Is that the only difference in  
25 those two logos?

1 A. Yes, it is.

2 Q. If you were standing across the room  
3 and all you could see was the shape and you  
4 couldn't read the words, do you think you  
5 could tell them apart?

6 A. Myself, yes.

7 Q. Okay. You must have good eyesight?

8 A. Well, I hate the other one. I mean,  
9 and so, yes, I could identify it. But it  
10 is -- it's such a confusing matter, okay --

11 Q. Okay.

12 A. -- that I actually have a Patriot  
13 Guard Riders' tattoo.

14 Q. I see that.

15 A. And pending the outcome of this  
16 dispute -- I didn't want to live my life --  
17 I will gladly live with the logo with the  
18 folded flag and the thing in the middle --

19 Q. Okay.

20 A. -- but the Riding With Respect, or the  
21 Standing For Those Who Stood For US --

22 Q. All right. Well, your dislike of the  
23 slogan, Standing For Those Who Stood For US  
24 aside, if you saw those two logos would you  
25 think that they came from the same source?

1           A. If I knew nothing about the Patriot  
2 Guard Riders, I would.

3           Q. Okay, all right. Let's look here at  
4 Exhibit 14.

5                         (Whereupon Deposition Exhibit Number  
6 14 (sic) was marked for identification.)

7 BY MRS. BLUE:

8           Q. This is a printout from the Patent and  
9 Trademark office website dated May 3rd, 10th?

10                       MR. O'MALLEY: Did you say 14?

11                       MRS. BLUE: Yes.

12                       MR. O'MALLEY: That was the last  
13 exhibit.

14                       MRS. BLUE: I'm sorry, did I skip  
15 one? This should be 15, I'm sorry. I'll  
16 take it back and renumber it.

17                       (Whereupon Deposition Exhibit Number  
18 15 was marked for identification.)

19                       MRS. BLUE: There we go, 15.

20 BY MRS. BLUE:

21           Q. All right, this is a printout from the  
22 trademark office website dated May 3rd,  
23 2010. It is a printout of the Patriot  
24 Guard, Inc., application number 77383586.  
25 I'll show you this document.

1 MR. O'MALLEY: Objection with  
2 regard to all testimony regarding this is  
3 irrelevant.

4 MRS. BLUE: Noted. I'm offering  
5 it to discuss the likelihood of confusion.  
6 I think it is relevant.

7 BY MRS. BLUE:

8 Q. Okay, we're going to walk through this  
9 one a little bit like we did the other one.  
10 Look up here at the mark. Tell me what you  
11 see right there underneath the word "mark"  
12 on the first page of this.

13 A. Okay, mark, Patriot Guard Riders, the  
14 name Patriot Guard Riders.

15 Q. Okay. If you will go down to the last  
16 applicant, owner of record, see there is  
17 says Number 1?

18 A. Yes.

19 Q. Who is that?

20 A. Patriot Guard Riders, Incorporated.

21 Q. Okay. Flip to the next page, look at  
22 the Goods and Services. And I see  
23 International Class 14, 24, 25, 26 and 45  
24 listed there; is that correct?

25 A. Yes.

1 Q. Okay. Go up to Class 14, ornamental  
2 pins and commemorative coins.

3 A. Okay.

4 Q. Do you see the first use in commerce  
5 date there of 12-14 of 2005?

6 A. Yes.

7 Q. Are you aware of any pins with the  
8 mark, "Standing With Those Who Stood For US"  
9 that were available on December 14th of 2005?

10 A. I was not a member December 14th of  
11 2005; however, as a board member that voted  
12 for Standing For Those Who Stood For US,  
13 that term didn't even come into existence  
14 until on or about November the 10th of 2006,  
15 so no way that could have happened.

16 Q. Okay. How about on cloth banners and  
17 fabric flags. I see a first use in commerce  
18 date of 11-29 2005; is that possible?

19 A. The Standing For Those Who Stood  
20 For -- no.

21 Q. Okay. Now, I want you to flip back,  
22 show you -- several pages, flip back.  
23 There's a picture here of what appears to be  
24 a pin. It's the next page after the license  
25 plate.

1 A. Okay.

2 Q. Are you there? There you go.

3 A. Okay.

4 Q. When are you aware that that first pin  
5 was available to purchase?

6 A. It would have -- I don't know an exact  
7 date, but it would have had to have been in  
8 December of 2006 or later.

9 Q. Okay. Let's stay in that section  
10 there. What's that next page, what's that  
11 appear to be?

12 A. That's the PGR flag.

13 Q. Okay. What does the slogan on the  
14 bottom of that flag say?

15 A. "Standing For Those Who Stood For US."

16 Q. Okay. If you can, flip back over to  
17 the Class 24 goods, cloth banners and fabric  
18 flags. First use in commerce 11-29 2005; is  
19 that what it says?

20 A. Yes.

21 Q. Okay. Was that flag available for  
22 purchase in November of 2005?

23 A. Absolutely not.

24 Q. Okay. Let's take a look at the next  
25 class of goods in International Class 25:

1 Hats, short-sleeved and long-sleeved  
2 tee-shirts, sweat shirts and doo-rags.  
3 First use in commerce date 12-8 2005. Flip  
4 back to the page after the flag. Do you see  
5 a tee shirt with a logo on it that looks  
6 like the one Mr. Hoffmann's wearing. It  
7 says, "Standing With Those Who Stood With  
8 US"; was that shirt available in December of  
9 2005?

10 A. No, it was not.

11 Q. Okay. Let's go to Class 26,  
12 embroidered patches for clothing and  
13 armbands. First use in commerce date is  
14 12-23 2005, okay. Do you see a picture of a  
15 patch there?

16 A. Yes, do I.

17 Q. Standing With Those Who Stood With US?

18 A. Yes.

19 Q. Was that patch available in December  
20 of 2005?

21 A. No, it was not.

22 Q. Okay. All right, let's go on down to  
23 the next class, which is International Class  
24 45: "Organizing and conducting support  
25 groups in the field of combat veterans and

1 their families."

2 All right, I think if you go to the  
3 page after the patch. I'm -- now I'm lost,  
4 sorry. You see a printout of what appears  
5 to be a page from the Patriot Guard Riders'  
6 website?

7 A. Yes.

8 Q. Does that look like what it is to you  
9 as well?

10 A. Yes.

11 Q. Do you see the Patriot Guard Riders'  
12 logo in the corner that says, "Standing for  
13 Those Who Stood For US"?

14 A. Yes, I do.

15 Q. Okay. Was that logo on the Patriot  
16 Guard website on November 9th of 2005?

17 A. No, it was not.

18 Q. Okay. You have already testified that  
19 you believe this logo looks very similar to  
20 the previous logo that used the tag line,  
21 "Riding With Respect"; is that correct?

22 A. Yes.

23 Q. Okay. Why would Patriot Guard Riders,  
24 Inc. have filed this application with dates  
25 of use of 2005 when this mark wasn't used

1 until sometime in 2006?

2 A. I do not know. I was no longer on the  
3 board on January 29th of 2008.

4 Q. Okay. Do you know who authorized that  
5 application?

6 A. I have no clue.

7 Q. Okay. Do you have -- strike that.  
8 When the board of directors adopted the  
9 Standing With Those Who Stood For US slogan --

10 MR. O'MALLEY: Objection; it's  
11 not the proper name.

12 MRS. BLUE: Pardon?

13 MR. O'MALLEY: It's not the  
14 name of the mark.

15 MRS. BLUE: Oh, Standing For  
16 Those Who Stood For US. Sorry, you're right.

17 BY MRS. BLUE:

18 Q. When they adopted that slogan, what  
19 was their reason for doing so?

20 A. To differentiate ourselves from Jeff  
21 Brown, Twister's store, and to continue on  
22 with a logo that represented us and was  
23 similar enough for comfort factor for all of  
24 our forum members so that they could have --  
25 they wouldn't have to throw all their other

1 stuff out the door to participate or bring a  
2 showdown between one or the other.

3 Q. Okay. All right, let's talk for a  
4 minute about the time that you were acting  
5 as treasurer for the PGR for -- and perhaps  
6 even after Jeff Brown resigned. Did Jeff  
7 Brown ever donate any money to the PGR?

8 A. Donation's the right term. He paid  
9 bills for the Patriot Guard Riders,  
10 Incorporated, that we were negligent on  
11 paying ourselves.

12 Q. Was he reimbursed?

13 A. No.

14 Q. Okay. So would you consider that a  
15 donation?

16 A. Yes, I would.

17 Q. Okay.

18 A. He donated to a couple of veterans'  
19 causes, and he donated to -- basically we  
20 could call the Help On The Homefront trip  
21 publicity for the organization, so he did  
22 fund some of those items.

23 Q. Did Jeff ever offer a donation to the  
24 PGR that was rejected?

25 A. I don't remember, although there

1 were -- there was a standing order from Jeff  
2 that if there were ever any funding for HOTH  
3 that was not accepted by the national  
4 organization, to come to him and he would be  
5 willing to help. However, I was advised  
6 that I am not to go to Jeff for any HOTH  
7 funding.

8 Q. Why not?

9 A. Because he's Jeff.

10 Q. Was there any other reason given to you?

11 A. Because we're in a trademark lawsuit  
12 with him, and we don't want his money. We  
13 were -- I was told at one time to  
14 communicate to Jeff that he could donate to  
15 the website, cart blanche, just send a  
16 donation in, and that us as the board would  
17 figure out what to do with the money. And  
18 Jeff said, "No, I'm not just sending you a  
19 bunch of money. You can tell me specific  
20 things that you would like the money for,  
21 and I will be more than glad to help or to  
22 see what I can do to help." And that was  
23 summarily rejected.

24 Q. Are targeted donations by other  
25 members rejected?

1 A. Not that I can remember.

2 Q. If I want to give money specifically  
3 to Help On The Homefront, can I do that?

4 A. You could when I was there.

5 Q. Do you know if you can do it now?

6 A. I do not know, although the past  
7 treasurer who stepped out told me that they  
8 were having a lot of problems getting money  
9 to states through the national organization.  
10 You're supposed to be able to.

11 I don't know, I don't know; that was  
12 told by the current sitting treasurer who's  
13 no longer the treasure, and I don't know the  
14 terms of his removal.

15 MR. O'MALLEY: Objection; hearsay.

16 BY MRS. BLUE:

17 Q. And if I want to donate to a specific  
18 cause that the PGR supports, can I do that  
19 anonymously?

20 A. Sure.

21 MR. O'MALLEY: Objection as to  
22 time period.

23 BY MRS. BLUE:

24 Q. Can I do that anonymously now?

25 MR. O'MALLEY: It's speculation.

1 A. I have no idea.

2 BY MRS. BLUE:

3 Q. Could I do it anonymously when you  
4 were treasurer?

5 A. Yes.

6 Q. Okay. Did you ever discuss with  
7 anyone on the board of directors or within  
8 leadership to PGR Jeff's donations after he  
9 resigned?

10 A. Well, yes, because that's where --  
11 there was a soldier that he supported in  
12 what would have been January of 2007. And  
13 Bonnie Cutler specifically was furious that  
14 we had allowed Jeff to service a HOTH  
15 project, and Ed Mueller was not happy about  
16 it whatsoever.

17 Q. Why?

18 MR. O'MALLEY: Objection; hearsay.

19 A. Because Ed's philosophy from the very  
20 beginning and Bonnie's was to destroy Jeff's  
21 reputation to any extent possible. And Ed  
22 Mueller's, as I have said earlier, standard  
23 response to any negotiation with Jeff  
24 Brown -- standard response, for the Record,  
25 is, "Fuck that son-of-a-bitch."

1 MR. O'MALLEY: Objection; hearsay.

2 BY MRS. BLUE:

3 Q. Okay.

4 MR. O'MALLEY: And for the language.

5 BY MRS. BLUE:

6 Q. And the language, okay. Did you ever  
7 offer any comments on your perception of  
8 that policy?

9 A. Yes, on the -- my policy was always to  
10 negotiate, as I've already said. My  
11 personal belief is when the attorneys are  
12 involved, the only one who wins are the  
13 attorneys. And my -- from the very  
14 beginning, me and Snap wanted to negotiate a  
15 successful truce, cease fire, what have you,  
16 and bring to a conclusion a bloody chapter  
17 in the Patriot Guard Riders and move forward  
18 with everybody's integrity intact.

19 The single biggest sticking point to  
20 the first negotiation with Jeff Brown was he  
21 asked if he could be listed as founder  
22 emeritus or some kind of position of honor  
23 for the time and effort he had put into  
24 founding the Patriot Guard Rider. And the  
25 objectionable language and hearsay was the

1 standard issue answer.

2 Q. Okay.

3 MR. O'MALLEY: Objection; hearsay.

4 THE WITNESS: You're doing it for  
5 me now.

6 (Whereupon, an off the Record  
7 discussion was had)

8 BY MRS. BLUE:

9 Q. Okay. I got something here I want to  
10 find. Did Jeff ever make any offer to you  
11 about selling out the current inventory?

12 A. Yes, he did.

13 Q. All right. Did that -- was that offer  
14 accepted by the board?

15 A. No, it was not. That was his first  
16 offer was to allow him to sell his remaining  
17 inventory, then he would go away.

18 Q. Okay.

19 A. And we were told -- we communicated  
20 with it. Myself and Snap were the ones that  
21 were both in communication with him on that  
22 negotiation initially. And primarily Bonnie  
23 Cutler -- at this point Jason Wallin kept  
24 his head real far down. He didn't raise  
25 much head, but he usually voted with Ed and

1 Bonnie on the board votes. And Bonnie and  
2 Ed were adamantly opposed to that because,  
3 "Well, what if he orders new stuff and this  
4 could drag on for 30, 60, 90 day, six  
5 months; he never may never shut down. We  
6 may never be able to sell. We're not going  
7 to do that at all," probably followed  
8 shortly by Ed's standard answer.

9 Q. Okay.

10 A. There was lot of -- I cannot overly  
11 stress; there was a lot of overt animosity  
12 on the part of Ed Mueller and Bonnie Cutler  
13 to any kind of dealings with Jeff Brown on  
14 any level.

15 MR. O'MALLEY: Objection; hearsay.

16 (Whereupon Deposition Exhibit Number  
17 16 was marked for identification.)

18 BY MRS. BLUE:

19 Q. Okay, Number 16 is Bate's stamped PGR  
20 001989. It was produced in response to one  
21 of our document production requests.

22 This one is signed at the bottom of  
23 it, "Ed." If you'll go to the second page  
24 of that, you'll see that. And there's a  
25 message to Monica.

1 MR. O'MALLEY: I object to the  
2 time frame. I don't know when this was  
3 posted by Ed.

4 MRS. BLUE: Well, you guys  
5 produced it, so we can go back in and look  
6 at that.

7 THE WITNESS: The 10th of  
8 December, 2006, on the last page.

9 MR. O'MALLEY: No, that's the  
10 date that the response was made to it.

11 THE WITNESS: Right.

12 MRS. BLUE: I believe it is also  
13 a portion of the -- the Petitioner's Exhibit  
14 Number 27 in Bonnie Perry, who I believe was  
15 previously Bonnie Cutler, it was produced in  
16 her testimony. So if you like I can go in  
17 and get Bonnie's deposition copied.

18 MR. O'MALLEY: I just wanted to  
19 know; I assume the page before this probably  
20 PGR 001988 likely has the date on it, but --

21 MRS. BLUE: Okay.

22 MR. O'MALLEY: I'm just -- as of  
23 right now I can't confirm or deny what date  
24 he wrote this on.

25 MRS. BLUE: All right, well,

1 let's go ahead with it right now. I can  
2 produce it through Bonnie's testimony if I  
3 need to.

4 BY MRS. BLUE:

5 Q. Let's look at Number 3 here:

6 "Jeff asked that we allow the store to  
7 remain open until he sold out of all  
8 of the product which he currently had  
9 in stock. The BOD agreed to that."

10 Is that accurate?

11 A. That is a lie.

12 Q. Okay. Let's go down to Number 5:

13 "Jeff told the BOD that we could use  
14 the current logo and name on the  
15 website, but would not grant us the  
16 use for any items to be merchandised."

17 Is that correct?

18 A. That is out of context correct; that  
19 is a further negotiation after the  
20 trademarks had been filed and the trademark  
21 dispute started, tied with a pre-trademark  
22 initial resignation/store closing offer.  
23 There's two things happening in there at the  
24 same time that are not the same negotiation.

25 Q. Okay. Let's go down to Number 8:

1           "The BOD did not accept those terms  
2           and took a chance and filed for a  
3           trademark on the current logo."

4           What, if you know, was he referring to  
5           when he says, "the current logo"?

6           A. The current logo, I would assume he's  
7           referring to the Patriot Guard Riders'  
8           "Riding With Respect" logo.

9           Q. Okay. What, if you know, is meant by,  
10          "The board did not accept those terms and  
11          took a chance"?

12          A. The board threw a Hail Mary and hoped  
13          to acquire the trademark.

14          Q. Was it your understanding on the -- as  
15          a board of directors member at that time  
16          that it was a first to file?

17          A. That's what we all thought. When it  
18          was later reported by Jason when he brought  
19          back the documents that he had now filed the  
20          trademark, and he also had a copy of Jeff's  
21          later that was presented to us, or at a time  
22          or -- it was that we had beat him to the  
23          trough.

24                       MR. O'MALLEY: Objection; hearsay.

25                       BY MRS. BLUE:

1 Q. Okay. Did you believe that that was  
2 correct, that if you beat him to the trough  
3 you would get the trademark?

4 A. At the time I thought that that was  
5 accurate.

6 Q. Okay.

7 A. I had no idea with any of this.

8 Q. Okay. Do you have a different  
9 understanding now of how somebody acquires  
10 trademark ownership?

11 A. Oh, yeah, much difference.

12 Q. Okay.

13 A. First use in commerce, whoever uses it  
14 in a livelihood earning capacity. That's --  
15 that seems to be the accurate representation  
16 of acquiring trademark.

17 Q. Did you -- let's see, strike that.  
18 When did the PGR, Inc. first begin to sell  
19 merchandise that had Patriot Guard on it in  
20 any form?

21 A. I do not know the first use date. I  
22 was not a member. When I became a member  
23 somewhere around, like I said, the 6th to  
24 12th of January of 2006, I bought  
25 merchandise possibly within that day or

1 later that day. As soon as I became a  
2 member I bought my first merchandise.

3 Q. Where'd you buy it from?

4 A. I don't know. I bought it from --

5 Q. Where did your shipment come from?

6 A. Broken Arrow, Oklahoma.

7 Q. Okay.

8 A. I understood -- I had no grasp on  
9 stores or whose stores or website links or  
10 any of that jargon initially. I know that I  
11 initially transmitted my first sale and  
12 dealt with Jeff as -- I believe I sent him  
13 an email asking about products before I  
14 purchased them.

15 Q. Okay.

16 A. I wouldn't testify to that, but I did  
17 have some business interactions, not on a  
18 personal level, but in regards to the first  
19 sale.

20 Q. When Jeff resigned did you participate  
21 in any discussion with the board of  
22 directors about how to supply members with  
23 PGR merchandise?

24 A. Yes.

25 Q. And what was the outcome of that

1 discussion?

2 A. Well, we knew that we needed to get on  
3 something fast, that the money train was no  
4 longer exiting, and we had to start finding  
5 some way to start earning money for HOTH  
6 projects, et cetera, et cetera.

7 Q. Okay.

8 A. For me personally, funding the HOTH  
9 projects was the most important thing that  
10 we did with the money. As a matter of fact,  
11 most our money went to Help On The Homefront  
12 projects.

13 Q. Okay.

14 A. And I frankly just wanted money coming  
15 from the door that I could keep helping  
16 soldiers and their families.

17 And at that, Ed Mueller formed a store  
18 committee. I never knew any of the store  
19 members, but -- or any of the committee  
20 members, and reported to the board that  
21 there had been -- one of the board votes  
22 should have a report of Ed reporting that a  
23 couple of people were looked at. CDM had  
24 the best offer, plus it was close to his  
25 house. So the board decided that that was

1 the quickest, easiest route because they  
2 didn't require us for minimum purchases or  
3 anything. It was -- they would just  
4 immediately start manufacturing and shipping  
5 items.

6 Q. Okay. Were there any other companies  
7 considered in picking out a vendor?

8 A. The report was that there was a couple  
9 of other companies that were looked into,  
10 and that CDM was the best option.

11 Q. Okay. Did you know who those other  
12 companies were?

13 A. No, I did not.

14 Q. Did the board -- did anybody from the  
15 committee disclose that to the rest of the  
16 board?

17 A. No, I don't believe -- they did not.  
18 We just hoped that -- the committee at that  
19 time was reporting their findings, and we  
20 were taking them and running with them.

21 Q. Okay. Do you know if CDM is still a  
22 vendor for the PGR, Incorporated store?

23 A. I do not know.

24 Q. Okay.

25 A. I have been told no, but I don't know.

1 Q. Okay. Do you know if there were any  
2 specific financial arrangements with CDM?

3 MR. O'MALLEY: Objection; irrelevant.

4 A. CDM sold us merchandise, and we  
5 displayed it on the website. We initially  
6 would determine the cost we wanted to sell  
7 an item for, and CDM would package and ship,  
8 and we would send them a check for what they  
9 charged us for it. And whatever it was left  
10 we deposited in the PGR bank accounts.

11 BY MRS. BLUE:

12 Q. Okay. Did CDM give the PGR a portion  
13 of its proceeds?

14 A. No, we paid CDR (sic) for services  
15 rendered, and that was the extent of our  
16 obligation with CDM.

17 Q. Okay, so they didn't give any money  
18 back to the PGR?

19 A. No.

20 Q. Okay.

21 A. The money all was handled through the  
22 Patriot Guard Riders. And we -- through the  
23 website and the PayPal accounts, and Ed  
24 would notify me when he was making a  
25 transfer. I would account it in my

1 transactions as the treasurer, and that was  
2 that. And then I would authorize a payment  
3 when he told me they had an invoice.

4 Q. Okay. Was there ever any suggestion  
5 at the board of directors' level that CDM  
6 was -- intended to give any kind of donation  
7 to PGR or donate any percentage of its profits?

8 A. No.

9 Q. Okay. Did you tell me just a minute  
10 ago that you don't know who the vendor is  
11 right now for PGR, Inc.?

12 A. I don't know.

13 Q. Okay. Do you think it's okay for  
14 somebody who provides merchandise for the  
15 PGR to sell, to make a profit on that  
16 merchandise?

17 A. As a small business person, anybody at  
18 any degree of commerce is doing it for a  
19 profit; otherwise, they have no business  
20 sense, and they probably ought to go to work  
21 for somebody. So, yes, if you're  
22 manufacturing products for sale and you're  
23 in the commerce chain at any level; be it  
24 shipping, manufacturing, raw products,  
25 production, yes, you should be doing it for

1 a profit.

2 Q. Do you know whether any PGR forum  
3 posts or emails concerning Jeff Brown or  
4 this trademark dispute have ever been  
5 deleted or modified?

6 A. Yes.

7 Q. How do you know that?

8 A. Because I was participating in a  
9 thread on the forums where they would pop up  
10 and they would say anything, and they would  
11 be shut down. We would try to keep the lid  
12 on the situation.

13 And there was a forum post that was  
14 happening, and it was basically somebody  
15 wanted to know what had really happened. So  
16 I was posting on there the truth, the whole  
17 truth, and nothing but the truth, and it was  
18 going on, and it was kind of swinging. And  
19 I personally believe we needed to let the  
20 membership work it out of their system, win,  
21 lose, or draw, or it was just going to be  
22 horrible and keep dragging on and dragging  
23 on. I just believe that.

24 And, as a matter of fact, Bill  
25 Richarts was forum moderator and locked the

1 thread. And it was supposed to take a  
2 quorum of the board, and he decided to do it  
3 by himself, and I was -- and I was pissed off.

4 Q. Is a forum moderator the only person  
5 who can delete or modify posts?

6 A. No.

7 Q. Okay. Who else can do it?

8 A. Anybody with admin privileges.

9 Q. So how do you know that Bill locked  
10 down that thread?

11 A. Because he told us.

12 Q. Okay.

13 A. And --

14 MR. O'MALLEY: Objection; hearsay.

15 A. He was the -- he told myself and Ed.  
16 that as a forum person, that that was his  
17 realm, and regardless of whether we were  
18 board of directors or not, that he saw it as  
19 negative for the organization and didn't  
20 want to let it continue. And --

21 BY MRS. BLUE:

22 Q. Did you ask him to unlock the thread?

23 A. I don't think I asked him to unlock  
24 it. I just --

25 Q. Did you voice any objection to his

1 locking it?

2 A. Yes, I did.

3 Q. Okay. Are there any posted criteria  
4 about when posts ought to be deleted or  
5 modified?

6 A. I do not know about posted criteria  
7 for forum moderators because I was not a  
8 forum moderator. There is a terms of use  
9 for the website, and that has statements in  
10 it regarding acceptable conduct. But I  
11 don't know specifically within the realm of  
12 the forum moderators what they're -- or if  
13 there are any other set of guidelines  
14 outside of the terms of use, I don't know  
15 that.

16 Q. Okay. Were posts that were critical  
17 of Jeff Brown allowed to remain on the forums?

18 A. Yes and no.

19 Q. During -- and let me specify the time  
20 frame there: After his resignation?

21 A. No, if it became extremely heated, but  
22 they had a lot longer lifespan than anything  
23 that was pro Jeff Brown.

24 Q. All right, so posts in defense of  
25 Jeff, were those modified or deleted?

1 A. Yes. Any posts that -- any posts that  
2 got the membership worked up and could  
3 possibly be viewed to black eye the  
4 organization was a candidate for moderation.  
5 Any post, be it pro or con.

6 Q. Okay.

7 A. But being not a fan of the particular  
8 method in which Jeff was railroaded, I  
9 particularly would get pissed off because if  
10 it was anything of Jeff's friends, it lived  
11 a very short life span. It was nowhere --  
12 the forums against Jeff always prospered  
13 longer, but they all disappeared.

14 Q. Okay. Were there ever any actions  
15 taken to ban access to the website of any  
16 member based on their support of Jeff Brown?

17 A. Myself.

18 Q. What happened?

19 A. David David was a state captain in  
20 Texas, and David and -- either invited -- to  
21 some extent Jeff showed up at the gathering  
22 of the guard in Texas, and this really  
23 didn't set well with the national  
24 leadership. So David David had -- Texas is  
25 a pretty good running state. I never

1 particularly agreed with David David's  
2 support of the Help On The Homefront  
3 program. First and foremost, taking care of  
4 my soldiers and their families was the most  
5 important thing to me in this whole  
6 organization, and David much didn't care  
7 about spending money on HOTH. But David, I  
8 feel, was removed because Jeff went to the  
9 gathering of the guard in Texas. And when  
10 David David's firing happened, my website  
11 access was pulled.

12 Q. Okay.

13 A. And totally I was locked out of the  
14 website.

15 Q. Do you know who did that?

16 A. I do not know who did that.

17 Q. Do you know if Jeff's ever been denied  
18 access to the website?

19 A. Yes, he has.

20 Q. Do you know why?

21 A. Hissself and Bonnie. Well, Jeff was  
22 locked out because of the -- when he would  
23 defend hissself when this -- when the  
24 incident first happened surrounding his  
25 resignation first happened, and he would

1 post anything, the official policy on the  
2 board, spoken amongst ourself -- and you'll  
3 probably never find this in an email -- was  
4 to totally discredit Jeff.

5 Q. Did you participate in that?

6 A. Well -- discrediting Jeff?

7 Q. Uh-huh?

8 A. No, I --

9 Q. Did you object to it?

10 A. Yes.

11 Q. What'd you say?

12 A. I said that, "It's enough that he's  
13 not around. It's enough that --" and this  
14 is the early days, "that he'll give us the  
15 store, and he'll gladly walk away from all  
16 this stuff. But I think it's totally not in  
17 the realm of honor or dignity that we, as an  
18 organization, try to stand for that we want  
19 to purposely try to humiliate the man," and  
20 that's what it was.

21 Q. Okay. Why was Bonnie's access cut off?

22 A. Because she's his wife.

23 Q. Okay.

24 A. You log on under your wife's name, and  
25 you're still floating around.

1 Q. You testified earlier that the members  
2 of this organization communicate with each  
3 other primarily through the website?

4 A. Yes.

5 Q. So if you wanted to --

6 A. Then, not now.

7 Q. Okay, how do they communicate now?

8 A. Now most states have their own  
9 websites and there's --

10 Q. Okay.

11 A. Most states have independent -- like I  
12 said, I developed the Texas coordination  
13 before I became national, and most states  
14 have developed their own in-house  
15 coordination. And there's many, many, many  
16 states websites already that are up and  
17 running. Texas has geographical --

18 Q. Uh-huh.

19 A. So we have southeast Texas, north  
20 Texas, central Texas; there's several  
21 different websites operating that's within  
22 the State of Texas.

23 Q. Okay. Can you post on the state  
24 forums if you're not a member of that  
25 state's organization?

1 A. I don't know.

2 Q. Okay.

3 A. I'm not a member of any state forum.

4 Q. If you are banned from the national  
5 website, is there a way that you know of to  
6 communicate effectively with membership of  
7 the PGR at large. Not just within any  
8 particular state, but with the entire  
9 membership?

10 A. If you're banned?

11 Q. Uh-huh?

12 A. No, not really.

13 Q. Okay. Do you know -- strike that.  
14 What does FJB stand for?

15 A. Fuck Jeff Brown.

16 Q. How do you know that?

17 A. Ed Mueller told the board on a com  
18 call.

19 MR. O'MALLEY: Objection;  
20 hearsay, irrelevant.

21 BY MRS. BLUE:

22 Q. Okay.

23 A. If it's in Jeff's -- if it's in his  
24 signature right here, when you figure out  
25 the date on this. This is as early as -- Ed

1 knew it right here in his own post,  
2 "Freedom, Justice, Brotherhood." Whatever  
3 the date of this is.

4 I mean, it was in, I think -- it was  
5 pretty soon right off the bat. And Ed  
6 reported to the board that it was an  
7 organization that was going to donate to the  
8 legal defense based on patches that  
9 supported, "Freedom, Justice, Brotherhood,"  
10 or, "Fuck Jeff Brown," however you chose to  
11 read it. But it was reported to board of  
12 directors that we were going to be receiving  
13 funds from this counter-organization and  
14 what the name of it was by Ed Mueller.

15 Q. Okay.

16 MRS. BLUE: It's 6:30. Okay, I  
17 still have maybe 30, 45 minutes, and that's  
18 going to put them over on their flight, so  
19 what do you want to do?

20 MR. O'MALLEY: Well --

21 MRS. BLUE: Well, Ronny can stay,  
22 he says.

23 MR. O'MALLEY: Well, let's ask him.

24 MRS. BLUE: Well, that's what he  
25 told me earlier. I know he probably doesn't

1 want to, but --

2 MRS. BLUE: Yes, let's go off the  
3 Record for this part of the conversation.

4 (Whereupon, an off the Record  
5 discussion was had).

6 (DEPOSITION TO RESUME 5-5-10)

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1 (DEPOSITION RESUMED 5-5-10)

2

3 MRS. BLUE: Let's go ahead and  
4 get started. Do you want to swear Mr. Awtry  
5 back in?

6

7 **RONNY ROY AWTRY,**

8 Being first duly sworn to tell the truth,  
9 the whole truth and nothing but the truth,  
10 testifies as follows, to-wit:

11

12 CONTINUED DIRECT EXAMINATION

13 BY MRS. BLUE:

14 Q. Okay. After a nice break, and I see  
15 everybody's got fresh tee-shirts on this  
16 morning and presumably found a toothbrush.  
17 I want to go back to the PGR, Incorporated  
18 first application, which is exhibit, I  
19 believe -- I'm sorry, I've got the wrong  
20 stack in front of me now.

21 Exhibit 5, okay. Let's go back, page  
22 back into that application. We're going to  
23 see a picture of two tee-shirts. Can you  
24 find that picture?

25 A. (Witness complied).

1 Q. There you go.

2 A. Yes.

3 Q. Okay. Do you know what those are?

4 A. Those are the Sturgis Healing Field  
5 shirts from when we sponsored the Healing  
6 Fields in Sturgis.

7 Q. Okay. Do you see the triangular  
8 folded flag, Patriot Guard logo on those  
9 anywhere?

10 A. On the front, on the front right  
11 corner there's the exact logo.

12 Q. Okay. It's a little hard to see on  
13 this copy, I think --

14 A. Yes.

15 Q. -- but it appears to be that logo. Do  
16 you know when these Sturgis shirts were made?

17 A. In July of 2006.

18 Q. Okay. When does Sturgis take place?

19 A. August of 2000 -- August of every year.

20 Q. Okay. So if you go back to the First  
21 Use in Commerce date that's on Page 2 of  
22 this exhibit, it says June 1st, 2006. Were  
23 these shirts made June 1st, 2006?

24 A. It was after that that we actually  
25 voted to do the sponsor on that, so they

1 couldn't have been made on June 1st.

2 Q. Okay, was anybody wearing them June 1st?

3 A. No.

4 Q. Okay, all right. Yesterday we talked  
5 a little bit about the declaration that was  
6 executed in this application by Jason Wallin.

7 Do you see this last sentence in the  
8 declaration, it says: "That all statements  
9 made on information and belief are believed  
10 to be true"?

11 A. That's a big, long, run-on sentence.

12 Q. Yes, it is. That's how we like to  
13 talk in the legal field.

14 A. "...all statements made of his/her own  
15 knowledge are true, and that all statements  
16 made on information and belief are believed  
17 to be true."

18 Q. So is it true then that these shirts  
19 were in use in commerce on June 1st, 2006?

20 A. No.

21 Q. Okay. All right, let's turn a little  
22 further back in this group of documents, and  
23 we're going to see a picture of a pin on a  
24 leather jacket, or what looks like a leather  
25 jacket to me.

1 A. Yes.

2 Q. Do you see that?

3 A. Yes.

4 Q. What is that?

5 A. That's the Patriot Guard Riders' logo.

6 Q. Okay. If you will look at that pin

7 and look back at the first page of this

8 application where it says "mark," do you see

9 any difference between that pin and the mark?

10 A. First page of the application?

11 Q. The first page of the application is

12 the first page of this exhibit. If you need

13 to unstaple it so you can look at them side

14 by side --

15 A. There is a difference.

16 Q. What is that difference?

17 A. The triangle with Patriot Guard Riders

18 is not full width.

19 Q. Do you see any other difference?

20 A. A little blue splotch over at the

21 corner of the flag, but --

22 Q. Okay. If you'll look at, read the

23 wording on the top of the pin?

24 A. Patriot Guard.

25 Q. Okay. Read the word underneath the

1 little flag emblem?

2 A. Rider.

3 Q. Okay. What is the word underneath the  
4 flag emblem on the first page of this exhibit?

5 A. Riders, with an "S."

6 Q. Okay. Where would you have gotten a  
7 pin like the one in this picture on June  
8 1st, 2006?

9 A. The only pin that I'm -- I don't know.  
10 I don't know. I don't know for sure if that  
11 pin was produced by Jeff. I don't remember  
12 specifically on the pins. But the only  
13 place that you could have got one if they  
14 were manufactured at that time was through  
15 Jeff Brown's store.

16 Q. Okay. Was the Patriot Guard,  
17 Incorporated set up as a corporation on June  
18 1st, 2006; do you know?

19 A. Yes.

20 Q. Okay. Was the Patriot Guard,  
21 Incorporated set up as a corporation on  
22 November 11th, 2005?

23 A. No.

24 Q. Okay. Why was the date June 1st, 2006  
25 chosen as the first use in commerce date, do

1 you know?

2 A. I have no clue.

3 Q. Okay. Do you know why the first use  
4 date of 11-11 2005 was chosen?

5 A. If this is in regards -- is this the  
6 same application filed by Jason?

7 Q. Yep.

8 A. Well, it was believed that was  
9 around -- the method that was devised for  
10 that date was the first date that Jason  
11 thought it was used, minus a couple of days.

12 Q. Okay.

13 MR. O'MALLEY: Objection; hearsay.

14 BY MRS. BLUE:

15 Q. Okay.

16 A. That was what he told the board on a  
17 board of directors call.

18 Q. All right.

19 MR. O'MALLEY: Objection; hearsay.

20 BY MRS. BLUE:

21 Q. This declaration that Jason signed  
22 indicates that "...willful, false statements  
23 and the like may jeopardize the validity of  
24 the application or any resulting  
25 registration." And it also says that,

1 "false statements are punishable by fine or  
2 imprisonment or both under 18 USC, Section  
3 1001."

4 Did PGR, Inc. authorize Jason to file  
5 this application?

6 A. Yes.

7 Q. Has PGR, Inc. committed perjury under  
8 this section?

9 A. I would say yes. We weren't aware of  
10 the entirety of it. And, as I said, he was  
11 the one who researched it, and he filed it  
12 and told us he had filed.

13 We weren't necessarily specifically  
14 aware of declarations, et cetera. That was,  
15 as I said, I had previously seen the first  
16 two pages of this, possibly the first three  
17 pages of this document, but I have never  
18 seen the declarations page and at no time  
19 was aware that myself, as a part of the  
20 board, had committed perjury.

21 Q. Okay. Let's talk for a minute about  
22 where those dates of use might have come  
23 from. Notwithstanding Mr. O'Malley's  
24 objection a minute ago, how would Jason have  
25 been aware of what Jeff was claiming as

1 first use date, do you know?

2 A. Well, Jason and Jeff were developing  
3 the organization in some capacity. I don't  
4 know the semantics of how it worked, but  
5 Jason was developing the website and Jeff  
6 was developing merchandise for sale, and  
7 that was their agreement on funding  
8 themselves for time and effort into the  
9 organization. So Jason would have been  
10 aware of when the organization started.  
11 This was before my membership; my membership  
12 was January.

13 Q. Okay. So you don't really know how  
14 Jason would have become aware of -- how  
15 would he have known what date to take away a  
16 couple of days from?

17 A. I don't know specifically. There  
18 were -- there was a board com call where we  
19 talked about the origins of the organization  
20 and the date things were such used, and  
21 Jason was the most prepared to answer those.

22 Q. Okay.

23 A. However, in light of some of my other  
24 testimony, Jason was proven to be a very  
25 large liar and a thief, so --

1 Q. Okay.

2 MR. O'MALLEY: Objection.

3 (Whereupon Deposition Exhibit Number  
4 17 was marked for identification.)

5 BY MRS. BLUE:

6 Q. This is 17. I want you to take a look  
7 at this. This is a forum post on the  
8 Patriot Guard website. It is Bate's stamped  
9 PGR 003712. It is produced in response to a  
10 Request for Production of Documents by Jeff  
11 Brown. Can you identify the author of this  
12 post?

13 A. Bill Lyons.

14 Q. Okay. Is Bill also known as "Snap67"?

15 A. Yes, he was.

16 Q. Okay. All right, would you take just  
17 a second and read Snap's post, please? Tell  
18 us when you're ready.

19 A. Okay.

20 Q. Okay. Snap talks in this post about  
21 on November 18th, 2006, about a discussion  
22 he's had with Jeff Brown, or Jeff, which I  
23 assume in this post means Jeff Brown because  
24 he's also referring to Twister here, which I  
25 believe is Jeff's road name.

1 He says: "There will be two stores,  
2 the new PGR store and Twister's Place.  
3 Jeff will license the PGR, Inc. and  
4 the new PGR store to use the name and  
5 logo free of charge to produce new PGR  
6 products designed to raise funds for  
7 the PGR, Inc.."

8 Was this decision a result of a board  
9 of directors' decision?

10 A. It would have -- I don't remember this  
11 expressly, although Snap would not have done  
12 this without a board vote. I have to  
13 believe there's a board of directors meeting  
14 somewhere that would support this, yes.

15 Q. Okay. Well, on November 18th, he's  
16 posting this, and this is after Jason Wallin  
17 filed the trademark application on November  
18 9th. Why would the board of directors or  
19 Snap, who at that point was a national  
20 executive director, agree to let Jeff  
21 license the PGR, Inc. to use the name and logo?

22 A. Because we as a board of directors  
23 knew that Jeff created the logo, and we were  
24 trying to find a solution to keep using the  
25 logo or trademark as our identifier. And we

1 knew damn good and well that Jeff had that  
2 ability at that time.

3 Q. Okay. This is despite Jason's  
4 execution of a declaration that said that  
5 the PGR, Inc. was the only entity entitled  
6 to use that mark; is that right?

7 A. I would say that the exhibits would  
8 support that, yes.

9 Q. Okay.

10 A. I'd like to point out something in  
11 this document real quick.

12 Q. Go ahead.

13 A. As we know, this obviously didn't come  
14 to pass. And the next three posts below  
15 this say, "Thank you," "Fantastic," and  
16 "Illinois backs the board."

17 Q. Okay.

18 A. It was a very small minority of folks  
19 who did not go along with this, followed up  
20 by the board of directors, expressly Bonnie  
21 Cutler, Ed Mueller and Jason Wallin, who  
22 ultimately protested and reneged on this.

23 Q. Okay. Ronny, do you know if the  
24 Patriot Guard, Inc. has ever sent any kind  
25 of a demand letter or requested anyone to

1 stop using the Patriot Guard mark?

2 A. I didn't draft it, but there was a  
3 board of directors' meeting where we  
4 discussed sending a cease and desist letter  
5 to Jeff. I don't know -- I have not seen  
6 the document. I don't know who executed it,  
7 but I think that we as a board did decide  
8 that that was something that needed to be done.

9 Q. Well, now, let me ask you a question.  
10 Why, in light of the post we just looked at  
11 from Snap, would you send Jeff a cease and  
12 desist letter?

13 A. Well, the organization is recognized  
14 by the disputed trademark. And many,  
15 probably the great majority, think that the  
16 logo best represents the organization as a  
17 whole.

18 Q. Okay.

19 A. And any attempted -- any attempted  
20 means of acquiring the trademark for control  
21 by the organization in many eyes seems to be  
22 the best representation of what would be the  
23 best for the organization.

24 Q. So the end justifies the means then?

25 A. The end justifies the means.

1 Q. Okay. Even though we've seen several  
2 posts, including the one we just looked at  
3 in Exhibit 17, indicating that Jeff owned  
4 the mark, you guys -- the board was going to  
5 send him a demand letter?

6 A. Yes.

7 Q. To tell him to stop using the mark?

8 A. Yes, it is -- as I've said several  
9 times, I'm speaking the board as a whole.  
10 Myself and Snap were in negotiations with  
11 Jeff until the board decided that we were no  
12 longer going to negotiate with Jeff. We  
13 were looking for a prudent means out. We  
14 were looking to keep attorneys from being  
15 involved. We were looking for any matter to  
16 bring this to a successful close.

17 I personally believe that several  
18 negotiations yielded more than adequate the  
19 initial investigate -- the initial, where  
20 Jeff offered to close his store and to go  
21 away. I was fairly broken hearted at that  
22 particular time when we summarily dismissed  
23 him in a -- on a board meeting in a very --  
24 "We are not going to deal with Jeff." Ed  
25 Mueller and Bonnie Cutler frequently called

1 him a thief, and we were not going to deal  
2 with a thief in any shape, form, or fashion.

3 And so when I say the board, I just  
4 want it on the official Record that the  
5 board is a five-person conglomerate. And I  
6 have always felt it was cowardice to not  
7 reveal the votes of the board on major  
8 issues so the membership knew who was  
9 fighting and in what capacity, to such an  
10 extent that I am the only board member in  
11 the history of the organization to put my  
12 board seat up for a vote by the state  
13 captains. And I was -- by a two-thirds vote  
14 held in place. The other board members  
15 felt, one board, one vote. And I've been up  
16 for removal for violating that policy when I  
17 wrote the truthfulness behind the board's  
18 voting for banking relations for states'  
19 use, so I just want that clarified.

20 Q. Okay. All right, so other than the  
21 demand letter that you believe the board  
22 voted to send to Jeff -- and let me ask  
23 another question here. Did that letter get  
24 sent to Jeff, do you know?

25 A. I don't know for sure.

1 Q. Okay. Has there been any other  
2 attempt to police the Patriot Guard Rider  
3 trademark on behalf of PGR, Inc.?

4 A. There's two scenarios. There's the  
5 timeline; you have to specify the timeline,  
6 pre-Jeff and post-Jeff. It's just --

7 Q. Okay, post-Jeff then. Has there been  
8 any attempt by PGR, Inc. to police the  
9 trademark?

10 A. There were states -- there are states  
11 that were using the logo and making their  
12 own merchandise for whatever purposes. And  
13 we as a board attempted to find some kind of  
14 a solution to bring that to an end, and that  
15 including -- that including if the states  
16 were producing specific state merchandise  
17 that included the PGR log for funding state  
18 endeavors, that that was acceptable.

19 Q. Okay.

20 A. We tried -- there were stores that  
21 were already -- at that point there were  
22 stores already that you could go online and  
23 purchase PGR gear for -- that had this  
24 happening already. So we were trying to  
25 close the gate after the cow was already out

1 and --

2 Q. What did you do with those stores; did  
3 you write them a letter, did you call them?

4 A. Ed Mueller being the board member  
5 over -- called the store and talked to them,  
6 and we talked as a board. And we decided  
7 that if they would adhere to that policy,  
8 that we would allow that to happen. But  
9 there's many, many, many state items that  
10 were manufactured, just don't ask, don't  
11 tell, and nobody would say where they were  
12 from.

13 Q. Okay. Did you give the states any  
14 kind of guidelines, any writing about what  
15 they could and couldn't use?

16 A. It was in the form at one point in  
17 time when we developed it originally, and I  
18 may have written it myself, I don't know for  
19 sure. But it was that it had to be state  
20 specific, and the logo had to be, whatever  
21 they developed, had to be presented to a  
22 board member for approval. And as long as  
23 it was state -- had the state logo, had the  
24 state name, had the -- you know, the shape  
25 of the state had something in there, that it

1 would have been deemed acceptable.

2 Q. Could they use the triangular, folded  
3 flag design?

4 A. They could use that logo in its  
5 entirety as long as it was implanted in a  
6 state-specific design as well.

7 Q. Okay. How about the phrase, "Standing  
8 With Those Who Stood For US," or, "Standing  
9 For Those Who Stood For US"?

10 MR. O'MALLEY: Objection.

11 BY MRS. BLUE:

12 Q. Sorry, I deep getting that wrong.

13 A. That's the specific that we were  
14 dealing with.

15 Q. Okay.

16 A. That's -- when I was on the board, the  
17 Riding With Respect logo was not used in any  
18 shape, form, or fashion to identify us as an  
19 organization after Jeff Brown's resignation.

20 Q. Okay. All right, I want to introduce  
21 18.

22 (Whereupon Deposition Exhibit Number  
23 18 was marked for identification.)

24 BY MRS. BLUE:

25 Q. This is a printout from May 3rd, 2010

1 from the US Patent and Trademark office  
2 website. It's an application for serial  
3 number 77958528. We just learned about this  
4 this weekend. Can you look at this and look  
5 at the mark? Tell me what that says.

6 A. It says, "Michigan Patriot Guard Rides  
7 with Respect," and it has the emblematic  
8 folded flag that --

9 Q. Okay. And tell me, if you'll look  
10 down at the bottom of the page, who's the  
11 applicant?

12 A. Michigan Patriot Guard.

13 Q. Okay. Their address?

14 A. 2915 South Cambridge Road, Lansing,  
15 Michigan, 48911.

16 Q. Okay. And this was -- can you tell me  
17 the filing date of this?

18 A. The filing date of this is --

19 Q. About halfway down the page there.

20 A. 3-14 of 2010.

21 Q. Okay. Now, when you were on the board  
22 would a state have been allowed to file a  
23 trademark application like this?

24 A. Absolutely not.

25 Q. Okay.

1       A. The states were to be given approval;  
2 ultimately national held the right. The  
3 only time that I know of an individual or a  
4 state being given license to this was Bill  
5 Richart's giving intellectual property  
6 rights to Diane Adderson, or Zippy, on a  
7 disputed Arizona Patriot Guard logo about a  
8 year ago.

9           And the only one -- our policy was  
10 states, via the state captain, is the only  
11 person -- it's Patriot Guard Riders national  
12 approval, therefore, it's ours, and the  
13 states can develop their logos, but the  
14 state captain ultimately was responsible  
15 party in the development of that.

16           And in that particular dispute between  
17 the state captain and the member of the  
18 state who also owned patches and is a member  
19 of national, national sided with Diane  
20 Adderson for intellectual property rights in  
21 that issue.

22       Q. Okay.

23           MR. O'MALLEY: Objection; hearsay.  
24 He wasn't on the board at the time.

25       BY MRS. BLUE:

1 Q. Do you know anybody in the Michigan  
2 Patriot Guard?

3 A. Well, let me answer real quick because  
4 there was an objection, I want to clarify  
5 something.

6 Q. Okay.

7 A. Myself and Tom Hoffmann sat with  
8 Luanne at last year's gathering of the guard  
9 in Utah, and so I was not on the board, but  
10 I sat there with a member of the board and  
11 talked to one of the parties involved in the  
12 dispute, who was later fired because she  
13 wouldn't shut her mouth and quit raising  
14 hell about this. And by all means, when I  
15 sat on the board, this would have never  
16 transpired, an individual being given  
17 intellectual property rights by the  
18 president of the organization.

19 Q. Okay. All right, let's go back to my  
20 question. Do you know anybody in Michigan  
21 Patriot Guard?

22 A. Larry Helser is the only one that  
23 comes to mind.

24 Q. Okay.

25 A. And he lives in Tennessee now, so I

1 don't know anybody in Michigan.

2 Q. Okay. Well, let's look at this  
3 trademark on this application. If you saw  
4 this trademark with the folded flag and the  
5 words, "Patriot Guard," and the slogan,  
6 "Rides With Respect," would you think that  
7 that person had anything to do with either  
8 Jeff Brown or with the Patriot Guard,  
9 Incorporated, if you saw somebody wearing  
10 this logo?

11 A. I would recognize somebody with this  
12 logo as a Patriot Guard Rider easily, just  
13 based on the Patriot Guard. But the folded  
14 flag design is very emblematic of the  
15 Patriot Guard --

16 Q. Okay.

17 A. -- that particular design. However,  
18 myself, as a Patriot Guard Rider, I would  
19 recognize this as not a member of the  
20 national organization.

21 Q. Okay. Would you think that they could  
22 have gotten this gear from somebody  
23 affiliated in some fashion with the Patriot  
24 Guard?

25 A. It would have --

1 Q. Okay.

2 A. -- to my understanding, this would  
3 have probably come from a store operated by  
4 the state captain for funding Michigan State  
5 projects.

6 Q. Okay. Can anybody create Patriot  
7 Guard clothing?

8 A. No.

9 Q. Can anybody wear Patriot Guard clothing?

10 A. Yes.

11 Q. So if Jeff gave me a tee shirt, even  
12 though I'm not a Patriot Guard member, could  
13 I wear it?

14 A. Sure.

15 Q. And you guys wouldn't have any  
16 objection to it?

17 A. No.

18 Q. All right. Do you see any difference  
19 in the way that the Patriot Guard, Inc.  
20 exercises its policies with regard to the  
21 trademark and other people using the  
22 trademark, and the way that that was done  
23 before Jeff resigned?

24 A. Yes.

25 Q. Okay. Tell us about that difference.

1       A. Before Jeff resigned -- and this is  
2 hindsight and error on my part as well as a  
3 board member after Jeff resigned -- but  
4 before Jeff resigned, anybody who requested  
5 to use the Patriot Guard Riders' logo was  
6 presented to Jeff for approval, and Jeff  
7 frequently said that the logo was  
8 trademarked. And at the time I knew no  
9 difference between logo trademarking, first  
10 use in commerce, protecting, any of that  
11 kind of stuff, and what turned out to be  
12 probably a wrong decision to allow states to  
13 manufacture state-specific merchandise.

14       Q. What happened before Jeff resigned if  
15 somebody made goods that were maybe not of  
16 great quality; a tee shirt that ripped or a  
17 flag that didn't stay on?

18       A. If Jeff was selling it?

19       Q. No, somebody -- if Jeff told somebody  
20 they could use it and the product turned out  
21 to be not that great, what would happen?

22       A. I don't remember that ever happening,  
23 so --

24       Q. Okay.

25       A. -- I can't answer that.

1 Q. All right, fair enough. Are you aware  
2 that of any products that were made after  
3 Jeff's resignation that weren't of quality  
4 that people would like to buy?

5 A. The members hated the quality of CDM  
6 merchandise, and that was our own mistake.  
7 CDM was -- they did not like the CDM  
8 merchandise as well as they like liked the  
9 original merchandise from Twister's store.

10 Q. Did they stop buying CDM merchandise?

11 A. No.

12 Q. Okay. We never fixed it neither. We  
13 would ask them to use different stuff, but  
14 in their own quality control methods they  
15 would talk about increasing costs, and so it  
16 just was what it was.

17 (Whereupon Deposition Exhibit Number  
18 19 was marked for identification.)

19 BY MRS. BLUE:

20 Q. This is 19. I smudged it, sorry. If  
21 you would take a look at this, and this is a  
22 post from PGR forums. The Bate's stamp is  
23 003571, produced in response to a document  
24 production request from Jeff Brown.

25 Look down at the middle of the page.

1 There's a post dated November 16th, 2006.  
2 Who is that poster, or the author of that  
3 post?

4 A. Okay, repeat that again?

5 Q. In the middle of the page there's a  
6 post dated November 16th, 2006?

7 A. Done at 4:10 p.m.?

8 Q. Uh-huh.

9 A. Okay, that was Bonnie Cutler's, "BonRu."

10 Q. Okay. Let's look down here, it looks  
11 like Bonnie's pasted in an earlier post and  
12 then she is responding to that post. Would  
13 you read in the sentence beginning, "We only  
14 took a chance..." it's the third sentence in  
15 the post.

16 A. "We only took a chance and filed on  
17 behalf of the PGR as a precaution in  
18 case that had not been done since we  
19 had seen no evidence of it. We  
20 learned this information tonight while  
21 checking the status of our own pending  
22 trademark. I believe you were alerted  
23 only shortly after the rest of us."

24 Q. What's Bonnie talking about there?

25 A. I don't know specifically in the

1 context it's written. However, I would  
2 assume we're probably by reading --

3 MR. O'MALLEY: Objection; speculation.

4 BY MRS. BLUE:

5 Q. Okay. Is Bonnie talking about the  
6 trademark filing on behalf of PGR, Inc.?

7 MR. O'MALLEY: Objection; leading.

8 A. My understanding of this would be that  
9 Bonnie is probably discussing learning of  
10 Jeff's filing as well. I don't know in the  
11 context of this outside of the post.

12 BY MRS. BLUE:

13 Q. Okay, that's fine. Does Bonnie like  
14 Jeff Brown?

15 A. No. Bonnie hates Jeff Brown.

16 Q. Why?

17 A. Her belief -- and this was after  
18 the -- this was in the process of Jeff's  
19 resignation and it coming to a head, the  
20 events that happened on Friday the 6th of  
21 November of 2006 -- was that Jeff was a  
22 thief, and that she had never known anything  
23 of the trademarks, et cetera.

24 Q. Okay. All right, I'll show you Number  
25 20.

1 (Whereupon Deposition Exhibit Number  
2 20 was marked for identification.)

3 BY MRS. BLUE:

4 Q. This is forum post, Bate's stamped  
5 006471, produced in response to a document  
6 production request that we made to PGR. Go  
7 down to the post dated August 8th, 2007 at  
8 11:46 pm.

9 A. Okay.

10 Q. All right. Who's the poster there?

11 A. Ed Mueller.

12 Q. Wescoot?

13 A. Wescoot.

14 Q. All right. What is Ed talking about  
15 in this post?

16 A. Ed is talking about an amendment to  
17 the by-laws in which we stated that no  
18 former member of the board of directors who  
19 has been removed or resigned from that  
20 position will be able to hold the position  
21 of BOD again without 100 percent of the  
22 currently seated board voting in the  
23 affirmative.

24 Q. Why was that changed to the by-laws  
25 made?

1 A. In the context, I scanned the post by  
2 Randy Stephens above it, and Randy says:

3 "A move is underway. I have sensed it  
4 since the gathering of the guard.  
5 That move will be -- place Jeff Brown  
6 back in control of the PGR. That  
7 cannot be."

8 That is why that specifically that was  
9 put in place, to prevent Jeff from ever  
10 becoming a member of the board of director  
11 again without a unified vote. And as long  
12 as Jason and Ed and Bonnie sat on the board,  
13 that would never take place.

14 Q. Does Ed Mueller like Jeff Brown?

15 A. Ed Mueller hates Jeff Brown, as I've  
16 testified to and been objected to. He has a  
17 very specific term in regards to dealing  
18 with Jeff.

19 Q. All right.

20 (Whereupon Deposition Exhibit Number  
21 20 was marked for identification.)

22 BY MRS. BLUE:

23 Q. So this is 21. Hold on, I'm sorry,  
24 hang on. Let's go off for a second.

25 (Off the Record discussion had)

1 MRS. BLUE: Back on.

2 BY MRS. BLUE:

3 Q. Let me give you -- if you will get rid  
4 of that one, I gave the wrong exhibit,  
5 sorry. We're going to introduce 21.

6 Okay, this is a forum post on the PGR  
7 website, Bate's stamped PGR 003592. Some  
8 posts, the first one on this page is dated  
9 November 17th, 2006, 10:31 am. It looks  
10 like somebody has pasted some former posts  
11 in there and has given a link. And at the  
12 bottom of that page, what do you see  
13 beginning with, Patriot Guard Riders filing  
14 date?

15 A. "Patriot Guard Riders, filing date  
16 original, 1A. Original 1A. Owner, Jeff  
17 Brown." This is -- it appears to be some  
18 kind of link to a filing. And from -- at  
19 the time I recognize the document, it  
20 appears to be a trademark link to Jeff's  
21 trademark application.

22 Q. Okay, go to the second page of this  
23 document. The post at the bottom of the  
24 page dated November 17th, 2006, 10:49 am  
25 from somebody, "Fenderstrat72." Who is

1 Fenderstrat?

2 A. I don't know who Fenderstrat is  
3 specifically.

4 Q. Okay. Can you read Fenderstrat's post  
5 to us?

6 A. "Russ what it all boils down to is  
7 Jeff had never coyrighted the logo  
8 like he said he did. Then to top it  
9 off he filed for it, after Waldo did  
10 on behalf of PGR, Incorporated. So in  
11 summary, when Jeff told everyone back  
12 in June to quit using it because he  
13 had the copyright, it was a lie."

14 Q. Okay. Do you remember this  
15 controversy on the PGR forums?

16 A. Yes.

17 Q. Can you summarize that controversy for  
18 us?

19 A. Yes, I can, in specific context.  
20 The -- there's a series of posts above it  
21 where Waldo and Cargo's post at 17th  
22 November at 10:31, you can see a link of  
23 posts that happened from 17 November, 2006,  
24 6:26 p.m. period. But you see Waldo here  
25 says: "Click here and you make the call."

1 And they were trying to sort out what would  
2 happen. And this particular thing was when  
3 this actual post above Fenderstrat's has  
4 a -- in Cargo's post has Tony Turner for  
5 Virginia's District 3 ride captain --

6 Q. Okay.

7 A. Tony Turner was one of the chief  
8 instigators against Jeff. He later became  
9 Virginia state captain, but they are in the  
10 midst of researching the filings of the  
11 trademark applications on behalf of PGR and  
12 Jeff Brown. And they're summarizing,  
13 Fenderstrat's summarizing that Jeff lied and  
14 said that the trademark application was  
15 filed. And essentially, it's just a bunch  
16 of people ranting and raving who don't know  
17 anything and are just wasting our time and  
18 making us mislead and not have dinner with  
19 our wives.

20 Q. Okay.

21 A. Tony Turner was real good at that.

22 Q. All right. Would you say that these  
23 posts might reflect an understanding similar  
24 to the one that the board had, that the  
25 first person that filed owns the trademark?

1       A. I would say that because we should  
2 have, or probably released that we did file  
3 for it --

4       Q. Okay.

5       A. -- at some point. That would probably  
6 be more people carrying forth that Jeff  
7 lied, and we're the first one there so it's  
8 ours.

9       Q. Okay. All right, let me give you  
10 Exhibit 22.

11                               (Whereupon Deposition Exhibit Number  
12 22 was marked for identification.)

13 BY MRS. BLUE:

14       Q. This is a post on the PGR website  
15 forum dated November 17th, 2006 at 1:15  
16 p.m.. It's Bate's stamped PGR 003605. It  
17 is produced in response to a document  
18 production request by Jeff Brown. Do you  
19 see at the post, in the middle of the page  
20 by Gordon Sturrock?

21       A. Yes.

22       Q. Okay. Can you read me the first three  
23 sentences of that post?

24       A. "It doesn't matter if Jeff never  
25 actually filed for copyrights. If he

1           actually created the logo - he owns it  
2           - simple. At some point he must file  
3           for copyright ownership as I think he  
4           did. PGR will lose the Court fight in  
5           my opinion. I'm not a lawyer but I  
6           have been in the graphics industry for  
7           two decades so I'm pretty sure I'm  
8           right on this."

9           Q. Okay. Is that post any closer to your  
10          current understanding of how copyright or  
11          trademark ownership accrues?

12          A. That's pretty dead on to what I've  
13          come to understand.

14          Q. Okay. All right, this is going to  
15          be -- wait, hang on just a second. Go off  
16          for a minute.

17                               (Off the Record)

18                               MRS. BLUE: Okay, let's go back  
19          on.

20                               (Whereupon Deposition Exhibit Number  
21          23 was marked for identification.)

22          BY MRS. BLUE:

23          Q. This is Exhibit 23. It's another post  
24          from the PGR forum. It's Bate's stamped PGR  
25          003846, and it was produced in response to a

1 document production request that Jeff Brown  
2 made of the PGR.

3           Okay. This is a sort of a long thread  
4 here, and I want to start with the post at  
5 the bottom of the first page dated  
6 November 19, 2006 at 6:03 p.m. by "Sgtpotsie."  
7 Okay, take a look at Number 1:

8           "I have known for quite some time  
9           (before the "I'm tired..." post by  
10           Jeff) that Jeff was the owner of the  
11           logo and the motto, "Riding With  
12           Respect." It came up at the gathering  
13           of the guard during the captains  
14           meeting."

15 Let's go to Number 3:

16           "The money Jeff made or didn't make  
17           via the PGR store is none of anyone's  
18           business except Jeff Brown and the IRS."

19 Sergeant -- was Sgtpotsie in the minority  
20 with this view?

21           A. Initially, the large --

22                       MR. O'MALLEY: Objection;  
23 compound question. Are you referring to 1  
24 or 3?

25 BY MRS. BLUE:

1 Q. All right, let's take Number 1. Was  
2 Sgtpotsie in the minority with that?

3 A. I don't know because it was never a  
4 topic of conversation.

5 Q. Okay.

6 A. It didn't matter at the time of that  
7 meeting, and I was in that meeting. And  
8 Sgtpotsie is a pretty impeccable guy. I  
9 don't remember this happening. So the  
10 events of the riders meeting were more  
11 important for the riders safety handbook we  
12 were working to develop and other things.  
13 That happened at such a fleeting moment that  
14 I would not doubt that Sgtpotsie heard that  
15 in the meeting, but it was so minute --

16 Q. Okay.

17 A. It didn't raise --

18 Q. Let's take Sgtpotsie's point Number 3:  
19 "The money Jeff made or didn't make  
20 via the PGR store is none of anyone's  
21 business except Jeff Brown and the  
22 IRS." Was he in the minority with  
23 that viewpoint?

24 A. What's the date of this post?

25 Q. It's the same day, November 19th, 2006.

1       A. No. Initially when the issue of  
2 Jeff's resignation and it being over the  
3 store, I had friends who knew I was on the  
4 board of director that were furious with me  
5 for having let this go down.

6           There's a group of people that are on  
7 the board, and in the board meeting are  
8 referred to as, "the goon platoon," and that  
9 would be Tony Turner, Randy Stephens, Monica  
10 Meade and Andy Harley, who were the ones  
11 probably initiating most of these threads.  
12 As a matter of fact, the last document of  
13 evidence, evidence 22 -- not 22, the one  
14 previous to that. If you will notice in  
15 that post, "Elviszappa," Tony Turner. He  
16 was the one that Cargo was using to quote.  
17 And there's several of them. You'll see  
18 Randy Stephens, and on and on and on. As a  
19 matter of fact, the post before Sergeant  
20 Post (sic) is Randy Stephens, the South  
21 Carolina state captain.

22       Q. Okay. All right, is there anything  
23 about Sgtpotsie's post here that suggests  
24 that he thinks the PGR, Inc. was the owner  
25 of the trademark?

1           A. No.

2                   MRS. BLUE: Okay, I think we are  
3 getting close to being done here.

4           A. Can I make a comment? I just followed  
5 Sgtspotsie's post, and when you flip over his  
6 list of demands, immediately you have Randy  
7 Stephens who is one of the key mud slingers,  
8 say:

9                   "Potsie, chill out. Just when things  
10 are calming down here you come getting  
11 all serious again. You want a donut?"

12                   Because it was not acceptable to have  
13 a pro-Jeff conversation in the context of  
14 his removal, his store, the trademark,  
15 negotiations; that was not an acceptable  
16 thing for the board in general. The one  
17 board, the one vote, in any capacity, and  
18 this thread here summarizes it. Because  
19 immediately you have the goon platoon out  
20 there saying, "Calm down, Potsie," when  
21 somebody else is making a rational statement  
22 to the contrary.

23           Q. Okay. Ronny, what do you think is  
24 going to happen if Jeff is successful in  
25 opposing the registration of PGR, Inc.?

1       A. I believe that in line with the  
2 initial negotiations for the Patriot Guard  
3 Riders to use the logo and to earn money,  
4 that Jeff will indeed continue the same path  
5 if we were to forward through all of this to  
6 that particular time.

7           His standing was to help soldiers, and  
8 he has continued to make that offer to help  
9 soldiers and Patriot Guard events throughout  
10 this entire time since his resignation. Go  
11 ahead.

12       Q. Okay. Has Jeff Brown ever said to  
13 you; have you ever understood from a  
14 conversation with Jeff Brown that he was  
15 acting on behalf of the corporation in  
16 developing this trademark or using this  
17 trademark?

18       A. I don't know that he's ever said that.

19       Q. Okay.

20       A. During Jeff Brown's tenure I never had  
21 any reason to believe anything other than  
22 that the logo and the trademark was being  
23 used for the good of the organization; the  
24 Help On The Homefront program initially, the  
25 Healing Fields debacle were all funded from

1 Jeff. I have no reason to believe anything  
2 other than his best wishes were --

3 Q. Okay, all right. I think I'm done  
4 now. Pass the witness.

5 MR. O'MALLEY: Okay, I'd like to  
6 take a break.

7 MRS. BLUE: Okay.

8 (Whereupon, a recess was had)

9 MR. O'MALLEY: On the Record.

10 CROSS EXAMINATION

11 BY MR. O'MALLEY:

12 Q. Ronny, just -- if you don't remember,  
13 my name is Jim O'Malley. I represent PGR,  
14 Inc. in connection with this matter. I'm  
15 going to ask you a few more questions and in  
16 connection with the things --

17 A. Sure.

18 Q. -- that Rachel has asked you over the  
19 past couple of days.

20 A. Okay.

21 Q. First of all, can you tell me who  
22 asked you to testify in this matter?

23 A. I was asked by Mr. Marr initially. I  
24 was offered Mr. Marr's services to represent  
25 me in the Patriot Guard Riders matter in

1 case there were issues that I didn't want to  
2 discuss.

3 Q. I'm sorry, that's not the question I'm  
4 asking. I'm asking who asked you to testify  
5 in this matter?

6 A. Today?

7 Q. Right, yes.

8 A. I was asked by Mrs. Blue's firm.

9 Q. Okay. Did you discuss your testimony  
10 with Mrs. Blue prior to the beginning of  
11 your testimony yesterday; did you prepare?

12 A. No.

13 Q. In no way?

14 A. No.

15 Q. Okay. Did you study any materials in  
16 preparation for your testimony?

17 A. I did read the -- I haven't read my  
18 testimony from before in my deposition, but  
19 I did read Bonnie Cutler and Bill Richart's  
20 depositions.

21 Q. Is there a reason you didn't you study  
22 your own deposition?

23 A. I didn't need to. The truth doesn't  
24 change.

25 Q. Okay. Do you have any personal

1 interests in the outcome of this matter as  
2 to who prevails?

3 A. Yes and no.

4 Q. Can you explain?

5 A. Yes, in that I'm a Patriot Guard  
6 Rider, first and foremost. No, in that I  
7 have nothing to gain either way, win or  
8 lose, other than hopefully the longevity of  
9 the organization.

10 Q. Okay. Are you being compensated by  
11 anyone for your testimony here today?

12 A. No, I am not.

13 Q. Okay. You mentioned yesterday, I  
14 believe, that you were at one point in time  
15 the director or the head of Help On The  
16 Homefront; is that correct?

17 A. Yes.

18 Q. And you at some point in time gave up  
19 that position?

20 A. Yes.

21 Q. And -- but you stated that you would  
22 like to have that position back; is that  
23 correct?

24 A. Oh, I would love to be director of  
25 Help On The Homefront, where it was and what

1 it did, yes.

2 Q. Okay. In connection with that have  
3 you had any talks with Jeff Brown about the  
4 possibility of ever getting back into that  
5 position?

6 A. Never.

7 Q. Okay. I want to ask you a couple  
8 questions with regard to Bill Lyons. You  
9 spoke of Bill Lyons early in your  
10 deposition. As we've put on the Record  
11 before, you're aware that Mr. Lyons died  
12 earlier this year?

13 A. Yes.

14 Q. Okay. You personally knew Mr. Lyons?

15 A. Personally; I vacationed at his house.

16 Q. Okay. And he was the secretary for  
17 the PGR, Inc.; at what time was that?

18 A. He was the secretary prior to his  
19 becoming the president while Jeff was still  
20 the president.

21 Q. Okay. And then he took over as  
22 president of the PGR with --

23 A. Yeah.

24 Q. -- upon Jeff's resignation?

25 A. Yes..

1 Q. Did you consider Mr. Lyons to be an  
2 honorable man?

3 A. There's nobody better.

4 Q. A truthful man?

5 A. A truthful man.

6 Q. A man of integrity?

7 A. A man of integrity.

8 Q. Okay. Do you believe that Mr. Lyons  
9 would have any reason to lie about matters  
10 pertaining to the PGR?

11 A. No.

12 Q. Pertaining to Jeff Brown?

13 A. No.

14 Q. Pertaining to this trademark opposition?

15 A. No.

16 Q. Okay. Okay, on the opposite end of  
17 that, during your testimony you talked about  
18 in your opinion your -- that it was your  
19 stated opinion that certain people hated or  
20 disliked other people that were on the  
21 board. For instance, you stated Bonnie  
22 hates Jeff; Ed hates Jeff, correct?

23 A. (Indicating).

24 Q. Are there any situations, any people  
25 that were involved in this matter that you

1 disliked or hate?

2 A. Oh, absolutely.

3 Q. Who would those people be?

4 A. I will name off in probably the order  
5 of people that I dislike. Bonnie Cutler.

6 Q. Okay. Can I ask why?

7 A. Bonnie Cutler was the person who  
8 chiefly called for board votes against me to  
9 have me removed from the board; it was never  
10 successful. But I later found out through  
11 Randy Stephens, when he became a board  
12 member, that Bonnie would call Andy Harley,  
13 Steam, basically Tony Turner, the members of  
14 the goon squad, who she was national captain  
15 and over, and talk to them about things that  
16 I was doing or talking about on the board.  
17 And then she would call the board meeting  
18 and say these guys were all concerned about  
19 what I was doing, based on what she was  
20 doing. She was double-dealing. She would  
21 call them and tell them what I was wanting  
22 to do as a board member and raise opposition  
23 to it based on the state captains, who  
24 really knew nothing about it before she  
25 called them and stirred up their ant beds.

1 Q. When was this happening; was this  
2 before the removal of Jeff Brown, or -- I'm  
3 sorry, after --

4 A. After the removal.

5 Q. -- this is after Jeff Brown's  
6 resignation?

7 A. When Jeff Brown was there, the board  
8 operated as close ever as a well-oiled  
9 machine in my tenure as a board member.

10 Q. Okay. So besides Bonnie Cutler is  
11 there anybody else?

12 A. Ed Mueller.

13 Q. Ed Mueller?

14 A. Yes.

15 Q. Okay. What about Bill Richart, do you  
16 have any -- what are your feelings toward  
17 him?

18 A. I do not like Bill Richarts. I  
19 believe he's totally incompetent as a  
20 president, and has systematically destroyed  
21 the communication structure in the  
22 organization.

23 And in Bonnie's deposition she was  
24 made to read a statement by Bill Lyons. And  
25 in the statement we discussed transparency

1 and all the things we're going to do now to  
2 prevent instances from ever happening, such  
3 as the grievance against Jeff Brown. And we  
4 promised as a board that the ride captains'  
5 forum would never go away. And it no longer  
6 exists because it was an avenue directly to  
7 the board to answer questions in regards to  
8 matters that were happening to members in  
9 leadership, private from the standard  
10 membership, and it no longer exists.

11           The board operates completely  
12 autonomously of the organization. And most  
13 of the states that I have personally spoken  
14 to operate autonomously of national. All  
15 the integrity of the national organization  
16 and our vitality -- as I testified earlier,  
17 many states have their own websites.  
18 National's just this group of people that  
19 sends down orders periodically. And one  
20 state captain told me you say, "Okay,  
21 thanks, I'll take care of it. You hang the  
22 phone up and do whatever the hell you want."

23           Q. Okay. When is it that you ended your  
24 tenure as a board member?

25           A. I believe it was December of 2007.

1 Q. Okay. And when did Bill become the  
2 president of the PGR?

3 A. After my tenure.

4 Q. Okay. And what has been your  
5 involvement with the PGR since the time that  
6 you ended your tenure as a board member to  
7 date?

8 A. I have attended a few going-aways or  
9 welcome-homes, I don't know exactly, and two  
10 gathering of the guards. I have done  
11 approximately four items in the last several  
12 years.

13 Q. So is it fair to state that your  
14 involvement has been minimal?

15 A. Yes, it is.

16 Q. So is it fair, off of that, to state  
17 that there have been things going on in  
18 connection with the PGR and the board that  
19 you are not aware of or not privy to that  
20 may lend Bill and the board to make certain  
21 decisions at the time that you're not privy  
22 as to why they're being made?

23 MRS. BLUE: Objection; vague.

24 BY MR. O'MALLEY:

25 Q. You can answer, if you understand.

1 A. Well, I will answer yes.

2 Q. Okay.

3 A. As a past board member, who left in  
4 good standing, I am supposed to have what is  
5 called advisory status to the board members.  
6 And I have talked to various people; I've  
7 stayed in touch and made a lot of friends  
8 across the country. I have learned from the  
9 past treasurer that Bill Richart --

10 Q. Who is that, I'm sorry?

11 A. The past treasurer is Jim Grant, "Cyber."

12 Q. Okay.

13 A. That he was actually advised by Bill  
14 Richarts not to trust me because I'm a liar.

15 Q. Okay.

16 A. And you can't believe what I say.

17 Q. Okay.

18 A. However, I learned from Jim Grant that  
19 the treasury is currently in shambles. And  
20 he was having trouble because Bill Richart's  
21 had informed him that he was the contact to  
22 the bank. He was the contact to the  
23 accountant, and that he was not to contact  
24 them initially.

25 I know Tom Hoffmann, my friend who's

1 talk to me over the years about various  
2 issues -- not everything; there's a lot of  
3 things I'm sure I didn't discuss. But it  
4 took Tom over a year to acquire the  
5 secretary's book with the official seal as  
6 the secretary of the organization from Bill.

7           And I have stayed in touch with  
8 various people that -- in terms of state  
9 captain, when Dave David was removed and my  
10 rights were removed, it was because the --  
11 my relationship with David David, although I  
12 hadn't talked to him in over a year. But it  
13 was to prevent me from going off the deep  
14 end and contacting all the other state  
15 captains and doing what many people have  
16 done, which is entirely wrong, of going on  
17 the PGR email list and raising a big rant  
18 against the organization. I never agreed  
19 with that, and so I have had awareness.

20           And the funny thing about it is, as  
21 the treasurer who set up the policies  
22 regarding state banking, my policies were --  
23 by people who had access were some of the  
24 only policies still in the standard  
25 procedures of operation up until six months

1 ago. I was -- one of the only things  
2 listing for banking procedures and a couple  
3 of other items, so I have stayed in touch  
4 with members of the membership.

5 And, frankly, my participation is  
6 basically, as I said, because I won't damn  
7 Jeff and hang him from a cross, there's  
8 members who -- now I'm a traitor. And  
9 because I won't totally say that Jeff's  
10 thing on a 100 percent, then I'm a traitor  
11 because I won't stand behind Jeff.

12 So I have walked a line, and every  
13 time I have attended any kind of a function,  
14 inevitably because of my involvement through  
15 all the formative hard years, it becomes  
16 extremely -- I was broken hearted when I  
17 resigned and just tired of fighting for  
18 forward progress within the organization.

19 MR. O'MALLEY: Okay, objection to  
20 the parts of that that are hearsay.

21 BY MR. O'MALLEY:

22 Q. So is it fair to say that -- so in  
23 connection, you said you dislike Bill  
24 Richart and believe he's run things  
25 improperly. Is it fair that state that you

1 are trying to do whatever you can to have  
2 Bill removed as the PGR president?

3 A. I believed when he gave personal  
4 license of the logo to an individual, that  
5 he stepped so far outside of the boundaries  
6 that it was heinous. And when the last vote  
7 for me as a board was to acquire a debit  
8 card, because my American Express may still  
9 be holding all the PayPal accounts, and the  
10 treasurer was to receive a debit card. And  
11 it's been in Bill's possession all this  
12 time, and he doesn't want the treasurer  
13 talking to the accountant or the Bank of  
14 Oklahoma. I think that -- and removal of  
15 the ride captains' forum, I believe that he  
16 has established a power base for himself and  
17 the systematic removal of anybody who may  
18 possibly endorse Jeff Brown. Myself, as a  
19 friend of David David, my own rights removed  
20 as an example, that he has done a horrendous  
21 job of destroying the organization.

22 Q. Okay, so -- but again, this is your  
23 belief, having not been on the board or  
24 specifically involved with the PGR since the  
25 time before Bill Richart even became the

1 president of the PGR; is that correct?

2 A. That's correct.

3 Q. Okay. Can you take me through the  
4 evolution of the board of directors from the  
5 time you became a board member until the  
6 time you left the board?

7 And what I'm looking for there is the  
8 time you became a board member, if you can  
9 tell me the date, like approximate date. I  
10 mean, you're probably not going to know the  
11 exact dates of this, but -- so if you came  
12 on at a certain time, who else at that time  
13 was a board member, and what were their  
14 positions. And then move to the next time  
15 when the board changed, how it changed, and  
16 so on until the time that you left the  
17 board. I just want to -- through your  
18 testimony with Rachel there were different  
19 time periods discussed jumping back and  
20 forth. I want to be able to get a clear  
21 kind of timeline as to when --

22 A. Sure.

23 Q. -- things were happening, and who was  
24 there.

25 A. The first board I sat on was in June

1 of '06 when we went to the five-man board.  
2 It was myself, Bonnie Cutler, Bill Lyons,  
3 Jason Wallin, and Jeff Brown. In Jeff's  
4 resignation --

5 Q. I'm sorry, can I back you up? So Jeff  
6 at that time, the five people, what were  
7 their positions on the board?

8 A. Jeff was president. Snap was  
9 secretary. Jason was treasurer. Bonnie was  
10 captains, and I was Help On The Homefront.

11 Q. Okay.

12 A. Now, we formalized titles a little bit  
13 more further down the road.

14 Q. What do you mean you formalized titles  
15 later?

16 A. Well, we did specific tasks. We  
17 decided that individual programs should  
18 probably be held up by individual people.

19 Q. So --

20 A. Under what's --

21 Q. -- so what you're saying is a  
22 secretary, if there was a particular job  
23 that a secretary is to do, the secretary  
24 might have other duties than what a  
25 secretary is supposed to do under the

1 corporation rules?

2 A. We all wore many hats outside of  
3 the -- outside of our official board of  
4 directors, in the early days we all wore  
5 many different hats as well. Jason was the  
6 treasurer, but he was also the administrator  
7 of the website.

8 Q. Okay.

9 A. I was a board member at large, but I  
10 was Help On The Homefront and various times  
11 the admin -- I mean, the web administrator  
12 for a very short period of time, thankfully,  
13 and such as that. I mean, everybody's  
14 duties may evolve.

15 Q. Okay. Okay, so picking up then, after  
16 the time you came onto the board, when is  
17 the first change to the board?

18 A. Jeff's resignation in November.

19 Q. Okay.

20 A. Of 2006.

21 Q. Okay, so at that point in time Jeff is  
22 resigned. You're now a four-man board?

23 A. Yes.

24 Q. Was that -- was Jeff's position filled?

25 A. It was filled immediately upon his

1 resignation by Ed Mueller.

2 Q. Okay, and so Ed Mueller, he did not  
3 become president at that time. Can you tell  
4 me now amongst those five people what are  
5 their positions?

6 A. Bill Lyons became the president.

7 Q. Uh-huh.

8 A. Bonnie became vice-president. Ed  
9 Mueller -- Bonnie became secretary.

10 Q. Okay.

11 A. Actually, there was a funny little  
12 jolt in here. I became secretary. Jason  
13 was still treasurer. Bonnie was just the  
14 vice-president at large, and Ed was a  
15 vice-president at large, followed shortly by  
16 Jason's admission that he'd done the Google  
17 ads, at which point I became the treasurer,  
18 Bonnie became the secretary, and Jason  
19 became a vice-president at large member.

20 Q. And so that was how long after Jeff's  
21 resignation?

22 A. That was at the same time that -- so  
23 within a week to two weeks.

24 Q. Okay. But -- so it was after the time  
25 that the PGR, Inc. filed for its trademark

1 on the PGR logo?

2 A. Yes.

3 Q. Okay. So take me through -- all  
4 right. We're at that stage; when does the  
5 next change come?

6 A. The next change comes in August of 2007.

7 Q. Okay.

8 A. When I found the funds that Jason had  
9 been stealing.

10 Q. I'm sorry, I'm not asking you for --

11 A. Okay.

12 Q. -- an explanation of that. I'm just  
13 asking you for the time and the change, not  
14 why the change was made.

15 A. Okay. Bill stepped in in August of  
16 2007 and filled Jason's -- he'd already been  
17 elected himself, and Donnie, who was going  
18 to be the next, but Bill had stepped in to  
19 fill the vacant -- the seat vacated by Jason.

20 Q. Okay, so Jason is out in August of '07?

21 A. Yes.

22 Q. Is that correct?

23 A. Yes.

24 Q. Okay, and so Bill steps in. And what  
25 position does --

1 MRS. BLUE: Can I clarify real  
2 quickly, which Bill are we talking about?

3 BY MR. O'MALLEY:

4 Q. I'm sorry, Bill Richart?

5 A. Yes.

6 MRS. BLUE: Thanks.

7 BY MR. O'MALLEY:

8 Q. You're looking at Bill Richart, so --

9 A. Snap maintained presidency all through  
10 his --

11 Q. Okay. So as of August 27th -- I'm  
12 sorry, August 2007 --

13 A. Yeah.

14 Q. -- not 27th. So Bill is -- Bill Lyons  
15 is the president?

16 A. Yes.

17 Q. You hold the title of?

18 A. Treasurer.

19 Q. Treasurer. Bonny holds the title of?

20 A. Secretary.

21 Q. Ed Mueller holds the title of?

22 A. Vice-president at large.

23 Q. And Bill Richart holds the title of?

24 A. Vice-president.

25 Q. Vice-president, okay. And then when

1 is the next change?

2 A. The next change is when the official  
3 change was supposed to happen in November,  
4 Bonnie left and -- Bonnie left and Donnie  
5 Schneider filled in on the board.

6 Q. Okay.

7 A. And that was -- and Bill Lowery.

8 Q. So now there's six people?

9 A. There's -- Snap left and Bill Lowery  
10 came in.

11 Q. Okay, so Snap left and --

12 A. Bill Lowery came in.

13 Q. -- Bonnie left?

14 A. And Bonnie left.

15 Q. And so Donnie Schneider and Bill  
16 Lowery came on?

17 A. Yes.

18 Q. Okay, and what time is that happening?

19 A. That's November of 2007.

20 Q. Okay. And now can you take me through  
21 each of their positions --

22 A. Ed Mueller was --

23 Q. -- at that time?

24 A. -- the president. I was still the  
25 treasurer. The secretary's position went to

1 Bill Lowery, and the vice presidents at  
2 large would have been Bill Richarts and  
3 Donnie Schneider.

4 Q. Okay. And then when is the next  
5 change?

6 A. The next change is myself. I left the  
7 board.

8 Q. When did that happen?

9 A. Approximately December of 2007.

10 Q. Okay. And who filled your space, if  
11 you know?

12 A. Randy Stephens.

13 Q. Randy Stephens. Do you know what  
14 position he took. Did he take the treasurer  
15 position then?

16 A. He became treasurer.

17 Q. He became treasurer, okay. And so  
18 then that's your, the end of your  
19 involvement on the board, right?

20 A. That's the last person. I trained him  
21 to become treasurer, sent him all the  
22 pertinent documents and --

23 Q. Okay.

24 A. I'm not on the board.

25 Q. Okay. You testified that at some

1 point in time, for a short period of time  
2 you took over as the web administrator?

3 A. Yes.

4 Q. Am I using the correct terminology?

5 A. Yes.

6 Q. That's correct?

7 A. Yes.

8 Q. Okay. When was that period of time?

9 A. In Jason's disappearing, which was  
10 August of 2007, most likely September, give  
11 or take 2007. It was never an official  
12 title. It was a hat that I wore for a  
13 period of time because we were in need.

14 Q. Okay, so this was a number of weeks  
15 somewhere in around August, September of 2007?

16 A. Probably more in the line of a couple  
17 of months in August, September. It was a  
18 period of time --

19 Q. Okay.

20 A. -- but somewhere in August, September.

21 Q. Somewhere in that vicinity though?

22 A. Yes, somewhere in there.

23 Q. Okay. Now, you have stated that you  
24 would not describe yourself as to be  
25 computer savvy, for lack of a better term;

1 is that correct?

2 A. No, I'm pretty computer savvy.  
3 However, I have no training or history in  
4 database administration.

5 Q. Okay. So at the time when you took  
6 over the web administration unofficially --

7 A. I was a gorilla with a machine gun.

8 Q. You were a gorilla with a machine gun,  
9 so you didn't know all the ins and outs of  
10 everything you were doing. You didn't know  
11 it like Jason did --

12 A. Absolutely not.

13 Q. -- basically? So when you're  
14 referring to things that -- you made some  
15 comments that items were deleted or  
16 modified, or that you dumped stuff from the  
17 website, do you have any ever -- I'm sorry,  
18 going back. Do you have any actual  
19 knowledge that those were actually ever  
20 deleted, purged from the system. Can you  
21 verify that with 100 percent certainty?

22 A. Absolutely, positively. One morning  
23 they're there, the next morning they're not.  
24 They went somewhere. And my personal email  
25 account, Patriot Guard dot org was not

1 affected, nor was anybody else's. That file  
2 was the only one deleted.

3 Q. Okay, so you're referring to an email?

4 A. An email account.

5 Q. An account, not necessarily postings  
6 on the web?

7 A. Not necessarily.

8 Q. Or forums?

9 A. Not necessarily postings on the  
10 forums, no.

11 Q. You're not referring to that, okay.  
12 Give me a second.

13 Okay, you mentioned or you testified  
14 yesterday that Jeff had announced on a  
15 conference call that he had quit his job so  
16 that he could become -- he could run the PGR  
17 store full time and work in connection with  
18 the PGR full time; is that correct?

19 A. That's correct.

20 Q. Do you know when that was?

21 A. To the best of my recollection March  
22 or April 2006, somewhere in the very early  
23 period.

24 Q. Okay. At that time do you know how  
25 old Jeff was when he quit his job?

1 A. No clue. I don't know his age today.  
2 He's a Vietnam-era veteran, so he's 60-ish.

3 Q. He's 60-ish; as of today or then?

4 A. Vietnam was a long time ago, now and  
5 then.

6 Q. No, no, I'm not saying -- I'm not  
7 saying Vietnam then, I apologize.

8 A. His age is -- I mean, his age is --

9 Q. At the time when he quit his job is  
10 when I'm referring to?

11 A. I mean, the same answer. It's that  
12 era. Those guys were all 60-ish, and some  
13 of them are 70-ish now and --

14 Q. Okay. So is he close at that time  
15 when he quit his job, would you believe that  
16 he is close to a normal retirement age?

17 A. At some point in the future.  
18 Sixty-seven is full retirement, so at some  
19 point down the road, yes, I would say within  
20 the next ten years.

21 Q. But people retire beforehand?

22 A. My goal's 50.

23 Q. Well, there you go.

24 A. Okay.

25 Q. I would love that as well. But so if

1 Jeff was in a financial position where he  
2 decided he could retire earlier than say 67;  
3 not that you're not aware that he was that  
4 age, but it's possible he could have retired  
5 younger than 67?

6 A. I would expect anybody to.

7 Q. Okay. So it's -- do you know when he  
8 quit his job how long he had been working  
9 prior to that in his life?

10 A. I don't even know what he did for a  
11 living at that time. I have no clue --

12 Q. Okay.

13 A. -- of his work history.

14 Q. Okay. Do you know whether his wife  
15 worked at the time, when he quit his job?

16 A. I don't know what his wife does. I  
17 believe she was in education of some form, I  
18 don't -- but I don't know if she worked.

19 Q. Okay. So in connection with that,  
20 you've stated that because he informed the  
21 board that he was going to be quitting his  
22 job and running the PGR store, that you  
23 assumed it was because he was making so much  
24 money at the PGR store that he might as well  
25 quit his job and run this instead. Am I --

1 MRS. BLUE: Objection; I think  
2 that --

3 BY MR. O'MALLEY:

4 Q. -- giving your testimony accurately?

5 MRS. BLUE -- mischaracterizes.

6 BY MR. O'MALLEY:

7 Q. Okay. Can you explain to me why, off  
8 of what you said yesterday, why you believed  
9 Jeff quit his job?

10 A. To run the PGR store and the  
11 organization full time.

12 Q. Did you further state that it was your  
13 opinion that it would take a rocket  
14 scientist to understand that he would only  
15 do that because he was making money from the  
16 store?

17 A. Yes.

18 Q. But isn't it entirely possible that  
19 that wasn't the reason Jeff was quitting his  
20 job? Isn't it entirely possible that it was  
21 just that he had reached retirement age. He  
22 was -- had reached a comfortable financial  
23 position. His wife may or may not have  
24 still been working, but he and his wife  
25 decided it was okay for him to quit, and

1 that he didn't necessarily need to make  
2 money from the PGR store?

3 MRS. BLUE: Objection; calls for  
4 speculation.

5 BY MR. O'MALLEY:

6 Q. You can answer.

7 A. Sure, it's entirely possible.

8 Q. Okay.

9 A. Could I clarify that last answer? I'd  
10 like to add something to it for the Record.

11 Q. Sure.

12 A. Me and my business partner almost  
13 dissolved our own company behind the time  
14 and effort I put into the Patriot Guard  
15 Riders. We fought like cats and dogs.

16 She supported the idea of what the  
17 Patriot Guard Riders stood for, but she  
18 hated the Patriot Guard Riders. And if I  
19 would have been an employee, I would have  
20 been fired. We had many, many, many  
21 knock-down drag-outs over the time and  
22 effort I invested sitting there in there in  
23 my office to the Patriot Guard Riders  
24 instead of devoting it to the company.

25 So somebody going to work for the

1 Patriot Guard Riders was not a crazy idea to  
2 me, essentially. If he was running the  
3 store and earning an income so we could  
4 continue to progress the organization, that  
5 made absolute, perfect sense. Based on my  
6 own personal experiences that this  
7 organization was causing big problems  
8 between me and my business partner, me and  
9 my wife, it took a lot of time and effort to  
10 wear those many hats we did to start the  
11 organization.

12 Q. Okay. But you don't know that that  
13 was necessarily true with regard to Jeff  
14 Brown. This is your situation?

15 A. Absolutely not with a certainty.

16 Q. Okay. Okay, you stated yesterday --  
17 so the time leading up to Brown's  
18 resignation, when did that -- what happened  
19 where this all kind of started coming out?

20 A. With absolute certainty where it  
21 began, I don't know, because it was one of  
22 those holes in the dike you wished you could  
23 have put your finger in in hindsight and  
24 shut off and proceeded forward.

25 Q. Uh-huh.

1       A. But it pretty much originated, if I  
2 could put an originator's name on it, I  
3 would say Alan Mullis.

4       Q. And who is that?

5       A. That was a very loud Uncle Bubba in  
6 North Carolina. He was very good friends  
7 with Steam and Tony Turner and Monica. He  
8 was -- he was not an official duty state  
9 captain or anything. He was one of the  
10 members of my perceived group of the goon  
11 platoon.

12      Q. Okay, your perceived group?

13      A. Yes.

14      Q. Okay. And so when, timeline-wise,  
15 when did -- when did it first become  
16 public -- public now, it's not just, you  
17 know, with regard to you or a few people --  
18 but when did it become public knowledge in  
19 your mind that -- sorry.

20               When did it become public knowledge in  
21 your mind as to when the membership at large  
22 became aware that Jeff was profiting from  
23 the sale of goods in connection with the PGR  
24 store?

25                       MRS. BLUE: Objection; vague.

1 BY MR. O'MALLEY:

2 Q. You can answer, if you understand.

3 A. I would say the first evidence that I  
4 have seen is Sgt potsie's post in the  
5 evidentiary stack, that's --

6 Q. Which, can you refer me to what  
7 exhibit is that?

8 A. That would be -- oh, right here, the  
9 top one, Exhibit 23. Where he discusses at  
10 the gathering at the guard, which was July  
11 4th weekend of 2006, that he says that the  
12 topic came up and was clarified that weekend.

13 Q. Okay. I believe you said though that  
14 you didn't remember that happening; that you  
15 were at this meeting, but that you don't  
16 remember this being said?

17 A. No, but somebody does. And, I mean,  
18 it's a piece of evidence before me, and as I  
19 also testified that it was never an issue.

20 It became an issue when the goon  
21 platoon sometime in October started in with  
22 their thing which culminated with Jeff's  
23 resignation. But I don't know when the  
24 public knowledge happened other than I've  
25 seen this thing today with a date and time,

1 and it was never a point of contention for  
2 anybody on the board.

3 Q. Okay. I want to introduce --

4 (Whereupon Deposition Exhibit Number  
5 Defendant's 1 was marked for identification.)

6 BY MR. O'MALLEY:

7 Q. This is a complete copy of your  
8 deposition testimony.

9 A. Okay.

10 Q. I'm going to introduce that as  
11 Defendant's Exhibit 1. All right. Five  
12 copies of this, transporting it all --

13 MRS. BLUE: Can you get me one  
14 please? Thanks.

15 BY MR. O'MALLEY:

16 Q. Can you take a look at this, if you  
17 don't mind?

18 A. It's rather large.

19 Q. Have you seen this document before?

20 A. I've never seen this document before.

21 Q. You've never seen this document?

22 A. I've never seen this. I did my  
23 deposition by telephone last time, so I've  
24 never seen this document.

25 Q. Can I have you turn toward the back.

1 There's a Page 80 -- let's see, there's a  
2 Page 91.

3 A. Okay.

4 Q. Can you state what that page says. It  
5 starts off with "signature page." Can you  
6 state what it says underneath that?

7 A. "I, Ronny Roy Awtry, do hereby certify  
8 that the foregoing deposition was  
9 presented to me by Marlene Percefull  
10 as a true and correct transcript of  
11 the proceedings in the above-styled  
12 and number cause, and I now sign the  
13 same as true and correct."

14 I do remember this now.

15 Q. Okay, so you read through this  
16 deposition --

17 A. Yes.

18 Q. -- to insure the accuracy?

19 A. This was emailed to me to insure the  
20 accuracy, and I did -- I did take a look at  
21 it.

22 Q. And you signed this on November 25th,  
23 2008. That's your signature?

24 A. Yes.

25 Q. Okay. And you further, two pages

1 later, there's a statement or page that  
2 starts off, "Corrections to the Deposition  
3 of Ronny Roy Awtry, page and line number and  
4 corrections"?

5 A. Yes.

6 Q. So that is your writing that you --

7 A. That is my writing.

8 Q. -- filled those out and corrected this?

9 A. Yes.

10 Q. So you have read -- at that time you  
11 read your deposition testimony?

12 A. Yes, I did.

13 Q. Okay, all right.

14 A. It's been a long time.

15 Q. Yes. If you will bear with me. I'm  
16 sorry, I have to find my notes. Okay, I'd  
17 like you to turn to Page 18, Lines 14  
18 through 23, if you can read those?

19 A. Page 18, Line 14 through 23.

20 "Question: Do you recall ever seeing  
21 a post on any forum on the website www  
22 dot Patriot Guard dot org that stated  
23 that Jeff Brown owned the store?

24 Answer: The only that I can  
25 recollect -- the only post or the

1 first post I saw was of that nature  
2 was, I believe, in October of 2006 on  
3 the, you know, threads in the open  
4 forums.

5 Question: When you say, 'open  
6 forums,' do you mean anyone can access  
7 those?

8 On any forums whatsoever, Answer."

9 Q. Okay. That's -- and now I'd like you  
10 to turn to Page 81.

11 A. Okay.

12 Q. Lines 6 through 9.

13 A. Line 6 through 9:

14 "Question: I believe you testified  
15 that in October is the -- of '06 is  
16 when it became public knowledge that  
17 Jeff owned the store; is that correct?

18 Answer: That's the best of my  
19 knowledge, yes."

20 Q. Okay. So as of the time, when you  
21 gave this deposition, it was your belief  
22 that it became -- first became public  
23 knowledge that Jeff owned the store was in  
24 October of '06?

25 A. At the time I gave this deposition, yes.

1 Q. Okay, thank you.

2 A. But that's not supported by the  
3 evidentiary stuff I've viewed today.

4 Q. I'm not asking you that question. I'm  
5 asking you what was your belief at that  
6 time. That's all I'm asking for.

7 A. Okay.

8 Q. Okay. And I'd ask you that you not  
9 volunteer, just answer my question.

10 A. But I'm not allowed to clarify my  
11 answers?

12 Q. You will have the chance to do that  
13 with your attorney on redirect, if she  
14 chooses to do so.

15 A. Okay. Even if I want to answer?

16 Q. I'm sorry?

17 A. Even if I want to answer I'm not  
18 allowed to, based on the rules of the Court,  
19 or based on --

20 Q. You are supposed to -- it's proper to  
21 answer my questions. If my question ends in  
22 an "is that correct," or, "is that right,"  
23 the answer is yes or no. I'm not asking for  
24 clarification.

25 A. But it's, can I -- I'm asking you, can

1 I go outside of properness, quote, unquote,  
2 and say what I feel to believe the answer.

3 Q. You can say what you want. I may object.

4 A. Okay.

5 Q. Is that fine?

6 A. Clarifying the rules. I'm learning  
7 the rules of law as we go, as I've said  
8 several times. Thank you.

9 Q. Okay. I'd like you to take  
10 Plaintiff's Exhibit 1. You still have a  
11 copy of that; that was the first exhibit  
12 introduced yesterday. It's probably on the  
13 bottom of your stack there.

14 A. Yes. Well, we did some digging  
15 around, so it's not on the bottom of my stack.

16 Q. It's a post by Waldo dated December  
17 16th, 2005. There's a number at the right  
18 hand corner that says PGR 006225.

19 A. Okay.

20 Q. Okay. I'm going to read this  
21 statement that was made by Jason Waldo,  
22 correct? Jason Wallin, who is otherwise  
23 known as Waldo?

24 A. Okay.

25 Q. He says: "We're using the couple of

1           bucks that we make on the web store  
2           and the banner advertising to help  
3           cover some costs that we have incurred  
4           to get this site and organization up  
5           and going. We would greatly  
6           appreciate it if you could buy some  
7           quality PGR items that Jeff has put  
8           together and click on some of the  
9           sponsor's links to help us out.  
10          Thanks a million."

11          Who is Jason referring to as the "we"  
12          in we?

13          A. Hissself and Jeff.

14          Q. Himself and Jeff, okay. This  
15          statement conveys the message that Jason  
16          Wallin was asking people to buy quality PGR  
17          items from the web store, so that Jeff and  
18          Jason could have some of their costs covered  
19          that were incurred to get the PGR site and  
20          the organization up and running; isn't that  
21          correct?

22          A. That's correct.

23          Q. So this statement doesn't convey the  
24          message that Jeff Brown was looking to  
25          profit from the sale of quality PGR items

1 from the web store, does it?

2 A. No, sir. It states that they are  
3 trying to cover their costs of getting the  
4 organization up and going.

5 Q. So they're looking to cover costs, not  
6 profit. They're stating that they have  
7 invested some money in order to help get  
8 this off. What they're looking for is to  
9 cover their costs?

10 A. That's what it says in the post, yes.

11 Q. Okay, thank you. Can you turn to  
12 Exhibit 4 now?

13 A. I've got that. Okay.

14 Q. You got it?

15 A. Got it.

16 Q. Okay. You testified -- Rachel had you  
17 testify yesterday regarding this post by  
18 Jason Wallin of November 15th, 2006, correct?

19 A. Correct.

20 Q. Okay, I'm going to read this statement  
21 as well. It says:

22 "Jeff has given us permission to use  
23 the logo for the next 12 months  
24 followed by a reevaluation by both  
25 parties, PGR and Jeff, at the end of

1           that time frame. The permission to  
2           use this logo has been granted for use  
3           on the website only. For the use on  
4           business cards I would contact Jeff  
5           and ask him about it, as he drew the  
6           logo, and by his own statements has  
7           filed a copyright of the logo  
8           personally."

9           So is it fair to say from this posting  
10          by Jason Wallin that Jeff Brown claimed  
11          ownership of the PGR logo because he had  
12          filed a copyright application on the logo?

13          A. From reading the post, yes, it is.

14          Q. Okay. Do you have any knowledge or  
15          understanding of the difference between a  
16          copyright and a trademark?

17          A. Absolutely not.

18          Q. Not, okay.

19          A. To this moment I couldn't tell you.

20          Q. Even to this day?

21          A. I couldn't tell you a trademark from a  
22          copyright.

23          Q. Okay, okay, can you go to Exhibit 7  
24          now, please. Do you have that?

25          A. Yes, I do.

1 Q. Okay, so this is another post from  
2 Jason Wallin dated November 15th, 2006. I'm  
3 going to read a portion of this, where it  
4 says:

5 "We need to set up some ground rules  
6 around this. What would you think of  
7 these, proposed rules for challenge  
8 coin design.

9 1. Required design elements include  
10 the words, quote, 'Patriot Guard  
11 Riders,' unquote, and, quote,  
12 'Standing For Those Who Stood For US,'  
13 unquote. And then in parentheses,  
14 (note the "US" is all caps so that it  
15 can mean us or the United  
16 States), end paren."

17 Then Number 2. States: "Forbidden  
18 design elements include the  
19 copywritten logo that Jeff Brown drew  
20 as we only have permission to use it  
21 on the website but not in marketing  
22 material."

23 So is it fair to say from Paragraph 2  
24 there by Jason Wallin, that Jeff Brown  
25 claimed ownership of the PGR logo because he

1 had a copyright on the logo?

2 A. It specifically says copywritten, yes,  
3 and at the time trademark and copywritten  
4 were something the board of directors as a  
5 whole knew not the difference of.

6 MR. O'MALLEY: Okay, object to  
7 hearsay as to what the remainder of the  
8 board knew as opposed to yourself.

9 BY MR. O'MALLEY:

10 Q. So you had no knowledge of the  
11 difference between copyright and a trademark  
12 and their legal purposes and all that?

13 A. No.

14 Q. Okay, and still do not to this day, or  
15 is that just with regard to copyrighting?

16 A. Just with regard to copyright.

17 Q. Okay, okay. Going to Paragraph 1 of  
18 this statement of this post, Jason also  
19 states in Paragraph 1:

20 "That it is acceptable and even  
21 required that a new design element  
22 must use the words Patriot Guard  
23 Riders"; isn't that correct?

24 A. To Line 1?

25 Q. Yes --

1 A. You said Paragraph 1.

2 Q. I'm sorry.

3 A. Okay.

4 Q. Yes.

5 A. Okay, repeat the question?

6 Q. Sure. Jason states in Line 1,  
7 Paragraph 1, whatever you want to call it,  
8 the sentence following the Number 1:

9 "That it is acceptable and even  
10 required that a new design element  
11 must use the words Patriot Guard  
12 Riders"; isn't that correct?

13 A. Yes.

14 Q. Okay. How is it that it was  
15 acceptable for the PGR to use the term  
16 Patriot Guard Riders, such to the point that  
17 it was even required if Jeff Brown wouldn't  
18 allow them to use the logo?

19 A. Because at the time we thought that we  
20 had claimed it first and that the logo was  
21 ours, so we were trying to set rules and  
22 standards for the organization to use.

23 Q. But you state -- you just stated that  
24 the -- his statement here is "that a  
25 forbidden design element includes the

1 copywritten logo."

2 A. The logo itself is the emblem on my  
3 shirt, the "Patriot Guard Riders, Riding  
4 With Respect" trademark logo that Jeff has  
5 filed.

6 Q. Right.

7 A. And Patriot Guard Riders is the name,  
8 "Patriot Guard Riders."

9 Q. Okay.

10 A. The words, "Patriot Guard Riders."

11 Q. So you as the board, the board  
12 believed that it was only not allowed to use  
13 the logo, but they were still allowed to use  
14 the name?

15 A. Yes.

16 Q. In connection with goods?

17 A. In connection with goods, yes.

18 Q. Okay. So, all right, so going back I  
19 asked you before about when the time came up  
20 when all this stuff, so to speak, hit the  
21 fan, so that was --

22 A. Good description.

23 Q. Thank you. So that was leading up to  
24 his resignation, Jeff Brown's resignation,  
25 as well as after his resignation, correct?

1 A. Yes.

2 Q. There was still, I believe yesterday  
3 you referred to it, and if I misquoted you  
4 here wrong, but you can correct me now, that  
5 it was like a hail storm or a war going on;  
6 that there was a lot happening --

7 A. Fair enough.

8 Q. -- at that time. Would it be fair to  
9 state that there was a lot of confusion on  
10 the board as to what was happening at the  
11 time and how things should be handled, both  
12 leading up to Jeff's resignation and  
13 following Jeff's resignation?

14 A. Mass confusion. We had no idea what  
15 we were doing.

16 Q. Okay, mass confusion. So --

17 A. We were very aware of the steps we  
18 were taking, but we were taking steps and  
19 moving forward to the best of our knowledge.  
20 And as I said on various composites there  
21 was one board, one vote, regardless of  
22 individuals. What the board voted was what  
23 was released, and we knew nothing.

24 Q. Okay, so because you state you knew  
25 nothing, isn't it possible that members on

1 the board: Jason, yourself, Bonnie, Bill  
2 Lyons -- who did I leave off? Ed Mueller,  
3 isn't it possible that any one of them could  
4 have made statements on the board while  
5 trying to answer questions to your general  
6 public, your members. You're trying to  
7 answer questions; isn't it possible that  
8 some of the information that was provided  
9 was not accurate or not fully thought through?

10 MRS. BLUE: Objection; calls for  
11 speculation.

12 A. It is possible, yes. However, in the  
13 designation of Jason as the person to  
14 contact the trademark, that Jason was chosen  
15 specifically because Jason claimed to have  
16 previously done trademarks for other  
17 organizations. Jason claimed to have  
18 knowledge of what he was doing, so, "Good  
19 answer, good answer, here's your hat. You  
20 know what's happening."

21 BY MR. O'MALLEY:

22 Q. So what about with regard to  
23 statements made on the forums that Rachel  
24 has talked to you about both yesterday and  
25 today?

1       A. There were specific items. Bonnie and  
2 Ed specifically would lie through their  
3 teeth. I -- individual topics we can look  
4 at and approach one by one, but Jason  
5 claimed he knew what he was doing. And  
6 Bonnie and Ed hated Jeff and would say  
7 whatever they could to make this resignation  
8 permanent.

9       Q. Okay. Okay, so going back to the  
10 trademark filing, you have stated that after  
11 Brown resigned, you and the rest of the  
12 board of directors authorized Jason Wallin  
13 to file a trademark application on behalf of  
14 the PGR for the PGR logo, correct?

15       A. Yes.

16       Q. Okay. This authorization was  
17 given during a board meeting, a telephonic  
18 board meeting; is that how --

19       A. A telephonic board meeting.

20       Q. -- you typically did this because  
21 you're all located in different areas, right?

22       A. A telephonic board meeting.

23       Q. Do you know what day that happened?

24       A. Within a week of it, and I think  
25 looking through the documents that it was

1 somewhere around the 9th of November. The  
2 exact date I don't know for sure, but it  
3 happened -- it happened before it was  
4 considered.

5 Q. Before it was filed -- it happened  
6 before the trademark was filed, correct?

7 A. Yes.

8 Q. Okay. So if the trademark was filed,  
9 I believe if we look at --

10 A. It happened the day before or within  
11 hours of the trademark being filed.

12 Q. Okay. And so the trademark was filed --

13 MRS. BLUE: November 9th.

14 BY MR. O'MALLEY:

15 Q. If we look at Exhibit 5, I think,  
16 which I'm missing here. It was November  
17 9th?

18 A. Yes.

19 Q. Right. Okay, so it happened either  
20 the day before or within hours of that  
21 happening?

22 A. Yes.

23 Q. Okay. Prior to the authorization  
24 being given, did Jeff Brown ever inform the  
25 board or yourself that he was the owner of

1 the trademark of the PGR logo? Now, I'm  
2 talking separate than your knowledge that he  
3 ran the store --

4 A. Yes.

5 Q. -- and used it?

6 A. Yes.

7 Q. When did he tell you that he was the  
8 owner of the trademark?

9 A. When people would ask us to use the  
10 trademark for merchandise, and the board, as  
11 early as when I was a board member, and even  
12 when I was just head shed on some of the com  
13 calls in regards to the Help On The  
14 Homefront.

15 So one time, for instance, somebody  
16 wanted to use the logo. I can't remember  
17 the specific incident, but they -- somebody  
18 presented an idea to use the logo on  
19 something that was pretty ridiculous idea,  
20 and Jeff and the board voted. Jeff said,  
21 "Absolutely not," and the board said,  
22 "Absolutely, you're right," and we didn't  
23 grant permission to use the logo to --

24 Q. So, okay, so the board was involved in  
25 that decision?

1       A. If I remember right, it was like Jeff  
2 was not going to release the logo for that  
3 particular thing. And the board would --  
4 somebody on the board presented it because  
5 somebody had asked. And Jeff said,  
6 "Absolutely not." The board said, "Yeah,  
7 that's great; we wouldn't recommend it  
8 either," and it went away.

9       Q. Okay. So from what I understand from  
10 what you're saying is that this occurred  
11 during a PGR board meeting?

12       A. That particular incident, yes.

13       Q. Or conference call?

14       A. Yes.

15       Q. So wouldn't it stand to reason that  
16 decisions Jeff is making at that time he is  
17 making on behalf of the board as opposed to  
18 on his own individual behalf?

19               MRS. BLUE: Objection; calls for  
20 legal conclusion.

21       A. We were deferring to him as the guy  
22 who controlled the mark as far as we were  
23 concerned.

24 BY MR. O'MALLEY:

25       Q. So you deferred to him, but you didn't

1 have actual knowledge that he had stated  
2 he -- he, as an individual, owned the mark.  
3 You were aware that it was being used by the  
4 store; is that correct?

5 MRS. BLUE: Same objection.

6 A. Two things happened, okay? We knew he  
7 was controlling the mark at that point, not  
8 the board, not the store. We, as an  
9 organization around the time of the hail  
10 storm, didn't clearly understand the  
11 difference between the store and the mark.  
12 Our goal was to acquire the mark, which we  
13 knew Jeff had previously --

14 BY MR. O'MALLEY;

15 Q. Used, I believe is what you've stated?

16 A. Granted permission to use. So our  
17 knowledge within it has -- my knowledge, and  
18 I will say the board at large because I was  
19 on the calls with them, were that the  
20 discrepancy and the storm was that  
21 originally it was his mark, but it should  
22 have gone with the organization.

23 In our naivety we didn't separate the  
24 difference between them. Now Jeff's gone.  
25 Now let's open our store, and as I've

1 testified earlier, "Oh, shucks, what's this  
2 thing about the logo and trademark?" "Well,  
3 let's research it." "Okay." "It hadn't been  
4 filed." "Quick, get a file on it and it's  
5 ours, and we'll run our store." That's the  
6 sequence of events in our Harry-Caray world  
7 during that hail storm.

8           So previous to that we knew damn good  
9 and well it was Jeff's trademark, but we  
10 didn't understand trademarking and all of  
11 that that went with it.

12           Q. So if you didn't understand all that  
13 went with trademarks, how did you know it  
14 was Jeff's trademark --

15           A. Because we went to him to get --

16           Q. -- that seems terribly inconsistent to  
17 me.

18           A. We went to him to get permission from  
19 him for other people to use it, because he  
20 told us he's --

21           Q. Because he was the president of the PGR?

22           A. He said he owned the trademark. The  
23 discrepancy came in when we saw that it  
24 hadn't actually been filed, and there's two  
25 sets of scenarios. At the time he claimed

1 that he owned the trademark, which nobody  
2 disputed. The dispute came in when we  
3 decided that we would own the trademark  
4 because he hadn't filed it yet.

5 Q. Okay. Can I ask you to look at your  
6 deposition again, Defendant's Exhibit 1?

7 A. Yes.

8 Q. Can you first go to Page 77, Line 23,  
9 and read starting there until the next page,  
10 Line 3?

11 A. "Ronny, before Jeff Brown resigned as  
12 the PGR, were you aware that --"

13 Q. I'm sorry, can you repeat it to track  
14 the language? You didn't read it properly.

15 A. Question -- Line 23, right?

16 Q. Right.

17 A. "Ronny, before Jeff Brown resigned  
18 from the PGR, were you ever aware that  
19 he claimed to own the PGR trademark as  
20 an individual?

21 Answer: I have no specific knowledge  
22 that he claimed to own the trademark  
23 as an individual. I mean, like I  
24 said, I knew that he owned the store."

25 Q. Okay. That seems to be in

1 contradiction to what you have just told me;  
2 isn't that correct?

3 A. Absolutely, I mean there was --

4 Q. Okay, thank you.

5 A. Absolutely, there was no clarification.

6 MR. O'MALLEY: Object to the  
7 continued volunteering of testimony.

8 BY MR. O'MALLEY:

9 Q. Can I have you go to Page 84, Line 19?

10 A. Okay.

11 Q. And can you read until Page 85, Line 2?

12 A. Did you --

13 "Question: Did you and the PGR  
14 leadership, at the time that you  
15 authorized Jason Wallin to tried  
16 (sic) to file the trademark  
17 application on the corporation's  
18 behalf, did you believe that the  
19 trademark was owned by the organization?  
20 Answer: Yes, I did. I thought it  
21 represented the organization and it  
22 was so fundamentally tied to our image  
23 and our personnel that, yes, I believe  
24 that the organization owned the  
25 trademark."

1 Q. Okay, thank you. Can we take a look  
2 at Exhibit 5 again, please? That's the  
3 trademark application.

4 A. Okay, this one?

5 Q. Yes.

6 A. Okay.

7 Q. Okay. Can I have you turn to, let's  
8 say the second page here.

9 A. Okie-dokie.

10 Q. There's a header that says, "Goods  
11 and/or Services," correct?

12 A. Yes, that's there.

13 Q. And it says International Class: 045.  
14 Class status: Active, and describes --  
15 below that it says:

16 "Organizing and conducting support  
17 groups in the field of combat veterans  
18 and their families."

19 This is what the trademark, the PGR  
20 logo was filed for by the PGR, Inc.; is that  
21 correct, in connection with these services?

22 A. Yes.

23 Q. Okay. It does not call for anything  
24 having to do with the sale of goods at the  
25 time, correct?

1 A. Correct.

2 Q. Do you see anything in here talking  
3 about goods?

4 A. No.

5 Q. Okay. Do you know whether the  
6 services provided by the PGR, consistent  
7 with this, began to take place prior to any  
8 sale of goods where this logo was used on?

9 A. I don't know.

10 Q. Okay.

11 A. The organization started before I came  
12 on board, and I wasn't involved with it.  
13 And when the store opened and when the  
14 merchandise on the website came on, I was  
15 member 7000, I think, somewhere in there. I  
16 don't remember exactly. My email address,  
17 my original account died when I was on  
18 there, and I started over, so I don't  
19 remember what my original was. So I don't  
20 know what -- the transactions that took  
21 place in the very beginning.

22 Q. Okay, all right. Sorry, I'm just  
23 going through my notes. If you will give me  
24 a second.

25 A. That's okay.

1 Q. I probably ought to put my stuff in  
2 some kind of workable fashion.

3 In connection with what you just said,  
4 you said that you were not involved with the  
5 PGR at the time to know whether the services  
6 were provided prior to the sale of goods,  
7 right?

8 A. Correct.

9 Q. Who do you believe would have  
10 knowledge of that; would Jason Wallin?

11 A. I believe Jason Wallin would have.

12 Q. Anyone else?

13 A. Jeff Brown would have.

14 Q. Anyone else?

15 A. I don't know of myself personally any  
16 individual. I mean, sure, there had to be  
17 somebody, but I don't know for sure any  
18 individual's name, as I learned everything I  
19 know from Jason and Jeff in the early days.

20 Q. So because Jason filed this trademark  
21 application on behalf of the PGR --

22 A. Yes.

23 Q. -- he was the one who declared  
24 ownership of the mark in connection with the  
25 services provided. Do you believe -- you

1 have no knowledge to dispute that Jason  
2 Wallin was incorrect; you have no firsthand  
3 knowledge to debate that. Is that correct?

4 A. That is correct. And as I stated  
5 earlier, we had no specifics other than,  
6 "You're the guy that knows something about  
7 it; file it." We didn't even know what he  
8 had filed. There was no official board of  
9 directors' communication in the development  
10 of that document other than, "Go forth,  
11 young man, go forth."

12 Q. Because you believed him to be the  
13 most knowledgeable person about the --

14 A. About trademark.

15 MR. O'MALLEY: I have no further  
16 questions.

17 MRS. BLUE: Do you want to take a  
18 short break?

19 MR. O'MALLEY: Sure.

20 (Whereupon, a recess was had)

21 MRS. BLUE: You're still under oath.

22 REDIRECT EXAMINATION

23 BY MRS. BLUE:

24 Q. A minute ago Mr. O'Malley had you look  
25 at Exhibit 4. Let's go back to that if we

1 can find it in our --

2 A. I've got my stack --

3 Q. -- stack of exhibits here.

4 A. I've got it.

5 Q. Okay, now I have to find it. All  
6 right, Mr. O'Malley asked you if this post  
7 from Jason Wallin indicated that Jeff's  
8 ownership was dependent on his filing of the  
9 copyright; is that correct?

10 A. I believe so.

11 Q. All right. Is there anything else in  
12 this post that might indicate why Jeff  
13 thought he owned the logo?

14 A. Well, the last sentence says that he  
15 drew the logo.

16 Q. All right, thank you. Okay, let's go  
17 to Exhibit 7 now. We need more space here.

18 All right. A few minutes ago Mr.  
19 O'Malley asked you some questions regarding  
20 Number 1 and 2 in this post from Jason  
21 Wallin. And specifically he asked you  
22 whether Jason Wallin's statement indicated  
23 that Jeff thought he owned the logo because  
24 it was copyrighted, which is in Number 2?

25 A. Right.

1 Q. All right. Is there anything else in  
2 Number 2 that would indicate why Jeff  
3 thought he owned the logo?

4 A. Well, it says that Jeff drew it.

5 Q. All right, thank you. Let's stay on  
6 that post for just a second and let's talk  
7 about these rules here. Were these rules  
8 actually ever enacted?

9 A. This?

10 Q. Yes.

11 A. Yes, this was. This was specific to  
12 the challenge coin that we, I believe, came  
13 out with as an organization. And I believe  
14 we were released a challenge coin at some  
15 point thereafter for sale.

16 Q. So were these rules adopted in any  
17 formal way; were they ever posted anywhere  
18 for membership?

19 A. This is specific to a contest and a  
20 coin. There was a similar, very similar  
21 that was posted on state usage of the PGR  
22 logo. Very -- I mean, these rules  
23 specifically are specific to that challenge  
24 coin.

25 Q. Now go to Exhibit 5 that we were

1 looking at. This is PGR, Inc.'s application.

2 A. Okay.

3 Q. I believe you testified when Mr.  
4 O'Malley was asking you some questions that  
5 the board thought that they could use the  
6 name but not the logo; is that right?

7 A. That's what the post said.

8 Q. Okay, that's what Jason thought?

9 A. (Indicating).

10 Q. Do you know whether the rest of the  
11 board had that same understanding?

12 A. I believe we thought as we were the  
13 Patriot Guard Riders, Incorporated, that we  
14 were the Patriot Guard Riders, and that  
15 specific organization was not questionable.

16 Q. Okay. Well, if you thought that you  
17 could use the name but not the logo, why was  
18 Jason directed to file a trademark  
19 application that included the logo?

20 A. Because the logo was in dispute, and  
21 we needed to file a trademark on it to make  
22 a claim for it.

23 Q. That was your understanding at the time?

24 A. Yes.

25 Q. That if you made the filing then you

1 could claim it?

2 A. We were the first horse to the trough.

3 Q. All right. But this post of Jason's  
4 is November 15th, so it's after the  
5 trademark application's filed?

6 A. Okay.

7 Q. And he's telling everyone that  
8 forbidden design elements include the  
9 copywritten logo that Jeff Brown drew.

10 A. Right.

11 Q. Okay. So does that seem contradictory  
12 to you?

13 A. Yes. We knew the trademark was in  
14 contest.

15 Q. Okay, let's talk for a second about  
16 another question Mr. O'Malley asked you, if  
17 Jeff had ever informed the board that he  
18 owned the Patriot Guard logo, and you  
19 answered, "Yes, he had." And I think then  
20 Mr. O'Malley asked you the basis for that.  
21 And you testified that when people would ask  
22 for permission to use the logo they would  
23 ask Jeff; is that right? I want to make  
24 sure I don't mischaracterize your testimony.

25 A. They would either ask Jeff directly or

1 ask one of us, and we would then approach.

2 Jeff.

3 Q. Okay. Could anybody else on the board  
4 give permission to use the logo?

5 A. No.

6 Q. Without asking Jeff?

7 A. No.

8 Q. Did you ever give anybody permission  
9 to use the logo without asking Jeff?

10 A. I did, as a board member when the  
11 state stores were given the set of  
12 instructions that they develop a state  
13 specific, and a board member can approve it  
14 for state use, yes.

15 Q. Is that before or after Jeff resigned?

16 A. That was after.

17 Q. Okay. All right, you testified also  
18 that there was one instance, and you  
19 weren't -- I don't think you had a very  
20 clear recollection of exactly what the  
21 request was for, but it was something that  
22 neither Jeff or nor the board appeared to  
23 have thought worthy of putting the logo on?

24 A. Right.

25 Q. And you didn't remember exactly what

1 that request was?

2 A. I remember the incident because it was  
3 a pretty ludicrous proposition.

4 Q. Okay. And you testified that the  
5 board was involved in that decision. You  
6 said that the board deferred to Jeff because  
7 he owned the mark; is that right?

8 A. Yes.

9 Q. Okay. And you also said that the  
10 board was aware that Jeff used the mark; is  
11 that right?

12 A. Yes.

13 Q. When the board deferred to Jeff, were  
14 they simply agreeing with his denial of this  
15 request to use, or was there some formal  
16 vote on it? If you recall.

17 A. I don't recall specifically, but there  
18 may have been, et cetera. The one thing  
19 that specifically confused me in this is --

20 MR. O'MALLEY: Objection; speculation.

21 A. -- the title ownership versus control.  
22 The ownership, as I've stated several times,  
23 never was spent much time with. I mean,  
24 owner and controlling, we just didn't think  
25 like that. There wasn't, "You own this,"

1 and, "You own that," but we knew who owned  
2 the store and who to verify with.

3 BY MRS. BLUE:

4 Q. Did you understand that Jeff had  
5 already used that logo in connection with  
6 goods he offered in the store?

7 A. I bought my first items, and it came  
8 from him.

9 Q. Okay. Do you have a better  
10 understanding now about how trademark  
11 ownership is acquired?

12 A. I have a much better idea of how it's  
13 acquired. I still am not sure of what  
14 trademark and copyright, and somehow  
15 trademark is -- my simplistic would be the  
16 donut, and copyright would be the term,  
17 "donut." But I could be entirely wrong.

18 Q. Okay, all right. Mr. Mark had you  
19 look at some testimony that you -- I'm  
20 sorry, Mr. O'Malley. I was reading Davis'  
21 name on here.

22 He had you look at some testimony that  
23 you gave in October of 2008. And I think  
24 that he indicated that there was a  
25 contradiction in your testimony on Page 78

1 in that deposition and today's testimony.

2 A. Yes.

3 Q. I would like to have you take a look  
4 at Page 89 in that deposition. And I'm  
5 going to have you read that first Question  
6 and Answer, please.

7 A. "Ronny, what is your understanding of  
8 how an individual or an entity comes  
9 to own a trademark?

10 A: Well, before November of 2006, I  
11 had no clue what a trademark was or  
12 what was happening. It wasn't even  
13 part of my vernacular. But to own a  
14 trademark, you submit it through the  
15 trademark or patent office, whatever  
16 it is, and then they review it and  
17 after some kind of period of time they  
18 issue a preliminary approval kind of  
19 thing, where at that point if there's  
20 any objections, you can go to their  
21 website and look at what's up and  
22 protest it or not."

23 Q. And so when you gave the testimony in  
24 this deposition in October of 2008 --

25 A. Yes.

1 Q. This was your understanding of how a  
2 trademark -- how trademark ownership was  
3 acquired?

4 A. Yes.

5 Q. And that is different than your  
6 understanding of how trademark ownership is  
7 acquired today?

8 A. Yes.

9 Q. Let's go back to Exhibit 5 for just a  
10 second. Mr. O'Malley asked you to look at  
11 the goods and services in this application  
12 which is the one filed by the PGR, Inc., and  
13 you indicated that the goods and services  
14 were as set forth in this document:

15 "Organizing and conducting support  
16 groups in the field of combat veterans  
17 and their families," right?

18 A. Right.

19 Q. Now, let's flip back in this document  
20 to the page with the tee-shirts on it?

21 A. Okay.

22 Q. Okay. How do those tee-shirts support  
23 the organizing and conducting support groups  
24 in the field of combat veterans and their  
25 families?

1       A. Do you want the correct answer, or do  
2 you want what actually happened with those  
3 shirts?

4       Q. Well, no, what I want to know is how  
5 do those shirts tell people that the PGR,  
6 Inc. performs those services?

7             If I see somebody wearing one of these  
8 shirts, what would I think? That's a bad  
9 way to ask that question.

10            If you saw somebody wearing those  
11 shirts, what would you think?

12       A. That they are a Patriot Guard Rider.

13       Q. Okay. And what do Patriot Guard  
14 Riders do?

15       A. We support families of wounded troops  
16 and deceased soldiers or wounded soldiers.

17       Q. So I could assume then, if I saw you  
18 wearing one of those shirts, that you were a  
19 Patriot Guard Rider, and that's what you  
20 did, right?

21       A. Yes.

22       Q. Okay.

23             MRS. BLUE: Just a second here.

24             (Whereupon Deposition Exhibit Number  
25 24 was marked for identification.)

1 MRS. BLUE: I'll introduce, this  
2 is going to be Plaintiff's 24.

3 A. I lost it.

4 Q. You don't have it yet.

5 A. I lost another one.

6 Q. Give that one down to the reporter,  
7 please. This is a printout from May 3rd,  
8 2010 from the US Trademark -- Patent and  
9 Trademark office. It is a trademark  
10 application, serial number 770410061.

11 Ronny, will you look at the mark?

12 A. Okay.

13 Q. What does that say?

14 A. Patriot Guard Rider.

15 Q. Will you look down at the applicant on  
16 the page?

17 A. Jeff Brown.

18 Q. Yep, right. This is Jeff Brown's  
19 application. Can you tell us the filing  
20 date on this?

21 A. November the 9th of 2006.

22 Q. Okay, all right. Flip to the second  
23 page where it says, "Goods and Services."  
24 There's a whole long list of them there. Go  
25 down to the bottom of that list,

1 International Class: 035. Will you read  
2 that, beginning with "Association services,"  
3 please?

4 A. "Association services, namely,  
5 promoting the interests of families of  
6 deceased military members and families  
7 of deceased Veterans."

8 Q. Okay. Tell me the first use date there?

9 A. First use date, October the 27th of 2005.

10 Q. Okay. First use in commerce date?

11 A. November the 9th, 2005.

12 Q. Okay. Let's go to -- flip back over  
13 to Exhibit 5, flip to the second page of it.  
14 Exhibit 5 again is the PGR, Inc.'s application?

15 A. Okay.

16 Q. Tell me the first use in commerce date?

17 A. First use in commerce date, June the  
18 1st of 2006.

19 Q. Okay. First use date?

20 A. November 11th of 2005.

21 Q. All right. Are those dates in the  
22 PGR, Inc. application before or after the  
23 dates alleged in Jeff Brown's application?

24 A. The first use date is later. The  
25 first use in commerce date is later.

1 MRS. BLUE: Okay, that is all I  
2 have.

3 MR. O'MALLEY: Okay, I've got a  
4 couple more questions. We can stay with  
5 this Exhibit 24 and Exhibit 5.

6 THE WITNESS: Okay.

7 RECROSS EXAMINATION

8 BY MR. O'MALLEY:

9 Q. Let's see, we'll start with  
10 Exhibit 24. On that same -- I'm sorry, not  
11 on that same page. Let's go on the sixth  
12 page.

13 A. Okay.

14 Q. So on the top it says email address,  
15 and to the right, Jeff Brown at valornet dot  
16 com?

17 A. Yes.

18 Q. We're on the same page, okay. So if  
19 you go down about midway into that page,  
20 actually, I'm sorry, I'm going to skip  
21 another page. Go up two more pages. I'll  
22 get to the right --

23 A. Okay.

24 Q. Okay, so down there, midway down you  
25 see, "Goods and/or Services and Basis

1 Information." And then it says,  
2 "International Class 035," right?

3 A. Okay.

4 Q. And then the next, below that it says,  
5 "First Use Anywhere Date." What does that  
6 say to the right of that?

7 A. October 27th, 2005.

8 Q. Can you read exactly what it says to  
9 the right of that, please?

10 A. "At least as early as 10-27 2005."

11 Q. So does that mean, if you were to  
12 understand this statement, that this mark  
13 was used in connection with the services,  
14 which it describes right below, "Association  
15 services, namely." And then it goes on,  
16 that this mark was used at least as early as  
17 that date, meaning it could have been used  
18 prior to that date, but in no event later  
19 than that date?

20 A. That's what I would read, yes.

21 Q. Okay. Go down the next step where it  
22 says, "First Use In Commerce Date." What  
23 does it say to the right?

24 A. At least as early as November 9th, 2005.

25 Q. Okay, so does the same hold true, that

1 it would have been used in commerce -- it's  
2 possible that it was used in commerce prior  
3 to that date, but no later than that date?

4 A. That's what I would surmise.

5 Q. Okay, can we switch back to Exhibit 5?

6 A. Okay.

7 Q. This is the PGR's application.

8 A. Okay.

9 Q. Go to the fifth page?

10 A. Five, all right.

11 Q. Okay, down about midway there it says,  
12 "Goods and/or Services and Basis Information"?

13 A. Yes.

14 Q. "International Class 045"?

15 A. Yes.

16 Q. Okay, so this one says, "First Use  
17 Anywhere Date," what does it say to the  
18 right of that?

19 A. At least as early as November 11th,  
20 2005.

21 Q. So your understanding is that the mark  
22 could have been used prior to this date, but  
23 in no event later than this date?

24 A. Yes.

25 Q. Okay. And go down another line,

1 "First Use In Commerce Date," what is that  
2 date?

3 A. At least as early as June the 1st of  
4 2006.

5 Q. So it could have been used before that  
6 date, but in no event later than that date?

7 A. Yes. And as I said earlier, that was  
8 an arbitrary number invented by Jason  
9 Wallin, so I don't know the accuracy of this  
10 one, which I was a participant.

11 Q. That's fine. So you have no knowledge  
12 with regard to that is what you're saying of  
13 the actual dates?

14 A. Actually, I do not.

15 Q. Okay. So if you compare these two  
16 because the dates could be prior to the  
17 dates, the specific dates identified, isn't  
18 it entirely possible that the dates when the  
19 PGR first used their mark, the logo mark in  
20 connection with their services, was before  
21 the date that Jeff Brown used his mark in  
22 connection with services?

23 MRS. BLUE: Objection; calls for  
24 speculation.

25 BY MR. O'MALLEY:

1 Q. All I'm asking is is it possible. One  
2 says at least as early as October 27th, '05.  
3 The other one was a least as early as  
4 November 11th, 2005, so that means it's  
5 possible that --

6 A. Legally written on this document, if  
7 you weren't aware of the methodology Jason  
8 used to determine that number. He admitted  
9 it.

10 Q. So, yes, so you don't know that?

11 A. I don't know that.

12 Q. Okay, thank you.

13 A. I do know it was invented.

14 MR. O'MALLEY: Okay, objection to  
15 the volunteering again.

16 BY MR. O'MALLEY:

17 Q. Okay. I want to take, again keep  
18 Exhibit 5 out but go to Exhibit 7.

19 A. Five and seven, okay.

20 Q. Okay, you got Exhibit 7. That's a  
21 post by Jason Wallin on November 15th, '06?

22 A. Yes.

23 Q. And Exhibit 5 is PGR application for  
24 the PGR logo?

25 A. Yes.

1 Q. So you had stated that the filing date  
2 for the logo was November 9th of 2006, correct?

3 A. Yes.

4 Q. Okay. And then six days later on  
5 November 15th, '06, Jason Wallin is stating  
6 that, "forbidden design elements include the  
7 copywritten logo"; is that correct?

8 A. Yes.

9 Q. And she asked you if something seems  
10 contradictory there, and you agreed that it  
11 seems contradictory.

12 Doesn't it stand to reason that  
13 something happened between November 9th of  
14 '06, and November 15th, '06, that would  
15 cause Jason Wallin to write this?

16 MRS. BLUE: Objection; vague.

17 A. It would be speculation to say yes.  
18 Written as it is in evidence right here, no.  
19 So seeming to reason, based on if I was a  
20 member at large or on the board of  
21 directors, I know that negotiations were  
22 proceeding with Jeff behind the scenes, and  
23 the board was not moving forward with them,  
24 so on the surface, no.

25 BY MR. O'MALLEY:

1 Q. So you don't believe that anything  
2 would have caused Jason to, on November 9th  
3 state, "We own the mark," and six days later  
4 suddenly switch and say, "Jeff owns the  
5 mark"; that nothing happened to cause him to  
6 change his mind in that regard?

7 A. I'm sure that something happened;  
8 don't know what. I'm only speculating to  
9 make that kind of an answer. But as it is  
10 written, there's nothing to lead me to that  
11 conclusion other than assumptions.

12 MR. O'MALLEY: Okay, thank you.  
13 Can we take a quick break, maybe a minute?

14 MR. STOUT: Yes.

15 (Whereupon, a recess was had)

16 MR. O'MALLEY: Back on the  
17 Record. Okay, we have no further questions.

18 MRS. BLUE: All right. Well,  
19 there you go, that was easy.

20 (Whereupon, a lunch recess was had, after  
21 which negotiations between the parties ensued).

22

23

24

25



1 November 9, 2010

2

3

4 Re: Jeff Brown v. Patriot Guard  
5 Riders, Inc.

6

7 Dear Mr. Awtry:

8 Please find attached a copy of your  
9 deposition in the above matter. Please read  
10 the deposition. If there are corrections  
11 there is a separate sheet to denote the  
12 correction and the reason for same. You  
13 will need to sign the certification page in  
14 front of a Notary Public.

15 If I have not received the corrections  
16 page within thirty (30) days, the original  
17 will be filed without signature. If you  
18 have any questions, please contact this  
19 office.

20

Respectfully,

21

Elizabeth Ann Behles, CSR  
Certified Shorthand Reporter

22

23 CC: Transcript  
24 Cc: Mrs. Rachel Blue  
Cc: Mr. James O'Malley

25

**MIDWEST REPORTING, INC. 918.455.2631**

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**SIGNATURE CERTIFICATE**

I, RONNY ROY AWTRY, do hereby certify that the foregoing was presented to me by Elizabeth Ann Behles, a Certified Shorthand Reporter, as a true and correct transcription of the deposition in the above styled and numbered cause, and I now sign the same as true and correct.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
RONNY ROY AWTRY

SUBSCRIBED AND SWORN to before me on this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Notary Public

My Commission Expires:

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CORRECTIONS TO THE DEPOSITION OF:

**RONNY ROY AWTRY**

<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>	<u>REASON</u>
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**MIDWEST REPORTING, INC. 918.455.2631**

Ronny Roy Awtry 5-4 and 5-5 2010

2

3 SIGNATURE CERTIFICATE

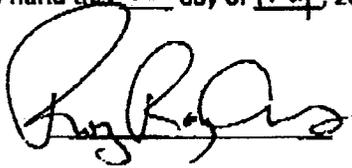
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5 I, RONNY ROY AWTRY, do hereby certify  
6 that the foregoing was presented to me by  
7 Elizabeth Ann Behles, a Certified Shorthand  
8 Reporter, as a true and correct  
9 transcription of the deposition in the above  
10 styled and numbered cause, and I now sign  
11 the same as true and correct.

12 IN WITNESS WHEREOF, I have hereunto  
13 set my hand this 26 day of May, 2010.

14

15



RONNY ROY AWTRY

16

17 SUBSCRIBED AND SWORN to before me on  
this 20 day of May, 2010.

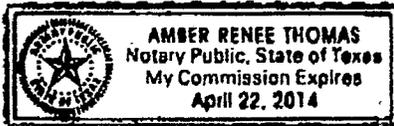
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Notary Public

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21 My Commission Expires:

22

4/22/2014

4 CORRECTIONS TO THE DEPOSITION OF:

5

6 RONNY ROY AWTRY

7

8

9	PAGE	LINE	CORRECTION	REASON
10	2	22	Add Tom Hoffman PGR BOD member present	He was there

11

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**PLAINTIFF'S EXHIBIT 1**



Monday, November 24, 2008

...: ALL Forums ...:

jomalley Logout

### Navigation

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# Patriot Guard Riders Standing For Those Who Stood For Us

## Patriot Guard Riders Forum

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**Subject: Support for the cause**

You are not authorized to post a reply.

Author

Messages

Oldest First

Waldo ●  
Posts: 1325

16 Dec 2005 5:55 PM

Alert

Windsor, CO  
**YOU CAN TALK ABOUT US...**

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

**BUT YOU CAN'T TALK WITHOUT US.**

Jason



Jason Wallin "WALDO"  
Deputy Executive Director  
Corporate Treasurer  
Patriot Guard Riders  
970-402-1892



**PLAINTIFF'S EXHIBIT 2**





Small Fallen Heroes patch



PGR Armband



Wounded Warrior Challenge Coin

members (President, Secretary, and Treasurer). We are in the process of revamping them to include a board of directors with 5 people that are listed on the website as well as approval process for annual budgets and the process that we are working through is that there will be 3 levels of approval Board, regional and state Captains and finally membership. (HINT HINT if you would like something included in our bylaws now is a real good time to speak up.)

Jeff, your the man. If it ends up that PGR structures the .inc balance sheet to give you some return on your financial investment, great (you deserve it).

Next question to ask is - are the Directors getting compensated as a part of the expense side of the balance sheet? If they are, that is legal (so don't get your panties in a wad over the question).

**There are no direct expenses that are paid to a Director. There are however reimbursements paid to directors for such things as board approved travel and expenses directly associated with completion of prescribe pgr duties (i.e. Jason's hosting bandwidth) There is no entity that is owned by a board member that is paid any expense for services rendered for, about, and/or relating to our service to the PGR.**

Last question - how big is the umbrella of the 501(c)3 / .inc status. I'm pretty sure I know how small it may actually be - but until we see the by-laws, and other documents that will need to be publicly disclosed, I'm just guessing.

**I guess that I do not fully understand the question what I will make my best attempt at it. The corporation includes everything that is on the website in the left side of the navigation. If it is there (including the site itself) belongs to the Patriot Guard Riders, Inc.**

In summary, PGR is now a business (for profit or not) as a legal entity. Get use to it, and get over petty concerns. Focus on how the 'business' is being formed, run, governed, financed and protected for continuing the mission.

I won't even touch my view on liability issues.....

**Nor am I right now till we get a couple of things worked out.**

Indy Harley  
The owner of patriotguard.org is the registrant Jason Wallin - I wonder if anyone has given him or even Hugh any consideration of how this all began. They and Kurt Mayer are the brains behind how this noble cause spread so rapidly, at least via the internet. I am not taking anything away from Mr. Brown coming up with the idea.

**Thanks for the kind words Richard. You know me pretty well and you also know why I do**



Tact and Political Correctness were developed by those who lack the testicular fortitude to say what they really mean!

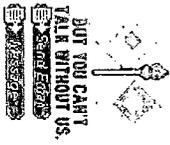
10 Nov 2006 2:57 AM

Alert

Oh by the way feel free to pick up the phone and call me 970-402-1892 anytime day or night. same goes for snap.

Jason Wallin "WALDO"  
Deputy Executive Director  
Corporate Treasurer  
Patriot Guard Riders  
970-402-1892

**American By Birth  
Biker By Choice  
Patriot Forever!**



Waldo P  
Posts: 1325  
Windsor Co  
YOU CAN TALK  
ABOUT US...

Tact and Political Correctness were developed by those who lack the testicular fortitude to say what they really mean!

10 Nov 2006 4:06 AM

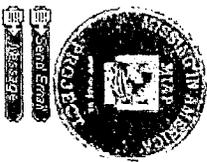
Alert

Illinois backs National... plain and simple. The organizational BS does not detract from the mission. Jason... I have your six.

MIAP Central US Operations Coordinator

"To Care For Him Who Shall Have Borne The Battle" - Abraham Lincoln

President Abraham Lincoln stated in the Gettysburg Address:



cgbrocksmitth o  
Posts: 1291  
Quincy, IL - "Defend  
Those Who Defended  
Us"

"From these honored dead we take increased devotion to that cause for which they here gave the last full measure of devotion - that we here highly resolve that these dead shall not have died in vain."

**Dying for Freedom isn't the worst that could happen...BEING FORGOTTEN IS!**

Respect and truth, not law, counters the obnoxious!

Twister @  
Posts: 1811  
Broken Arrow, OK



10 Nov 2006 7:35 AM

Alert

Hey Folks,

I have no idea why the PGR logo is not showing up on the homepage. I am in the process of having the legal paperwork accomplished to help assure the name "Patriot Guard Riders" and the logo are free for use on the PGR website.

Snap and I have been in many discussions regarding bringing him up to speed on several items that need attention during this transition period, and that has never even been an issue.

Thanks,  
Jeff

In the end, we remember not the words of our enemies, but the silence of our friends.  
Martin Luther King, Jr.

hanHy69g   
Posts: 7760

KY State Captain  
Forum Moderator



10 Nov 2006 7:38 AM

 Alert

Its there now Jeff.  
Thanks for what you have done.

In Memory: Terri L. Newman 11/64 - 7/05  
In Memory: Caleb S. Newman 12/07 - 12/07  
In Memory: Ed "oldiron" Barrett 10/07

hanHy69g@gmail.com

Official KY site:  
kypgr.org  
kypgr.com

President Board of Directors  
Patriot Guard Riders of Kentucky, Inc.  
"Kentucky Rides With Respect"

The achievements of an organization are the results of the combined effort of each individual.  
Vince Lombardi

TOU Enforcement Agent

NCBoulevard   
Posts: 1509

Regional Captain  
Capital Region  
DE,MD,NC,SC,VA,WV



10 Nov 2006 8:01 AM

 Alert

Thanks for the update Waldo.

Jeff, I suspect the majority of the membership never had any questions about whether the logo would continue to be used by the PGR.

Ride Safe. Wear your gear.  
Dennis

Riding out of Charlotte N.C.

704.340.1239

The PGR of NC alternate site can be found at --> <http://forums.delphiforums.com/PGRofNC/start>

nverold   
Posts: 209

Round Lake, IL

10 Nov 2006 8:03 AM

 Alert

Jason,

Thank you for the answers.

Bill "NverOld" Lowry

"O'er the land of the free and the home of the brave!"  
F.S. Key

10 Nov 2006 8:42 AM

 Alert

Thanks to Jason and Jeff for their very timely response.

Richard 'IndyHarley' Wilbur  
Veteran (65-'69)  
SC IN PGR (05)  
Retired LEO and Blue Knight MC Member

For quick Mission information in IN see - <http://indianapatriotguard.org/missions.htm>

10 Nov 2006 9:02 AM

 Alert

Jeff does that mean the PGR will be able to continue using the logo for selling merchandise to the PGR membership?

Richard 'IndyHarley' Wilbur  
Veteran (65-'69)  
SC IN PGR (05)  
Retired LEO and Blue Knight MC Member

For quick Mission information in IN see - <http://indianapatriotguard.org/missions.htm>

10 Nov 2006 9:27 AM

 Alert

Big rock   
Posts: 2002



indyharley   
Posts: 3846  
Indiana



Posted By cglbrocksmith on 10 Nov 2006 3:06 AM  
Illinois backs National... plain and simple. The organizational BS does not detract from the mission. Jason...I  
have your six.

Amen

Mission first, Everything else comes in 2nd

You are not authorized to post a reply.

[Forums > State Captain Area > State Captain/Ride Captain Discussions > Looking Back](#)

ActiveForums 3.6

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**PLAINTIFF'S EXHIBIT 3**

1 Q Did he retain a leadership position in the PGR 10:38AM  
2 after that?

3 A Yes. He was -- there was a couple of things that  
4 took place. One is at the time he physically had the  
5 technical ability to go in there and turn the computers 10:39AM  
6 off, but he also possessed the technical ability to  
7 keep us running. And there was a large fear that if  
8 too hard a move was made against Jason, that he would  
9 shut the Patriot Guard Riders down. We're essentially  
10 web-site based and so he was kept around, but it was 10:39AM  
11 unanimously decided and he threw out there himself that  
12 he would be nowhere associated monetarily to the  
13 Patriot Guard Riders, so he was removed from the  
14 treasurer position ASAP.

15 Q And what position did he assume then? 10:39AM

16 A I don't remember the exact title, but,  
17 essentially, based on that large position of web site  
18 administration.

19 Q But he was still on the board of directors?

20 A Yes. 10:40AM

21 Q Do you recall any board of director discussion  
22 about wanting to keep a low profile about what had  
23 happened with Jason Wallin?

24 A Yeah. The board of directors, that was one of the  
25 big reasons I felt that the audit concerning Jason 10:40AM

**PLAINTIFF'S EXHIBIT 4**

0 Read Messages



PGR Doo-Rag



Large Fallen Heroes patch



Louann Thomas  
National Captain

We of our own selves do nothing, for even in loving it is love that loves thru us.

Waldo

Posts: 1325  
Windsor, Co  
YOU CAN TALK ABOUT US...

15 Nov 2006 1:43 PM

Alert  
Jeff has given us permission to use the logo for the next 12 months followed by a reevaluation by both parties (PGR and Jeff) at the end of that time frame. The permission to use this logo has been granted for use on the website only. For the use on business cards I would contact Jeff and ask him about it as he drew the logo and by his own statements has filed a copyright of the logo personally.



Jason Wallin "WALDO"  
Deputy Executive Director  
Corporate Treasurer  
Patriot Guard Riders  
970-402-1892

American By Birth  
Biker By Choice  
Patriot Forever!

RedThreat600RR

Posts: 1683  
Ride Captain  
Savannah, GA  
11/11/06-Present

15 Nov 2006 2:00 PM

Alert  
Tact and Political Correctness were developed by those who lack the testicular fortitude to say what they really mean!

Wise words, Jason. Geez, I hate to add to the pile of e-mail that I'm sure Jeff already has, but I want to do the right thing.  
When you come to the edge of  
All the light you know



PGR 003540

PLAINTIFF'S EXHIBIT 5

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2010-05-03 12:45:44 ET

Serial Number: 77040379 Assignment Information      Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark



(words only): PATRIOT GUARD RIDERS "RIDING WITH RESPECT"

Standard Character claim: No

Current Status: An opposition is now pending at the Trademark Trial and Appeal Board.

Date of Status: 2007-12-21

Filing Date: 2006-11-09

Filed as TEAS Plus Application: Yes

Currently TEAS Plus Application: Yes

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 101

Attorney Assigned:  
POWERS ALEXANDER L

Current Location: 650 -Publication And Issue Section

Date In Location: 2007-09-26

---

LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. Patriot Guard Riders, Inc.

Address:  
Patriot Guard Riders, Inc.  
312 Granite Ct  
Windsor, CO 80550  
United States  
Legal Entity Type: Corporation



State or Country of Incorporation: Oklahoma  
Phone Number: 970-402-1892

---

### GOODS AND/OR SERVICES

---

**International Class:** 045

**Class Status:** Active

Organizing and conducting support groups in the field of combat veterans and their families

**Basis:** 1(a)

**First Use Date:** 2005-11-11

**First Use in Commerce Date:** 2006-06-01

---

### ADDITIONAL INFORMATION

---

**Color(s) Claimed:** The color(s) yellow, blue and white is/are claimed as a feature of the mark.

**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.

**Design Search Code(s):**

01.01.10 - Stars, three or more; Three or more stars

01.01.13 - Stars - multiple stars with five points

26.05.08 - Letters, numerals or punctuation forming the perimeter of a triangle or comprising a triangle

26.05.20 - Triangles inside one another

26.05.21 - Triangles that are completely or partially shaded

26.11.21 - Rectangles that are completely or partially shaded

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### MADRID PROTOCOL INFORMATION

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(NOT AVAILABLE)

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### PROSECUTION HISTORY

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**NOTE:** To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2007-12-21 - Opposition instituted for Proceeding

2007-11-14 - Extension Of Time To Oppose Received

2007-10-30 - Published for opposition

2007-10-10 - Notice of publication

2007-09-26 - Law Office Publication Review Completed

2007-09-26 - Assigned To LIE

2007-08-27 - Approved for Pub - Principal Register (Initial exam)

2007-08-23 - TEAS Change Of Correspondence Received

2007-08-23 - Teas/Email Correspondence Entered

2007-08-23 - Communication received from applicant

2007-08-23 - TEAS Response to Office Action Received

2007-03-16 - Non-final action e-mailed

2007-03-16 - Non-Final Action Written

2007-03-16 - Assigned To Examiner

2006-11-16 - Notice Of Design Search Code Mailed

2006-11-15 - New Application Entered In Tram

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**ATTORNEY/CORRESPONDENT INFORMATION**

---

**Correspondent**

DAVID J MARR

TREXLER BUSHNELL GIANGIORGI BLACKSTONE &

105 W ADAMS ST STE 3600

CHICAGO, IL 60603

Phone Number: 312-704-1890

Fax Number: 312-704-8023

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# 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
<b>MARK INFORMATION</b>	
*MARK FILE NAME	<u>\\TICRS\EXPORT2\IMAGEOUT2</u> <u>\\770\403\77040379\xml1\FT K0002.JPG</u>
*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
<b>APPLICANT INFORMATION</b>	
*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
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	CORPORATION
*STATE/COUNTRY OF INCORPORATION	Oklahoma
<b>GOODS AND/OR SERVICES AND BASIS INFORMATION</b>	
*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 <b>MILITARY AND MILITARY FAMILY SUPPORT</b>
*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)	<u>\\TICRS\EXPORT2\IMAGEOUT2</u> <u>\770\403\77040379\xml1\FT K0003.JPG</u>
SPECIMEN DESCRIPTION	this is a sample of a t-shirt that we sold to help raise money for scholarships for the families of fallen soldiers.
<b>ADDITIONAL STATEMENTS INFORMATION</b>	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION	

(if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
<b>CORRESPONDENCE INFORMATION</b>	
*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
<b>FEE INFORMATION</b>	
NUMBER OF CLASSES	1
FEE PER CLASS	275
TOTAL FEE DUE	275
<b>SIGNATURE INFORMATION</b>	
* SIGNATURE	/Jason D. Wallin/
* SIGNATORY'S NAME	Jason D. Wallin
SIGNATORY'S POSITION	Treasurer, Patriot Guard Riders, Inc.
* DATE SIGNED	11/09/2006
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Thu Nov 09 13:14:12 EST 2006
	USPTO/FTK-72.250.47.100-2 0061109131412723527-77040

TEAS STAMP

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).

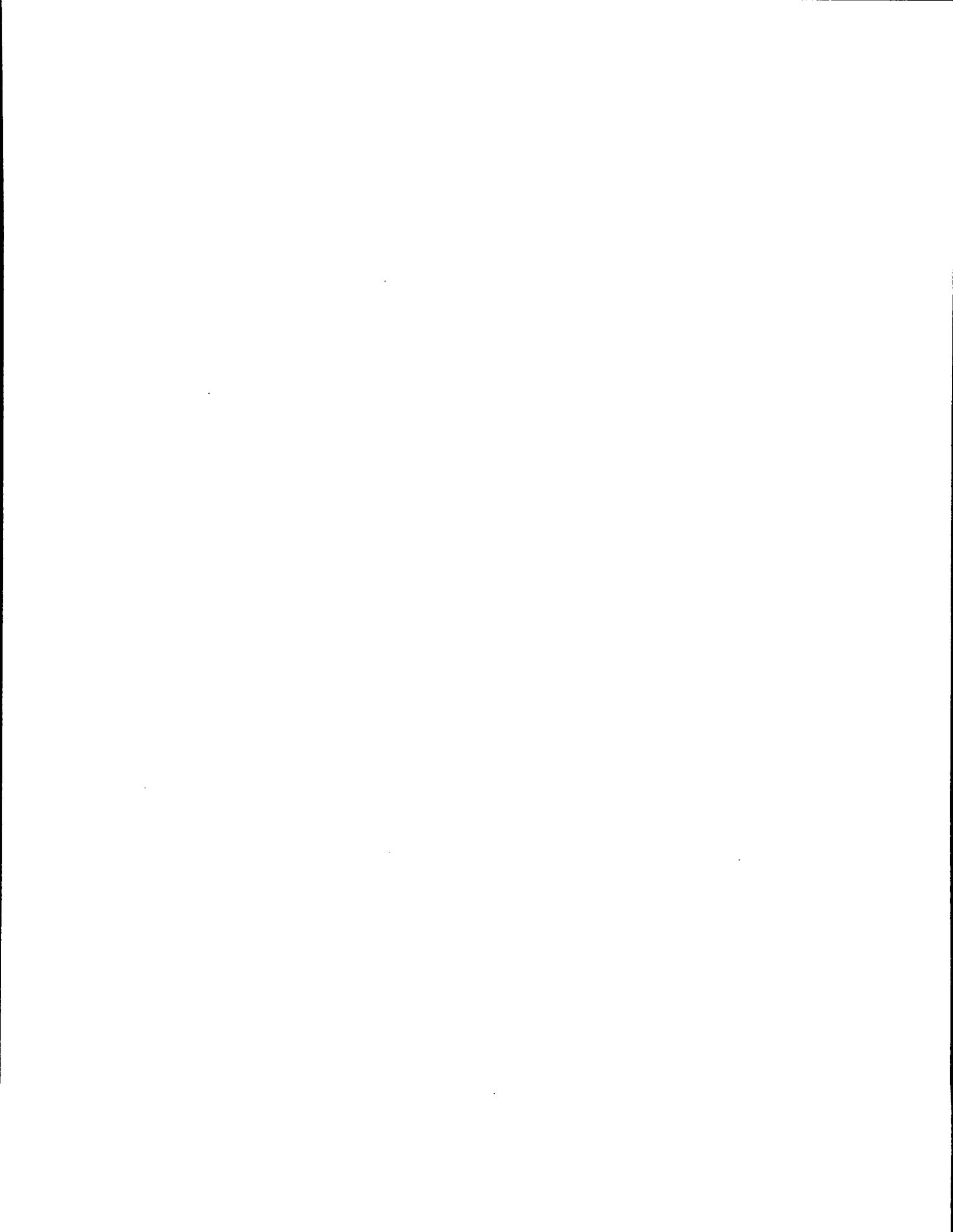
#### Declaration

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.

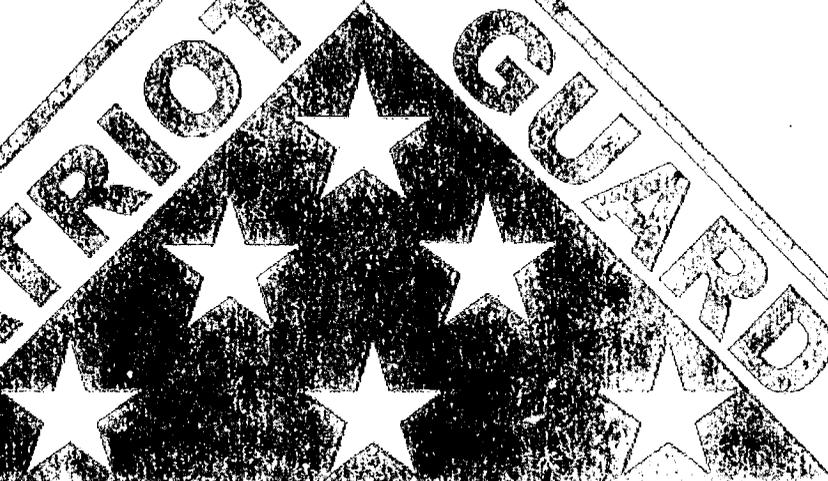
Signature: /Jason D. Wallin/ Date: 11/09/2006  
Signatory's Name: Jason D. Wallin  
Signatory's Position: Treasurer, Patriot Guard Riders, Inc.

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



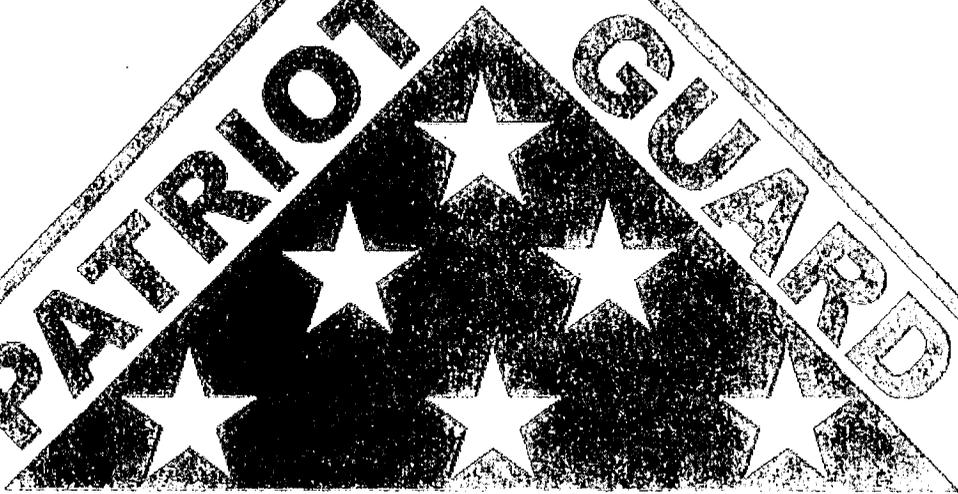
RIDERS

"Riding With Respect"





**PATRIOT GUARD**



**RIDERS**

**"Riding With Respect"**

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**From:** TMDesignCodeComments  
**Sent:** Thursday, November 16, 2006 00:08 AM  
**To:** jason@patriotguard.org  
**Subject:** Notice of Design Search Code for Serial Number: 77040379

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**ATTORNEY REFERENCE  
NUMBER:**

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The USPTO may assign design search codes, as appropriate, to new applications to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate. DESIGN SEARCH CODES are numerical codes assigned to figurative, non-textual elements found in marks. For example, if your mark contains the design of a flower, design search code 05.05 would be assigned to your application. Design search codes are described on Internet Web page <http://www.uspto.gov/tmdb/dscm/index.html>. You are not required to respond to this notice. However, if you would like to suggest additions or changes to the design search codes assigned to your mark, please send an email to [TMDesignCodeComments@USPTO.GOV](mailto:TMDesignCodeComments@USPTO.GOV) or call 1-800-786-9199 to speak to a Customer Service representative. No fee is necessary. (Please include the serial number of your application on ALL correspondence with the USPTO.) The USPTO will review your request and update the record if appropriate. The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered. **Design search codes assigned to the referenced serial number are listed below.**

**DESIGN SEARCH CODES:**

01.01.03 - Comets  
01.01.03 - Stars with five points  
01.01.10 - Stars, three or more  
01.01.10 - Three or more stars  
26.05.08 - Letters, numerals or punctuation forming the perimeter of a triangle or comprising  
26.05.20 - Triangles inside one another  
26.05.21 - Triangles that are completely or partially shaded  
26.11.21 - Rectangles that are completely or partially shaded

\*\*\* User:apowers \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	77040379[SN]
02	10981	N/A	0	0	0:01	01.01.10[dd]
03	6333	N/A	0	0	0:01	01.01.13[dd]
04	1293	N/A	0	0	0:01	26.05.08[dd]
05	3273	N/A	0	0	0:01	26.05.20[dd]
06	27153	N/A	0	0	0:01	26.05.21[dd]
07	117591	N/A	0	0	0:01	26.11.21[dd]
08	898	N/A	0	0	0:03	*p{v}tr{v:2}t*[bi,ti]
09	24253	N/A	0	0	0:02	*g{v:2}rd*[bi,ti]
10	5861	N/A	0	0	0:04	*r{v}d{v}r*[bi,ti]
11	2120	N/A	0	0	0:02	*r{v}d{v}ng*[bi,ti]
12	2102	N/A	0	0	0:01	*r{v}sp{v}ct*[bi,ti]
13	5084	N/A	0	0	0:01	2 and (3 or 4 or 5 or 6 or 7 or 8 or 9 or 10 or 11 or 12)
14	946	N/A	0	0	0:01	3 and (4 or 5 or 6 or 7 or 8 or 9 or 10 or 11 or 12)
15	597	N/A	0	0	0:01	4 and (5 or 6 or 7 or 8 or 9 or 10 or 11 or 12)
16	1941	N/A	0	0	0:01	5 and (6 or 7 or 8 or 9 or 10 or 11 or 12)
17	3460	N/A	0	0	0:01	6 and (7 or 8 or 9 or 10 or 11 or 12)
18	914	N/A	0	0	0:01	7 and (8 or 9 or 10 or 11 or 12)
19	4	0	4	3	0:01	8 and (9 or 10 or 11 or 12)
20	27	13	14	13	0:01	9 and (10 or 11 or 12)
21	15	7	8	7	0:01	10 and (11 or 12)
22	1	0	1	1	0:01	11 and 12
23	1498264	N/A	0	0	0:02	"045"[cc]
24	2638	N/A	0	0	0:01	13 and 23
25	510	N/A	0	0	0:01	14 and 23
26	248	N/A	0	0	0:01	15 and 23
27	869	N/A	0	0	0:01	16 and 23
28	1577	N/A	0	0	0:01	17 and 23
29	330	N/A	0	0	0:01	18 and 23
30	2619390	N/A	0	0	0:02	dead[id]
31	2069	N/A	0	0	0:01	24 not 30
32	468	N/A	0	0	0:01	25 not 30
33	119	0	119	119	0:01	26 not 30
34	456	N/A	0	0	0:01	27 not 30
35	765	N/A	0	0	0:01	28 not 30
36	151	0	2	151	0:01	29 not 30
37	460628	N/A	0	0	0:01	"042"[ic]
38	14795	N/A	0	0	0:02	"045"[ic]
39	13832	N/A	0	0	0:02	"a"[ic] or "b"[ic] or "200"[ic]
40	482	N/A	0	0	0:01	31 and (37 or 38 or 39)

41	95	0	2	95	0:01	32 and (37 or 38 or 39)
42	151	0	2	151	0:01	34 and (37 or 38 or 39)
43	209	0	2	209	0:01	35 and (37 or 38 or 39)

Session started 3/16/2007 2:30:35 PM

Session finished 3/16/2007 2:46:50 PM

Total search duration 0 minutes 54 seconds

Session duration 16 minutes 15 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 77040379

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To: Patriot Guard Riders, Inc. ([jason@patriotguard.org](mailto: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](#)

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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

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:  
[jason@patriotguard.org](mailto:jason@patriotguard.org)

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 (ri'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. §2.1.1. A 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.**

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# Patriot Guard Riders

## Standing For Those Who Stood For US



Friday, March 16, 2007

...: About Us » Our Mission ...

Register L

### Navigation

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- Fallen Members
- Events
- Corporate Sponsors
- Troop Support Partners
- Links
- PGR FAQ
- PGR Gear

### Our Mission

## Patriot Guard Riders Mission Statement

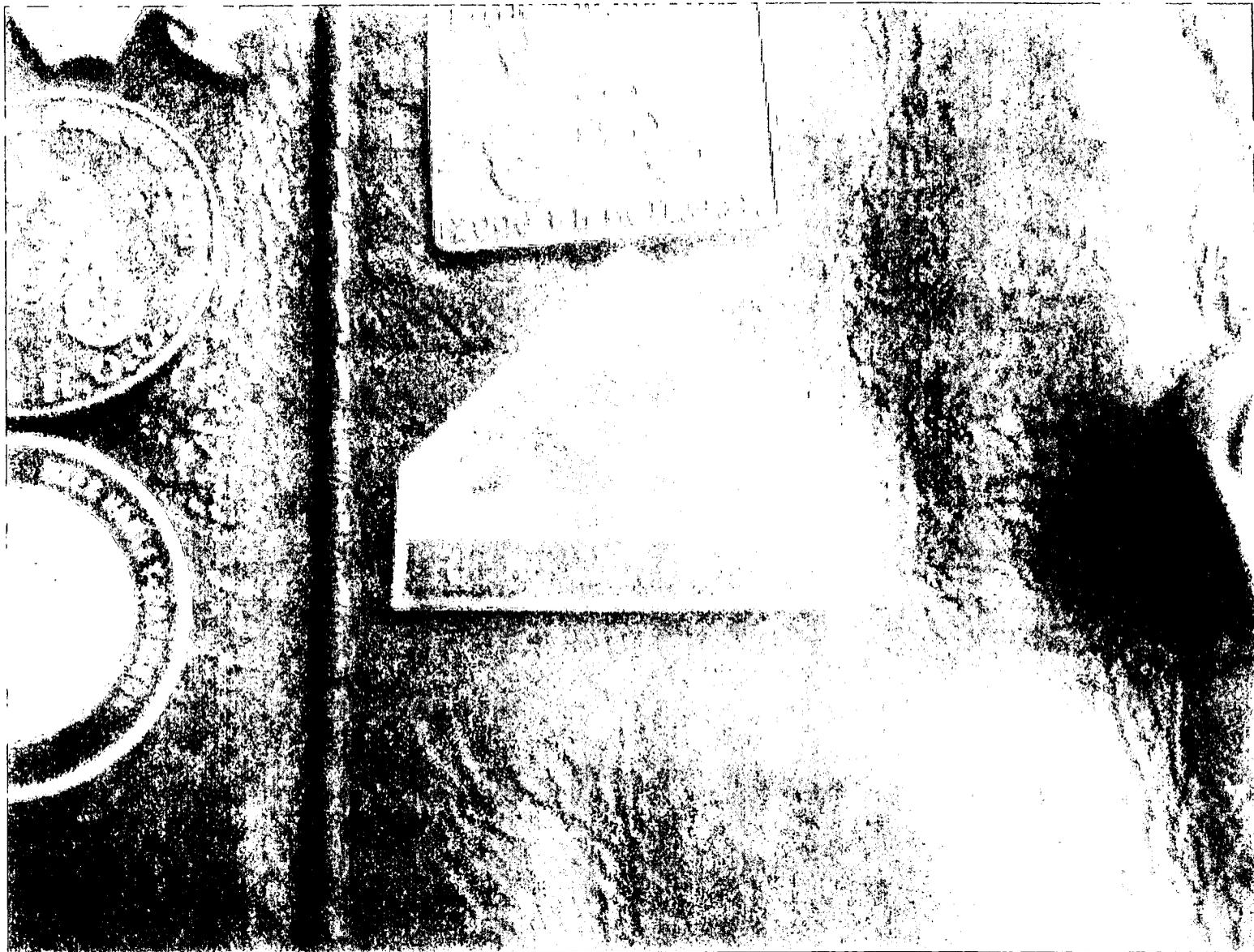
The Patriot Guard Riders is a diverse amalgamation of riders from across the nation. We have one thing in common besides motorcycles. We have an unwavering respect for those who risk their very lives for America's freedom and security. If you share this respect, please join us:

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.



## Response to Office Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77040379
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 101
<b>MARK SECTION (no change)</b>	
<b>OWNER SECTION (no change)</b>	
<b>LEGAL ENTITY SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
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.	
<b>GOODS AND/OR SERVICES SECTION (current)</b>	
<b>INTERNATIONAL CLASS</b>	045
<b>DESCRIPTION</b>	
Organizing and conducting support groups in the field of MILITARY AND MILITARY FAMILY SUPPORT	
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 11/11/2005
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 06/01/2006
<b>GOODS AND/OR SERVICES SECTION (proposed)</b>	
<b>INTERNATIONAL CLASS</b>	045
<b>DESCRIPTION</b>	
Organizing and conducting support groups in the field of combat veterans and their families	
<b>FILING BASIS</b>	Section 1(a)
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 11/11/2005
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 06/01/2006

<b>STATEMENT TYPE</b>	"The substitute specimen(s) was in use in commerce as of the filing date of the application."
<b>SPECIMEN FILE NAME(S)</b>	\\TICRS2\EXPORT13\770\403 \77040379\xml1\ROA0002.JPG
<b>SPECIMEN DESCRIPTION</b>	scanned photograph of a Patriot Guard Riders patch which is worn by members when promoting and performing the services identified
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>DESCRIPTION OF THE MARK (and Color Location, if applicable)</b>	"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."
<b>COLOR(S) CLAIMED (If applicable)</b>	"The color(s) yellow, blue and white is/are claimed as a feature of the mark."
<b>MISCELLANEOUS STATEMENT</b>	Please delete the color claim currently of record.
<b>CORRESPONDENCE SECTION</b>	
<b>NAME</b>	James R. Foley
<b>FIRM NAME</b>	Trexler, Bushnell, Giangiorgi, Blackston
<b>INTERNAL ADDRESS</b>	36th Floor
<b>STREET</b>	105 West Adams St.
<b>CITY</b>	Chicago
<b>STATE</b>	Illinois
<b>ZIP/POSTAL CODE</b>	60603
<b>COUNTRY</b>	United States
<b>PHONE</b>	312-704-1890
<b>FAX</b>	312-704-8023
<b>EMAIL</b>	ptodocket@trexlaw.com
<b>AUTHORIZED EMAIL COMMUNICATION</b>	Yes
<b>SIGNATURE SECTION</b>	
<b>DECLARATION SIGNATURE</b>	/James R. Foley/
<b>SIGNATORY'S NAME</b>	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
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Thu Aug 23 16:17:49 EDT 2007
TEAS STAMP	USPTO/ROA-67.36.193.194-2 0070823161749749608-77040 379-380adf5cfeaa14775acd8 de6328cb13a2e3-N/A-N/A-20 070823154646822734

PTO Form 1957 (Rev 9/2005)  
OMB No. 0651-0050 (Exp. 04/2009)

### 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

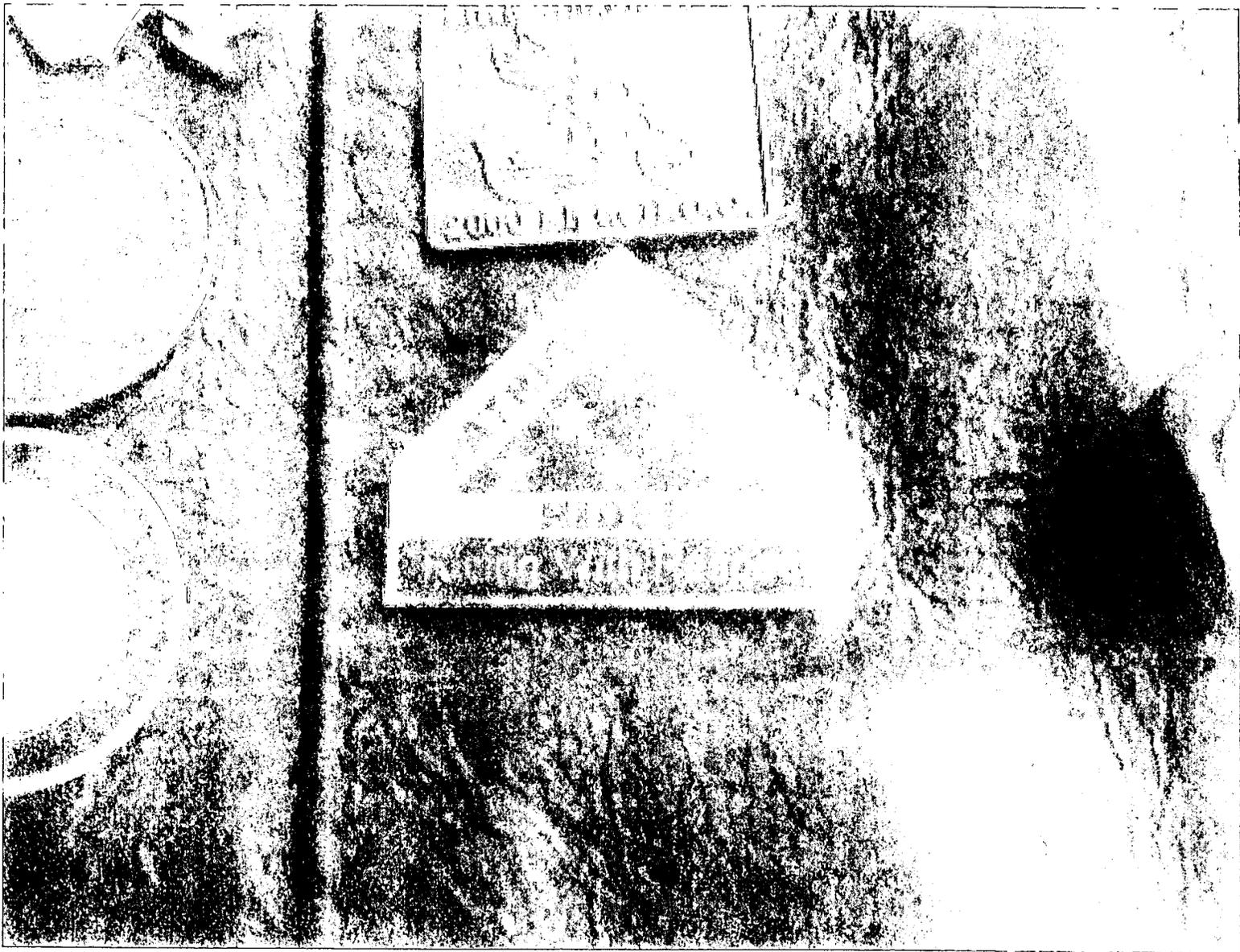
Serial Number: 77040379

Internet Transmission Date: Thu Aug 23 16:17:49 EDT 2007

TEAS Stamp: USPTO/ROA-67.36.193.194-2007082316174974

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## Change Of Correspondence Address

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77040379
LAW OFFICE ASSIGNED	LAW OFFICE 101
MARK SECTION	
MARK	PATRIOT GUARD RIDERS "RIDING WITH RESPECT" (stylized and/or with design)
CORRESPONDENCE SECTION (current)	
ORIGINAL ADDRESS	PATRIOT GUARD RIDERS, INC. 312 GRANITE CT WINDSOR, CO 80550-5491
NEW CORRESPONDENCE ADDRESS	
NEW ADDRESS	James R. Foley Trexler, Bushnell, Giangiorgi, Blackston 36th Floor 105 West Adams St. Chicago Illinois United States 60603 312-704-1890 312-704-8023 ptodocket@trexlaw.com
SIGNATURE SECTION	
SIGNATURE	/James R. Foley/
SIGNATORY NAME	James R. Foley
SIGNATORY DATE	08/23/2007
SIGNATORY POSITION	Attorney of record
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Aug 23 16:17:49 EDT 2007

TEAS STAMP

USPTO/ROA-67.36.193.194-2  
0070823161749749608-77040  
379-380adf5cfeaa14775acd8  
de6328cb13a2e3-N/A-N/A-20  
070823154646822734

**Trademark Strap, Shirt Amendment & Mail Processing (Stylized)**  
 (Table presents the date on Amendment & Mail Processing, if Applicable)

**OVERVIEW**

SERIAL NUMBER	77040379	FILING DATE	11/09/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	POWERS, ALEXANDER L	L.O. ASSIGNED	101

**PUB INFORMATION**

RUN DATE	08/24/2007		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	08/23/2007		
LITERAL MARK ELEMENT	PATRIOT GUARD RIDERS "RIDING WITH RESPECT"		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

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STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	PATRIOT GUARD RIDERS "RIDING WITH RESPECT"
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	YES

### CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Patriot Guard Riders, Inc.
ADDRESS	312 Granite Ct Windsor, CO 80550
ENTITY	03-CORPORATION
CITIZENSHIP	Oklahoma

### GOODS AND SERVICES

INTERNATIONAL CLASS	045
DESCRIPTION TEXT	Organizing and conducting support groups in the field of combat veterans and their families

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	FIRST USE DATE	FIRST USE IN COMMERCE DATE	CLASS STATUS
045	11/11/2005	06/01/2006	6-ACTIVE

### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	"The color(s) yellow, blue and white is/are claimed as a feature of the mark."
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."

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
08/23/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008

08/23/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
08/23/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006
03/16/2007	GNRT	F	NON-FINAL ACTION E-MAILED	005
03/16/2007	CNRT	R	NON-FINAL ACTION WRITTEN	004
03/16/2007	DOCK	D	ASSIGNED TO EXAMINER	003
11/16/2006	MDSC	O	NOTICE OF DESIGN SEARCH CODE MAILED	002
11/15/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

**CURRENT CORRESPONDENCE INFORMATION**

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	PATRIOT GUARD RIDERS, INC. 312 GRANITE CT WINDSOR, CO 80550-5491
DOMESTIC REPRESENTATIVE	NONE



PATRIOT GUARD

RIDERS

"Riding With Respect"

**Trademark Snap Shot Publication Stylesheet**  
 (Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	77040379	FILING DATE	11/09/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	POWERS, ALEXANDER L	L.O. ASSIGNED	101

**PUB INFORMATION**

RUN DATE	08/28/2007		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	08/27/2007		
LITERAL MARK ELEMENT	PATRIOT GUARD RIDERS "RIDING WITH RESPECT"		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

--

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	PATRIOT GUARD RIDERS "RIDING WITH RESPECT"
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	YES

### CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Patriot Guard Riders, Inc.
ADDRESS	312 Granite Ct Windsor, CO 80550
ENTITY	03-CORPORATION
CITIZENSHIP	Oklahoma

### GOODS AND SERVICES

INTERNATIONAL CLASS	045
DESCRIPTION TEXT	Organizing and conducting support groups in the field of combat veterans and their families

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	045	FIRST USE DATE	11/11/2005	FIRST USE IN COMMERCE DATE	06/01/2006	CLASS STATUS	6-ACTIVE
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### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	"The color(s) yellow, blue and white is/are claimed as a feature of the mark."
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."

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
08/27/2007	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	010

08/23/2007	TCCA	I	TEAS CHANGE OF CORRESPONDENCE RECEIVED	009
08/23/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
08/23/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
08/23/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006
03/16/2007	GNRT	F	NON-FINAL ACTION E-MAILED	005
03/16/2007	CNRT	R	NON-FINAL ACTION WRITTEN	004
03/16/2007	DOCK	D	ASSIGNED TO EXAMINER	003
11/16/2006	MDSC	O	NOTICE OF DESIGN SEARCH CODE MAILED	002
11/15/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

**CURRENT CORRESPONDENCE INFORMATION**

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	James R. Foley Trexler, Bushnell, Giangiorgi, Blackston 36th Floor 105 West Adams St. Chicago IL 60603
DOMESTIC REPRESENTATIVE	NONE



PATRIOT GUARD

RIDERS

"Riding With Respect"

**Trademark Search Sheet Publication & Issue Review Sheet**  
 (Table presents the date of Publication & Issue Review Complete)

**OVERVIEW**

SERIAL NUMBER	77040379	FILING DATE	11/09/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	SERVICE MARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	POWERS, ALEXANDER L	L.O. ASSIGNED	101

**PUB INFORMATION**

RUN DATE	09/27/2007		
PUB DATE	10/30/2007		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	09/26/2007		
LITERAL MARK ELEMENT	PATRIOT GUARD RIDERS "RIDING WITH RESPECT"		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

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STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	PATRIOT GUARD RIDERS "RIDING WITH RESPECT"
MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	YES

### CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Patriot Guard Riders, Inc.
ADDRESS	312 Granite Ct Windsor, CO 80550
ENTITY	03-CORPORATION
CITIZENSHIP	Oklahoma

### GOODS AND SERVICES

INTERNATIONAL CLASS	045
DESCRIPTION TEXT	Organizing and conducting support groups in the field of combat veterans and their families

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	045	FIRST USE DATE	11/11/2005	FIRST USE IN COMMERCE DATE	06/01/2006	CLASS STATUS	6-ACTIVE
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### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	The color(s) yellow, blue and white is/are claimed as a feature of the mark.
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.

### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
09/26/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	012

09/26/2007	ALIE	A	ASSIGNED TO LIE	011
08/27/2007	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	010
08/23/2007	TCCA	I	TEAS CHANGE OF CORRESPONDENCE RECEIVED	009
08/23/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
08/23/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
08/23/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006
03/16/2007	GNRT	F	NON-FINAL ACTION E-MAILED	005
03/16/2007	CNRT	R	NON-FINAL ACTION WRITTEN	004
03/16/2007	DOCK	D	ASSIGNED TO EXAMINER	003
11/16/2006	MDSC	O	NOTICE OF DESIGN SEARCH CODE MAILED	002
11/15/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

**CURRENT CORRESPONDENCE INFORMATION**

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	James R. Foley Trexler, Bushnell, Giangiorgi, Blackston 36th Floor 105 West Adams St. Chicago IL 60603
DOMESTIC REPRESENTATIVE	NONE



PATRIOT GUARD

RIDERS

"Riding With Respect"

UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451  
[www.uspto.gov](http://www.uspto.gov)

Oct 10, 2007

**NOTICE OF PUBLICATION UNDER 12(a)**

- |                                      |   |
|--------------------------------------|---|
| 1. Serial No.:<br>77/040,379         | 2. Mark:<br>PATRIOT GUARD RIDERS "RIDING WITH RESPEC<br>Etc. and design |
| 3. International Class(es):<br>45    |   |
| 4. Publication Date:<br>Oct 30, 2007 | 5. Applicant:<br>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.

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Chicago IL 60603

TMP&I

**PLAINTIFF'S EXHIBIT 6**