ESTTA Tracking number: **ESTTA442361**

Filing date: **11/21/2011**

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

Proceeding	91181448
Party	Plaintiff Jeff Brown
Correspondence Address	RACHEL BLUE MCAFEE & TAFT 1717 S BOULDER AVENUE, SUITE 900 TULSA, OK 74119 UNITED STATES rachel.blue@mcafeetaft.com, diane.goswick@mcafeetaft.com
Submission	Brief on Merits for Plaintiff
Filer's Name	Jennifer B. Perry
Filer's e-mail	jenna.perry@mcafeetaft.com, diane.goswick@mcafeetaft.com
Signature	/J. Perry/
Date	11/21/2011
Attachments	TRIALBRIEF8B.pdf (41 pages)(1935251 bytes) TRIALBRIEF8C.pdf (32 pages)(1487787 bytes) TRIALBRIEF-9.pdf (166 pages)(8556603 bytes) TRIALBRIEF-10.pdf (166 pages)(8520242 bytes) TRIALBRIEF-11.pdf (153 pages)(9486995 bytes) TRIALBRIEF-12.pdf (152 pages)(7299162 bytes) TRIALBRIEF-13.pdf (112 pages)(4864050 bytes)

jeopardize the validity of the application or any resulting registration."

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

A. Same paragraph?

Q. Uh-huh.

A. I'm trying to find it.

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

A. Oh, sorry.

"...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."

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

A. Yes.

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

A. Jason D. Wallin.

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

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

Q. Okay. All right --

A. And he was.

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

A. November 9th of 2006.

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

A. Well --

MR. O'MALLEY: Objection; hearsay.

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

BY MRS. BLUE:

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

A. Because --

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

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

Q. Did you believe that?

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

apparently, commerce seems to be a big issue.

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

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

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

A. No, Jason --

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

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

disclaimers for legal purposes.

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

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

Q. What did he say?

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

MR. O'MALLEY: Objection; hearsay.

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

BY MRS. BLUE:

Q. Did anyone discuss that with him?

A. Well --

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

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

MR. O'MALLEY: Objection; hearsay.

BY MRS. BLUE:

Q. What did you think about it?

A. I just thought it was more BS in a

long line of BS.

Q. Did you say that?

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

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

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

(Off the Record)

MRS. BLUE: Go back on.

BY MRS. BLUE:

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

A. Other than the board voting to tell

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

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

A. I believe he did.

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

A. The treasurer of Patriot Guard Riders, Incorporated?

Q. Uh-huh.

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

Q. Okay.

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

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

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

A. Yes.

Q. Okay. What kind of merchandise?

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

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

A. Yes.

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

A. Yes.

Q. Had Jeff used that --

A. Yes.

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

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

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

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

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

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

BY MRS. BLUE:

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

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

A. Right.

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

A. Okay.

Q. Okay.

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

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

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

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

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

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

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

MR. O'MALLEY: Objection; hearsay.

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

MRS. BLUE: You should object to

language.

MR. O'MALLEY: That, too.

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

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

BY MRS. BLUE:

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

A. This -- and the associated services.

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

A. Yes.

Q. Does this post suggest to you that

Jeff was willing to let --

A. Yes.

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

A. Yes.

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

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

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

Q. Okay.

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

through the board of directors was funded through Jeff.

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

Q. Okay.

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

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

(Whereupon, a recess was had)

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

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

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

BY MRS. BLUE:

Q. This is another email or another post

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

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

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

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

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

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

A. I'm sorry, repeat?

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

A. Yes.

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

A. Yes.

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

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

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

A. In the physical trademark application, yes.

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

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

BY MRS. BLUE:

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

A. Yes.

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

A. That is Jeff Brown.

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

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

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

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

A. Yes.

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

A. Okay.

Q. Would you read that paragraph to us?

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

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

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

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

Q. Okay.

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

Q. All right. So would a person who saw

that post understand that Jeff operated that store for profit?

A. Yes.

Q. Would you have understood that?

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

Q. Okay.

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

MR. O'MALLEY: Objection; hearsay.

BY MRS. BLUE:

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

A. Yes, it did.

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

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

BY MRS. BLUE:

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

19th, 2006 by -- you're going to have to tell me, is we Wescoot or Wescoot? (Pronunciation)

A. Wescoot.

Q. Wescoot2. Who is "Wescoot2"?

A. Ed Mueller.

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

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

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

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

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

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

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

A. No, this was a forum poster.

Q. Okay, thanks.

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

Q. Uh-huh.

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

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

Q. Okay.

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

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

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

BY MRS. BLUE:

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

A. Okay.
Q. But we'll mark it 10 for this one.
MRS. BLUE: Is that okay with you, Jim?
MR. O'MALLEY: That's fine.
BY MRS. BLUE:
Q. Okay. All right, this post is dated November 17th, 2006?
A. Yes.
Q. It looks like the poster is "Snap67"; is that Bill Lyons?
A. That's Bill Lyons.
Q. It says under there that he is the captain, national executive director; is that right?
A. Yes.
Q. Okay. Let's take a look at Numbers 1, 2, 3, 4, 5, 6, of this post. It looks like Snap is posting to the membership at large here; is that correct?
A. Yes, letters from the PGR president. Patriot Guard Riders national -- letter from the president, yes.
Q. Okay. What does Number 1 say?
A. "Jeff created the concept of the

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

Q. Okay, Number 2?

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

Q. Okay, Number 3?

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

Q. Okay, how about 4?

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

Q. Okay. Let's go down to Number 17. Can you read that?

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

Q. Were you on the board of directors

when that decision was made?

A. Yes.

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

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

Q. Okay. Did you manage to do that?

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

Q. Okay.

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

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

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

A. Yes.

Q. Okay.

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

BY MRS. BLUE:

Q. Exhibit 11.

A. All right.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q. Uh-huh.

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

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

Q. Okay, all right.

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

BY MRS. BLUE:

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

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

A. Okay.
Q. -- refers to the thread, the number of pages in the thread.
A. Okay.
Q. Let's go to the one, two, three, third full paragraph there beginning with "Anyway..."
A. All right. "Anyway, way, way back when this thing started, Twister did not hide the fact that he owned the PGR store, that it was a for profit thing, whereas the PGR was a non -- it was a nonprofit thing. I don't know how PGR would become, how big it would get --"
Q. I think you skipped a line there.
A. Oh.
Q. "I don't know --"
A. "I don't know why it was set up this way and I don't care. There was no way that anyone could have seen what the PGR would become, how big it would get, or that it could be operated at least as a break even operation. All that came later. I think what was

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

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

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

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

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

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

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

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

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

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

A. Henry Lang, HLang.

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

A. Yes.

Q. Okay.

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

BY MRS. BLUE:

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

A. Okay.

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

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

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

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

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

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

A. Yes.

Q. Okay, okay.

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

BY MRS. BLUE:

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

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

A. Yes.

Q. Have you ever seen this email exchange before?

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

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

A. Yes, we were.

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

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

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

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

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

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

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

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

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

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

A. Yes, it was a topic.

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

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

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

Q. Dianetics?

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

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

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

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

A. (Indicating).

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

A. No.

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

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

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

of the Patriot Guard trademark?

A. Yes, I did.

Q. And what was the nature of that request?

A. That was on my race car.

Q. Okay, what did Jeff say about it?

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

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

A. I asked them next.

Q. Okay.

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

Q. What does the wrap around your race

car say?

A. "Riding With Respect."

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

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

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

Q. Okay.

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

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

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

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

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

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

MR. O'MALLEY: That's fine.

A. It came into --

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

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

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

BY MRS. BLUE:

Q. Is that slogan used by itself?

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

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

A. Yes, it is.

Q. Okay.

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

BY MRS. BLUE:

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

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

A. Yes, ma'am.

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

A. That's it.

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

A. Yeah.

Q. I think that belongs to Jeff Brown?

A. Yes.

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

A. (Witness complied).

Q. Okay. Take a look at those two logos. Do they look very much alike to you?

A. They look have much alike, except for the bottom.

Q. Okay.

A. Standing For Those Who Stood For US, and Riding With Respect.

Q. Okay. Is that the only difference in those two logos?

A. Yes, it is.

Q. If you were standing across the room and all you could see was the shape and you couldn't read the words, do you think you could tell them apart?

A. Myself, yes.

Q. Okay. You must have good eyesight?

A. Well, I hate the other one. I mean, and so, yes, I could identify it. But it is -- it's such a confusing matter, okay --

Q. Okay.

A. -- that I actually have a Patriot Guard Riders' tattoo.

Q. I see that.

A. And pending the outcome of this dispute -- I didn't want to live my life -- I will gladly live with the logo with the folded flag and the thing in the middle --

Q. Okay.

A. -- but the Riding With Respect, or the Standing For Those Who Stood For US --

Q. All right. Well, your dislike of the slogan, Standing For Those Who Stood For US aside, if you saw those two logos would you think that they came from the same source?

A. If I knew nothing about the Patriot Guard Riders, I would.

Q. Okay, all right. Let's look here at Exhibit 14.

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

BY MRS. BLUE:

Q. This is a printout from the Patent and Trademark office website dated May 3rd, 10th?

MR. O'MALLEY: Did you say 14?

MRS. BLUE: Yes.

MR. O'MALLEY: That was the last exhibit.

MRS. BLUE: I'm sorry, did I skip one? This should be 15, I'm sorry. I'll take it back and renumber it.

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

MRS. BLUE: There we go, 15.

BY MRS. BLUE:

Q. All right, this is a printout from the trademark office website dated May 3rd, 2010. It is a printout of the Patriot Guard, Inc., application number 77383586. I'll show you this document.

MR. O'MALLEY: Objection with regard to all testimony regarding this is irrelevant.

MRS. BLUE: Noted. I'm offering it to discuss the likelihood of confusion. I think it is relevant.

BY MRS. BLUE:

Q. Okay, we're going to walk through this one a little bit like we did the other one. Look up here at the mark. Tell me what you see right there underneath the word "mark" on the first page of this.

A. Okay, mark, Patriot Guard Riders, the name Patriot Guard Riders.

Q. Okay. If you will go down to the last applicant, owner of record, see there is says Number 1?

A. Yes.

Q. Who is that?

A. Patriot Guard Riders, Incorporated.

Q. Okay. Flip to the next page, look at the Goods and Services. And I see International Class 14, 24, 25, 26 and 45 listed there; is that correct?

A. Yes.

Q. Okay. Go up to Class 14, ornamental pins and commemorative coins.

A. Okay.

Q. Do you see the first use in commerce date there of 12-14 of 2005?

A. Yes.

Q. Are you aware of any pins with the mark, "Standing With Those Who Stood For US" that were available on December 14th of 2005?

A. I was not a member December 14th of 2005; however, as a board member that voted for Standing For Those Who Stood For US, that term didn't even come into existence until on or about November the 10th of 2006, so no way that could have happened.

Q. Okay. How about on cloth banners and fabric flags. I see a first use in commerce date of 11-29 2005; is that possible?

A. The Standing For Those Who Stood For -- no.

Q. Okay. Now, I want you to flip back, show you -- several pages, flip back. There's a picture here of what appears to be a pin. It's the next page after the license plate.

A. Okay.

Q. Are you there? There you go.

A. Okay.

Q. When are you aware that that first pin was available to purchase?

A. It would have -- I don't know an exact date, but it would have had to have been in December of 2006 or later.

Q. Okay. Let's stay in that section there. What's that next page, what's that appear to be?

A. That's the PGR flag.

Q. Okay. What does the slogan on the bottom of that flag say?

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

Q. Okay. If you can, flip back over to the Class 24 goods, cloth banners and fabric flags. First use in commerce 11-29 2005; is that what it says?

A. Yes.

Q. Okay. Was that flag available for purchase in November of 2005?

A. Absolutely not.

Q. Okay. Let's take a look at the next class of goods in International Class 25:

Hats, short-sleeved and long-sleeved tee-shirts, sweat shirts and doo-rags. First use in commerce date 12-8 2005. Flip back to the page after the flag. Do you see a tee shirt with a logo on it that looks like the one Mr. Hoffmann's wearing. It says, "Standing With Those Who Stood With US"; was that shirt available in December of 2005?

A. No, it was not.

Q. Okay. Let's go to Class 26, embroidered patches for clothing and armbands. First use in commerce date is 12-23 2005, okay. Do you see a picture of a patch there?

A. Yes, do I.

Q. Standing With Those Who Stood With US?

A. Yes.

Q. Was that patch available in December of 2005?

A. No, it was not.

Q. Okay. All right, let's go on down to the next class, which is International Class 45: "Organizing and conducting support groups in the field of combat veterans and

their families."

All right, I think if you go to the page after the patch. I'm -- now I'm lost, sorry. You see a printout of what appears to be a page from the Patriot Guard Riders' website?

A. Yes.

Q. Does that look like what it is to you as well?

A. Yes.

Q. Do you see the Patriot Guard Riders' logo in the corner that says, "Standing for Those Who Stood For US"?

A. Yes, I do.

Q. Okay. Was that logo on the Patriot Guard website on November 9th of 2005?

A. No, it was not.

Q. Okay. You have already testified that you believe this logo looks very similar to the previous logo that used the tag line, "Riding With Respect"; is that correct?

A. Yes.

Q. Okay. Why would Patriot Guard Riders, Inc. have filed this application with dates of use of 2005 when this mark wasn't used

until sometime in 2006?

A. I do not know. I was no longer on the board on January 29th of 2008.

Q. Okay. Do you know who authorized that application?

A. I have no clue.

Q. Okay. Do you have -- strike that. When the board of directors adopted the Standing With Those Who Stood For US slogan --

MR. O'MALLEY: Objection; it's not the proper name.

MRS. BLUE: Pardon?

MR. O'MALLEY: It's not the name of the mark.

MRS. BLUE: Oh, Standing For Those Who Stood For US. Sorry, you're right.

BY MRS. BLUE:

Q. When they adopted that slogan, what was their reason for doing so?

A. To differentiate ourselves from Jeff Brown, Twister's store, and to continue on with a logo that represented us and was similar enough for comfort factor for all of our forum members so that they could have -- they wouldn't have to throw all their other

stuff out the door to participate or bring a showdown between one or the other.

Q. Okay. All right, let's talk for a minute about the time that you were acting as treasurer for the PGR for -- and perhaps even after Jeff Brown resigned. Did Jeff Brown ever donate any money to the PGR?

A. Donation's the right term. He paid bills for the Patriot Guard Riders, Incorporated, that we were negligent on paying ourselves.

Q. Was he reimbursed?

A. No.

Q. Okay. So would you consider that a donation?

A. Yes, I would.

Q. Okay.

A. He donated to a couple of veterans' causes, and he donated to -- basically we could call the Help On The Homefront trip publicity for the organization, so he did fund some of those items.

Q. Did Jeff ever offer a donation to the PGR that was rejected?

A. I don't remember, although there

were -- there was a standing order from Jeff that if there were ever any funding for HOTH that was not accepted by the national organization, to come to him and he would be willing to help. However, I was advised that I am not to go to Jeff for any HOTH funding.

Q. Why not?

A. Because he's Jeff.

Q. Was there any other reason given to you?

A. Because we're in a trademark lawsuit with him, and we don't want his money. We were -- I was told at one time to communicate to Jeff that he could donate to the website, cart blanche, just send a donation in, and that us as the board would figure out what to do with the money. And Jeff said, "No, I'm not just sending you a bunch of money. You can tell me specific things that you would like the money for, and I will be more than glad to help or to see what I can do to help." And that was summarily rejected.

Q. Are targeted donations by other members rejected?

A. Not that I can remember.
Q. If I want to give money specifically to Help On The Homefront, can I do that?
A. You could when I was there.
Q. Do you know if you can do it now?
A. I do not know, although the past treasurer who stepped out told me that they were having a lot of problems getting money to states through the national organization. You're supposed to be able to.

I don't know, I don't know; that was told by the current sitting treasurer who's no longer the treasure, and I don't know the terms of his removal.

MR. O'MALLEY: Objection; hearsay.

BY MRS. BLUE:
Q. And if I want to donate to a specific cause that the PGR supports, can I do that anonymously?
A. Sure.

MR. O'MALLEY: Objection as to time period.

BY MRS. BLUE:
Q. Can I do that anonymously now?

MR. O'MALLEY: It's speculation.

A. I have no idea.
BY MRS. BLUE:
Q. Could I do it anonymously when you were treasurer?
A. Yes.
Q. Okay. Did you ever discuss with anyone on the board of directors or within leadership to PGR Jeff's donations after he resigned?
A. Well, yes, because that's where -- there was a soldier that he supported in what would have been January of 2007. And Bonnie Cutler specifically was furious that we had allowed Jeff to service a HOTH project, and Ed Mueller was not happy about it whatsoever.
Q. Why?
MR. O'MALLEY: Objection; hearsay.
A. Because Ed's philosophy from the very beginning and Bonnie's was to destroy Jeff's reputation to any extent possible. And Ed Mueller's, as I have said earlier, standard response to any negotiation with Jeff Brown -- standard response, for the Record, is, "Fuck that son-of-a-bitch."

MR. O'MALLEY: Objection; hearsay.
BY MRS. BLUE:
Q. Okay.
MR. O'MALLEY: And for the language.
BY MRS. BLUE:
Q. And the language, okay. Did you ever offer any comments on your perception of that policy?
A. Yes, on the -- my policy was always to negotiate, as I've already said. My personal belief is when the attorneys are involved, the only one who wins are the attorneys. And my -- from the very beginning, me and Snap wanted to negotiate a successful truce, cease fire, what have you, and bring to a conclusion a bloody chapter in the Patriot Guard Riders and move forward with everybody's integrity intact.
The single biggest sticking point to the first negotiation with Jeff Brown was he asked if he could be listed as founder emeritus or some kind of position of honor for the time and effort he had put into founding the Patriot Guard Rider. And the objectionable language and hearsay was the

standard issue answer.

Q. Okay.

MR. O'MALLEY: Objection; hearsay.

THE WITNESS: You're doing it for me now.

(Whereupon, an off the Record discussion was had)

BY MRS. BLUE:

Q. Okay. I got something here I want to find. Did Jeff ever make any offer to you about selling out the current inventory?

A. Yes, he did.

Q. All right. Did that -- was that offer accepted by the board?

A. No, it was not. That was his first offer was to allow him to sell his remaining inventory, then he would go away.

Q. Okay.

A. And we were told -- we communicated with it. Myself and Snap were the ones that were both in communication with him on that negotiation initially. And primarily Bonnie Cutler -- at this point Jason Wallin kept his head real far down. He didn't raise much head, but he usually voted with Ed and

Bonnie on the board votes. And Bonnie and Ed were adamantly opposed to that because, "Well, what if he orders new stuff and this could drag on for 30, 60, 90 day, six months; he never may never shut down. We may never be able to sell. We're not going to do that at all," probably followed shortly by Ed's standard answer.

Q. Okay.

A. There was lot of -- I cannot overly stress; there was a lot of overt animosity on the part of Ed Mueller and Bonnie Cutler to any kind of dealings with Jeff Brown on any level.

MR. O'MALLEY: Objection; hearsay.

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

BY MRS. BLUE:

Q. Okay, Number 16 is Bate's stamped PGR 001989. It was produced in response to one of our document production requests.

This one is signed at the bottom of it, "Ed." If you'll go to the second page of that, you'll see that. And there's a message to Monica.

MR. O'MALLEY: I object to the time frame. I don't know when this was posted by Ed.

MRS. BLUE: Well, you guys produced it, so we can go back in and look at that.

THE WITNESS: The 10th of December, 2006, on the last page.

MR. O'MALLEY: No, that's the date that the response was made to it.

THE WITNESS: Right.

MRS. BLUE: I believe it is also a portion of the -- the Petitioner's Exhibit Number 27 in Bonnie Perry, who I believe was previously Bonnie Cutler, it was produced in her testimony. So if you like I can go in and get Bonnie's deposition copied.

MR. O'MALLEY: I just wanted to know; I assume the page before this probably PGR 001988 likely has the date on it, but --

MRS. BLUE: Okay.

MR. O'MALLEY: I'm just -- as of right now I can't confirm or deny what date he wrote this on.

MRS. BLUE: All right, well,

let's go ahead with it right now. I can produce it through Bonnie's testimony if I need to.

BY MRS. BLUE:

Q. Let's look at Number 3 here:

"Jeff asked that we allow the store to remain open until he sold out of all of the product which he currently had in stock. The BOD agreed to that."

Is that accurate?

A. That is a lie.

Q. Okay. Let's go down to Number 5:

"Jeff told the BOD that we could use the current logo and name on the website, but would not grant us the use for any items to be merchandised."

Is that correct?

A. That is out of context correct; that is a further negotiation after the trademarks had been filed and the trademark dispute started, tied with a pre-trademark initial resignation/store closing offer. There's two things happening in there at the same time that are not the same negotiation.

Q. Okay. Let's go down to Number 8:

"The BOD did not accept those terms and took a chance and filed for a trademark on the current logo."

What, if you know, was he referring to when he says, "the current logo"?

A. The current logo, I would assume he's referring to the Patriot Guard Riders' "Riding With Respect" logo.

Q. Okay. What, if you know, is meant by, "The board did not accept those terms and took a chance"?

A. The board threw a Hail Mary and hoped to acquire the trademark.

Q. Was it your understanding on the -- as a board of directors member at that time that it was a first to file?

A. That's what we all thought. When it was later reported by Jason when he brought back the documents that he had now filed the trademark, and he also had a copy of Jeff's later that was presented to us, or at a time or -- it was that we had beat him to the trough.

MR. O'MALLEY: Objection; hearsay.

BY MRS. BLUE:

Q. Okay. Did you believe that that was correct, that if you beat him to the trough you would get the trademark?

A. At the time I thought that that was accurate.

Q. Okay.

A. I had no idea with any of this.

Q. Okay. Do you have a different understanding now of how somebody acquires trademark ownership?

A. Oh, yeah, much difference.

Q. Okay.

A. First use in commerce, whoever uses it in a livelihood earning capacity. That's -- that seems to be the accurate representation of acquiring trademark.

Q. Did you -- let's see, strike that. When did the PGR, Inc. first begin to sell merchandise that had Patriot Guard on it in any form?

A. I do not know the first use date. I was not a member. When I became a member somewhere around, like I said, the 6th to 12th of January of 2006, I bought merchandise possibly within that day or

later that day. As soon as I became a member I bought my first merchandise.

Q. Where'd you buy it from?

A. I don't know. I bought it from --

Q. Where did your shipment come from?

A. Broken Arrow, Oklahoma.

Q. Okay.

A. I understood -- I had no grasp on stores or whose stores or website links or any of that jargon initially. I know that I initially transmitted my first sale and dealt with Jeff as -- I believe I sent him an email asking about products before I purchased them.

Q. Okay.

A. I wouldn't testify to that, but I did have some business interactions, not on a personal level, but in regards to the first sale.

Q. When Jeff resigned did you participate in any discussion with the board of directors about how to supply members with PGR merchandise?

A. Yes.

Q. And what was the outcome of that

discussion?

A. Well, we knew that we needed to get on something fast, that the money train was no longer exiting, and we had to start finding some way to start earning money for HOTH projects, et cetera, et cetera.

Q. Okay.

A. For me personally, funding the HOTH projects was the most important thing that we did with the money. As a matter of fact, most our money went to Help On The Homefront projects.

Q. Okay.

A. And I frankly just wanted money coming from the door that I could keep helping soldiers and their families.

And at that, Ed Mueller formed a store committee. I never knew any of the store members, but -- or any of the committee members, and reported to the board that there had been -- one of the board votes should have a report of Ed reporting that a couple of people were looked at. CDM had the best offer, plus it was close to his house. So the board decided that that was

the quickest, easiest route because they didn't require us for minimum purchases or anything. It was -- they would just immediately start manufacturing and shipping items.

Q. Okay. Were there any other companies considered in picking out a vendor?

A. The report was that there was a couple of other companies that were looked into, and that CDM was the best option.

Q. Okay. Did you know who those other companies were?

A. No, I did not.

Q. Did the board -- did anybody from the committee disclose that to the rest of the board?

A. No, I don't believe -- they did not. We just hoped that -- the committee at that time was reporting their findings, and we were taking them and running with them.

Q. Okay. Do you know if CDM is still a vendor for the PGR, Incorporated store?

A. I do not know.

Q. Okay.

A. I have been told no, but I don't know.

Q. Okay. Do you know if there were any specific financial arrangements with CDM?

MR. O'MALLEY: Objection; irrelevant.

A. CDM sold us merchandise, and we displayed it on the website. We initially would determine the cost we wanted to sell an item for, and CDM would package and ship, and we would send them a check for what they charged us for it. And whatever it was left we deposited in the PGR bank accounts.

BY MRS. BLUE:

Q. Okay. Did CDM give the PGR a portion of its proceeds?

A. No, we paid CDR (sic) for services rendered, and that was the extent of our obligation with CDM.

Q. Okay, so they didn't give any money back to the PGR?

A. No.

Q. Okay.

A. The money all was handled through the Patriot Guard Riders. And we -- through the website and the PayPal accounts, and Ed would notify me when he was making a transfer. I would account it in my

transactions as the treasurer, and that was that. And then I would authorize a payment when he told me they had an invoice.

Q. Okay. Was there ever any suggestion at the board of directors' level that CDM was -- intended to give any kind of donation to PGR or donate any percentage of its profits?

A. No.

Q. Okay. Did you tell me just a minute ago that you don't know who the vendor is right now for PGR, Inc.?

A. I don't know.

Q. Okay. Do you think it's okay for somebody who provides merchandise for the PGR to sell, to make a profit on that merchandise?

A. As a small business person, anybody at any degree of commerce is doing it for a profit; otherwise, they have no business sense, and they probably ought to go to work for somebody. So, yes, if you're manufacturing products for sale and you're in the commerce chain at any level; be it shipping, manufacturing, raw products, production, yes, you should be doing it for

a profit.

Q. Do you know whether any PGR forum posts or emails concerning Jeff Brown or this trademark dispute have ever been deleted or modified?

A. Yes.

Q. How do you know that?

A. Because I was participating in a thread on the forums where they would pop up and they would say anything, and they would be shut down. We would try to keep the lid on the situation.

And there was a forum post that was happening, and it was basically somebody wanted to know what had really happened. So I was posting on there the truth, the whole truth, and nothing but the truth, and it was going on, and it was kind of swinging. And I personally believe we needed to let the membership work it out of their system, win, lose, or draw, or it was just going to be horrible and keep dragging on and dragging on. I just believe that.

And, as a matter of fact, Bill Richarts was forum moderator and locked the

thread. And it was supposed to take a quorum of the board, and he decided to do it by himself, and I was -- and I was pissed off.

Q. Is a forum moderator the only person who can delete or modify posts?

A. No.

Q. Okay. Who else can do it?

A. Anybody with admin privileges.

Q. So how do you know that Bill locked down that thread?

A. Because he told us.

Q. Okay.

A. And --

MR. O'MALLEY: Objection; hearsay.

A. He was the -- he told myself and Ed that as a forum person, that that was his realm, and regardless of whether we were board of directors or not, that he saw it as negative for the organization and didn't want to let it continue. And --

BY MRS. BLUE:

Q. Did you ask him to unlock the thread?

A. I don't think I asked him to unlock it. I just --

Q. Did you voice any objection to his

locking it?

A. Yes, I did.

Q. Okay. Are there any posted criteria about when posts ought to be deleted or modified?

A. I do not know about posted criteria for forum moderators because I was not a forum moderator. There is a terms of use for the website, and that has statements in it regarding acceptable conduct. But I don't know specifically within the realm of the forum moderators what they're -- or if there are any other set of guidelines outside of the terms of use, I don't know that.

Q. Okay. Were posts that were critical of Jeff Brown allowed to remain on the forums?

A. Yes and no.

Q. During -- and let me specify the time frame there: After his resignation?

A. No, if it became extremely heated, but they had a lot longer lifespan than anything that was pro Jeff Brown.

Q. All right, so posts in defense of Jeff, were those modified or deleted?

A. Yes. Any posts that -- any posts that got the membership worked up and could possibly be viewed to black eye the organization was a candidate for moderation. Any post, be it pro or con.

Q. Okay.

A. But being not a fan of the particular method in which Jeff was railroaded, I particularly would get pissed off because if it was anything of Jeff's friends, it lived a very short life span. It was nowhere -- the forums against Jeff always prospered longer, but they all disappeared.

Q. Okay. Were there ever any actions taken to ban access to the website of any member based on their support of Jeff Brown?

A. Myself.

Q. What happened?

A. David David was a state captain in Texas, and David and -- either invited -- to some extent Jeff showed up at the gathering of the guard in Texas, and this really didn't set well with the national leadership. So David David had -- Texas is a pretty good running state. I never

particularly agreed with David David's support of the Help On The Homefront program. First and foremost, taking care of my soldiers and their families was the most important thing to me in this whole organization, and David much didn't care about spending money on HOTH. But David, I feel, was removed because Jeff went to the gathering of the guard in Texas. And when David David's firing happened, my website access was pulled.

Q. Okay.

A. And totally I was locked out of the website.

Q. Do you know who did that?

A. I do not know who did that.

Q. Do you know if Jeff's ever been denied access to the website?

A. Yes, he has.

Q. Do you know why?

A. Hisself and Bonnie. Well, Jeff was locked out because of the -- when he would defend hisself when this -- when the incident first happened surrounding his resignation first happened, and he would

post anything, the official policy on the board, spoken amongst ourself -- and you'll probably never find this in an email -- was to totally discredit Jeff.

Q. Did you participate in that?

A. Well -- discrediting Jeff?

Q. Uh-huh?

A. No, I --

Q. Did you object to it?

A. Yes.

Q. What'd you say?

A. I said that, "It's enough that he's not around. It's enough that --" and this is the early days, "that he'll give us the store, and he'll gladly walk away from all this stuff. But I think it's totally not in the realm of honor or dignity that we, as an organization, try to stand for that we want to purposely try to humiliate the man," and that's what it was.

Q. Okay. Why was Bonnie's access cut off?

A. Because she's his wife.

Q. Okay.

A. You log on under your wife's name, and you're still floating around.

Q. You testified earlier that the members of this organization communicate with each other primarily through the website?

A. Yes.

Q. So if you wanted to --

A. Then, not now.

Q. Okay, how do they communicate now?

A. Now most states have their own websites and there's --

Q. Okay.

A. Most states have independent -- like I said, I developed the Texas coordination before I became national, and most states have developed their own in-house coordination. And there's many, many, many states websites already that are up and running. Texas has geographical --

Q. Uh-huh.

A. So we have southeast Texas, north Texas, central Texas; there's several different websites operating that's within the State of Texas.

Q. Okay. Can you post on the state forums if you're not a member of that state's organization?

A. I don't know.
Q. Okay.
A. I'm not a member of any state forum.
Q. If you are banned from the national website, is there a way that you know of to communicate effectively with membership of the PGR at large. Not just within any particular state, but with the entire membership?
A. If you're banned?
Q. Uh-huh?
A. No, not really.
Q. Okay. Do you know -- strike that. What does FJB stand for?
A. Fuck Jeff Brown.
Q. How do you know that?
A. Ed Mueller told the board on a com call.
MR. O'MALLEY: Objection; hearsay, irrelevant.
BY MRS. BLUE:
Q. Okay.
A. If it's in Jeff's -- if it's in his signature right here, when you figure out the date on this. This is as early as -- Ed

knew it right here in his own post, "Freedom, Justice, Brotherhood." Whatever the date of this is.

I mean, it was in, I think -- it was pretty soon right off the bat. And Ed reported to the board that it was an organization that was going to donate to the legal defense based on patches that supported, "Freedom, Justice, Brotherhood," or, "Fuck Jeff Brown," however you chose to read it. But it was reported to board of directors that we were going to be receiving funds from this counter-organization and what the name of it was by Ed Mueller.

Q. Okay.

MRS. BLUE: It's 6:30. Okay, I still have maybe 30, 45 minutes, and that's going to put them over on their flight, so what do you want to do?

MR. O'MALLEY: Well --

MRS. BLUE: Well, Ronny can stay, he says.

MR. O'MALLEY: Well, let's ask him.

MRS. BLUE: Well, that's what he told me earlier. I know he probably doesn't

want to, but --

MRS. BLUE: Yes, let's go off the Record for this part of the conversation.

(Whereupon, an off the Record discussion was had).

(DEPOSITION TO RESUME 5-5-10)

(DEPOSITION RESUMED 5-5-10)

MRS. BLUE: Let's go ahead and get started. Do you want to swear Mr. Awtry back in?

RONNY ROY AWTRY,

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

CONTINUED DIRECT EXAMINATION

BY MRS. BLUE:

Q. Okay. After a nice break, and I see everybody's got fresh tee-shirts on this morning and presumably found a toothbrush. I want to go back to the PGR, Incorporated first application, which is exhibit, I believe -- I'm sorry, I've got the wrong stack in front of me now.

Exhibit 5, okay. Let's go back, page back into that application. We're going to see a picture of two tee-shirts. Can you find that picture?

A. (Witness complied).

Q. There you go.
A. Yes.
Q. Okay. Do you know what those are?
A. Those are the Sturgis Healing Field shirts from when we sponsored the Healing Fields in Sturgis.
Q. Okay. Do you see the triangular folded flag, Patriot Guard logo on those anywhere?
A. On the front, on the front right corner there's the exact logo.
Q. Okay. It's a little hard to see on this copy, I think --
A. Yes.
Q. -- but it appears to be that logo. Do you know when these Sturgis shirts were made?
A. In July of 2006.
Q. Okay. When does Sturgis take place?
A. August of 2000 -- August of every year.
Q. Okay. So if you go back to the First Use in Commerce date that's on Page 2 of this exhibit, it says June 1st, 2006. Were these shirts made June 1st, 2006?
A. It was after that that we actually voted to do the sponsor on that, so they

couldn't have been made on June 1st.

Q. Okay, was anybody wearing them June 1st?

A. No.

Q. Okay, all right. Yesterday we talked a little bit about the declaration that was executed in this application by Jason Wallin.

Do you see this last sentence in the declaration, it says: "That all statements made on information and belief are believed to be true"?

A. That's a big, long, run-on sentence.

Q. Yes, it is. That's how we like to talk in the legal field.

A. "...all statements made of his/her own knowledge are true, and that all statements made on information and belief are believed to be true."

Q. So is it true then that these shirts were in use in commerce on June 1st, 2006?

A. No.

Q. Okay. All right, let's turn a little further back in this group of documents, and we're going to see a picture of a pin on a leather jacket, or what looks like a leather jacket to me.

A. Yes.
Q. Do you see that?
A. Yes.
Q. What is that?
A. That's the Patriot Guard Riders' logo.
Q. Okay. If you will look at that pin and look back at the first page of this application where it says "mark," do you see any difference between that pin and the mark?
A. First page of the application?
Q. The first page of the application is the first page of this exhibit. If you need to unstaple it so you can look at them side by side --
A. There is a difference.
Q. What is that difference?
A. The triangle with Patriot Guard Riders is not full width.
Q. Do you see any other difference?
A. A little blue splotch over at the corner of the flag, but --
Q. Okay. If you'll look at, read the wording on the top of the pin?
A. Patriot Guard.
Q. Okay. Read the word underneath the

little flag emblem?

A. Rider.

Q. Okay. What is the word underneath the flag emblem on the first page of this exhibit?

A. Riders, with an "S."

Q. Okay. Where would you have gotten a pin like the one in this picture on June 1st, 2006?

A. The only pin that I'm -- I don't know. I don't know. I don't know for sure if that pin was produced by Jeff. I don't remember specifically on the pins. But the only place that you could have got one if they were manufactured at that time was through Jeff Brown's store.

Q. Okay. Was the Patriot Guard, Incorporated set up as a corporation on June 1st, 2006; do you know?

A. Yes.

Q. Okay. Was the Patriot Guard, Incorporated set up as a corporation on November 11th, 2005?

A. No.

Q. Okay. Why was the date June 1st, 2006 chosen as the first use in commerce date, do

you know?

A. I have no clue.

Q. Okay. Do you know why the first use date of 11-11 2005 was chosen?

A. If this is in regards -- is this the same application filed by Jason?

Q. Yep.

A. Well, it was believed that was around -- the method that was devised for that date was the first date that Jason thought it was used, minus a couple of days.

Q. Okay.

MR. O'MALLEY: Objection; hearsay.

BY MRS. BLUE:

Q. Okay.

A. That was what he told the board on a board of directors call.

Q. All right.

MR. O'MALLEY: Objection; hearsay.

BY MRS. BLUE:

Q. This declaration that Jason signed indicates that "...willful, false statements and the like may jeopardize the validity of the application or any resulting registration." And it also says that,

"false statements are punishable by fine or imprisonment or both under 18 USC, Section 1001."

Did PGR, Inc. authorize Jason to file this application?

A. Yes.

Q. Has PGR, Inc. committed perjury under this section?

A. I would say yes. We weren't aware of the entirety of it. And, as I said, he was the one who researched it, and he filed it and told us he had filed.

We weren't necessarily specifically aware of declarations, et cetera. That was, as I said, I had previously seen the first two pages of this, possibly the first three pages of this document, but I have never seen the declarations page and at no time was aware that myself, as a part of the board, had committed perjury.

Q. Okay. Let's talk for a minute about where those dates of use might have come from. Notwithstanding Mr. O'Malley's objection a minute ago, how would Jason have been aware of what Jeff was claiming as

first use date, do you know?

A. Well, Jason and Jeff were developing the organization in some capacity. I don't know the semantics of how it worked, but Jason was developing the website and Jeff was developing merchandise for sale, and that was their agreement on funding themselves for time and effort into the organization. So Jason would have been aware of when the organization started. This was before my membership; my membership was January.

Q. Okay. So you don't really know how Jason would have become aware of -- how would he have known what date to take away a couple of days from?

A. I don't know specifically. There were -- there was a board com call where we talked about the origins of the organization and the date things were such used, and Jason was the most prepared to answer those.

Q. Okay.

A. However, in light of some of my other testimony, Jason was proven to be a very large liar and a thief, so --

Q. Okay.

MR. O'MALLEY: Objection.

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

BY MRS. BLUE:

Q. This is 17. I want you to take a look at this. This is a forum post on the Patriot Guard website. It is Bate's stamped PGR 003712. It is produced in response to a Request for Production of Documents by Jeff Brown. Can you identify the author of this post?

A. Bill Lyons.

Q. Okay. Is Bill also known as "Snap67"?

A. Yes, he was.

Q. Okay. All right, would you take just a second and read Snap's post, please? Tell us when you're ready.

A. Okay.

Q. Okay. Snap talks in this post about on November 18th, 2006, about a discussion he's had with Jeff Brown, or Jeff, which I assume in this post means Jeff Brown because he's also referring to Twister here, which I believe is Jeff's road name.

He says: "There will be two stores, the new PGR store and Twister's Place. Jeff will license the PGR, Inc. and the new PGR store to use the name and logo free of charge to produce new PGR products designed to raise funds for the PGR, Inc.."

Was this decision a result of a board of directors' decision?

A. It would have -- I don't remember this expressly, although Snap would not have done this without a board vote. I have to believe there's a board of directors meeting somewhere that would support this, yes.

Q. Okay. Well, on November 18th, he's posting this, and this is after Jason Wallin filed the trademark application on November 9th. Why would the board of directors or Snap, who at that point was a national executive director, agree to let Jeff license the PGR, Inc. to use the name and logo?

A. Because we as a board of directors knew that Jeff created the logo, and we were trying to find a solution to keep using the logo or trademark as our identifier. And we

knew damn good and well that Jeff had that ability at that time.

Q. Okay. This is despite Jason's execution of a declaration that said that the PGR, Inc. was the only entity entitled to use that mark; is that right?

A. I would say that the exhibits would support that, yes.

Q. Okay.

A. I'd like to point out something in this document real quick.

Q. Go ahead.

A. As we know, this obviously didn't come to pass. And the next three posts below this say, "Thank you," "Fantastic," and "Illinois backs the board."

Q. Okay.

A. It was a very small minority of folks who did not go along with this, followed up by the board of directors, expressly Bonnie Cutler, Ed Mueller and Jason Wallin, who ultimately protested and reneged on this.

Q. Okay. Ronny, do you know if the Patriot Guard, Inc. has ever sent any kind of a demand letter or requested anyone to

stop using the Patriot Guard mark?

A. I didn't draft it, but there was a board of directors' meeting where we discussed sending a cease and desist letter to Jeff. I don't know -- I have not seen the document. I don't know who executed it, but I think that we as a board did decide that that was something that needed to be done.

Q. Well, now, let me ask you a question. Why, in light of the post we just looked at from Snap, would you send Jeff a cease and desist letter?

A. Well, the organization is recognized by the disputed trademark. And many, probably the great majority, think that the logo best represents the organization as a whole.

Q. Okay.

A. And any attempted -- any attempted means of acquiring the trademark for control by the organization in many eyes seems to be the best representation of what would be the best for the organization.

Q. So the end justifies the means then?

A. The end justifies the means.

Q. Okay. Even though we've seen several posts, including the one we just looked at in Exhibit 17, indicating that Jeff owned the mark, you guys -- the board was going to send him a demand letter?

A. Yes.

Q. To tell him to stop using the mark?

A. Yes, it is -- as I've said several times, I'm speaking the board as a whole. Myself and Snap were in negotiations with Jeff until the board decided that we were no longer going to negotiate with Jeff. We were looking for a prudent means out. We were looking to keep attorneys from being involved. We were looking for any matter to bring this to a successful close.

I personally believe that several negotiations yielded more than adequate the initial investigate -- the initial, where Jeff offered to close his store and to go away. I was fairly broken hearted at that particular time when we summarily dismissed him in a -- on a board meeting in a very -- "We are not going to deal with Jeff." Ed Mueller and Bonnie Cutler frequently called

him a thief, and we were not going to deal with a thief in any shape, form, or fashion.

And so when I say the board, I just want it on the official Record that the board is a five-person conglomerate. And I have always felt it was cowardice to not reveal the votes of the board on major issues so the membership knew who was fighting and in what capacity, to such an extent that I am the only board member in the history of the organization to put my board seat up for a vote by the state captains. And I was -- by a two-thirds vote held in place. The other board members felt, one board, one vote. And I've been up for removal for violating that policy when I wrote the truthfulness behind the board's voting for banking relations for states' use, so I just want that clarified.

Q. Okay. All right, so other than the demand letter that you believe the board voted to send to Jeff -- and let me ask another question here. Did that letter get sent to Jeff, do you know?

A. I don't know for sure.

Q. Okay. Has there been any other attempt to police the Patriot Guard Rider trademark on behalf of PGR, Inc.?

A. There's two scenarios. There's the timeline; you have to specify the timeline, pre-Jeff and post-Jeff. It's just --

Q. Okay, post-Jeff then. Has there been any attempt by PGR, Inc. to police the trademark?

A. There were states -- there are states that were using the logo and making their own merchandise for whatever purposes. And we as a board attempted to find some kind of a solution to bring that to an end, and that including -- that including if the states were producing specific state merchandise that included the PGR log for funding state endeavors, that that was acceptable.

Q. Okay.

A. We tried -- there were stores that were already -- at that point there were stores already that you could go online and purchase PGR gear for -- that had this happening already. So we were trying to close the gate after the cow was already out

and --

Q. What did you do with those stores; did you write them a letter, did you call them?

A. Ed Mueller being the board member over -- called the store and talked to them, and we talked as a board. And we decided that if they would adhere to that policy, that we would allow that to happen. But there's many, many, many state items that were manufactured, just don't ask, don't tell, and nobody would say where they were from.

Q. Okay. Did you give the states any kind of guidelines, any writing about what they could and couldn't use?

A. It was in the form at one point in time when we developed it originally, and I may have written it myself, I don't know for sure. But it was that it had to be state specific, and the logo had to be, whatever they developed, had to be presented to a board member for approval. And as long as it was state -- had the state logo, had the state name, had the -- you know, the shape of the state had something in there, that it

would have been deemed acceptable.

Q. Could they use the triangular, folded flag design?

A. They could use that logo in its entirety as long as it was implanted in a state-specific design as well.

Q. Okay. How about the phrase, "Standing With Those Who Stood For US," or, "Standing For Those Who Stood For US"?

MR. O'MALLEY: Objection.

BY MRS. BLUE:

Q. Sorry, I deep getting that wrong.

A. That's the specific that we were dealing with.

Q. Okay.

A. That's -- when I was on the board, the Riding With Respect logo was not used in any shape, form, or fashion to identify us as an organization after Jeff Brown's resignation.

Q. Okay. All right, I want to introduce 18.

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

BY MRS. BLUE:

Q. This is a printout from May 3rd, 2010

from the US Patent and Trademark office website. It's an application for serial number 77958528. We just learned about this this weekend. Can you look at this and look at the mark? Tell me what that says.

A. It says, "Michigan Patriot Guard Rides with Respect," and it has the emblematic folded flag that --

Q. Okay. And tell me, if you'll look down at the bottom of the page, who's the applicant?

A. Michigan Patriot Guard.

Q. Okay. Their address?

A. 2915 South Cambridge Road, Lansing, Michigan, 48911.

Q. Okay. And this was -- can you tell me the filing date of this?

A. The filing date of this is --

Q. About halfway down the page there.

A. 3-14 of 2010.

Q. Okay. Now, when you were on the board would a state have been allowed to file a trademark application like this?

A. Absolutely not.

Q. Okay.

A. The states were to be given approval; ultimately national held the right. The only time that I know of an individual or a state being given license to this was Bill Richart's giving intellectual property rights to Diane Adderson, or Zippy, on a disputed Arizona Patriot Guard logo about a year ago.

And the only one -- our policy was states, via the state captain, is the only person -- it's Patriot Guard Riders national approval, therefore, it's ours, and the states can develop their logos, but the state captain ultimately was responsible party in the development of that.

And in that particular dispute between the state captain and the member of the state who also owned patches and is a member of national, national sided with Diane Adderson for intellectual property rights in that issue.

Q. Okay.

MR. O'MALLEY: Objection; hearsay. He wasn't on the board at the time.

BY MRS. BLUE:

Q. Do you know anybody in the Michigan Patriot Guard?

A. Well, let me answer real quick because there was an objection, I want to clarify something.

Q. Okay.

A. Myself and Tom Hoffmann sat with Luanne at last year's gathering of the guard in Utah, and so I was not on the board, but I sat there with a member of the board and talked to one of the parties involved in the dispute, who was later fired because she wouldn't shut her mouth and quit raising hell about this. And by all means, when I sat on the board, this would have never transpired, an individual being given intellectual property rights by the president of the organization.

Q. Okay. All right, let's go back to my question. Do you know anybody in Michigan Patriot Guard?

A. Larry Helser is the only one that comes to mind.

Q. Okay.

A. And he lives in Tennessee now, so I

don't know anybody in Michigan.

Q. Okay. Well, let's look at this trademark on this application. If you saw this trademark with the folded flag and the words, "Patriot Guard," and the slogan, "Rides With Respect," would you think that that person had anything to do with either Jeff Brown or with the Patriot Guard, Incorporated, if you saw somebody wearing this logo?

A. I would recognize somebody with this logo as a Patriot Guard Rider easily, just based on the Patriot Guard. But the folded flag design is very emblematic of the Patriot Guard --

Q. Okay.

A. -- that particular design. However, myself, as a Patriot Guard Rider, I would recognize this as not a member of the national organization.

Q. Okay. Would you think that they could have gotten this gear from somebody affiliated in some fashion with the Patriot Guard?

A. It would have --

Q. Okay.

A. -- to my understanding, this would have probably come from a store operated by the state captain for funding Michigan State projects.

Q. Okay. Can anybody create Patriot Guard clothing?

A. No.

Q. Can anybody wear Patriot Guard clothing?

A. Yes.

Q. So if Jeff gave me a tee shirt, even though I'm not a Patriot Guard member, could I wear it?

A. Sure.

Q. And you guys wouldn't have any objection to it?

A. No.

Q. All right. Do you see any difference in the way that the Patriot Guard, Inc. exercises its policies with regard to the trademark and other people using the trademark, and the way that that was done before Jeff resigned?

A. Yes.

Q. Okay. Tell us about that difference.

A. Before Jeff resigned -- and this is hindsight and error on my part as well as a board member after Jeff resigned -- but before Jeff resigned, anybody who requested to use the Patriot Guard Riders' logo was presented to Jeff for approval, and Jeff frequently said that the logo was trademarked. And at the time I knew no difference between logo trademarking, first use in commerce, protecting, any of that kind of stuff, and what turned out to be probably a wrong decision to allow states to manufacture state-specific merchandise.

Q. What happened before Jeff resigned if somebody made goods that were maybe not of great quality; a tee shirt that ripped or a flag that didn't stay on?

A. If Jeff was selling it?

Q. No, somebody -- if Jeff told somebody they could use it and the product turned out to be not that great, what would happen?

A. I don't remember that ever happening, so --

Q. Okay.

A. -- I can't answer that.

Q. All right, fair enough. Are you aware that of any products that were made after Jeff's resignation that weren't of quality that people would like to buy?

A. The members hated the quality of CDM merchandise, and that was our own mistake. CDM was -- they did not like the CDM merchandise as well as they like liked the original merchandise from Twister's store.

Q. Did they stop buying CDM merchandise?

A. No.

Q. Okay. We never fixed it neither. We would ask them to use different stuff, but in their own quality control methods they would talk about increasing costs, and so it just was what it was.

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

BY MRS. BLUE:

Q. This is 19. I smudged it, sorry. If you would take a look at this, and this is a post from PGR forums. The Bate's stamp is 003571, produced in response to a document production request from Jeff Brown.

Look down at the middle of the page.

There's a post dated November 16th, 2006. Who is that poster, or the author of that post?

A. Okay, repeat that again?

Q. In the middle of the page there's a post dated November 16th, 2006?

A. Done at 4:10 p.m.?

Q. Uh-huh.

A. Okay, that was Bonnie Cutler's, "BonRu."

Q. Okay. Let's look down here, it looks like Bonnie's pasted in an earlier post and then she is responding to that post. Would you read in the sentence beginning, "We only took a chance..." it's the third sentence in the post.

A. "We only took a chance and filed on behalf of the PGR as a precaution in case that had not been done since we had seen no evidence of it. We learned this information tonight while checking the status of our own pending trademark. I believe you were alerted only shortly after the rest of us."

Q. What's Bonnie talking about there?

A. I don't know specifically in the

context it's written. However, I would assume we're probably by reading --

MR. O'MALLEY: Objection; speculation.

BY MRS. BLUE:

Q. Okay. Is Bonnie talking about the trademark filing on behalf of PGR, Inc.?

MR. O'MALLEY: Objection; leading.

A. My understanding of this would be that Bonnie is probably discussing learning of Jeff's filing as well. I don't know in the context of this outside of the post.

BY MRS. BLUE:

Q. Okay, that's fine. Does Bonnie like Jeff Brown?

A. No. Bonnie hates Jeff Brown.

Q. Why?

A. Her belief -- and this was after the -- this was in the process of Jeff's resignation and it coming to a head, the events that happened on Friday the 6th of November of 2006 -- was that Jeff was a thief, and that she had never known anything of the trademarks, et cetera.

Q. Okay. All right, I'll show you Number 20.

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

BY MRS. BLUE:

Q. This is forum post, Bate's stamped 006471, produced in response to a document production request that we made to PGR. Go down to the post dated August 8th, 2007 at 11:46 pm.

A. Okay.

Q. All right. Who's the poster there?

A. Ed Mueller.

Q. Wescoot?

A. Wescoot.

Q. All right. What is Ed talking about in this post?

A. Ed is talking about an amendment to the by-laws in which we stated that no former member of the board of directors who has been removed or resigned from that position will be able to hold the position of BOD again without 100 percent of the currently seated board voting in the affirmative.

Q. Why was that changed to the by-laws made?

A. In the context, I scanned the post by Randy Stephens above it, and Randy says:

"A move is underway. I have sensed it since the gathering of the guard. That move will be -- place Jeff Brown back in control of the PGR. That cannot be."

That is why that specifically that was put in place, to prevent Jeff from ever becoming a member of the board of director again without a unified vote. And as long as Jason and Ed and Bonnie sat on the board, that would never take place.

Q. Does Ed Mueller like Jeff Brown?

A. Ed Mueller hates Jeff Brown, as I've testified to and been objected to. He has a very specific term in regards to dealing with Jeff.

Q. All right.

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

BY MRS. BLUE:

Q. So this is 21. Hold on, I'm sorry, hang on. Let's go off for a second.

(Off the Record discussion had)

MRS. BLUE: Back on.

BY MRS. BLUE:

Q. Let me give you -- if you will get rid of that one, I gave the wrong exhibit, sorry. We're going to introduce 21.

Okay, this is a forum post on the PGR website, Bate's stamped PGR 003592. Some posts, the first one on this page is dated November 17th, 2006, 10:31 am. It looks like somebody has pasted some former posts in there and has given a link. And at the bottom of that page, what do you see beginning with, Patriot Guard Riders filing date?

A. "Patriot Guard Riders, filing date original, 1A. Original 1A. Owner, Jeff Brown." This is -- it appears to be some kind of link to a filing. And from -- at the time I recognize the document, it appears to be a trademark link to Jeff's trademark application.

Q. Okay, go to the second page of this document. The post at the bottom of the page dated November 17th, 2006, 10:49 am from somebody, "Fenderstrat72." Who is

Fenderstrat?

A. I don't know who Fenderstrat is specifically.

Q. Okay. Can you read Fenderstrat's post to us?

A. "Russ what it all boils down to is Jeff had never coyrighted the logo like he said he did. Then to top it off he filed for it, after Waldo did on behalf of PGR, Incorporated. So in summary, when Jeff told everyone back in June to quit using it because he had the copyright, it was a lie."

Q. Okay. Do you remember this controversy on the PGR forums?

A. Yes.

Q. Can you summarize that controversy for us?

A. Yes, I can, in specific context. The -- there's a series of posts above it where Waldo and Cargo's post at 17th November at 10:31, you can see a link of posts that happened from 17 November, 2006, 6:26 p.m. period. But you see Waldo here says: "Click here and you make the call."

And they were trying to sort out what would happen. And this particular thing was when this actual post above Fenderstrat's has a -- in Cargo's post has Tony Turner for Virginia's District 3 ride captain --

Q. Okay.

A. Tony Turner was one of the chief instigators against Jeff. He later became Virginia state captain, but they are in the midst of researching the filings of the trademark applications on behalf of PGR and Jeff Brown. And they're summarizing, Fenderstrat's summarizing that Jeff lied and said that the trademark application was filed. And essentially, it's just a bunch of people ranting and raving who don't know anything and are just wasting our time and making us mislead and not have dinner with our wives.

Q. Okay.

A. Tony Turner was real good at that.

Q. All right. Would you say that these posts might reflect an understanding similar to the one that the board had, that the first person that filed owns the trademark?

A. I would say that because we should have, or probably released that we did file for it --

Q. Okay.

A. -- at some point. That would probably be more people carrying forth that Jeff lied, and we're the first one there so it's ours.

Q. Okay. All right, let me give you Exhibit 22.

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

BY MRS. BLUE:

Q. This is a post on the PGR website forum dated November 17th, 2006 at 1:15 p.m.. It's Bate's stamped PGR 003605. It is produced in response to a document production request by Jeff Brown. Do you see at the post, in the middle of the page by Gordon Sturrock?

A. Yes.

Q. Okay. Can you read me the first three sentences of that post?

A. "It doesn't matter if Jeff never actually filed for copyrights. If he

actually created the logo - he owns it - simple. At some point he must file for copyright ownership as I think he did. PGR will lose the Court fight in my opinion. I'm not a lawyer but I have been in the graphics industry for two decades so I'm pretty sure I'm right on this."

Q. Okay. Is that post any closer to your current understanding of how copyright or trademark ownership accrues?

A. That's pretty dead on to what I've come to understand.

Q. Okay. All right, this is going to be -- wait, hang on just a second. Go off for a minute.

(Off the Record)

MRS. BLUE: Okay, let's go back on.

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

BY MRS. BLUE:

Q. This is Exhibit 23. It's another post from the PGR forum. It's Bate's stamped PGR 003846, and it was produced in response to a

document production request that Jeff Brown made of the PGR.

Okay. This is a sort of a long thread here, and I want to start with the post at the bottom of the first page dated November 19, 2006 at 6:03 p.m. by "Sgtpotsie." Okay, take a look at Number 1:

"I have known for quite some time (before the "I'm tired..." post by Jeff) that Jeff was the owner of the logo and the motto, "Riding With Respect." It came up at the gathering of the guard during the captains meeting."

Let's go to Number 3:

"The money Jeff made or didn't make via the PGR store is none of anyone's business except Jeff Brown and the IRS."

Sergeant -- was Sgtpotsie in the minority with this view?

A. Initially, the large --

MR. O'MALLEY: Objection; compound question. Are you referring to 1 or 3?

BY MRS. BLUE:

Q. All right, let's take Number 1. Was Sgtpotsie in the minority with that?

A. I don't know because it was never a topic of conversation.

Q. Okay.

A. It didn't matter at the time of that meeting, and I was in that meeting. And Sgtpotsie is a pretty impeccable guy. I don't remember this happening. So the events of the riders meeting were more important for the riders safety handbook we were working to develop and other things. That happened at such a fleeting moment that I would not doubt that Sgtpotsie heard that in the meeting, but it was so minute --

Q. Okay.

A. It didn't raise --

Q. Let's take Sgtpotsie's point Number 3: "The money Jeff made or didn't make via the PGR store is none of anyone's business except Jeff Brown and the IRS." Was he in the minority with that viewpoint?

A. What's the date of this post?

Q. It's the same day, November 19th, 2006.

A. No. Initially when the issue of Jeff's resignation and it being over the store, I had friends who knew I was on the board of director that were furious with me for having let this go down.

There's a group of people that are on the board, and in the board meeting are referred to as, "the goon platoon," and that would be Tony Turner, Randy Stephens, Monica Meade and Andy Harley, who were the ones probably initiating most of these threads. As a matter of fact, the last document of evidence, evidence 22 -- not 22, the one previous to that. If you will notice in that post, "Elviszappa," Tony Turner. He was the one that Cargo was using to quote. And there's several of them. You'll see Randy Stephens, and on and on and on. As a matter of fact, the post before Sergeant Post (sic) is Randy Stephens, the South Carolina state captain.

Q. Okay. All right, is there anything about Sgtpotsie's post here that suggests that he thinks the PGR, Inc. was the owner of the trademark?

A. No.

MRS. BLUE: Okay, I think we are getting close to being done here.

A. Can I make a comment? I just followed Sgtpotsie's post, and when you flip over his list of demands, immediately you have Randy Stephens who is one of the key mud slingers, say:

"Potsie, chill out. Just when things are calming down here you come getting all serious again. You want a donut?"

Because it was not acceptable to have a pro-Jeff conversation in the context of his removal, his store, the trademark, negotiations; that was not an acceptable thing for the board in general. The one board, the one vote, in any capacity, and this thread here summarizes it. Because immediately you have the goon platoon out there saying, "Calm down, Potsie," when somebody else is making a rational statement to the contrary.

Q. Okay. Ronny, what do you think is going to happen if Jeff is successful in opposing the registration of PGR, Inc.?

A. I believe that in line with the initial negotiations for the Patriot Guard Riders to use the logo and to earn money, that Jeff will indeed continue the same path if we were to forward through all of this to that particular time.

His standing was to help soldiers, and he has continued to make that offer to help soldiers and Patriot Guard events throughout this entire time since his resignation. Go ahead.

Q. Okay. Has Jeff Brown ever said to you; have you ever understood from a conversation with Jeff Brown that he was acting on behalf of the corporation in developing this trademark or using this trademark?

A. I don't know that he's ever said that.

Q. Okay.

A. During Jeff Brown's tenure I never had any reason to believe anything other than that the logo and the trademark was being used for the good of the organization; the Help On The Homefront program initially, the Healing Fields debacle were all funded from

Jeff. I have no reason to believe anything other than his best wishes were --

Q. Okay, all right. I think I'm done now. Pass the witness.

MR. O'MALLEY: Okay, I'd like to take a break.

MRS. BLUE: Okay.

(Whereupon, a recess was had)

MR. O'MALLEY: On the Record.

CROSS EXAMINATION

BY MR. O'MALLEY:

Q. Ronny, just -- if you don't remember, my name is Jim O'Malley. I represent PGR, Inc. in connection with this matter. I'm going to ask you a few more questions and in connection with the things --

A. Sure.

Q. -- that Rachel has asked you over the past couple of days.

A. Okay.

Q. First of all, can you tell me who asked you to testify in this matter?

A. I was asked by Mr. Marr initially. I was offered Mr. Marr's services to represent me in the Patriot Guard Riders matter in

case there were issues that I didn't want to discuss.

Q. I'm sorry, that's not the question I'm asking. I'm asking who asked you to testify in this matter?

A. Today?

Q. Right, yes.

A. I was asked by Mrs. Blue's firm.

Q. Okay. Did you discuss your testimony with Mrs. Blue prior to the beginning of your testimony yesterday; did you prepare?

A. No.

Q. In no way?

A. No.

Q. Okay. Did you study any materials in preparation for your testimony?

A. I did read the -- I haven't read my testimony from before in my deposition, but I did read Bonnie Cutler and Bill Richart's depositions.

Q. Is there a reason you didn't you study your own deposition?

A. I didn't need to. The truth doesn't change.

Q. Okay. Do you have any personal

interests in the outcome of this matter as to who prevails?

A. Yes and no.

Q. Can you explain?

A. Yes, in that I'm a Patriot Guard Rider, first and foremost. No, in that I have nothing to gain either way, win or lose, other than hopefully the longevity of the organization.

Q. Okay. Are you being compensated by anyone for your testimony here today?

A. No, I am not.

Q. Okay. You mentioned yesterday, I believe, that you were at one point in time the director or the head of Help On The Homefront; is that correct?

A. Yes.

Q. And you at some point in time gave up that position?

A. Yes.

Q. And -- but you stated that you would like to have that position back; is that correct?

A. Oh, I would love to be director of Help On The Homefront, where it was and what

it did, yes.

Q. Okay. In connection with that have you had any talks with Jeff Brown about the possibility of ever getting back into that position?

A. Never.

Q. Okay. I want to ask you a couple questions with regard to Bill Lyons. You spoke of Bill Lyons early in your deposition. As we've put on the Record before, you're aware that Mr. Lyons died earlier this year?

A. Yes.

Q. Okay. You personally knew Mr. Lyons?

A. Personally; I vacationed at his house.

Q. Okay. And he was the secretary for the PGR, Inc.; at what time was that?

A. He was the secretary prior to his becoming the president while Jeff was still the president.

Q. Okay. And then he took over as president of the PGR with --

A. Yeah.

Q. -- upon Jeff's resignation?

A. Yes.

Q. Did you consider Mr. Lyons to be an honorable man?

A. There's nobody better.

Q. A truthful man?

A. A truthful man.

Q. A man of integrity?

A. A man of integrity.

Q. Okay. Do you believe that Mr. Lyons would have any reason to lie about matters pertaining to the PGR?

A. No.

Q. Pertaining to Jeff Brown?

A. No.

Q. Pertaining to this trademark opposition?

A. No.

Q. Okay. Okay, on the opposite end of that, during your testimony you talked about in your opinion your -- that it was your stated opinion that certain people hated or disliked other people that were on the board. For instance, you stated Bonnie hates Jeff; Ed hates Jeff, correct?

A. (Indicating).

Q. Are there any situations, any people that were involved in this matter that you

disliked or hate?

A. Oh, absolutely.

Q. Who would those people be?

A. I will name off in probably the order of people that I dislike. Bonnie Cutler.

Q. Okay. Can I ask why?

A. Bonnie Cutler was the person who chiefly called for board votes against me to have me removed from the board; it was never successful. But I later found out through Randy Stephens, when he became a board member, that Bonnie would call Andy Harley, Steam, basically Tony Turner, the members of the goon squad, who she was national captain and over, and talk to them about things that I was doing or talking about on the board. And then she would call the board meeting and say these guys were all concerned about what I was doing, based on what she was doing. She was double-dealing. She would call them and tell them what I was wanting to do as a board member and raise opposition to it based on the state captains, who really knew nothing about it before she called them and stirred up their ant beds.

Q. When was this happening; was this before the removal of Jeff Brown, or -- I'm sorry, after --

A. After the removal.

Q. -- this is after Jeff Brown's resignation?

A. When Jeff Brown was there, the board operated as close ever as a well-oiled machine in my tenure as a board member.

Q. Okay. So besides Bonnie Cutler is there anybody else?

A. Ed Mueller.

Q. Ed Mueller?

A. Yes.

Q. Okay. What about Bill Richart, do you have any -- what are your feelings toward him?

A. I do not like Bill Richarts. I believe he's totally incompetent as a president, and has systematically destroyed the communication structure in the organization.

And in Bonnie's deposition she was made to read a statement by Bill Lyons. And in the statement we discussed transparency

and all the things we're going to do now to prevent instances from ever happening, such as the grievance against Jeff Brown. And we promised as a board that the ride captains' forum would never go away. And it no longer exists because it was an avenue directly to the board to answer questions in regards to matters that were happening to members in leadership, private from the standard membership, and it no longer exists.

The board operates completely autonomously of the organization. And most of the states that I have personally spoken to operate autonomously of national. All the integrity of the national organization and our vitality -- as I testified earlier, many states have their own websites. National's just this group of people that sends down orders periodically. And one state captain told me you say, "Okay, thanks, I'll take care of it. You hang the phone up and do whatever the hell you want."

Q. Okay. When is it that you ended your tenure as a board member?

A. I believe it was December of 2007.

Q. Okay. And when did Bill become the president of the PGR?

A. After my tenure.

Q. Okay. And what has been your involvement with the PGR since the time that you ended your tenure as a board member to date?

A. I have attended a few going-aways or welcome-homes, I don't know exactly, and two gathering of the guards. I have done approximately four items in the last several years.

Q. So is it fair to state that your involvement has been minimal?

A. Yes, it is.

Q. So is it fair, off of that, to state that there have been things going on in connection with the PGR and the board that you are not aware of or not privy to that may lend Bill and the board to make certain decisions at the time that you're not privy as to why they're being made?

MRS. BLUE: Objection; vague.

BY MR. O'MALLEY:

Q. You can answer, if you understand.

A. Well, I will answer yes.
Q. Okay.
A. As a past board member, who left in good standing, I am supposed to have what is called advisory status to the board members. And I have talked to various people; I've stayed in touch and made a lot of friends across the country. I have learned from the past treasurer that Bill Richart --
Q. Who is that, I'm sorry?
A. The past treasurer is Jim Grant, "Cyber."
Q. Okay.
A. That he was actually advised by Bill Richarts not to trust me because I'm a liar.
Q. Okay.
A. And you can't believe what I say.
Q. Okay.
A. However, I learned from Jim Grant that the treasury is currently in shambles. And he was having trouble because Bill Richart's had informed him that he was the contact to the bank. He was the contact to the accountant, and that he was not to contact them initially.
I know Tom Hoffmann, my friend who's

talk to me over the years about various issues -- not everything; there's a lot of things I'm sure I didn't discuss. But it took Tom over a year to acquire the secretary's book with the official seal as the secretary of the organization from Bill.

And I have stayed in touch with various people that -- in terms of state captain, when Dave David was removed and my rights were removed, it was because the -- my relationship with David David, although I hadn't talked to him in over a year. But it was to prevent me from going off the deep end and contacting all the other state captains and doing what many people have done, which is entirely wrong, of going on the PGR email list and raising a big rant against the organization. I never agreed with that, and so I have had awareness.

And the funny thing about it is, as the treasurer who set up the policies regarding state banking, my policies were -- by people who had access were some of the only policies still in the standard procedures of operation up until six months

ago. I was -- one of the only things listing for banking procedures and a couple of other items, so I have stayed in touch with members of the membership.

And, frankly, my participation is basically, as I said, because I won't damn Jeff and hang him from a cross, there's members who -- now I'm a traitor. And because I won't totally say that Jeff's thing on a 100 percent, then I'm a traitor because I won't stand behind Jeff.

So I have walked a line, and every time I have attended any kind of a function, inevitably because of my involvement through all the formative hard years, it becomes extremely -- I was broken hearted when I resigned and just tired of fighting for forward progress within the organization.

MR. O'MALLEY: Okay, objection to the parts of that that are hearsay.

BY MR. O'MALLEY:

Q. So is it fair to say that -- so in connection, you said you dislike Bill Richart and believe he's run things improperly. Is it fair that state that you

are trying to do whatever you can to have Bill removed as the PGR president?

A. I believed when he gave personal license of the logo to an individual, that he stepped so far outside of the boundaries that it was heinous. And when the last vote for me as a board was to acquire a debit card, because my American Express may still be holding all the PayPal accounts, and the treasurer was to receive a debit card. And it's been in Bill's possession all this time, and he doesn't want the treasurer talking to the accountant or the Bank of Oklahoma. I think that -- and removal of the ride captains' forum, I believe that he has established a power base for himself and the systematic removal of anybody who may possibly endorse Jeff Brown. Myself, as a friend of David David, my own rights removed as an example, that he has done a horrendous job of destroying the organization.

Q. Okay, so -- but again, this is your belief, having not been on the board or specifically involved with the PGR since the time before Bill Richart even became the

president of the PGR; is that correct?

A. That's correct.

Q. Okay. Can you take me through the evolution of the board of directors from the time you became a board member until the time you left the board?

And what I'm looking for there is the time you became a board member, if you can tell me the date, like approximate date. I mean, you're probably not going to know the exact dates of this, but -- so if you came on at a certain time, who else at that time was a board member, and what were their positions. And then move to the next time when the board changed, how it changed, and so on until the time that you left the board. I just want to -- through your testimony with Rachel there were different time periods discussed jumping back and forth. I want to be able to get a clear kind of timeline as to when --

A. Sure.

Q. -- things were happening, and who was there.

A. The first board I sat on was in June

of '06 when we went to the five-man board. It was myself, Bonnie Cutler, Bill Lyons, Jason Wallin, and Jeff Brown. In Jeff's resignation --

Q. I'm sorry, can I back you up? So Jeff at that time, the five people, what were their positions on the board?

A. Jeff was president. Snap was secretary. Jason was treasurer. Bonnie was captains, and I was Help On The Homefront.

Q. Okay.

A. Now, we formalized titles a little bit more further down the road.

Q. What do you mean you formalized titles later?

A. Well, we did specific tasks. We decided that individual programs should probably be held up by individual people.

Q. So --

A. Under what's --

Q. -- so what you're saying is a secretary, if there was a particular job that a secretary is to do, the secretary might have other duties than what a secretary is supposed to do under the

corporation rules?

A. We all wore many hats outside of the -- outside of our official board of directors, in the early days we all wore many different hats as well. Jason was the treasurer, but he was also the administrator of the website.

Q. Okay.

A. I was a board member at large, but I was Help On The Homefront and various times the admin -- I mean, the web administrator for a very short period of time, thankfully, and such as that. I mean, everybody's duties may evolve.

Q. Okay. Okay, so picking up then, after the time you came onto the board, when is the first change to the board?

A. Jeff's resignation in November.

Q. Okay.

A. Of 2006.

Q. Okay, so at that point in time Jeff is resigned. You're now a four-man board?

A. Yes.

Q. Was that -- was Jeff's position filled?

A. It was filled immediately upon his

resignation by Ed Mueller.

Q. Okay, and so Ed Mueller, he did not become president at that time. Can you tell me now amongst those five people what are their positions?

A. Bill Lyons became the president.

Q. Uh-huh.

A. Bonnie became vice-president. Ed Mueller -- Bonnie became secretary.

Q. Okay.

A. Actually, there was a funny little jolt in here. I became secretary. Jason was still treasurer. Bonnie was just the vice-president at large, and Ed was a vice-president at large, followed shortly by Jason's admission that he'd done the Google ads, at which point I became the treasurer, Bonnie became the secretary, and Jason became a vice-president at large member.

Q. And so that was how long after Jeff's resignation?

A. That was at the same time that -- so within a week to two weeks.

Q. Okay. But -- so it was after the time that the PGR, Inc. filed for its trademark

on the PGR logo?

A. Yes.

Q. Okay. So take me through -- all right. We're at that stage; when does the next change come?

A. The next change comes in August of 2007.

Q. Okay.

A. When I found the funds that Jason had been stealing.

Q. I'm sorry, I'm not asking you for --

A. Okay.

Q. -- an explanation of that. I'm just asking you for the time and the change, not why the change was made.

A. Okay. Bill stepped in in August of 2007 and filled Jason's -- he'd already been elected hisself, and Donnie, who was going to be the next, but Bill had stepped in to fill the vacant -- the seat vacated by Jason.

Q. Okay, so Jason is out in August of '07?

A. Yes.

Q. Is that correct?

A. Yes.

Q. Okay, and so Bill steps in. And what position does --

MRS. BLUE: Can I clarify real quickly, which Bill are we talking about?
BY MR. O'MALLEY:
Q. I'm sorry, Bill Richart?
A. Yes.
MRS. BLUE: Thanks.
BY MR. O'MALLEY:
Q. You're looking at Bill Richart, so --
A. Snap maintained presidency all through his --
Q. Okay. So as of August 27th -- I'm sorry, August 2007 --
A. Yeah.
Q. -- not 27th. So Bill is -- Bill Lyons is the president?
A. Yes.
Q. You hold the title of?
A. Treasurer.
Q. Treasurer. Bonny holds the title of?
A. Secretary.
Q. Ed Mueller holds the title of?
A. Vice-president at large.
Q. And Bill Richart holds the title of?
A. Vice-president.
Q. Vice-president, okay. And then when

is the next change?

A. The next change is when the official change was supposed to happen in November, Bonnie left and -- Bonnie left and Donnie Schneider filled in on the board.

Q. Okay.

A. And that was -- and Bill Lowery.

Q. So now there's six people?

A. There's -- Snap left and Bill Lowery came in.

Q. Okay, so Snap left and --

A. Bill Lowery came in.

Q. -- Bonnie left?

A. And Bonnie left.

Q. And so Donnie Schneider and Bill Lowery came on?

A. Yes.

Q. Okay, and what time is that happening?

A. That's November of 2007.

Q. Okay. And now can you take me through each of their positions --

A. Ed Mueller was --

Q. -- at that time?

A. -- the president. I was still the treasurer. The secretary's position went to

Bill Lowery, and the vice presidents at large would have been Bill Richarts and Donnie Schneider.

Q. Okay. And then when is the next change?

A. The next change is myself. I left the board.

Q. When did that happen?

A. Approximately December of 2007.

Q. Okay. And who filled your space, if you know?

A. Randy Stephens.

Q. Randy Stephens. Do you know what position he took. Did he take the treasurer position then?

A. He became treasurer.

Q. He became treasurer, okay. And so then that's your, the end of your involvement on the board, right?

A. That's the last person. I trained him to become treasurer, sent him all the pertinent documents and --

Q. Okay.

A. I'm not on the board.

Q. Okay. You testified that at some

point in time, for a short period of time you took over as the web administrator?

A. Yes.

Q. Am I using the correct terminology?

A. Yes.

Q. That's correct?

A. Yes.

Q. Okay. When was that period of time?

A. In Jason's disappearing, which was August of 2007, most likely September, give or take 2007. It was never an official title. It was a hat that I wore for a period of time because we were in need.

Q. Okay, so this was a number of weeks somewhere in around August, September of 2007?

A. Probably more in the line of a couple of months in August, September. It was a period of time --

Q. Okay.

A. -- but somewhere in August, September.

Q. Somewhere in that vicinity though?

A. Yes, somewhere in there.

Q. Okay. Now, you have stated that you would not describe yourself as to be computer savvy, for lack of a better term;

is that correct?

A. No, I'm pretty computer savvy. However, I have no training or history in database administration.

Q. Okay. So at the time when you took over the web administration unofficially --

A. I was a gorilla with a machine gun.

Q. You were a gorilla with a machine gun, so you didn't know all the ins and outs of everything you were doing. You didn't know it like Jason did --

A. Absolutely not.

Q. -- basically? So when you're referring to things that -- you made some comments that items were deleted or modified, or that you dumped stuff from the website, do you have any ever -- I'm sorry, going back. Do you have any actual knowledge that those were actually ever deleted, purged from the system. Can you verify that with 100 percent certainty?

A. Absolutely, positively. One morning they're there, the next morning they're not. They went somewhere. And my personal email account, Patriot Guard dot org was not

affected, nor was anybody else's. That file was the only one deleted.

Q. Okay, so you're referring to an email?

A. An email account.

Q. An account, not necessarily postings on the web?

A. Not necessarily.

Q. Or forums?

A. Not necessarily postings on the forums, no.

Q. You're not referring to that, okay. Give me a second.

Okay, you mentioned or you testified yesterday that Jeff had announced on a conference call that he had quit his job so that he could become -- he could run the PGR store full time and work in connection with the PGR full time; is that correct?

A. That's correct.

Q. Do you know when that was?

A. To the best of my recollection March or April 2006, somewhere in the very early period.

Q. Okay. At that time do you know how old Jeff was when he quit his job?

A. No clue. I don't know his age today. He's a Vietnam-era veteran, so he's 60-ish.

Q. He's 60-ish; as of today or then?

A. Vietnam was a long time ago, now and then.

Q. No, no, I'm not saying -- I'm not saying Vietnam then, I apologize.

A. His age is -- I mean, his age is --

Q. At the time when he quit his job is when I'm referring to?

A. I mean, the same answer. It's that era. Those guys were all 60-ish, and some of them are 70-ish now and --

Q. Okay. So is he close at that time when he quit his job, would you believe that he is close to a normal retirement age?

A. At some point in the future. Sixty-seven is full retirement, so at some point down the road, yes, I would say within the next ten years.

Q. But people retire beforehand?

A. My goal's 50.

Q. Well, there you go.

A. Okay.

Q. I would love that as well. But so if

Jeff was in a financial position where he decided he could retire earlier than say 67; not that you're not aware that he was that age, but it's possible he could have retired younger than 67?

A. I would expect anybody to.

Q. Okay. So it's -- do you know when he quit his job how long he had been working prior to that in his life?

A. I don't even know what he did for a living at that time. I have no clue --

Q. Okay.

A. -- of his work history.

Q. Okay. Do you know whether his wife worked at the time, when he quit his job?

A. I don't know what his wife does. I believe she was in education of some form, I don't -- but I don't know if she worked.

Q. Okay. So in connection with that, you've stated that because he informed the board that he was going to be quitting his job and running the PGR store, that you assumed it was because he was making so much money at the PGR store that he might as well quit his job and run this instead. Am I --

MRS. BLUE: Objection; I think that --

BY MR. O'MALLEY:

Q. -- giving your testimony accurately?

MRS. BLUE -- mischaracterizes.

BY MR. O'MALLEY:

Q. Okay. Can you explain to me why, off of what you said yesterday, why you believed Jeff quit his job?

A. To run the PGR store and the organization full time.

Q. Did you further state that it was your opinion that it would take a rocket scientist to understand that he would only do that because he was making money from the store?

A. Yes.

Q. But isn't it entirely possible that that wasn't the reason Jeff was quitting his job? Isn't it entirely possible that it was just that he had reached retirement age. He was -- had reached a comfortable financial position. His wife may or may not have still been working, but he and his wife decided it was okay for him to quit, and

that he didn't necessarily need to make money from the PGR store?

MRS. BLUE: Objection; calls for speculation.

BY MR. O'MALLEY:

Q. You can answer.

A. Sure, it's entirely possible.

Q. Okay.

A. Could I clarify that last answer? I'd like to add something to it for the Record.

Q. Sure.

A. Me and my business partner almost dissolved our own company behind the time and effort I put into the Patriot Guard Riders. We fought like cats and dogs.

She supported the idea of what the Patriot Guard Riders stood for, but she hated the Patriot Guard Riders. And if I would have been an employee, I would have been fired. We had many, many, many knock-down drag-outs over the time and effort I invested sitting there in there in my office to the Patriot Guard Riders instead of devoting it to the company.

So somebody going to work for the

Patriot Guard Riders was not a crazy idea to me, essentially. If he was running the store and earning an income so we could continue to progress the organization, that made absolute, perfect sense. Based on my own personal experiences that this organization was causing big problems between me and my business partner, me and my wife, it took a lot of time and effort to wear those many hats we did to start the organization.

Q. Okay. But you don't know that that was necessarily true with regard to Jeff Brown. This is your situation?

A. Absolutely not with a certainty.

Q. Okay. Okay, you stated yesterday -- so the time leading up to Brown's resignation, when did that -- what happened where this all kind of started coming out?

A. With absolute certainty where it began, I don't know, because it was one of those holes in the dike you wished you could have put your finger in in hindsight and shut off and proceeded forward.

Q. Uh-huh.

A. But it pretty much originated, if I could put an originator's name on it, I would say Alan Mullis.

Q. And who is that?

A. That was a very loud Uncle Bubba in North Carolina. He was very good friends with Steam and Tony Turner and Monica. He was -- he was not an official duty state captain or anything. He was one of the members of my perceived group of the goon platoon.

Q. Okay, your perceived group?

A. Yes.

Q. Okay. And so when, timeline-wise, when did -- when did it first become public -- public now, it's not just, you know, with regard to you or a few people -- but when did it become public knowledge in your mind that -- sorry.

When did it become public knowledge in your mind as to when the membership at large became aware that Jeff was profiting from the sale of goods in connection with the PGR store?

MRS. BLUE: Objection; vague.

BY MR. O'MALLEY:

Q. You can answer, if you understand.

A. I would say the first evidence that I have seen is Sgtpotsie's post in the evidentiary stack, that's --

Q. Which, can you refer me to what exhibit is that?

A. That would be -- oh, right here, the top one, Exhibit 23. Where he discusses at the gathering at the guard, which was July 4th weekend of 2006, that he says that the topic came up and was clarified that weekend.

Q. Okay. I believe you said though that you didn't remember that happening; that you were at this meeting, but that you don't remember this being said?

A. No, but somebody does. And, I mean, it's a piece of evidence before me, and as I also testified that it was never an issue.

It became an issue when the goon platoon sometime in October started in with their thing which culminated with Jeff's resignation. But I don't know when the public knowledge happened other than I've seen this thing today with a date and time,

and it was never a point of contention for anybody on the board.

Q. Okay. I want to introduce --

(Whereupon Deposition Exhibit Number Defendant's 1 was marked for identification.)

BY MR. O'MALLEY:

Q. This is a complete copy of your deposition testimony.

A. Okay.

Q. I'm going to introduce that as Defendant's Exhibit 1. All right. Five copies of this, transporting it all --

MRS. BLUE: Can you get me one please? Thanks.

BY MR. O'MALLEY:

Q. Can you take a look at this, if you don't mind?

A. It's rather large.

Q. Have you seen this document before?

A. I've never seen this document before.

Q. You've never seen this document?

A. I've never seen this. I did my deposition by telephone last time, so I've never seen this document.

Q. Can I have you turn toward the back.

There's a Page 80 -- let's see, there's a Page 91.

A. Okay.

Q. Can you state what that page says. It starts off with "signature page." Can you state what it says underneath that?

A. "I, Ronny Roy Awtry, do hereby certify that the foregoing deposition was presented to me by Marlene Percefull as a true and correct transcript of the proceedings in the above-styled and number cause, and I now sign the same as true and correct."

I do remember this now.

Q. Okay, so you read through this deposition --

A. Yes.

Q. -- to insure the accuracy?

A. This was emailed to me to insure the accuracy, and I did -- I did take a look at it.

Q. And you signed this on November 25th, 2008. That's your signature?

A. Yes.

Q. Okay. And you further, two pages

later, there's a statement or page that starts off, "Corrections to the Deposition of Ronny Roy Awtry, page and line number and corrections"?

A. Yes.

Q. So that is your writing that you --

A. That is my writing.

Q. -- filled those out and corrected this?

A. Yes.

Q. So you have read -- at that time you read your deposition testimony?

A. Yes, I did.

Q. Okay, all right.

A. It's been a long time.

Q. Yes. If you will bear with me. I'm sorry, I have to find my notes. Okay, I'd like you to turn to Page 18, Lines 14 through 23, if you can read those?

A. Page 18, Line 14 through 23.

"Question: Do you recall ever seeing a post on any forum on the website www dot Patriot Guard dot org that stated that Jeff Brown owned the store?

Answer: The only that I can recollect -- the only post or the

first post I saw was of that nature was, I believe, in October of 2006 on the, you know, threads in the open forums.

Question: When you say, 'open forums,' do you mean anyone can access those?

On any forums whatsoever, Answer."

Q. Okay. That's -- and now I'd like you to turn to Page 81.

A. Okay.

Q. Lines 6 through 9.

A. Line 6 through 9:

"Question: I believe you testified that in October is the -- of '06 is when it became public knowledge that Jeff owned the store; is that correct?

Answer: That's the best of my knowledge, yes."

Q. Okay. So as of the time, when you gave this deposition, it was your belief that it became -- first became public knowledge that Jeff owned the store was in October of '06?

A. At the time I gave this deposition, yes.

Q. Okay, thank you.
A. But that's not supported by the evidentiary stuff I've viewed today.
Q. I'm not asking you that question. I'm asking you what was your belief at that time. That's all I'm asking for.
A. Okay.
Q. Okay. And I'd ask you that you not volunteer, just answer my question.
A. But I'm not allowed to clarify my answers?
Q. You will have the chance to do that with your attorney on redirect, if she chooses to do so.
A. Okay. Even if I want to answer?
Q. I'm sorry?
A. Even if I want to answer I'm not allowed to, based on the rules of the Court, or based on --
Q. You are supposed to -- it's proper to answer my questions. If my question ends in an "is that correct," or, "is that right," the answer is yes or no. I'm not asking for clarification.
A. But it's, can I -- I'm asking you, can

I go outside of properness, quote, unquote, and say what I feel to believe the answer.

Q. You can say what you want. I may object.

A. Okay.

Q. Is that fine?

A. Clarifying the rules. I'm learning the rules of law as we go, as I've said several times. Thank you.

Q. Okay. I'd like you to take Plaintiff's Exhibit 1. You still have a copy of that; that was the first exhibit introduced yesterday. It's probably on the bottom of your stack there.

A. Yes. Well, we did some digging around, so it's not on the bottom of my stack.

Q. It's a post by Waldo dated December 16th, 2005. There's a number at the right hand corner that says PGR 006225.

A. Okay.

Q. Okay. I'm going to read this statement that was made by Jason Waldo, correct? Jason Wallin, who is otherwise known as Waldo?

A. Okay.

Q. He says: "We're 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 sponsor's links to help us out. Thanks a million."

Who is Jason referring to as the "we" in we?

A. Hisself and Jeff.

Q. Himself and Jeff, okay. This statement conveys the message that Jason Wallin was asking people to buy quality PGR items from the web store, so that Jeff and Jason could have some of their costs covered that were incurred to get the PGR site and the organization up and running; isn't that correct?

A. That's correct.

Q. So this statement doesn't convey the message that Jeff Brown was looking to profit from the sale of quality PGR items

from the web store, does it?

A. No, sir. It states that they are trying to cover their costs of getting the organization up and going.

Q. So they're looking to cover costs, not profit. They're stating that they have invested some money in order to help get this off. What they're looking for is to cover their costs?

A. That's what it says in the post, yes.

Q. Okay, thank you. Can you turn to Exhibit 4 now?

A. I've got that. Okay.

Q. You got it?

A. Got it.

Q. Okay. You testified -- Rachel had you testify yesterday regarding this post by Jason Wallin of November 15th, 2006, correct?

A. Correct.

Q. Okay, I'm going to read this statement as well. It says:

> "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."

So is it fair to say from this posting by Jason Wallin that Jeff Brown claimed ownership of the PGR logo because he had filed a copyright application on the logo?

A. From reading the post, yes, it is.

Q. Okay. Do you have any knowledge or understanding of the difference between a copyright and a trademark?

A. Absolutely not.

Q. Not, okay.

A. To this moment I couldn't tell you.

Q. Even to this day?

A. I couldn't tell you a trademark from a copyright.

Q. Okay, okay, can you go to Exhibit 7 now, please. Do you have that?

A. Yes, I do.

Q. Okay, so this is another post from Jason Wallin dated November 15th, 2006. I'm going to read a portion of this, where it says:

"We need to set up some ground rules around this. What would you think of these, proposed rules for challenge coin design.

1. Required design elements include the words, quote, 'Patriot Guard Riders,' unquote, and, quote, 'Standing For Those Who Stood For US,' unquote. And then in parentheses, (note the "US" is all caps so that it can mean us or the United States), end paren."

Then Number 2. States: "Forbidden design elements include the copywritten logo that Jeff Brown drew as we only have permission to use it on the website but not in marketing material."

So is it fair to say from Paragraph 2 there by Jason Wallin, that Jeff Brown claimed ownership of the PGR logo because he

had a copyright on the logo?

A. It specifically says copywritten, yes, and at the time trademark and copywritten were something the board of directors as a whole knew not the difference of.

MR. O'MALLEY: Okay, object to hearsay as to what the remainder of the board knew as opposed to yourself.

BY MR. O'MALLEY:

Q. So you had no knowledge of the difference between copyright and a trademark and their legal purposes and all that?

A. No.

Q. Okay, and still do not to this day, or is that just with regard to copyrighting?

A. Just with regard to copyright.

Q. Okay, okay. Going to Paragraph 1 of this statement of this post, Jason also states in Paragraph 1:

"That it is acceptable and even required that a new design element must use the words Patriot Guard Riders"; isn't that correct?

A. To Line 1?

Q. Yes --

A. You said Paragraph 1.
Q. I'm sorry.
A. Okay.
Q. Yes.
A. Okay, repeat the question?
Q. Sure. Jason states in Line 1, Paragraph 1, whatever you want to call it, the sentence following the Number 1:

> "That it is acceptable and even required that a new design element must use the words Patriot Guard Riders"; isn't that correct?

A. Yes.
Q. Okay. How is it that it was acceptable for the PGR to use the term Patriot Guard Riders, such to the point that it was even required if Jeff Brown wouldn't allow them to use the logo?
A. Because at the time we thought that we had claimed it first and that the logo was ours, so we were trying to set rules and standards for the organization to use.
Q. But you state -- you just stated that the -- his statement here is "that a forbidden design element includes the

copywritten logo."

A. The logo itself is the emblem on my shirt, the "Patriot Guard Riders, Riding With Respect" trademark logo that Jeff has filed.

Q. Right.

A. And Patriot Guard Riders is the name, "Patriot Guard Riders."

Q. Okay.

A. The words, "Patriot Guard Riders."

Q. So you as the board, the board believed that it was only not allowed to use the logo, but they were still allowed to use the name?

A. Yes.

Q. In connection with goods?

A. In connection with goods, yes.

Q. Okay. So, all right, so going back I asked you before about when the time came up when all this stuff, so to speak, hit the fan, so that was --

A. Good description.

Q. Thank you. So that was leading up to his resignation, Jeff Brown's resignation, as well as after his resignation, correct?

A. Yes.

Q. There was still, I believe yesterday you referred to it, and if I misquoted you here wrong, but you can correct me now, that it was like a hail storm or a war going on; that there was a lot happening --

A. Fair enough.

Q. -- at that time. Would it be fair to state that there was a lot of confusion on the board as to what was happening at the time and how things should be handled, both leading up to Jeff's resignation and following Jeff's resignation?

A. Mass confusion. We had no idea what we were doing.

Q. Okay, mass confusion. So --

A. We were very aware of the steps we were taking, but we were taking steps and moving forward to the best of our knowledge. And as I said on various composites there was one board, one vote, regardless of individuals. What the board voted was what was released, and we knew nothing.

Q. Okay, so because you state you knew nothing, isn't it possible that members on

the board: Jason, yourself, Bonnie, Bill Lyons -- who did I leave off? Ed Mueller, isn't it possible that any one of them could have made statements on the board while trying to answer questions to your general public, your members. You're trying to answer questions; isn't it possible that some of the information that was provided was not accurate or not fully thought through?

MRS. BLUE: Objection; calls for speculation.

A. It is possible, yes. However, in the designation of Jason as the person to contact the trademark, that Jason was chosen specifically because Jason claimed to have previously done trademarks for other organizations. Jason claimed to have knowledge of what he was doing, so, "Good answer, good answer, here's your hat. You know what's happening."

BY MR. O'MALLEY:

Q. So what about with regard to statements made on the forums that Rachel has talked to you about both yesterday and today?

A. There were specific items. Bonnie and Ed specifically would lie through their teeth. I -- individual topics we can look at and approach one by one, but Jason claimed he knew what he was doing. And Bonnie and Ed hated Jeff and would say whatever they could to make this resignation permanent.

Q. Okay. Okay, so going back to the trademark filing, you have stated that after Brown resigned, you and the rest of the board of directors authorized Jason Wallin to file a trademark application on behalf of the PGR for the PGR logo, correct?

A. Yes.

Q. Okay. This authorization was given during a board meeting, a telephonic board meeting; is that how --

A. A telephonic board meeting.

Q. -- you typically did this because you're all located in different areas, right?

A. A telephonic board meeting.

Q. Do you know what day that happened?

A. Within a week of it, and I think looking through the documents that it was

somewhere around the 9th of November. The exact date I don't know for sure, but it happened -- it happened before it was considered.

Q. Before it was filed -- it happened before the trademark was filed, correct?

A. Yes.

Q. Okay. So if the trademark was filed, I believe if we look at --

A. It happened the day before or within hours of the trademark being filed.

Q. Okay. And so the trademark was filed --

MRS. BLUE: November 9th.

BY MR. O'MALLEY:

Q. If we look at Exhibit 5, I think, which I'm missing here. It was November 9th?

A. Yes.

Q. Right. Okay, so it happened either the day before or within hours of that happening?

A. Yes.

Q. Okay. Prior to the authorization being given, did Jeff Brown ever inform the board or yourself that he was the owner of

the trademark of the PGR logo? Now, I'm talking separate than your knowledge that he ran the store --

A. Yes.

Q. -- and used it?

A. Yes.

Q. When did he tell you that he was the owner of the trademark?

A. When people would ask us to use the trademark for merchandise, and the board, as early as when I was a board member, and even when I was just head shed on some of the com calls in regards to the Help On The Homefront.

So one time, for instance, somebody wanted to use the logo. I can't remember the specific incident, but they -- somebody presented an idea to use the logo on something that was pretty ridiculous idea, and Jeff and the board voted. Jeff said, "Absolutely not," and the board said, "Absolutely, you're right," and we didn't grant permission to use the logo to --

Q. So, okay, so the board was involved in that decision?

A. If I remember right, it was like Jeff was not going to release the logo for that particular thing. And the board would -- somebody on the board presented it because somebody had asked. And Jeff said, "Absolutely not." The board said, "Yeah, that's great; we wouldn't recommend it either," and it went away.

Q. Okay. So from what I understand from what you're saying is that this occurred during a PGR board meeting?

A. That particular incident, yes.

Q. Or conference call?

A. Yes.

Q. So wouldn't it stand to reason that decisions Jeff is making at that time he is making on behalf of the board as opposed to on his own individual behalf?

MRS. BLUE: Objection; calls for legal conclusion.

A. We were deferring to him as the guy who controlled the mark as far as we were concerned.

BY MR. O'MALLEY:

Q. So you deferred to him, but you didn't

have actual knowledge that he had stated he -- he, as an individual, owned the mark. You were aware that it was being used by the store; is that correct?

MRS. BLUE: Same objection.

A. Two things happened, okay? We knew he was controlling the mark at that point, not the board, not the store. We, as an organization around the time of the hail storm, didn't clearly understand the difference between the store and the mark. Our goal was to acquire the mark, which we knew Jeff had previously --

BY MR. O'MALLEY;

Q. Used, I believe is what you've stated?

A. Granted permission to use. So our knowledge within it has -- my knowledge, and I will say the board at large because I was on the calls with them, were that the discrepancy and the storm was that originally it was his mark, but it should have gone with the organization.

In our naivety we didn't separate the difference between them. Now Jeff's gone. Now let's open our store, and as I've

testified earlier, "Oh, shucks, what's this thing about the logo and trademark?" "Well, let's research it." "Okay." "It hadn't been filed." "Quick, get a file on it and it's ours, and we'll run our store." That's the sequence of events in our Harry-Caray world during that hail storm.

So previous to that we knew damn good and well it was Jeff's trademark, but we didn't understand trademarking and all of that that went with it.

Q. So if you didn't understand all that went with trademarks, how did you know it was Jeff's trademark --

A. Because we went to him to get --

Q. -- that seems terribly inconsistent to me.

A. We went to him to get permission from him for other people to use it, because he told us he's --

Q. Because he was the president of the PGR?

A. He said he owned the trademark. The discrepancy came in when we saw that it hadn't actually been filed, and there's two sets of scenarios. At the time he claimed

that he owned the trademark, which nobody disputed. The dispute came in when we decided that we would own the trademark because he hadn't filed it yet.

Q. Okay. Can I ask you to look at your deposition again, Defendant's Exhibit 1?

A. Yes.

Q. Can you first go to Page 77, Line 23, and read starting there until the next page, Line 3?

A. "Ronny, before Jeff Brown resigned as the PGR, were you aware that --"

Q. I'm sorry, can you repeat it to track the language? You didn't read it properly.

A. Question -- Line 23, right?

Q. Right.

A. "Ronny, before Jeff Brown resigned from the PGR, were you ever aware that he claimed to own the PGR trademark as an individual?

Answer: I have no specific knowledge that he claimed to own the trademark as an individual. I mean, like I said, I knew that he owned the store."

Q. Okay. That seems to be in

contradiction to what you have just told me; isn't that correct?

A. Absolutely, I mean there was --

Q. Okay, thank you.

A. Absolutely, there was no clarification.

MR. O'MALLEY: Object to the continued volunteering of testimony.

BY MR. O'MALLEY:

Q. Can I have you go to Page 84, Line 19?

A. Okay.

Q. And can you read until Page 85, Line 2?

A. Did you --

"Question: Did you and the PGR leadership, at the time that you authorized Jason Wallin to tried (sic) to file the trademark application on the corporation's behalf, did you believe that the trademark was owned by the organization? Answer: Yes, I did. I thought it represented the organization and it was so fundamentally tied to our image and our personnel that, yes, I believe that the organization owned the trademark."

Q. Okay, thank you. Can we take a look at Exhibit 5 again, please? That's the trademark application.

A. Okay, this one?

Q. Yes.

A. Okay.

Q. Okay. Can I have you turn to, let's say the second page here.

A. Okie-dokie.

Q. There's a header that says, "Goods and/or Services," correct?

A. Yes, that's there.

Q. And it says International Class: 045. Class status: Active, and describes -- below that it says:

"Organizing and conducting support groups in the field of combat veterans and their families."

This is what the trademark, the PGR logo was filed for by the PGR, Inc.; is that correct, in connection with these services?

A. Yes.

Q. Okay. It does not call for anything having to do with the sale of goods at the time, correct?

A. Correct.

Q. Do you see anything in here talking about goods?

A. No.

Q. Okay. Do you know whether the services provided by the PGR, consistent with this, began to take place prior to any sale of goods where this logo was used on?

A. I don't know.

Q. Okay.

A. The organization started before I came on board, and I wasn't involved with it. And when the store opened and when the merchandise on the website came on, I was member 7000, I think, somewhere in there. I don't remember exactly. My email address, my original account died when I was on there, and I started over, so I don't remember what my original was. So I don't know what -- the transactions that took place in the very beginning.

Q. Okay, all right. Sorry, I'm just going through my notes. If you will give me a second.

A. That's okay.

Q. I probably ought to put my stuff in some kind of workable fashion.

In connection with what you just said, you said that you were not involved with the PGR at the time to know whether the services were provided prior to the sale of goods, right?

A. Correct.

Q. Who do you believe would have knowledge of that; would Jason Wallin?

A. I believe Jason Wallin would have.

Q. Anyone else?

A. Jeff Brown would have.

Q. Anyone else?

A. I don't know of myself personally any individual. I mean, sure, there had to be somebody, but I don't know for sure any individual's name, as I learned everything I know from Jason and Jeff in the early days.

Q. So because Jason filed this trademark application on behalf of the PGR --

A. Yes.

Q. -- he was the one who declared ownership of the mark in connection with the services provided. Do you believe -- you

have no knowledge to dispute that Jason Wallin was incorrect; you have no firsthand knowledge to debate that. Is that correct?

A. That is correct. And as I stated earlier, we had no specifics other than, "You're the guy that knows something about it; file it." We didn't even know what he had filed. There was no official board of directors' communication in the development of that document other than, "Go forth, young man, go forth."

Q. Because you believed him to be the most knowledgeable person about the --

A. About trademark.

MR. O'MALLEY: I have no further questions.

MRS. BLUE: Do you want to take a short break?

MR. O'MALLEY: Sure.

(Whereupon, a recess was had)

MRS. BLUE: You're still under oath.

REDIRECT EXAMINATION

BY MRS. BLUE:

Q. A minute ago Mr. O'Malley had you look at Exhibit 4. Let's go back to that if we

can find it in our --

A. I've got my stack --

Q. -- stack of exhibits here.

A. I've got it.

Q. Okay, now I have to find it. All right, Mr. O'Malley asked you if this post from Jason Wallin indicated that Jeff's ownership was dependent on his filing of the copyright; is that correct?

A. I believe so.

Q. All right. Is there anything else in this post that might indicate why Jeff thought he owned the logo?

A. Well, the last sentence says that he drew the logo.

Q. All right, thank you. Okay, let's go to Exhibit 7 now. We need more space here.

All right. A few minutes ago Mr. O'Malley asked you some questions regarding Number 1 and 2 in this post from Jason Wallin. And specifically he asked you whether Jason Wallin's statement indicated that Jeff thought he owned the logo because it was copywritten, which is in Number 2?

A. Right.

Q. All right. Is there anything else in Number 2 that would indicate why Jeff thought he owned the logo?

A. Well, it says that Jeff drew it.

Q. All right, thank you. Let's stay on that post for just a second and let's talk about these rules here. Were these rules actually ever enacted?

A. This?

Q. Yes.

A. Yes, this was. This was specific to the challenge coin that we, I believe, came out with as an organization. And I believe we were released a challenge coin at some point thereafter for sale.

Q. So were these rules adopted in any formal way; were they ever posted anywhere for membership?

A. This is specific to a contest and a coin. There was a similar, very similar that was posted on state usage of the PGR logo. Very -- I mean, these rules specifically are specific to that challenge coin.

Q. Now go to Exhibit 5 that we were

looking at. This is PGR, Inc.'s application.

A. Okay.

Q. I believe you testified when Mr. O'Malley was asking you some questions that the board thought that they could use the name but not the logo; is that right?

A. That's what the post said.

Q. Okay, that's what Jason thought?

A. (Indicating).

Q. Do you know whether the rest of the board had that same understanding?

A. I believe we thought as we were the Patriot Guard Riders, Incorporated, that we were the Patriot Guard Riders, and that specific organization was not questionable.

Q. Okay. Well, if you thought that you could use the name but not the logo, why was Jason directed to file a trademark application that included the logo?

A. Because the logo was in dispute, and we needed to file a trademark on it to make a claim for it.

Q. That was your understanding at the time?

A. Yes.

Q. That if you made the filing then you

could claim it?

A. We were the first horse to the trough.

Q. All right. But this post of Jason's is November 15th, so it's after the trademark application's filed?

A. Okay.

Q. And he's telling everyone that forbidden design elements include the copywritten logo that Jeff Brown drew.

A. Right.

Q. Okay. So does that seem contradictory to you?

A. Yes. We knew the trademark was in contest.

Q. Okay, let's talk for a second about another question Mr. O'Malley asked you, if Jeff had ever informed the board that he owned the Patriot Guard logo, and you answered, "Yes, he had." And I think then Mr. O'Malley asked you the basis for that. And you testified that when people would ask for permission to use the logo they would ask Jeff; is that right? I want to make sure I don't mischaracterize your testimony.

A. They would either ask Jeff directly or

ask one of us, and we would then approach Jeff.

Q. Okay. Could anybody else on the board give permission to use the logo?

A. No.

Q. Without asking Jeff?

A. No.

Q. Did you ever give anybody permission to use the logo without asking Jeff?

A. I did, as a board member when the state stores were given the set of instructions that they develop a state specific, and a board member can approve it for state use, yes.

Q. Is that before or after Jeff resigned?

A. That was after.

Q. Okay. All right, you testified also that there was one instance, and you weren't -- I don't think you had a very clear recollection of exactly what the request was for, but it was something that neither Jeff or nor the board appeared to have thought worthy of putting the logo on?

A. Right.

Q. And you didn't remember exactly what

that request was?

A. I remember the incident because it was a pretty ludicrous proposition.

Q. Okay. And you testified that the board was involved in that decision. You said that the board deferred to Jeff because he owned the mark; is that right?

A. Yes.

Q. Okay. And you also said that the board was aware that Jeff used the mark; is that right?

A. Yes.

Q. When the board deferred to Jeff, were they simply agreeing with his denial of this request to use, or was there some formal vote on it? If you recall.

A. I don't recall specifically, but there may have been, et cetera. The one thing that specifically confused me in this is --

MR. O'MALLEY: Objection; speculation.

A. -- the title ownership versus control. The ownership, as I've stated several times, never was spent much time with. I mean, owner and controlling, we just didn't think like that. There wasn't, "You own this,"

and, "You own that," but we knew who owned the store and who to verify with.

BY MRS. BLUE:

Q. Did you understand that Jeff had already used that logo in connection with goods he offered in the store?

A. I bought my first items, and it came from him.

Q. Okay. Do you have a better understanding now about how trademark ownership is acquired?

A. I have a much better idea of how it's acquired. I still am not sure of what trademark and copyright, and somehow trademark is -- my simplistic would be the donut, and copyright would be the term, "donut." But I could be entirely wrong.

Q. Okay, all right. Mr. Mark had you look at some testimony that you -- I'm sorry, Mr. O'Malley. I was reading Davis' name on here.

He had you look at some testimony that you gave in October of 2008. And I think that he indicated that there was a contradiction in your testimony on Page 78

in that deposition and today's testimony.

A. Yes.

Q. I would like to have you take a look at Page 89 in that deposition. And I'm going to have you read that first Question and Answer, please.

A. "Ronny, what is your understanding of how an individual or an entity comes to own a trademark?

A: Well, before November of 2006, I had no clue what a trademark was or what was happening. It wasn't even part of my vernacular. But to own a trademark, you submit it through the trademark or patent office, whatever it is, and then they review it and after some kind of period of time they issue a preliminary approval kind of thing, where at that point if there's any objections, you can go to their website and look at what's up and protest it or not."

Q. And so when you gave the testimony in this deposition in October of 2008 --

A. Yes.

Q. This was your understanding of how a trademark -- how trademark ownership was acquired?

A. Yes.

Q. And that is different than your understanding of how trademark ownership is acquired today?

A. Yes.

Q. Let's go back to Exhibit 5 for just a second. Mr. O'Malley asked you to look at the goods and services in this application which is the one filed by the PGR, Inc., and you indicated that the goods and services were as set forth in this document: "Organizing and conducting support groups in the field of combat veterans and their families," right?

A. Right.

Q. Now, let's flip back in this document to the page with the tee-shirts on it?

A. Okay.

Q. Okay. How do those tee-shirts support the organizing and conducting support groups in the field of combat veterans and their families?

A. Do you want the correct answer, or do you want what actually happened with those shirts?

Q. Well, no, what I want to know is how do those shirts tell people that the PGR, Inc. performs those services?

If I see somebody wearing one of these shirts, what would I think? That's a bad way to ask that question.

If you saw somebody wearing those shirts, what would you think?

A. That they are a Patriot Guard Rider.

Q. Okay. And what do Patriot Guard Riders do?

A. We support families of wounded troops and deceased soldiers or wounded soldiers.

Q. So I could assume then, if I saw you wearing one of those shirts, that you were a Patriot Guard Rider, and that's what you did, right?

A. Yes.

Q. Okay.

MRS. BLUE: Just a second here.

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

MRS. BLUE: I'll introduce, this is going to be Plaintiff's 24.

A. I lost it.

Q. You don't have it yet.

A. I lost another one.

Q. Give that one down to the reporter, please. This is a printout from May 3rd, 2010 from the US Trademark -- Patent and Trademark office. It is a trademark application, serial number 770410061.

Ronny, will you look at the mark?

A. Okay.

Q. What does that say?

A. Patriot Guard Rider.

Q. Will you look down at the applicant on the page?

A. Jeff Brown.

Q. Yep, right. This is Jeff Brown's application. Can you tell us the filing date on this?

A. November the 9th of 2006.

Q. Okay, all right. Flip to the second page where it says, "Goods and Services." There's a whole long list of them there. Go down to the bottom of that list,

International Class: 035. Will you read that, beginning with "Association services," please?

A. "Association services, namely, promoting the interests of families of deceased military members and families of deceased Veterans."

Q. Okay. Tell me the first use date there?

A. First use date, October the 27th of 2005.

Q. Okay. First use in commerce date?

A. November the 9th, 2005.

Q. Okay. Let's go to -- flip back over to Exhibit 5, flip to the second page of it. Exhibit 5 again is the PGR, Inc.'s application?

A. Okay.

Q. Tell me the first use in commerce date?

A. First use in commerce date, June the 1st of 2006.

Q. Okay. First use date?

A. November 11th of 2005.

Q. All right. Are those dates in the PGR, Inc. application before or after the dates alleged in Jeff Brown's application?

A. The first use date is later. The first use in commerce date is later.

MRS. BLUE: Okay, that is all I have.

MR. O'MALLEY: Okay, I've got a couple more questions. We can stay with this Exhibit 24 and Exhibit 5.

THE WITNESS: Okay.

RECROSS EXAMINATION

BY MR. O'MALLEY:

Q. Let's see, we'll start with Exhibit 24. On that same -- I'm sorry, not on that same page. Let's go on the sixth page.

A. Okay.

Q. So on the top it says email address, and to the right, Jeff Brown at valornet dot com?

A. Yes.

Q. We're on the same page, okay. So if you go down about midway into that page, actually, I'm sorry, I'm going to skip another page. Go up two more pages. I'll get to the right --

A. Okay.

Q. Okay, so down there, midway down you see, "Goods and/or Services and Basis

Information." And then it says, "International Class 035," right?

A. Okay.

Q. And then the next, below that it says, "First Use Anywhere Date." What does that say to the right of that?

A. October 27th, 2005.

Q. Can you read exactly what it says to the right of that, please?

A. "At least as early as 10-27 2005."

Q. So does that mean, if you were to understand this statement, that this mark was used in connection with the services, which it describes right below, "Association services, namely." And then it goes on, that this mark was used at least as early as that date, meaning it could have been used prior to that date, but in no event later than that date?

A. That's what I would read, yes.

Q. Okay. Go down the next step where it says, "First Use In Commerce Date." What does it say to the right?

A. At least as early as November 9th, 2005.

Q. Okay, so does the same hold true, that

it would have been used in commerce -- it's possible that it was used in commerce prior to that date, but no later than that date?

A. That's what I would surmise.

Q. Okay, can we switch back to Exhibit 5?

A. Okay.

Q. This is the PGR's application.

A. Okay.

Q. Go to the fifth page?

A. Five, all right.

Q. Okay, down about midway there it says, "Goods and/or Services and Basis Information"?

A. Yes.

Q. "International Class 045"?

A. Yes.

Q. Okay, so this one says, "First Use Anywhere Date," what does it say to the right of that?

A. At least as early as November 11th, 2005.

Q. So your understanding is that the mark could have been used prior to this date, but in no event later than this date?

A. Yes.

Q. Okay. And go down another line,

"First Use In Commerce Date," what is that date?

A. At least as early as June the 1st of 2006.

Q. So it could have been used before that date, but in no event later than that date?

A. Yes. And as I said earlier, that was an arbitrary number invented by Jason Wallin, so I don't know the accuracy of this one, which I was a participant.

Q. That's fine. So you have no knowledge with regard to that is what you're saying of the actual dates?

A. Actually, I do not.

Q. Okay. So if you compare these two because the dates could be prior to the dates, the specific dates identified, isn't it entirely possible that the dates when the PGR first used their mark, the logo mark in connection with their services, was before the date that Jeff Brown used his mark in connection with services?

MRS. BLUE: Objection; calls for speculation.

BY MR. O'MALLEY:

Q. All I'm asking is is it possible. One says at least as early as October 27th, '05. The other one was a least as early as November 11th, 2005, so that means it's possible that --

A. Legally written on this document, if you weren't aware of the methodology Jason used to determine that number. He admitted it.

Q. So, yes, so you don't know that?

A. I don't know that.

Q. Okay, thank you.

A. I do know it was invented.

MR. O'MALLEY: Okay, objection to the volunteering again.

BY MR. O'MALLEY:

Q. Okay. I want to take, again keep Exhibit 5 out but go to Exhibit 7.

A. Five and seven, okay.

Q. Okay, you got Exhibit 7. That's a post by Jason Wallin on November 15th, '06?

A. Yes.

Q. And Exhibit 5 is PGR application for the PGR logo?

A. Yes.

Q. So you had stated that the filing date for the logo was November 9th of 2006, correct?

A. Yes.

Q. Okay. And then six days later on November 15th, '06, Jason Wallin is stating that, "forbidden design elements include the copywritten logo"; is that correct?

A. Yes.

Q. And she asked you if something seems contradictory there, and you agreed that it seems contradictory.

Doesn't it stand to reason that something happened between November 9th of '06, and November 15th, '06, that would cause Jason Wallin to write this?

MRS. BLUE: Objection; vague.

A. It would be speculation to say yes. Written as it is in evidence right here, no. So seeming to reason, based on if I was a member at large or on the board of directors, I know that negotiations were proceeding with Jeff behind the scenes, and the board was not moving forward with them, so on the surface, no.

BY MR. O'MALLEY:

Q. So you don't believe that anything would have caused Jason to, on November 9th state, "We own the mark," and six days later suddenly switch and say, "Jeff owns the mark"; that nothing happened to cause him to change his mind in that regard?

A. I'm sure that something happened; don't know what. I'm only speculating to make that kind of an answer. But as it is written, there's nothing to lead me to that conclusion other than assumptions.

MR. O'MALLEY: Okay, thank you. Can we take a quick break, maybe a minute?

MR. STOUT: Yes.

(Whereupon, a recess was had)

MR. O'MALLEY: Back on the Record. Okay, we have no further questions.

MRS. BLUE: All right. Well, there you go, that was easy.

(Whereupon, a lunch recess was had, after which negotiations between the parties ensued).

CERTIFICATE

STATE OF OKLAHOMA)
)Ss.
COUNTY OF TULSA.)

I, Elizabeth Ann Behles, a Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the above witness, **RONNY ROY AWTRY,** was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the case aforesaid; and that the deposition of the witness was reduced to writing by me by means of Stenograph; the signature of the witness being not waived; and that the same was thereafter transcribed by the aid of caseCATalyst4 under my supervision; and that the same was taken on the 4th and 5th days of May 2010, in the City of Tulsa, County of Tulsa and State of Oklahoma by agreement of the parties. I am not related to nor attorney for any of said parties nor otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of August, 2010.

Elizabeth Ann Behles
Oklahoma Certified Shorthand Reporter
Certificate No. 121
Exp. Date: December 31, 2011

ELIZABETH ANN BEHLES, CSR

Fee: $ 1805.40 Paid by opposer

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 26 day of May, 2010.

RONNY ROY AWTRY

SUBSCRIBED AND SWORN to before me on this 20 day of May, 2010.

Notary Public

AMBER RENEE THOMAS
Notary Public, State of Texas
My Commission Expires
April 22, 2014

My Commission Expires:
4/22/2014

CORRECTIONS TO THE DEPOSITION OF:

RONNY ROY AWTRY

PAGE	LINE	CORRECTION	REASON
2	22	Add Tom Hoffman PGR BOD member present	He was there

November 9, 2010

Re: Jeff Brown v. Patriot Guard Riders, Inc.

Dear Mr. Awtry:

Please find attached a copy of your deposition in the above matter. Please read the deposition. If there are corrections there is a separate sheet to denote the correction and the reason for same. You will need to sign the certification page in front of a Notary Public.

If I have not received the corrections page within thirty (30) days, the original will be filed without signature. If you have any questions, please contact this office.

Respectfully,

Elizabeth Ann Behles, CSR
Certified Shorthand Reporter

CC: Transcript
Cc: Mrs. Rachel Blue
Cc: Mr. James O'Malley

Patriot Guard Riders

Standing For Those Who Stood For US

Monday, November 24, 2008

..:: ALL Forums ::..

jomalley Logout

Navigation

- Home
- About Us
- Leadership Contacts
- Letters of Appreciation
- Fallen Warrior Scholarship
- ALL Forums
- Help on the HomeFront
- Most Recent Posts
- Photo Gallery
- Media/Press
- Fallen Members
- Events
- Troop Support Partners
- PGR FAQ
- PGR Gear
- Dialup Homepage
- Hugh's Posts

Directory

Click to send an email to the

Patriot Guard Riders Forum

Unanswered Not Read My Forums Active Topics

Forums My Profile Search Members

Forums > Patriot Guard Riders - National > National Happenings Archives

Subject: Support for the cause

You are not authorized to post a reply.

Author	Messages	Oldest First

Waldo
Posts: 1325
Windsor, Co

Send Email
Message

16 Dec 2005 5:55 PM Alert

We are using the couple of bucks that we make on the web store and the banner advertising to help cover some costs that we have incurred to get this site and organization up and going. We would greatly appreacite it if you could buy some quality PGR items that Jeff has put together and click on some of the sponsors links to help us out. Thanks a million

Jason

Jason Wallin "WALDO"
Deputy Executive Director
Corporate Treasurer
Patriot Guard Riders
970-402-1892

PLAINTIFF'S EXHIBIT 1

PGR 006225

0 Read Messages

PGR Doo-Rag

Large Fallen Heroes patch

Waldo
Posts: 1325
Windsor, Co

10 Nov 2006 2:33 AM

Alert

Hey you all,
I have been very careful in my postings this week. I do however want to answer as many very valid questions that have been asked in a very rational manner in the thread here. Before I begin I want you to know that I wish that I could answer all of them and will as soon as we have answers to them. I need you to all understand in this transitional period I will provide them as rapidly as I can.

Everyone that asked specifically about the logo

I am not going to say much about that right now as we are still working through some issues. At this point I can assure you that we will not have to change our log or website name in the next 12 months.

NCBoulevard
It's been hinted at in a number of threads that there's a plan in the works. I feel sure that national isn't short sighted enough to allow the PGR branded goods to fall by the wayside.

I ASSURE YOU WITH EVERY FIBER OF MY BEING THAT THIS WILL NOT HAPPEN

Mad Dog

Having set up and certified Sarbanes-Oxley corp compliance programs, and having run 501(c)3 entities, yep, could be a conflict of interest. No, I am not saying that anyone is not being absolutely honest, but I agree with the above post that the reality of what needs to be structured, to avoid potential fraudulent situations is taking place, as a natural course of action. If there is a CPA involved, as stated above, this is a no brainer.

That is why we have retained John Tatum to make sure we have our ducks in a row here.

The next question is, are the by-laws complete and published? If so, where can I get a copy? The by-laws and balance sheet structure (revenue vs expense line items) would solve all of this wasted posting real quick. For all of you that need the reminder, a not for profit entity can have any number of revenue streams, so long as the balance sheet adds up to the regulations on use of funds and such.....

I can certainly publish the bylaws and have nothing to hide nor does any one currently serving on the national board. The bylaws are complete but not up to date. The ones we are working from are the boiler plate that is provided by the attorney that did the original incorporation of the Patriot Guard Riders, Inc. The Original By-Laws provide for three

PLAINTIFF'S EXHIBIT 2

PGR 003530

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 patriotgurad.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

what I do. I have appreciated all of the conversations that we have had and especially appreciated the ones in which you called me out when you believed that I was wrong. (And for the record we have had more than one of these conversations). Here is a content of an email that was sent to the board of directors from me to make clear my position on this website.

I want to make this my formal notices that as of today all software and hardware used for the website (servers, Firewalls, and switches) are donated to the PGR, Inc. In addition I am releasing any claim I have had to the domain name patriotguard.org.

FYI Here we are currently using 5 servers to do all that we do here and of those 5 the pgr, Inc. has purchased 1 of them.

With that have we made mistakes as a board and how we have dealt with some issues, YOU BET. The best that I can offer you or any member is that every thing that is done now will have transparency never see here before as well as this great organization that we have put together will grow strong.

One other thing this organization means more to me that any narcissistic need I have for personal glory. If at anytime you want to call bullshit and tell me that you no longer have confidence in me I will gladly step away from leadership and go back to what we all recognize that the true reason for being hear helping soldiers and their family. No hard Feelings. While I have not specifically asked the other board members but I know in my heart they are the same way.

member #3 (only behind 2 system created accounts

funny that member 1 & 2 are computers eh?<

Jason Wallin "WALDO"
Deputy Executive Director
Corporate Treasurer
Patriot Guard Riders
970-402-1892

American By Birth
Biker By Choice
Patriot Forever!

Tact and Political Correctness were developed by those who lack the testicular fortitude to say what they really mean!

Waldo
Posts: 1325
Windsor, Co

Send Email
Message

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!

Tact and Political Correctness were developed by those who lack the testicular fortitude to say what they really mean!

cgbrocksmith
Posts: 1291
Quincy, IL - "Defend Those Who Defended Us"

Send Email
Message

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:

PGR 003533

"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

Send Email
Message

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 transion 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.

PGR 003534

harly69g
Posts: 7760
KY State Captain
Forum Moderator

Send Email
Message

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

harly69g@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

Send Email
Message

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

indyharley
Posts: 3846
Indiana

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

indyharley
Posts: 3846
Indiana

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

Big rock
Posts: 2002

10 Nov 2006 9:27 AM Alert

PGR 003536

Posted By cgbrocksmith 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.

Send Email
Message

Amen

Mission first, Everything else comes in 2nd

Page 2 of 2 << < 1 2

You are not authorized to post a reply.

Forums > State Captain Area > State Captain/Ride Captain Discussions > Looking Back

ActiveForums 3.6

Copyright © 2005-2008 by Patriot Guard Riders Terms Of Use Privacy Statement

Q Did he retain a leadership position in the PGR after that? 10:38AM

A Yes. He was -- there was a couple of things that took place. One is at the time he physically had the technical ability to go in there and turn the computers off, but he also possessed the technical ability to keep us running. And there was a large fear that if too hard a move was made against Jason, that he would shut the Patriot Guard Riders down. We're essentially Web-site based and so he was kept around, but it was unanimously decided and he threw out there himself that he would be nowhere associated monetarily to the Patriot Guard Riders, so he was removed from the treasurer position ASAP. 10:39AM 10:39AM

Q And what position did he assume then? 10:39AM

A I don't remember the exact title, but, essentially, based on that large position of Web site administration.

Q But he was still on the board of directors?

A Yes. 10:40AM

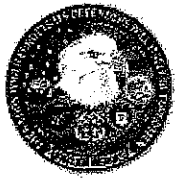
Q Do you recall any board of director discussion about wanting to keep a low profile about what had happened with Jason Wallin?

A Yeah. The board of directors, that was one of the big reasons I felt that the audit concerning Jason 10:40AM

PLAINTIFF'S EXHIBIT
tabbies

0 Read Messages

PGR Doo-Rag



Large Fallen Heroes patch

Send Email
Message

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

Send Email
Message

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!

Tact and Political Correctness were developed by those who lack the testicular fortitude to say what they really mean!

RedThreat600RR
Posts: 1683
Ride Captain
Savannah, GA
11/11/06-Present

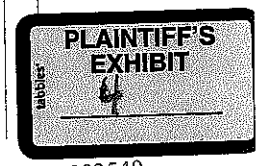
Send Email
Message

15 Nov 2006 2:00 PM

Alert

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

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

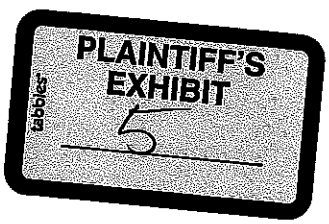
Current Location: 650 -Publication And Issue Section

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

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

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

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

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

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 77040379
Filing Date: 11/09/2006

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

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK FILE NAME	\\TICRS\EXPORT2\IMAGEOUT2 \770\403\77040379\xml1\FT K0002.JPG
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	Patriot Guard Riders Riding with Respect
*COLOR MARK	YES
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of this mark has a yellow field with a blue and white folded American flag and blue text.
*COLOR(S) CLAIMED (If applicable)	yellow, blue, and white
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	900 x 572
APPLICANT INFORMATION	
*OWNER OF MARK	Patriot Guard Riders, Inc.
*STREET	312 Granite Ct
*CITY	Windsor

*STATE (Required for U.S. applicants)	Colorado
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	80550
PHONE	970-402-1892
EMAIL ADDRESS	jason@patriotguard.org
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
*STATE/COUNTRY OF INCORPORATION	Oklahoma
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	045
*FIRST USE ANYWHERE DATE	At least as early as 11/11/2005
*FIRST USE IN COMMERCE DATE	At least as early as 06/01/2006
*DESCRIPTION	Organizing and conducting support groups in the field of **MILITARY AND MILITARY FAMILY SUPPORT**
*FILING BASIS	SECTION 1(a)
*FIRST USE ANYWHERE DATE	At least as early as 11/11/2005
*FIRST USE IN COMMERCE DATE	At least as early as 06/01/2006
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT2\IMAGEOUT2 \770\403\77040379\xml1\FT K0003.JPG
SPECIMEN DESCRIPTION	this is a sample of a t-shirt that we sold to help raise money for scholorships for the families of fallen soldiers.
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION	

(if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
*NAME	Patriot Guard Riders, Inc.
FIRM NAME	Patriot Guard Riders, Inc.
*STREET	312 Granite Ct
* CITY	Windsor
* STATE (Required for U.S. applicants)	Colorado
* COUNTRY	United States
* ZIP/POSTAL CODE (Required for U.S. applicants only)	80550
PHONE	970-402-1892
* EMAIL ADDRESS	jason@patriotguard.org
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
TOTAL FEE DUE	275
SIGNATURE INFORMATION	
* SIGNATURE	/Jason D. Wallin/
* SIGNATORY'S NAME	Jason D. Wallin
SIGNATORY'S POSITION	Treasurer, Patriot Guard Riders, Inc.
* DATE SIGNED	11/09/2006
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Nov 09 13:14:12 EST 2006
	USPTO/FTK-72.250.47.100-2 00611091314127235 27-77040

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).

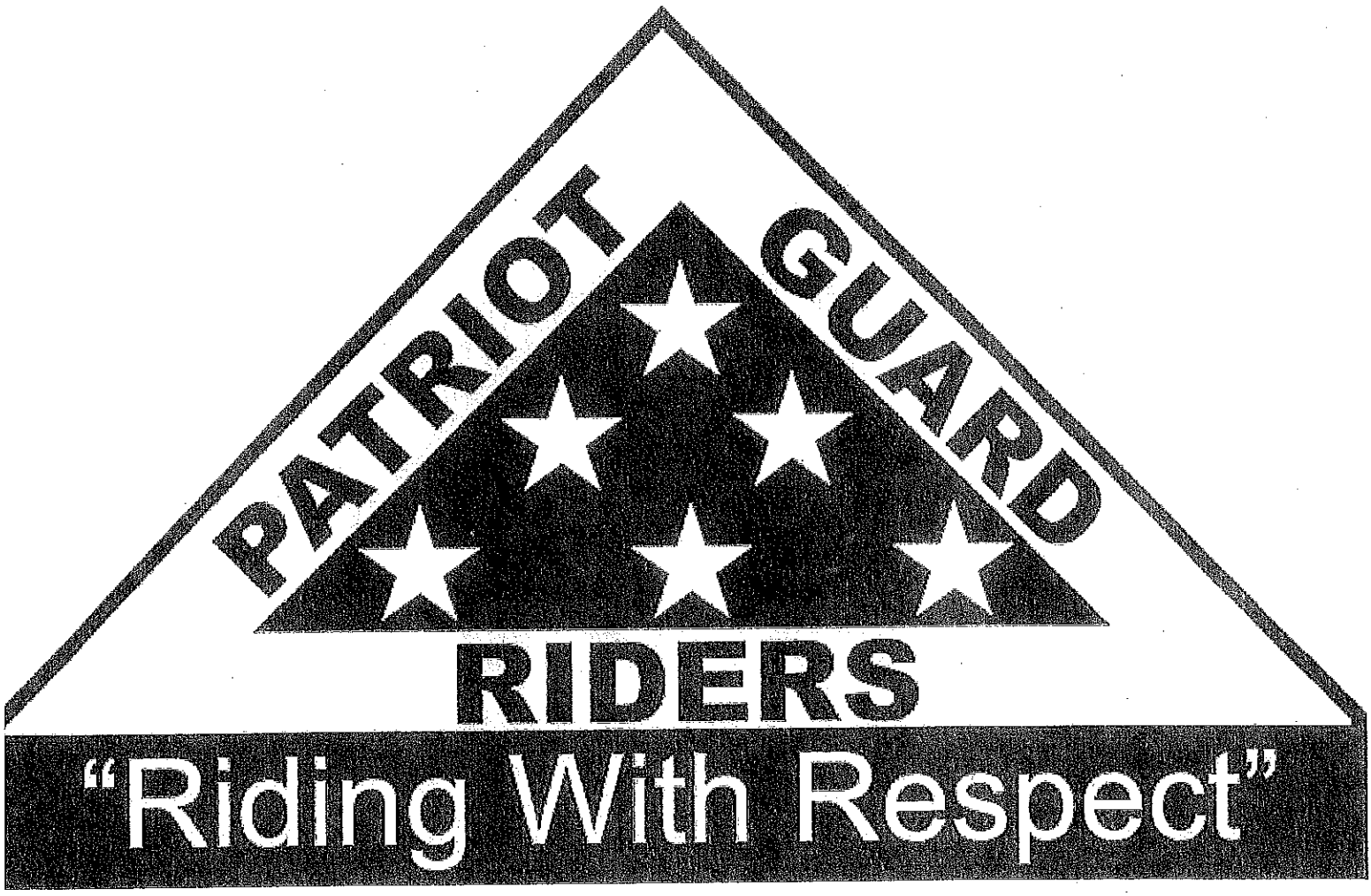
Declaration

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.

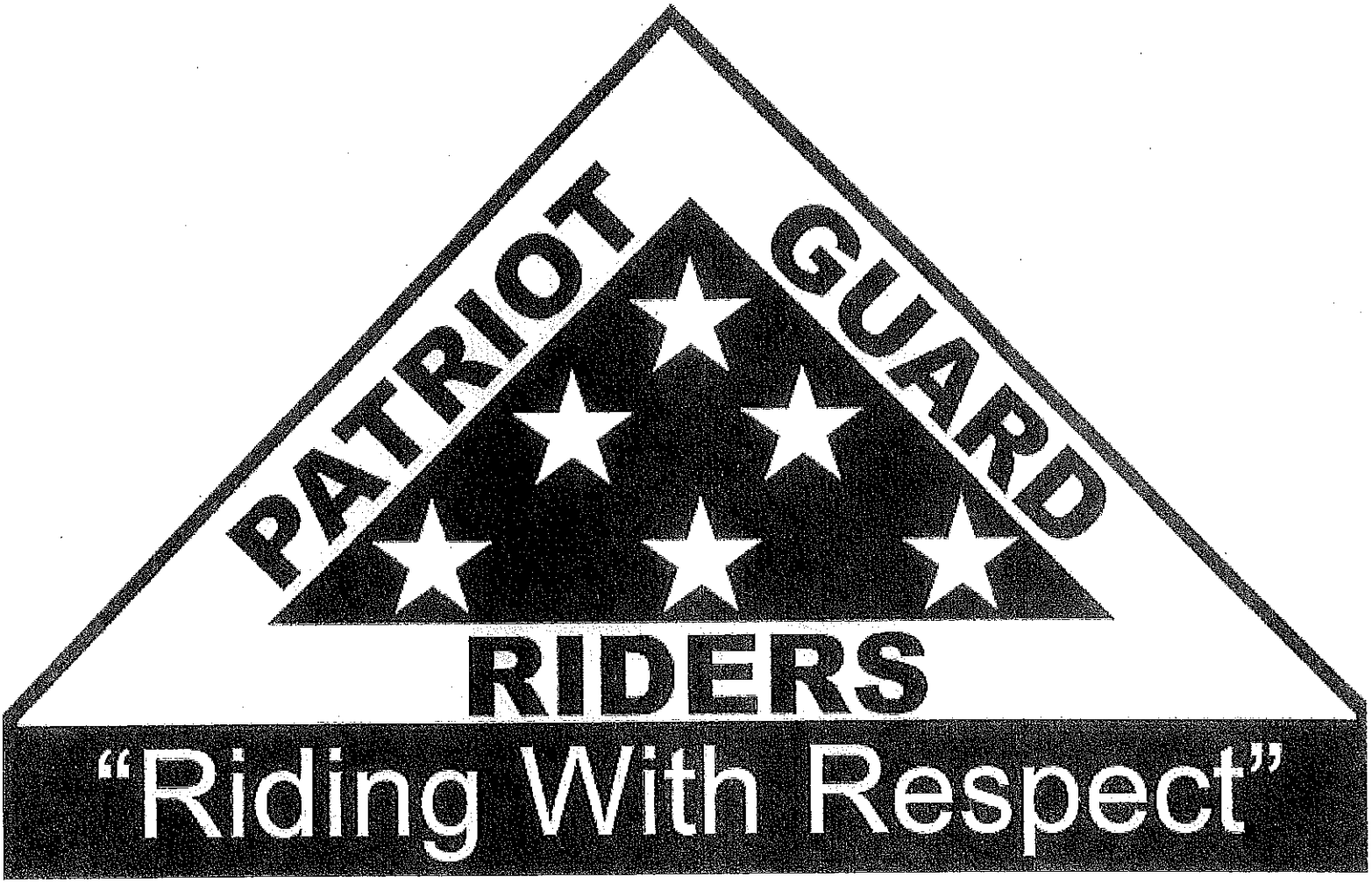
RAM Sale Number: 1533
RAM Accounting Date: 11/09/2006

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

PATRIOT GUARD RIDERS


PATRIOT GUARD
RIDERS
"Riding With Respect"

From:	TMDesignCodeComments
Sent:	Thursday, November 16, 2006 00:08 AM
To:	jason@patriotguard.org
Subject:	Notice of Design Search Code for Serial Number: 77040379

ATTORNEY REFERENCE NUMBER:

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 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 comprisi
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[ld]
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
Defaut NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 77040379

To:	Patriot Guard Riders, Inc. (jason@patriotguard.org)
Subject:	TRADEMARK APPLICATION NO. 77040379 - PATRIOT GUARD RIDERS "RIDING WITH RESPEC ETC. - N/A
Sent:	3/16/2007 10:21:11 PM
Sent As:	ECOM101@USPTO.GOV
Attachments:	Attachment - 1

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/040379

APPLICANT: Patriot Guard Riders, Inc.

77040379

CORRESPONDENT ADDRESS:
PATRIOT GUARD RIDERS, INC.
312 GRANITE CT
WINDSOR, CO 80550-5491

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: PATRIOT GUARD RIDERS "RIDING WITH RESPEC ETC.

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:
jason@patriotguard.org

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at http://tarr.uspto.gov/, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 77/040379

The assigned examining attorney has reviewed the referenced application and determined the following.

No Conflicting Marks Noted
The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

Specimen

The specimen is not acceptable because it does not show the applied-for mark used in connection with any of the goods and/or services specified in the application. An application must include a specimen showing the applied-for mark in use in commerce for each class of goods and/or services based on Section 1(a) in the application. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051 and 1127; 37 C.F.R. §§2.34(a)(1)(iv) and 2.56; TMEP §§904 and 1301.04.

In this case, the specimen show a mutilated version of the applicant's proposed mark used in ornamental fashion on a t-shirt; it does not evidence use of the mark as a source indicator for "organizing and conducting support groups in the field of military and military family support."

Therefore, applicant must submit the following:

(1) A substitute specimen showing use of the mark for each class of goods and/or services specified in the application; and

(2) The following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: "**The specimen was in use in commerce at least as early as the filing date of the application.**" 37 C.F.R. §2.59(a); TMEP §904.09. If submitting a specimen requires an amendment to the dates of use, applicant must also verify the amended dates. 37 C.F.R. §2.71(c).

Examples of specimens for services are signs, photographs, brochures, website printouts or advertisements that show the mark used in the sale or advertising of the services. TMEP §§1301.04 *et seq*. Please note that the attached web page from the applicant's site is a good example of a proper specimen for this case, if it was in use in commerce at least as early as the filing date of this application.

If applicant cannot satisfy the above requirements, applicant may amend the Section 1(a) filing basis (use in commerce) to Section 1(b) (intent to use basis), for which no specimen is required. However, should applicant amend the basis to Section 1(b), registration cannot be granted until applicant later amends the application back to use in commerce by filing an acceptable allegation of use with a proper specimen. 15 U.S.C. §1051(c); 37 C.F.R. §§2.76, 2.88; TMEP Chapter 1100.

In order to amend to Section 1(b), applicant must submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: "**Applicant has had a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application as of the filing date of the application.**" 15 U.S.C. §1051(b); 37 C.F.R. §§2.34(a)(2) and 2.35(b)(1); TMEP §806.03(c).

Pending a proper response, registration is refused because the specimen does not show the applied-for mark in use in commerce as a trademark or service mark for the identified goods or services. 15 U.S.C. §§1051 and 1127; 37 C.F.R. §§2.34(a)(1)(iv) and 2.56.

If applicant submits a response via electronic means, please note that the substitute specimen must be a digitized image submitted in JPG or PDF format. 37 C.F.R. §2.56(d)(4); TMEP §904.02.

The following is a sample declaration under 37 C.F.R. §2.20 with a supporting statement for a substitute specimen:

> The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting there from, declares *that the substitute specimen was in use in commerce at least as early as the filing date of the application;* all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

_____
(Signature)

_____
(Print or Type Name and Position)

_____
(Date)

In order to properly "sign" a TEAS form, applicant can either (1) choose an electronic signature consisting of any combination of letters, numbers, spaces and/or punctuation marks, preceded and followed by the forward slash symbol (/) (e.g., */john doe/*), and enter this in the signature block on the TEAS form, or (2) attach a JPG or PDF image of a declaration under 37 C.F.R. §2.20, together with a pen-and-ink signature. 37 C.F.R. §2.193(c)(1)(iii); TMEP §804.05.

Disclaimer
The applicant must insert a disclaimer of "RIDERS" in the application because the term(s) is/are merely descriptive of the goods and/or services. Trademark Act Section 6, 15 U.S.C. Section 1056; TMEP sections 1213 and 1213.08(a)(i).

The term "RIDERS" is defined as:
rid·er

rid·er (rī'dər) *noun*
1. One that rides, especially one who rides horses.
2. a. A clause, usually having little relevance to the main issue, that is added to a legislative bill. b. An amendment or addition to a document or record.
3. Something, such as the top rail of a fence, that rests on or is supported by something else.[1]

The term "RIDERS" merely describes a feature of the applicant's services, namely, motorcycle riders who gather together to honor veterans (see attachment of applicant's website).

Trademark Act Section 6(a), 15 U.S.C. Section 1056(a), states that the Commissioner may require the applicant to disclaim an unregistrable component of a mark. Trademark Act Section 2(e), 15 U.S.C. Section 1052(e), bars the registration of a mark which is merely descriptive or deceptively misdescriptive, or primarily geographically descriptive of the goods. Therefore, the Commissioner may require the disclaimer of a portion of a mark which, when used in connection with the goods or services, is merely descriptive or deceptively misdescriptive, or primarily geographically descriptive. If an applicant does not comply with a disclaimer requirement, the examining attorney may refuse registration of the entire mark. TMEP section 1213.01(b).

A disclaimer does **not** remove the disclaimed matter from the mark. It is simply a statement that the applicant does not claim **exclusive** rights in the disclaimed wording or design apart from the mark as shown in the drawing.

The following cases explain the disclaimer requirement more fully: *In re Kraft, Inc.*, 218 USPQ 571 (TTAB 1983); *In re EBS Data Processing, Inc.*, 212 USPQ 964 (TTAB 1981); *In re National Presto Industries, Inc.*, 197 USPQ 188 (TTAB 1977); *In re Pendleton Tool Industries, Inc.*, 157 USPQ 114 (TTAB 1968).

The computerized printing format for the *Trademark Official Gazette* requires a standard form for a disclaimer. TMEP section 1213.08(a)(i). A properly worded disclaimer should read as follows:

> No claim is made to the exclusive right to use "RIDERS" apart from the mark as shown.

See In re Owatonna Tool Co., 231 USPQ 493 (Comm'r Pats. 1983).

Color Location Statement – Clarification Needed

The color location statement disagree with the colors depicted in the mark shown on the drawing. The drawing shows the mark in the colors yellow, blue and white; however the color location statement specifies a yellow field with a blue and white folded American flag and blue text. The color drawing, color claim and location statement must agree. 37 C.F.R. §2.52(b)(1); TMEP §807.07(c).

Therefore, applicant must submit either: (1) a corrected color claim and/or location statement that agree with the colors depicted in the drawing of the mark, or (2) a color drawing that agrees with the color claim and location statement.

If applicant chooses option (1), the following color claim and/or location statement are suggested: "The colors yellow, blue and white are claimed a features of the mark. The color blue appears in the background and in the words "PATRIOT GUARD RIDERS"; the color yellow appears in the words "RIDING WITH RESPECT" and in the triangle frame containing the words "PATRIOT GUARD RIDERS; and the color white appears in the six five-pointed stars in the interior triangle."

If applicant submits a substitute drawing, applicant is advised that amendments or changes to the applied-for mark in a substitute drawing will not be accepted if the changes would materially alter the mark. 37

C.F.R. §2.72; TMEP §807.14.

Recitation of Services

The wording "military and military family support" in the recitation of services is unacceptable as indefinite, as indicated below. The applicant must amend the recitation to specify the common commercial name of the services, to indicate their nature, and/or to specify the field or industry in which the services are performed, as indicated below in the suggested recitation. If there is no common commercial name for the services, the applicant must describe the services in detail. TMEP section 1402.11.

It is the applicant's duty and prerogative to identify the goods and services. TMEP Section 1402.01(d). The identification of goods or services should be clear, accurate and as concise as possible. *See Procter & Gamble Co. v. Economics Laboratory, Inc.,* 175 USPQ 505 (TTAB 1972); *In re Cardinal Laboratories, Inc.,* 149 USPQ 709 (TTAB 1966); *California Spray-Chemical Corp. v. Osmose Wood Preserving Co. of America, Inc.,* 102 USPQ 321 (Comm'r Pats. 1954); *Ex parte A.C. Gilbert Co.,* 99 USPQ 344 (Comm'r Pats. 1953). Furthermore, the identification of goods and services must be specific and definite. *In re Societe Generale des Eaux Minerales de Vittel S.A.,* 1 USPQ2d 1296 (TTAB 1986), *rev'd on other grounds,* 824 F.2d 957, 3 USPQ2d 1450 (Fed. Cir. 1987). TMEP Section 1402.01.

The *Acceptable Identification of Goods and Services Manual* sets out acceptable language for identifying goods and services of various types. Utilizing identification language from the Manual may enable trademark owners to avoid problems relating to indefiniteness with respect to the goods or services identified in their applications for registration; however, applicants should note that they must assert actual use in commerce or a bona fide intent to use the mark in commerce for the goods or services specified. TMEP Section 1402.04.

The applicant is strongly encouraged to consult the Acceptable Identification of Goods and Services Manual. The Manual is available on the PTO's "homepage" on the Internet, which can be accessed at **http://www.uspto.gov**. The Manual may also be purchased, along with other trademark information, in a CD-ROM format from the Office of Electronic Information Products Development of the Patent and Trademark Office ((703) 306-2600). *See* notice at 1190 TMOG 67 (Sept. 17, 1996). In addition, the Manual is available in hard-copy on a subscription basis from the Government Printing Office. TMEP Section 1402.04.

Please note that, while an application may be amended to clarify or limit the recitation, additions to the recitation are not permitted. 37 C.F.R. Section 2.71(b); TMEP section 1402.06. Therefore, the applicant may not amend to include any services that are not within the scope of the services recited in the present recitation.

The applicant may adopt the following recitation, if accurate:

> "Organizing and conducting support groups in the field of combat veterans and their families," in International Class 45.

Trademark Attorney Suggested

Applicant may wish to hire a specialist attorney to assist in prosecuting this application because of the technicalities involved. The Office cannot aid in the selection of a trademark attorney. 37 C.F.R. §2.11. A pplicant may wish to consult the Yellow Pages for a listing of attorneys specializing in trademark or

intellectual property law, or seek guidance from its local Bar Association attorney-referral service.

TEAS Plus Response Requirements

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: TEAS Plus applicants should submit the following documents using the Trademark Electronic Application System (TEAS) at http://www.uspto.gov/teas/index.html: (1) written responses to Office actions; (2) preliminary amendments; (3) changes of correspondence address; (4) changes of owner's address; (5) appointments and revocations of attorney; (6) amendments to allege use; (7) statements of use; (8) requests for extension of time to file a statement of use, and (9) requests to delete a §1(b) basis. If any of these documents are filed on paper, they must be accompanied by a $50 per class fee. 37 C.F.R. §§2.6(a)(1)(iv) and 2.23(a)(i). Telephone responses will not incur an additional fee. NOTE: In addition to the above, applicant must also continue to accept correspondence from the Office via e-mail throughout the examination process in order to avoid the additional fee. 37 C.F.R. §2.23(a)(2).

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Alec Powers/
Trademark Examining Attorney
US Patent and Trademark Office
Law Office 101
Phone: 571-272-9309
Fax: 571-273-9101

HOW TO RESPOND TO THIS OFFICE ACTION:

- ONLINE RESPONSE: You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at http://www.uspto.gov/teas/index.html. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- REGULAR MAIL RESPONSE: To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the *date of receipt in the Office*,** not the postmarked date. To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at http://tarr.uspto.gov.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at http://portal.uspto.gov/external/portal/tow.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at http://www.uspto.gov/main/trademarks.htm

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

---

[1]*The American Heritage® Dictionary of the English Language, Third Edition* copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

Patriot Guard Riders

Standing For Those Who Stood For US

Friday, March 16, 2007

..:: About Us » Our Mission ::..

Register L

Navigation

- Home
- About Us
- Leadership Contacts
- Letters of Appreciation
- Fallen Warrior Scholarship
- ALL Forums
- Help on the HomeFront
- Photo Gallery
- Media/Press
- Fallen Members
- Events
- Corporate Sponsors
- Troop Support Partners
- Links
- PGR FAQ
- PGR Gear

Our Mission

Patriot Guard Riders Mission Statement

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

We don't care what you ride, what your political views are, or whether you're a "hawk" or a "dove". It is not a requirement that you be a veteran. It doesn't matter where you're from or what your income is. You don't even have to ride. The only prerequisite is Respect.

Our main mission is to attend the funeral services of fallen American heroes as invited guests of the family. Each mission we undertake has two basic objectives.

1. Show our sincere respect for our fallen heroes, their families, and their communities.

2. Shield the mourning family and friends from interruptions created by any protestor or group of protestors.

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

Copyright © 2005 -2006 by Patriot Guard Riders Terms Of Use Privacy Statement

PATRIOT GUARD
RIDER

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77040379
LAW OFFICE ASSIGNED	LAW OFFICE 101
MARK SECTION (no change)	
OWNER SECTION (no change)	
LEGAL ENTITY SECTION (no change)	
ARGUMENT(S)	
Applicant respectfully submits that "Riders" should not be subject to a disclaimer, as it does not describe the services in any way. In fact, many members of the organization which perform the identified services under the trademark are not motorcycle riders, and the mission statement identified by the Examining Attorney specifies as such.	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	045
DESCRIPTION	
Organizing and conducting support groups in the field of MILITARY AND MILITARY FAMILY SUPPORT	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 11/11/2005
FIRST USE IN COMMERCE DATE	At least as early as 06/01/2006
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	045
DESCRIPTION	
Organizing and conducting support groups in the field of combat veterans and their families	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 11/11/2005
FIRST USE IN COMMERCE DATE	At least as early as 06/01/2006

STATEMENT TYPE	"The substitute specimen(s) was in use in commerce as of the filing date of the application."
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT13\770\403 \77040379\xml1\ROA0002.JP G
SPECIMEN DESCRIPTION	scanned photograph of a Patriot Guard Riders patch which is worn by members when promoting and performing the services identified
ADDITIONAL STATEMENTS SECTION	
DESCRIPTION OF THE MARK (and Color Location, if applicable)	"The mark consists of the color blue which appears in the background and in the words "PATRIOT GUARD RIDERS"; the color yellow appears in the words "RIDING WITH RESPECT" and in the triangle frame containing the words "PATRIOT GUARD RIDERS"; and the color white appears in the six five-pointed stars in the interior triangle."
COLOR(S) CLAIMED (If applicable)	"The color(s) yellow, blue and white is/are claimed as a feature of the mark."
MISCELLANEOUS STATEMENT	Please delete the color claim currently of record.
CORRESPONDENCE SECTION	
NAME	James R. Foley
FIRM NAME	Trexler, Bushnell, Giangiorgi, Blackston
INTERNAL ADDRESS	36th Floor
STREET	105 West Adams St.
CITY	Chicago
STATE	Illinois
ZIP/POSTAL CODE	60603
COUNTRY	United States
PHONE	312-704-1890
FAX	312-704-8023
EMAIL	ptodocket@trexlaw.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
DECLARATION SIGNATURE	/James R. Foley/
SIGNATORY'S NAME	James R. Foley

SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	08/23/2007
RESPONSE SIGNATURE	/James R. Foley/
SIGNATORY'S NAME	James R. Foley
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	08/23/2007
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Aug 23 16:17:49 EDT 2007
TEAS STAMP	USPTO/ROA-67.36.193.194-2 00708231617497496 08-77040 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
9608-77040379-380adf5cfeaa14775acd8de632
8cb13a2e3-N/A-N/A-20070823154646822734

particularly agreed with David David's support of the Help On The Homefront program. First and foremost, taking care of my soldiers and their families was the most important thing to me in this whole organization, and David much didn't care about spending money on HOTH. But David, I feel, was removed because Jeff went to the gathering of the guard in Texas. And when David David's firing happened, my website access was pulled.

Q. Okay.

A. And totally I was locked out of the website.

Q. Do you know who did that?

A. I do not know who did that.

Q. Do you know if Jeff's ever been denied access to the website?

A. Yes, he has.

Q. Do you know why?

A. Hisself and Bonnie. Well, Jeff was locked out because of the -- when he would defend hisself when this -- when the incident first happened surrounding his resignation first happened, and he would

post anything, the official policy on the board, spoken amongst ourself -- and you'll probably never find this in an email -- was to totally discredit Jeff.

Q. Did you participate in that?

A. Well -- discrediting Jeff?

Q. Uh-huh?

A. No, I --

Q. Did you object to it?

A. Yes.

Q. What'd you say?

A. I said that, "It's enough that he's not around. It's enough that --" and this is the early days, "that he'll give us the store, and he'll gladly walk away from all this stuff. But I think it's totally not in the realm of honor or dignity that we, as an organization, try to stand for that we want to purposely try to humiliate the man," and that's what it was.

Q. Okay. Why was Bonnie's access cut off?

A. Because she's his wife.

Q. Okay.

A. You log on under your wife's name, and you're still floating around.

Q. You testified earlier that the members of this organization communicate with each other primarily through the website?

A. Yes.

Q. So if you wanted to --

A. Then, not now.

Q. Okay, how do they communicate now?

A. Now most states have their own websites and there's --

Q. Okay.

A. Most states have independent -- like I said, I developed the Texas coordination before I became national, and most states have developed their own in-house coordination. And there's many, many, many states websites already that are up and running. Texas has geographical --

Q. Uh-huh.

A. So we have southeast Texas, north Texas, central Texas; there's several different websites operating that's within the State of Texas.

Q. Okay. Can you post on the state forums if you're not a member of that state's organization?

A. I don't know.
Q. Okay.
A. I'm not a member of any state forum.
Q. If you are banned from the national website, is there a way that you know of to communicate effectively with membership of the PGR at large. Not just within any particular state, but with the entire membership?
A. If you're banned?
Q. Uh-huh?
A. No, not really.
Q. Okay. Do you know -- strike that. What does FJB stand for?
A. Fuck Jeff Brown.
Q. How do you know that?
A. Ed Mueller told the board on a com call.
MR. O'MALLEY: Objection; hearsay, irrelevant.
BY MRS. BLUE:
Q. Okay.
A. If it's in Jeff's -- if it's in his signature right here, when you figure out the date on this. This is as early as -- Ed

knew it right here in his own post, "Freedom, Justice, Brotherhood." Whatever the date of this is.

I mean, it was in, I think -- it was pretty soon right off the bat. And Ed reported to the board that it was an organization that was going to donate to the legal defense based on patches that supported, "Freedom, Justice, Brotherhood," or, "Fuck Jeff Brown," however you chose to read it. But it was reported to board of directors that we were going to be receiving funds from this counter-organization and what the name of it was by Ed Mueller.

Q. Okay.

MRS. BLUE: It's 6:30. Okay, I still have maybe 30, 45 minutes, and that's going to put them over on their flight, so what do you want to do?

MR. O'MALLEY: Well --

MRS. BLUE: Well, Ronny can stay, he says.

MR. O'MALLEY: Well, let's ask him.

MRS. BLUE: Well, that's what he told me earlier. I know he probably doesn't

want to, but --

MRS. BLUE: Yes, let's go off the Record for this part of the conversation.

(Whereupon, an off the Record discussion was had).

(DEPOSITION TO RESUME 5-5-10)

(DEPOSITION RESUMED 5-5-10)

MRS. BLUE: Let's go ahead and get started. Do you want to swear Mr. Awtry back in?

RONNY ROY AWTRY,

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

CONTINUED DIRECT EXAMINATION

BY MRS. BLUE:

Q. Okay. After a nice break, and I see everybody's got fresh tee-shirts on this morning and presumably found a toothbrush. I want to go back to the PGR, Incorporated first application, which is exhibit, I believe -- I'm sorry, I've got the wrong stack in front of me now.

Exhibit 5, okay. Let's go back, page back into that application. We're going to see a picture of two tee-shirts. Can you find that picture?

A. (Witness complied).

Q. There you go.
A. Yes.
Q. Okay. Do you know what those are?
A. Those are the Sturgis Healing Field shirts from when we sponsored the Healing Fields in Sturgis.
Q. Okay. Do you see the triangular folded flag, Patriot Guard logo on those anywhere?
A. On the front, on the front right corner there's the exact logo.
Q. Okay. It's a little hard to see on this copy, I think --
A. Yes.
Q. -- but it appears to be that logo. Do you know when these Sturgis shirts were made?
A. In July of 2006.
Q. Okay. When does Sturgis take place?
A. August of 2000 -- August of every year.
Q. Okay. So if you go back to the First Use in Commerce date that's on Page 2 of this exhibit, it says June 1st, 2006. Were these shirts made June 1st, 2006?
A. It was after that that we actually voted to do the sponsor on that, so they

couldn't have been made on June 1st.

Q. Okay, was anybody wearing them June 1st?

A. No.

Q. Okay, all right. Yesterday we talked a little bit about the declaration that was executed in this application by Jason Wallin.

Do you see this last sentence in the declaration, it says: "That all statements made on information and belief are believed to be true"?

A. That's a big, long, run-on sentence.

Q. Yes, it is. That's how we like to talk in the legal field.

A. "...all statements made of his/her own knowledge are true, and that all statements made on information and belief are believed to be true."

Q. So is it true then that these shirts were in use in commerce on June 1st, 2006?

A. No.

Q. Okay. All right, let's turn a little further back in this group of documents, and we're going to see a picture of a pin on a leather jacket, or what looks like a leather jacket to me.

A. Yes.
Q. Do you see that?
A. Yes.
Q. What is that?
A. That's the Patriot Guard Riders' logo.
Q. Okay. If you will look at that pin and look back at the first page of this application where it says "mark," do you see any difference between that pin and the mark?
A. First page of the application?
Q. The first page of the application is the first page of this exhibit. If you need to unstaple it so you can look at them side by side --
A. There is a difference.
Q. What is that difference?
A. The triangle with Patriot Guard Riders is not full width.
Q. Do you see any other difference?
A. A little blue splotch over at the corner of the flag, but --
Q. Okay. If you'll look at, read the wording on the top of the pin?
A. Patriot Guard.
Q. Okay. Read the word underneath the

little flag emblem?

A. Rider.

Q. Okay. What is the word underneath the flag emblem on the first page of this exhibit?

A. Riders, with an "S."

Q. Okay. Where would you have gotten a pin like the one in this picture on June 1st, 2006?

A. The only pin that I'm -- I don't know. I don't know. I don't know for sure if that pin was produced by Jeff. I don't remember specifically on the pins. But the only place that you could have got one if they were manufactured at that time was through Jeff Brown's store.

Q. Okay. Was the Patriot Guard, Incorporated set up as a corporation on June 1st, 2006; do you know?

A. Yes.

Q. Okay. Was the Patriot Guard, Incorporated set up as a corporation on November 11th, 2005?

A. No.

Q. Okay. Why was the date June 1st, 2006 chosen as the first use in commerce date, do

you know?

A. I have no clue.

Q. Okay. Do you know why the first use date of 11-11 2005 was chosen?

A. If this is in regards -- is this the same application filed by Jason?

Q. Yep.

A. Well, it was believed that was around -- the method that was devised for that date was the first date that Jason thought it was used, minus a couple of days.

Q. Okay.

MR. O'MALLEY: Objection; hearsay.

BY MRS. BLUE:

Q. Okay.

A. That was what he told the board on a board of directors call.

Q. All right.

MR. O'MALLEY: Objection; hearsay.

BY MRS. BLUE:

Q. This declaration that Jason signed indicates that "...willful, false statements and the like may jeopardize the validity of the application or any resulting registration." And it also says that,

"false statements are punishable by fine or imprisonment or both under 18 USC, Section 1001."

Did PGR, Inc. authorize Jason to file this application?

A. Yes.

Q. Has PGR, Inc. committed perjury under this section?

A. I would say yes. We weren't aware of the entirety of it. And, as I said, he was the one who researched it, and he filed it and told us he had filed.

We weren't necessarily specifically aware of declarations, et cetera. That was, as I said, I had previously seen the first two pages of this, possibly the first three pages of this document, but I have never seen the declarations page and at no time was aware that myself, as a part of the board, had committed perjury.

Q. Okay. Let's talk for a minute about where those dates of use might have come from. Notwithstanding Mr. O'Malley's objection a minute ago, how would Jason have been aware of what Jeff was claiming as

first use date, do you know?

A. Well, Jason and Jeff were developing the organization in some capacity. I don't know the semantics of how it worked, but Jason was developing the website and Jeff was developing merchandise for sale, and that was their agreement on funding themselves for time and effort into the organization. So Jason would have been aware of when the organization started. This was before my membership; my membership was January.

Q. Okay. So you don't really know how Jason would have become aware of -- how would he have known what date to take away a couple of days from?

A. I don't know specifically. There were -- there was a board com call where we talked about the origins of the organization and the date things were such used, and Jason was the most prepared to answer those.

Q. Okay.

A. However, in light of some of my other testimony, Jason was proven to be a very large liar and a thief, so --

Q. Okay.

MR. O'MALLEY: Objection.

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

BY MRS. BLUE:

Q. This is 17. I want you to take a look at this. This is a forum post on the Patriot Guard website. It is Bate's stamped PGR 003712. It is produced in response to a Request for Production of Documents by Jeff Brown. Can you identify the author of this post?

A. Bill Lyons.

Q. Okay. Is Bill also known as "Snap67"?

A. Yes, he was.

Q. Okay. All right, would you take just a second and read Snap's post, please? Tell us when you're ready.

A. Okay.

Q. Okay. Snap talks in this post about on November 18th, 2006, about a discussion he's had with Jeff Brown, or Jeff, which I assume in this post means Jeff Brown because he's also referring to Twister here, which I believe is Jeff's road name.

He says: "There will be two stores, the new PGR store and Twister's Place. Jeff will license the PGR, Inc. and the new PGR store to use the name and logo free of charge to produce new PGR products designed to raise funds for the PGR, Inc.."

Was this decision a result of a board of directors' decision?

A. It would have -- I don't remember this expressly, although Snap would not have done this without a board vote. I have to believe there's a board of directors meeting somewhere that would support this, yes.

Q. Okay. Well, on November 18th, he's posting this, and this is after Jason Wallin filed the trademark application on November 9th. Why would the board of directors or Snap, who at that point was a national executive director, agree to let Jeff license the PGR, Inc. to use the name and logo?

A. Because we as a board of directors knew that Jeff created the logo, and we were trying to find a solution to keep using the logo or trademark as our identifier. And we

knew damn good and well that Jeff had that ability at that time.

Q. Okay. This is despite Jason's execution of a declaration that said that the PGR, Inc. was the only entity entitled to use that mark; is that right?

A. I would say that the exhibits would support that, yes.

Q. Okay.

A. I'd like to point out something in this document real quick.

Q. Go ahead.

A. As we know, this obviously didn't come to pass. And the next three posts below this say, "Thank you," "Fantastic," and "Illinois backs the board."

Q. Okay.

A. It was a very small minority of folks who did not go along with this, followed up by the board of directors, expressly Bonnie Cutler, Ed Mueller and Jason Wallin, who ultimately protested and reneged on this.

Q. Okay. Ronny, do you know if the Patriot Guard, Inc. has ever sent any kind of a demand letter or requested anyone to

stop using the Patriot Guard mark?

A. I didn't draft it, but there was a board of directors' meeting where we discussed sending a cease and desist letter to Jeff. I don't know -- I have not seen the document. I don't know who executed it, but I think that we as a board did decide that that was something that needed to be done.

Q. Well, now, let me ask you a question. Why, in light of the post we just looked at from Snap, would you send Jeff a cease and desist letter?

A. Well, the organization is recognized by the disputed trademark. And many, probably the great majority, think that the logo best represents the organization as a whole.

Q. Okay.

A. And any attempted -- any attempted means of acquiring the trademark for control by the organization in many eyes seems to be the best representation of what would be the best for the organization.

Q. So the end justifies the means then?

A. The end justifies the means.

Q. Okay. Even though we've seen several posts, including the one we just looked at in Exhibit 17, indicating that Jeff owned the mark, you guys -- the board was going to send him a demand letter?

A. Yes.

Q. To tell him to stop using the mark?

A. Yes, it is -- as I've said several times, I'm speaking the board as a whole. Myself and Snap were in negotiations with Jeff until the board decided that we were no longer going to negotiate with Jeff. We were looking for a prudent means out. We were looking to keep attorneys from being involved. We were looking for any matter to bring this to a successful close.

I personally believe that several negotiations yielded more than adequate the initial investigate -- the initial, where Jeff offered to close his store and to go away. I was fairly broken hearted at that particular time when we summarily dismissed him in a -- on a board meeting in a very -- "We are not going to deal with Jeff." Ed Mueller and Bonnie Cutler frequently called

him a thief, and we were not going to deal with a thief in any shape, form, or fashion.

And so when I say the board, I just want it on the official Record that the board is a five-person conglomerate. And I have always felt it was cowardice to not reveal the votes of the board on major issues so the membership knew who was fighting and in what capacity, to such an extent that I am the only board member in the history of the organization to put my board seat up for a vote by the state captains. And I was -- by a two-thirds vote held in place. The other board members felt, one board, one vote. And I've been up for removal for violating that policy when I wrote the truthfulness behind the board's voting for banking relations for states' use, so I just want that clarified.

Q. Okay. All right, so other than the demand letter that you believe the board voted to send to Jeff -- and let me ask another question here. Did that letter get sent to Jeff, do you know?

A. I don't know for sure.

Q. Okay. Has there been any other attempt to police the Patriot Guard Rider trademark on behalf of PGR, Inc.?

A. There's two scenarios. There's the timeline; you have to specify the timeline, pre-Jeff and post-Jeff. It's just --

Q. Okay, post-Jeff then. Has there been any attempt by PGR, Inc. to police the trademark?

A. There were states -- there are states that were using the logo and making their own merchandise for whatever purposes. And we as a board attempted to find some kind of a solution to bring that to an end, and that including -- that including if the states were producing specific state merchandise that included the PGR log for funding state endeavors, that that was acceptable.

Q. Okay.

A. We tried -- there were stores that were already -- at that point there were stores already that you could go online and purchase PGR gear for -- that had this happening already. So we were trying to close the gate after the cow was already out

and --

Q. What did you do with those stores; did you write them a letter, did you call them?

A. Ed Mueller being the board member over -- called the store and talked to them, and we talked as a board. And we decided that if they would adhere to that policy, that we would allow that to happen. But there's many, many, many state items that were manufactured, just don't ask, don't tell, and nobody would say where they were from.

Q. Okay. Did you give the states any kind of guidelines, any writing about what they could and couldn't use?

A. It was in the form at one point in time when we developed it originally, and I may have written it myself, I don't know for sure. But it was that it had to be state specific, and the logo had to be, whatever they developed, had to be presented to a board member for approval. And as long as it was state -- had the state logo, had the state name, had the -- you know, the shape of the state had something in there, that it

would have been deemed acceptable.

Q. Could they use the triangular, folded flag design?

A. They could use that logo in its entirety as long as it was implanted in a state-specific design as well.

Q. Okay. How about the phrase, "Standing With Those Who Stood For US," or, "Standing For Those Who Stood For US"?

MR. O'MALLEY: Objection.

BY MRS. BLUE:

Q. Sorry, I deep getting that wrong.

A. That's the specific that we were dealing with.

Q. Okay.

A. That's -- when I was on the board, the Riding With Respect logo was not used in any shape, form, or fashion to identify us as an organization after Jeff Brown's resignation.

Q. Okay. All right, I want to introduce 18.

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

BY MRS. BLUE:

Q. This is a printout from May 3rd, 2010

from the US Patent and Trademark office website. It's an application for serial number 77958528. We just learned about this this weekend. Can you look at this and look at the mark? Tell me what that says.

A. It says, "Michigan Patriot Guard Rides with Respect," and it has the emblematic folded flag that --

Q. Okay. And tell me, if you'll look down at the bottom of the page, who's the applicant?

A. Michigan Patriot Guard.

Q. Okay. Their address?

A. 2915 South Cambridge Road, Lansing, Michigan, 48911.

Q. Okay. And this was -- can you tell me the filing date of this?

A. The filing date of this is --

Q. About halfway down the page there.

A. 3-14 of 2010.

Q. Okay. Now, when you were on the board would a state have been allowed to file a trademark application like this?

A. Absolutely not.

Q. Okay.

A. The states were to be given approval; ultimately national held the right. The only time that I know of an individual or a state being given license to this was Bill Richart's giving intellectual property rights to Diane Adderson, or Zippy, on a disputed Arizona Patriot Guard logo about a year ago.

And the only one -- our policy was states, via the state captain, is the only person -- it's Patriot Guard Riders national approval, therefore, it's ours, and the states can develop their logos, but the state captain ultimately was responsible party in the development of that.

And in that particular dispute between the state captain and the member of the state who also owned patches and is a member of national, national sided with Diane Adderson for intellectual property rights in that issue.

Q. Okay.

MR. O'MALLEY: Objection; hearsay. He wasn't on the board at the time.

BY MRS. BLUE:

Q. Do you know anybody in the Michigan Patriot Guard?

A. Well, let me answer real quick because there was an objection, I want to clarify something.

Q. Okay.

A. Myself and Tom Hoffmann sat with Luanne at last year's gathering of the guard in Utah, and so I was not on the board, but I sat there with a member of the board and talked to one of the parties involved in the dispute, who was later fired because she wouldn't shut her mouth and quit raising hell about this. And by all means, when I sat on the board, this would have never transpired, an individual being given intellectual property rights by the president of the organization.

Q. Okay. All right, let's go back to my question. Do you know anybody in Michigan Patriot Guard?

A. Larry Helser is the only one that comes to mind.

Q. Okay.

A. And he lives in Tennessee now, so I

don't know anybody in Michigan.

Q. Okay. Well, let's look at this trademark on this application. If you saw this trademark with the folded flag and the words, "Patriot Guard," and the slogan, "Rides With Respect," would you think that that person had anything to do with either Jeff Brown or with the Patriot Guard, Incorporated, if you saw somebody wearing this logo?

A. I would recognize somebody with this logo as a Patriot Guard Rider easily, just based on the Patriot Guard. But the folded flag design is very emblematic of the Patriot Guard --

Q. Okay.

A. -- that particular design. However, myself, as a Patriot Guard Rider, I would recognize this as not a member of the national organization.

Q. Okay. Would you think that they could have gotten this gear from somebody affiliated in some fashion with the Patriot Guard?

A. It would have --

Q. Okay.

A. -- to my understanding, this would have probably come from a store operated by the state captain for funding Michigan State projects.

Q. Okay. Can anybody create Patriot Guard clothing?

A. No.

Q. Can anybody wear Patriot Guard clothing?

A. Yes.

Q. So if Jeff gave me a tee shirt, even though I'm not a Patriot Guard member, could I wear it?

A. Sure.

Q. And you guys wouldn't have any objection to it?

A. No.

Q. All right. Do you see any difference in the way that the Patriot Guard, Inc. exercises its policies with regard to the trademark and other people using the trademark, and the way that that was done before Jeff resigned?

A. Yes.

Q. Okay. Tell us about that difference.

A. Before Jeff resigned -- and this is hindsight and error on my part as well as a board member after Jeff resigned -- but before Jeff resigned, anybody who requested to use the Patriot Guard Riders' logo was presented to Jeff for approval, and Jeff frequently said that the logo was trademarked. And at the time I knew no difference between logo trademarking, first use in commerce, protecting, any of that kind of stuff, and what turned out to be probably a wrong decision to allow states to manufacture state-specific merchandise.

Q. What happened before Jeff resigned if somebody made goods that were maybe not of great quality; a tee shirt that ripped or a flag that didn't stay on?

A. If Jeff was selling it?

Q. No, somebody -- if Jeff told somebody they could use it and the product turned out to be not that great, what would happen?

A. I don't remember that ever happening, so --

Q. Okay.

A. -- I can't answer that.

Q. All right, fair enough. Are you aware that of any products that were made after Jeff's resignation that weren't of quality that people would like to buy?

A. The members hated the quality of CDM merchandise, and that was our own mistake. CDM was -- they did not like the CDM merchandise as well as they like liked the original merchandise from Twister's store.

Q. Did they stop buying CDM merchandise?

A. No.

Q. Okay. We never fixed it neither. We would ask them to use different stuff, but in their own quality control methods they would talk about increasing costs, and so it just was what it was.

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

BY MRS. BLUE:

Q. This is 19. I smudged it, sorry. If you would take a look at this, and this is a post from PGR forums. The Bate's stamp is 003571, produced in response to a document production request from Jeff Brown.

Look down at the middle of the page.

There's a post dated November 16th, 2006. Who is that poster, or the author of that post?

A. Okay, repeat that again?

Q. In the middle of the page there's a post dated November 16th, 2006?

A. Done at 4:10 p.m.?

Q. Uh-huh.

A. Okay, that was Bonnie Cutler's, "BonRu."

Q. Okay. Let's look down here, it looks like Bonnie's pasted in an earlier post and then she is responding to that post. Would you read in the sentence beginning, "We only took a chance..." it's the third sentence in the post.

A. "We only took a chance and filed on behalf of the PGR as a precaution in case that had not been done since we had seen no evidence of it. We learned this information tonight while checking the status of our own pending trademark. I believe you were alerted only shortly after the rest of us."

Q. What's Bonnie talking about there?

A. I don't know specifically in the

context it's written. However, I would assume we're probably by reading --

MR. O'MALLEY: Objection; speculation.

BY MRS. BLUE:

Q. Okay. Is Bonnie talking about the trademark filing on behalf of PGR, Inc.?

MR. O'MALLEY: Objection; leading.

A. My understanding of this would be that Bonnie is probably discussing learning of Jeff's filing as well. I don't know in the context of this outside of the post.

BY MRS. BLUE:

Q. Okay, that's fine. Does Bonnie like Jeff Brown?

A. No. Bonnie hates Jeff Brown.

Q. Why?

A. Her belief -- and this was after the -- this was in the process of Jeff's resignation and it coming to a head, the events that happened on Friday the 6th of November of 2006 -- was that Jeff was a thief, and that she had never known anything of the trademarks, et cetera.

Q. Okay. All right, I'll show you Number 20.

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

BY MRS. BLUE:

Q. This is forum post, Bate's stamped 006471, produced in response to a document production request that we made to PGR. Go down to the post dated August 8th, 2007 at 11:46 pm.

A. Okay.

Q. All right. Who's the poster there?

A. Ed Mueller.

Q. Wescoot?

A. Wescoot.

Q. All right. What is Ed talking about in this post?

A. Ed is talking about an amendment to the by-laws in which we stated that no former member of the board of directors who has been removed or resigned from that position will be able to hold the position of BOD again without 100 percent of the currently seated board voting in the affirmative.

Q. Why was that changed to the by-laws made?

A. In the context, I scanned the post by Randy Stephens above it, and Randy says:

"A move is underway. I have sensed it since the gathering of the guard. That move will be -- place Jeff Brown back in control of the PGR. That cannot be."

That is why that specifically that was put in place, to prevent Jeff from ever becoming a member of the board of director again without a unified vote. And as long as Jason and Ed and Bonnie sat on the board, that would never take place.

Q. Does Ed Mueller like Jeff Brown?

A. Ed Mueller hates Jeff Brown, as I've testified to and been objected to. He has a very specific term in regards to dealing with Jeff.

Q. All right.

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

BY MRS. BLUE:

Q. So this is 21. Hold on, I'm sorry, hang on. Let's go off for a second.

(Off the Record discussion had)

MRS. BLUE: Back on.

BY MRS. BLUE:

Q. Let me give you -- if you will get rid of that one, I gave the wrong exhibit, sorry. We're going to introduce 21.

Okay, this is a forum post on the PGR website, Bate's stamped PGR 003592. Some posts, the first one on this page is dated November 17th, 2006, 10:31 am. It looks like somebody has pasted some former posts in there and has given a link. And at the bottom of that page, what do you see beginning with, Patriot Guard Riders filing date?

A. "Patriot Guard Riders, filing date original, 1A. Original 1A. Owner, Jeff Brown." This is -- it appears to be some kind of link to a filing. And from -- at the time I recognize the document, it appears to be a trademark link to Jeff's trademark application.

Q. Okay, go to the second page of this document. The post at the bottom of the page dated November 17th, 2006, 10:49 am from somebody, "Fenderstrat72." Who is

Fenderstrat?

A. I don't know who Fenderstrat is specifically.

Q. Okay. Can you read Fenderstrat's post to us?

A. "Russ what it all boils down to is Jeff had never coyrighted the logo like he said he did. Then to top it off he filed for it, after Waldo did on behalf of PGR, Incorporated. So in summary, when Jeff told everyone back in June to quit using it because he had the copyright, it was a lie."

Q. Okay. Do you remember this controversy on the PGR forums?

A. Yes.

Q. Can you summarize that controversy for us?

A. Yes, I can, in specific context. The -- there's a series of posts above it where Waldo and Cargo's post at 17th November at 10:31, you can see a link of posts that happened from 17 November, 2006, 6:26 p.m. period. But you see Waldo here says: "Click here and you make the call."

And they were trying to sort out what would happen. And this particular thing was when this actual post above Fenderstrat's has a -- in Cargo's post has Tony Turner for Virginia's District 3 ride captain --

Q. Okay.

A. Tony Turner was one of the chief instigators against Jeff. He later became Virginia state captain, but they are in the midst of researching the filings of the trademark applications on behalf of PGR and Jeff Brown. And they're summarizing, Fenderstrat's summarizing that Jeff lied and said that the trademark application was filed. And essentially, it's just a bunch of people ranting and raving who don't know anything and are just wasting our time and making us mislead and not have dinner with our wives.

Q. Okay.

A. Tony Turner was real good at that.

Q. All right. Would you say that these posts might reflect an understanding similar to the one that the board had, that the first person that filed owns the trademark?

A. I would say that because we should have, or probably released that we did file for it --

Q. Okay.

A. -- at some point. That would probably be more people carrying forth that Jeff lied, and we're the first one there so it's ours.

Q. Okay. All right, let me give you Exhibit 22.

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

BY MRS. BLUE:

Q. This is a post on the PGR website forum dated November 17th, 2006 at 1:15 p.m.. It's Bate's stamped PGR 003605. It is produced in response to a document production request by Jeff Brown. Do you see at the post, in the middle of the page by Gordon Sturrock?

A. Yes.

Q. Okay. Can you read me the first three sentences of that post?

A. "It doesn't matter if Jeff never actually filed for copyrights. If he

actually created the logo - he owns it - simple. At some point he must file for copyright ownership as I think he did. PGR will lose the Court fight in my opinion. I'm not a lawyer but I have been in the graphics industry for two decades so I'm pretty sure I'm right on this."

Q. Okay. Is that post any closer to your current understanding of how copyright or trademark ownership accrues?

A. That's pretty dead on to what I've come to understand.

Q. Okay. All right, this is going to be -- wait, hang on just a second. Go off for a minute.

(Off the Record)

MRS. BLUE: Okay, let's go back on.

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

BY MRS. BLUE:

Q. This is Exhibit 23. It's another post from the PGR forum. It's Bate's stamped PGR 003846, and it was produced in response to a

document production request that Jeff Brown made of the PGR.

Okay. This is a sort of a long thread here, and I want to start with the post at the bottom of the first page dated November 19, 2006 at 6:03 p.m. by "Sgtpotsie." Okay, take a look at Number 1:

"I have known for quite some time (before the "I'm tired..." post by Jeff) that Jeff was the owner of the logo and the motto, "Riding With Respect." It came up at the gathering of the guard during the captains meeting."

Let's go to Number 3:

"The money Jeff made or didn't make via the PGR store is none of anyone's business except Jeff Brown and the IRS."

Sergeant -- was Sgtpotsie in the minority with this view?

A. Initially, the large --

MR. O'MALLEY: Objection; compound question. Are you referring to 1 or 3?

BY MRS. BLUE:

Q. All right, let's take Number 1. Was Sgtpotsie in the minority with that?

A. I don't know because it was never a topic of conversation.

Q. Okay.

A. It didn't matter at the time of that meeting, and I was in that meeting. And Sgtpotsie is a pretty impeccable guy. I don't remember this happening. So the events of the riders meeting were more important for the riders safety handbook we were working to develop and other things. That happened at such a fleeting moment that I would not doubt that Sgtpotsie heard that in the meeting, but it was so minute --

Q. Okay.

A. It didn't raise --

Q. Let's take Sgtpotsie's point Number 3: "The money Jeff made or didn't make via the PGR store is none of anyone's business except Jeff Brown and the IRS." Was he in the minority with that viewpoint?

A. What's the date of this post?

Q. It's the same day, November 19th, 2006.

A. No. Initially when the issue of Jeff's resignation and it being over the store, I had friends who knew I was on the board of director that were furious with me for having let this go down.

There's a group of people that are on the board, and in the board meeting are referred to as, "the goon platoon," and that would be Tony Turner, Randy Stephens, Monica Meade and Andy Harley, who were the ones probably initiating most of these threads. As a matter of fact, the last document of evidence, evidence 22 -- not 22, the one previous to that. If you will notice in that post, "Elviszappa," Tony Turner. He was the one that Cargo was using to quote. And there's several of them. You'll see Randy Stephens, and on and on and on. As a matter of fact, the post before Sergeant Post (sic) is Randy Stephens, the South Carolina state captain.

Q. Okay. All right, is there anything about Sgtpotsie's post here that suggests that he thinks the PGR, Inc. was the owner of the trademark?

A. No.

MRS. BLUE: Okay, I think we are getting close to being done here.

A. Can I make a comment? I just followed Sgtpotsie's post, and when you flip over his list of demands, immediately you have Randy Stephens who is one of the key mud slingers, say:

"Potsie, chill out. Just when things are calming down here you come getting all serious again. You want a donut?"

Because it was not acceptable to have a pro-Jeff conversation in the context of his removal, his store, the trademark, negotiations; that was not an acceptable thing for the board in general. The one board, the one vote, in any capacity, and this thread here summarizes it. Because immediately you have the goon platoon out there saying, "Calm down, Potsie," when somebody else is making a rational statement to the contrary.

Q. Okay. Ronny, what do you think is going to happen if Jeff is successful in opposing the registration of PGR, Inc.?

A. I believe that in line with the initial negotiations for the Patriot Guard Riders to use the logo and to earn money, that Jeff will indeed continue the same path if we were to forward through all of this to that particular time.

His standing was to help soldiers, and he has continued to make that offer to help soldiers and Patriot Guard events throughout this entire time since his resignation. Go ahead.

Q. Okay. Has Jeff Brown ever said to you; have you ever understood from a conversation with Jeff Brown that he was acting on behalf of the corporation in developing this trademark or using this trademark?

A. I don't know that he's ever said that.

Q. Okay.

A. During Jeff Brown's tenure I never had any reason to believe anything other than that the logo and the trademark was being used for the good of the organization; the Help On The Homefront program initially, the Healing Fields debacle were all funded from

Jeff. I have no reason to believe anything other than his best wishes were --

Q. Okay, all right. I think I'm done now. Pass the witness.

MR. O'MALLEY: Okay, I'd like to take a break.

MRS. BLUE: Okay.

(Whereupon, a recess was had)

MR. O'MALLEY: On the Record.

CROSS EXAMINATION

BY MR. O'MALLEY:

Q. Ronny, just -- if you don't remember, my name is Jim O'Malley. I represent PGR, Inc. in connection with this matter. I'm going to ask you a few more questions and in connection with the things --

A. Sure.

Q. -- that Rachel has asked you over the past couple of days.

A. Okay.

Q. First of all, can you tell me who asked you to testify in this matter?

A. I was asked by Mr. Marr initially. I was offered Mr. Marr's services to represent me in the Patriot Guard Riders matter in

case there were issues that I didn't want to discuss.

Q. I'm sorry, that's not the question I'm asking. I'm asking who asked you to testify in this matter?

A. Today?

Q. Right, yes.

A. I was asked by Mrs. Blue's firm.

Q. Okay. Did you discuss your testimony with Mrs. Blue prior to the beginning of your testimony yesterday; did you prepare?

A. No.

Q. In no way?

A. No.

Q. Okay. Did you study any materials in preparation for your testimony?

A. I did read the -- I haven't read my testimony from before in my deposition, but I did read Bonnie Cutler and Bill Richart's depositions.

Q. Is there a reason you didn't you study your own deposition?

A. I didn't need to. The truth doesn't change.

Q. Okay. Do you have any personal

interests in the outcome of this matter as to who prevails?

A. Yes and no.

Q. Can you explain?

A. Yes, in that I'm a Patriot Guard Rider, first and foremost. No, in that I have nothing to gain either way, win or lose, other than hopefully the longevity of the organization.

Q. Okay. Are you being compensated by anyone for your testimony here today?

A. No, I am not.

Q. Okay. You mentioned yesterday, I believe, that you were at one point in time the director or the head of Help On The Homefront; is that correct?

A. Yes.

Q. And you at some point in time gave up that position?

A. Yes.

Q. And -- but you stated that you would like to have that position back; is that correct?

A. Oh, I would love to be director of Help On The Homefront, where it was and what

it did, yes.

Q. Okay. In connection with that have you had any talks with Jeff Brown about the possibility of ever getting back into that position?

A. Never.

Q. Okay. I want to ask you a couple questions with regard to Bill Lyons. You spoke of Bill Lyons early in your deposition. As we've put on the Record before, you're aware that Mr. Lyons died earlier this year?

A. Yes.

Q. Okay. You personally knew Mr. Lyons?

A. Personally; I vacationed at his house.

Q. Okay. And he was the secretary for the PGR, Inc.; at what time was that?

A. He was the secretary prior to his becoming the president while Jeff was still the president.

Q. Okay. And then he took over as president of the PGR with --

A. Yeah.

Q. -- upon Jeff's resignation?

A. Yes.

Q. Did you consider Mr. Lyons to be an honorable man?
A. There's nobody better.
Q. A truthful man?
A. A truthful man.
Q. A man of integrity?
A. A man of integrity.
Q. Okay. Do you believe that Mr. Lyons would have any reason to lie about matters pertaining to the PGR?
A. No.
Q. Pertaining to Jeff Brown?
A. No.
Q. Pertaining to this trademark opposition?
A. No.
Q. Okay. Okay, on the opposite end of that, during your testimony you talked about in your opinion your -- that it was your stated opinion that certain people hated or disliked other people that were on the board. For instance, you stated Bonnie hates Jeff; Ed hates Jeff, correct?
A. (Indicating).
Q. Are there any situations, any people that were involved in this matter that you

disliked or hate?

A. Oh, absolutely.

Q. Who would those people be?

A. I will name off in probably the order of people that I dislike. Bonnie Cutler.

Q. Okay. Can I ask why?

A. Bonnie Cutler was the person who chiefly called for board votes against me to have me removed from the board; it was never successful. But I later found out through Randy Stephens, when he became a board member, that Bonnie would call Andy Harley, Steam, basically Tony Turner, the members of the goon squad, who she was national captain and over, and talk to them about things that I was doing or talking about on the board. And then she would call the board meeting and say these guys were all concerned about what I was doing, based on what she was doing. She was double-dealing. She would call them and tell them what I was wanting to do as a board member and raise opposition to it based on the state captains, who really knew nothing about it before she called them and stirred up their ant beds.

Q. When was this happening; was this before the removal of Jeff Brown, or -- I'm sorry, after --

A. After the removal.

Q. -- this is after Jeff Brown's resignation?

A. When Jeff Brown was there, the board operated as close ever as a well-oiled machine in my tenure as a board member.

Q. Okay. So besides Bonnie Cutler is there anybody else?

A. Ed Mueller.

Q. Ed Mueller?

A. Yes.

Q. Okay. What about Bill Richart, do you have any -- what are your feelings toward him?

A. I do not like Bill Richarts. I believe he's totally incompetent as a president, and has systematically destroyed the communication structure in the organization.

And in Bonnie's deposition she was made to read a statement by Bill Lyons. And in the statement we discussed transparency

and all the things we're going to do now to prevent instances from ever happening, such as the grievance against Jeff Brown. And we promised as a board that the ride captains' forum would never go away. And it no longer exists because it was an avenue directly to the board to answer questions in regards to matters that were happening to members in leadership, private from the standard membership, and it no longer exists.

The board operates completely autonomously of the organization. And most of the states that I have personally spoken to operate autonomously of national. All the integrity of the national organization and our vitality -- as I testified earlier, many states have their own websites. National's just this group of people that sends down orders periodically. And one state captain told me you say, "Okay, thanks, I'll take care of it. You hang the phone up and do whatever the hell you want."

Q. Okay. When is it that you ended your tenure as a board member?

A. I believe it was December of 2007.

Q. Okay. And when did Bill become the president of the PGR?

A. After my tenure.

Q. Okay. And what has been your involvement with the PGR since the time that you ended your tenure as a board member to date?

A. I have attended a few going-aways or welcome-homes, I don't know exactly, and two gathering of the guards. I have done approximately four items in the last several years.

Q. So is it fair to state that your involvement has been minimal?

A. Yes, it is.

Q. So is it fair, off of that, to state that there have been things going on in connection with the PGR and the board that you are not aware of or not privy to that may lend Bill and the board to make certain decisions at the time that you're not privy as to why they're being made?

MRS. BLUE: Objection; vague.

BY MR. O'MALLEY:

Q. You can answer, if you understand.

A. Well, I will answer yes.
Q. Okay.
A. As a past board member, who left in good standing, I am supposed to have what is called advisory status to the board members. And I have talked to various people; I've stayed in touch and made a lot of friends across the country. I have learned from the past treasurer that Bill Richart --
Q. Who is that, I'm sorry?
A. The past treasurer is Jim Grant, "Cyber."
Q. Okay.
A. That he was actually advised by Bill Richarts not to trust me because I'm a liar.
Q. Okay.
A. And you can't believe what I say.
Q. Okay.
A. However, I learned from Jim Grant that the treasury is currently in shambles. And he was having trouble because Bill Richart's had informed him that he was the contact to the bank. He was the contact to the accountant, and that he was not to contact them initially.
I know Tom Hoffmann, my friend who's

talk to me over the years about various issues -- not everything; there's a lot of things I'm sure I didn't discuss. But it took Tom over a year to acquire the secretary's book with the official seal as the secretary of the organization from Bill.

And I have stayed in touch with various people that -- in terms of state captain, when Dave David was removed and my rights were removed, it was because the -- my relationship with David David, although I hadn't talked to him in over a year. But it was to prevent me from going off the deep end and contacting all the other state captains and doing what many people have done, which is entirely wrong, of going on the PGR email list and raising a big rant against the organization. I never agreed with that, and so I have had awareness.

And the funny thing about it is, as the treasurer who set up the policies regarding state banking, my policies were -- by people who had access were some of the only policies still in the standard procedures of operation up until six months

ago. I was -- one of the only things listing for banking procedures and a couple of other items, so I have stayed in touch with members of the membership.

And, frankly, my participation is basically, as I said, because I won't damn Jeff and hang him from a cross, there's members who -- now I'm a traitor. And because I won't totally say that Jeff's thing on a 100 percent, then I'm a traitor because I won't stand behind Jeff.

So I have walked a line, and every time I have attended any kind of a function, inevitably because of my involvement through all the formative hard years, it becomes extremely -- I was broken hearted when I resigned and just tired of fighting for forward progress within the organization.

MR. O'MALLEY: Okay, objection to the parts of that that are hearsay.

BY MR. O'MALLEY:

Q. So is it fair to say that -- so in connection, you said you dislike Bill Richart and believe he's run things improperly. Is it fair that state that you

are trying to do whatever you can to have Bill removed as the PGR president?

A. I believed when he gave personal license of the logo to an individual, that he stepped so far outside of the boundaries that it was heinous. And when the last vote for me as a board was to acquire a debit card, because my American Express may still be holding all the PayPal accounts, and the treasurer was to receive a debit card. And it's been in Bill's possession all this time, and he doesn't want the treasurer talking to the accountant or the Bank of Oklahoma. I think that -- and removal of the ride captains' forum, I believe that he has established a power base for himself and the systematic removal of anybody who may possibly endorse Jeff Brown. Myself, as a friend of David David, my own rights removed as an example, that he has done a horrendous job of destroying the organization.

Q. Okay, so -- but again, this is your belief, having not been on the board or specifically involved with the PGR since the time before Bill Richart even became the

president of the PGR; is that correct?

A. That's correct.

Q. Okay. Can you take me through the evolution of the board of directors from the time you became a board member until the time you left the board?

And what I'm looking for there is the time you became a board member, if you can tell me the date, like approximate date. I mean, you're probably not going to know the exact dates of this, but -- so if you came on at a certain time, who else at that time was a board member, and what were their positions. And then move to the next time when the board changed, how it changed, and so on until the time that you left the board. I just want to -- through your testimony with Rachel there were different time periods discussed jumping back and forth. I want to be able to get a clear kind of timeline as to when --

A. Sure.

Q. -- things were happening, and who was there.

A. The first board I sat on was in June

of '06 when we went to the five-man board. It was myself, Bonnie Cutler, Bill Lyons, Jason Wallin, and Jeff Brown. In Jeff's resignation --

Q. I'm sorry, can I back you up? So Jeff at that time, the five people, what were their positions on the board?

A. Jeff was president. Snap was secretary. Jason was treasurer. Bonnie was captains, and I was Help On The Homefront.

Q. Okay.

A. Now, we formalized titles a little bit more further down the road.

Q. What do you mean you formalized titles later?

A. Well, we did specific tasks. We decided that individual programs should probably be held up by individual people.

Q. So --

A. Under what's --

Q. -- so what you're saying is a secretary, if there was a particular job that a secretary is to do, the secretary might have other duties than what a secretary is supposed to do under the

corporation rules?

A. We all wore many hats outside of the -- outside of our official board of directors, in the early days we all wore many different hats as well. Jason was the treasurer, but he was also the administrator of the website.

Q. Okay.

A. I was a board member at large, but I was Help On The Homefront and various times the admin -- I mean, the web administrator for a very short period of time, thankfully, and such as that. I mean, everybody's duties may evolve.

Q. Okay. Okay, so picking up then, after the time you came onto the board, when is the first change to the board?

A. Jeff's resignation in November.

Q. Okay.

A. Of 2006.

Q. Okay, so at that point in time Jeff is resigned. You're now a four-man board?

A. Yes.

Q. Was that -- was Jeff's position filled?

A. It was filled immediately upon his

resignation by Ed Mueller.

Q. Okay, and so Ed Mueller, he did not become president at that time. Can you tell me now amongst those five people what are their positions?

A. Bill Lyons became the president.

Q. Uh-huh.

A. Bonnie became vice-president. Ed Mueller -- Bonnie became secretary.

Q. Okay.

A. Actually, there was a funny little jolt in here. I became secretary. Jason was still treasurer. Bonnie was just the vice-president at large, and Ed was a vice-president at large, followed shortly by Jason's admission that he'd done the Google ads, at which point I became the treasurer, Bonnie became the secretary, and Jason became a vice-president at large member.

Q. And so that was how long after Jeff's resignation?

A. That was at the same time that -- so within a week to two weeks.

Q. Okay. But -- so it was after the time that the PGR, Inc. filed for its trademark

on the PGR logo?

A. Yes.

Q. Okay. So take me through -- all right. We're at that stage; when does the next change come?

A. The next change comes in August of 2007.

Q. Okay.

A. When I found the funds that Jason had been stealing.

Q. I'm sorry, I'm not asking you for --

A. Okay.

Q. -- an explanation of that. I'm just asking you for the time and the change, not why the change was made.

A. Okay. Bill stepped in in August of 2007 and filled Jason's -- he'd already been elected hisself, and Donnie, who was going to be the next, but Bill had stepped in to fill the vacant -- the seat vacated by Jason.

Q. Okay, so Jason is out in August of '07?

A. Yes.

Q. Is that correct?

A. Yes.

Q. Okay, and so Bill steps in. And what position does --

MRS. BLUE: Can I clarify real quickly, which Bill are we talking about?
BY MR. O'MALLEY:
Q. I'm sorry, Bill Richart?
A. Yes.
MRS. BLUE: Thanks.
BY MR. O'MALLEY:
Q. You're looking at Bill Richart, so --
A. Snap maintained presidency all through his --
Q. Okay. So as of August 27th -- I'm sorry, August 2007 --
A. Yeah.
Q. -- not 27th. So Bill is -- Bill Lyons is the president?
A. Yes.
Q. You hold the title of?
A. Treasurer.
Q. Treasurer. Bonny holds the title of?
A. Secretary.
Q. Ed Mueller holds the title of?
A. Vice-president at large.
Q. And Bill Richart holds the title of?
A. Vice-president.
Q. Vice-president, okay. And then when

is the next change?

A. The next change is when the official change was supposed to happen in November, Bonnie left and -- Bonnie left and Donnie Schneider filled in on the board.

Q. Okay.

A. And that was -- and Bill Lowery.

Q. So now there's six people?

A. There's -- Snap left and Bill Lowery came in.

Q. Okay, so Snap left and --

A. Bill Lowery came in.

Q. -- Bonnie left?

A. And Bonnie left.

Q. And so Donnie Schneider and Bill Lowery came on?

A. Yes.

Q. Okay, and what time is that happening?

A. That's November of 2007.

Q. Okay. And now can you take me through each of their positions --

A. Ed Mueller was --

Q. -- at that time?

A. -- the president. I was still the treasurer. The secretary's position went to

Bill Lowery, and the vice presidents at large would have been Bill Richarts and Donnie Schneider.

Q. Okay. And then when is the next change?

A. The next change is myself. I left the board.

Q. When did that happen?

A. Approximately December of 2007.

Q. Okay. And who filled your space, if you know?

A. Randy Stephens.

Q. Randy Stephens. Do you know what position he took. Did he take the treasurer position then?

A. He became treasurer.

Q. He became treasurer, okay. And so then that's your, the end of your involvement on the board, right?

A. That's the last person. I trained him to become treasurer, sent him all the pertinent documents and --

Q. Okay.

A. I'm not on the board.

Q. Okay. You testified that at some

point in time, for a short period of time you took over as the web administrator?

A. Yes.

Q. Am I using the correct terminology?

A. Yes.

Q. That's correct?

A. Yes.

Q. Okay. When was that period of time?

A. In Jason's disappearing, which was August of 2007, most likely September, give or take 2007. It was never an official title. It was a hat that I wore for a period of time because we were in need.

Q. Okay, so this was a number of weeks somewhere in around August, September of 2007?

A. Probably more in the line of a couple of months in August, September. It was a period of time --

Q. Okay.

A. -- but somewhere in August, September.

Q. Somewhere in that vicinity though?

A. Yes, somewhere in there.

Q. Okay. Now, you have stated that you would not describe yourself as to be computer savvy, for lack of a better term;

is that correct?

A. No, I'm pretty computer savvy. However, I have no training or history in database administration.

Q. Okay. So at the time when you took over the web administration unofficially --

A. I was a gorilla with a machine gun.

Q. You were a gorilla with a machine gun, so you didn't know all the ins and outs of everything you were doing. You didn't know it like Jason did --

A. Absolutely not.

Q. -- basically? So when you're referring to things that -- you made some comments that items were deleted or modified, or that you dumped stuff from the website, do you have any ever -- I'm sorry, going back. Do you have any actual knowledge that those were actually ever deleted, purged from the system. Can you verify that with 100 percent certainty?

A. Absolutely, positively. One morning they're there, the next morning they're not. They went somewhere. And my personal email account, Patriot Guard dot org was not

affected, nor was anybody else's. That file was the only one deleted.

Q. Okay, so you're referring to an email?

A. An email account.

Q. An account, not necessarily postings on the web?

A. Not necessarily.

Q. Or forums?

A. Not necessarily postings on the forums, no.

Q. You're not referring to that, okay. Give me a second.

Okay, you mentioned or you testified yesterday that Jeff had announced on a conference call that he had quit his job so that he could become -- he could run the PGR store full time and work in connection with the PGR full time; is that correct?

A. That's correct.

Q. Do you know when that was?

A. To the best of my recollection March or April 2006, somewhere in the very early period.

Q. Okay. At that time do you know how old Jeff was when he quit his job?

A. No clue. I don't know his age today. He's a Vietnam-era veteran, so he's 60-ish.

Q. He's 60-ish; as of today or then?

A. Vietnam was a long time ago, now and then.

Q. No, no, I'm not saying -- I'm not saying Vietnam then, I apologize.

A. His age is -- I mean, his age is --

Q. At the time when he quit his job is when I'm referring to?

A. I mean, the same answer. It's that era. Those guys were all 60-ish, and some of them are 70-ish now and --

Q. Okay. So is he close at that time when he quit his job, would you believe that he is close to a normal retirement age?

A. At some point in the future. Sixty-seven is full retirement, so at some point down the road, yes, I would say within the next ten years.

Q. But people retire beforehand?

A. My goal's 50.

Q. Well, there you go.

A. Okay.

Q. I would love that as well. But so if

Jeff was in a financial position where he decided he could retire earlier than say 67; not that you're not aware that he was that age, but it's possible he could have retired younger than 67?

A. I would expect anybody to.

Q. Okay. So it's -- do you know when he quit his job how long he had been working prior to that in his life?

A. I don't even know what he did for a living at that time. I have no clue --

Q. Okay.

A. -- of his work history.

Q. Okay. Do you know whether his wife worked at the time, when he quit his job?

A. I don't know what his wife does. I believe she was in education of some form, I don't -- but I don't know if she worked.

Q. Okay. So in connection with that, you've stated that because he informed the board that he was going to be quitting his job and running the PGR store, that you assumed it was because he was making so much money at the PGR store that he might as well quit his job and run this instead. Am I --

MRS. BLUE: Objection; I think that --

BY MR. O'MALLEY:

Q. -- giving your testimony accurately?

MRS. BLUE -- mischaracterizes.

BY MR. O'MALLEY:

Q. Okay. Can you explain to me why, off of what you said yesterday, why you believed Jeff quit his job?

A. To run the PGR store and the organization full time.

Q. Did you further state that it was your opinion that it would take a rocket scientist to understand that he would only do that because he was making money from the store?

A. Yes.

Q. But isn't it entirely possible that that wasn't the reason Jeff was quitting his job? Isn't it entirely possible that it was just that he had reached retirement age. He was -- had reached a comfortable financial position. His wife may or may not have still been working, but he and his wife decided it was okay for him to quit, and

that he didn't necessarily need to make money from the PGR store?

MRS. BLUE: Objection; calls for speculation.

BY MR. O'MALLEY:

Q. You can answer.

A. Sure, it's entirely possible.

Q. Okay.

A. Could I clarify that last answer? I'd like to add something to it for the Record.

Q. Sure.

A. Me and my business partner almost dissolved our own company behind the time and effort I put into the Patriot Guard Riders. We fought like cats and dogs.

She supported the idea of what the Patriot Guard Riders stood for, but she hated the Patriot Guard Riders. And if I would have been an employee, I would have been fired. We had many, many, many knock-down drag-outs over the time and effort I invested sitting there in there in my office to the Patriot Guard Riders instead of devoting it to the company.

So somebody going to work for the

Patriot Guard Riders was not a crazy idea to me, essentially. If he was running the store and earning an income so we could continue to progress the organization, that made absolute, perfect sense. Based on my own personal experiences that this organization was causing big problems between me and my business partner, me and my wife, it took a lot of time and effort to wear those many hats we did to start the organization.

Q. Okay. But you don't know that that was necessarily true with regard to Jeff Brown. This is your situation?

A. Absolutely not with a certainty.

Q. Okay. Okay, you stated yesterday -- so the time leading up to Brown's resignation, when did that -- what happened where this all kind of started coming out?

A. With absolute certainty where it began, I don't know, because it was one of those holes in the dike you wished you could have put your finger in in hindsight and shut off and proceeded forward.

Q. Uh-huh.

A. But it pretty much originated, if I could put an originator's name on it, I would say Alan Mullis.

Q. And who is that?

A. That was a very loud Uncle Bubba in North Carolina. He was very good friends with Steam and Tony Turner and Monica. He was -- he was not an official duty state captain or anything. He was one of the members of my perceived group of the goon platoon.

Q. Okay, your perceived group?

A. Yes.

Q. Okay. And so when, timeline-wise, when did -- when did it first become public -- public now, it's not just, you know, with regard to you or a few people -- but when did it become public knowledge in your mind that -- sorry.

When did it become public knowledge in your mind as to when the membership at large became aware that Jeff was profiting from the sale of goods in connection with the PGR store?

MRS. BLUE: Objection; vague.

BY MR. O'MALLEY:

Q. You can answer, if you understand.

A. I would say the first evidence that I have seen is Sgtpotsie's post in the evidentiary stack, that's --

Q. Which, can you refer me to what exhibit is that?

A. That would be -- oh, right here, the top one, Exhibit 23. Where he discusses at the gathering at the guard, which was July 4th weekend of 2006, that he says that the topic came up and was clarified that weekend.

Q. Okay. I believe you said though that you didn't remember that happening; that you were at this meeting, but that you don't remember this being said?

A. No, but somebody does. And, I mean, it's a piece of evidence before me, and as I also testified that it was never an issue.

It became an issue when the goon platoon sometime in October started in with their thing which culminated with Jeff's resignation. But I don't know when the public knowledge happened other than I've seen this thing today with a date and time,

and it was never a point of contention for anybody on the board.

Q. Okay. I want to introduce --

(Whereupon Deposition Exhibit Number Defendant's 1 was marked for identification.)

BY MR. O'MALLEY:

Q. This is a complete copy of your deposition testimony.

A. Okay.

Q. I'm going to introduce that as Defendant's Exhibit 1. All right. Five copies of this, transporting it all --

MRS. BLUE: Can you get me one please? Thanks.

BY MR. O'MALLEY:

Q. Can you take a look at this, if you don't mind?

A. It's rather large.

Q. Have you seen this document before?

A. I've never seen this document before.

Q. You've never seen this document?

A. I've never seen this. I did my deposition by telephone last time, so I've never seen this document.

Q. Can I have you turn toward the back.

There's a Page 80 -- let's see, there's a Page 91.

A. Okay.

Q. Can you state what that page says. It starts off with "signature page." Can you state what it says underneath that?

A. "I, Ronny Roy Awtry, do hereby certify that the foregoing deposition was presented to me by Marlene Percefull as a true and correct transcript of the proceedings in the above-styled and number cause, and I now sign the same as true and correct."

I do remember this now.

Q. Okay, so you read through this deposition --

A. Yes.

Q. -- to insure the accuracy?

A. This was emailed to me to insure the accuracy, and I did -- I did take a look at it.

Q. And you signed this on November 25th, 2008. That's your signature?

A. Yes.

Q. Okay. And you further, two pages

later, there's a statement or page that starts off, "Corrections to the Deposition of Ronny Roy Awtry, page and line number and corrections"?

A. Yes.

Q. So that is your writing that you --

A. That is my writing.

Q. -- filled those out and corrected this?

A. Yes.

Q. So you have read -- at that time you read your deposition testimony?

A. Yes, I did.

Q. Okay, all right.

A. It's been a long time.

Q. Yes. If you will bear with me. I'm sorry, I have to find my notes. Okay, I'd like you to turn to Page 18, Lines 14 through 23, if you can read those?

A. Page 18, Line 14 through 23.

"Question: Do you recall ever seeing a post on any forum on the website www dot Patriot Guard dot org that stated that Jeff Brown owned the store?

Answer: The only that I can recollect -- the only post or the

first post I saw was of that nature was, I believe, in October of 2006 on the, you know, threads in the open forums.

Question: When you say, 'open forums,' do you mean anyone can access those?

On any forums whatsoever, Answer."

Q. Okay. That's -- and now I'd like you to turn to Page 81.

A. Okay.

Q. Lines 6 through 9.

A. Line 6 through 9:

"Question: I believe you testified that in October is the -- of '06 is when it became public knowledge that Jeff owned the store; is that correct?

Answer: That's the best of my knowledge, yes."

Q. Okay. So as of the time, when you gave this deposition, it was your belief that it became -- first became public knowledge that Jeff owned the store was in October of '06?

A. At the time I gave this deposition, yes.

Q. Okay, thank you.
A. But that's not supported by the evidentiary stuff I've viewed today.
Q. I'm not asking you that question. I'm asking you what was your belief at that time. That's all I'm asking for.
A. Okay.
Q. Okay. And I'd ask you that you not volunteer, just answer my question.
A. But I'm not allowed to clarify my answers?
Q. You will have the chance to do that with your attorney on redirect, if she chooses to do so.
A. Okay. Even if I want to answer?
Q. I'm sorry?
A. Even if I want to answer I'm not allowed to, based on the rules of the Court, or based on --
Q. You are supposed to -- it's proper to answer my questions. If my question ends in an "is that correct," or, "is that right," the answer is yes or no. I'm not asking for clarification.
A. But it's, can I -- I'm asking you, can

I go outside of properness, quote, unquote, and say what I feel to believe the answer.

Q. You can say what you want. I may object.

A. Okay.

Q. Is that fine?

A. Clarifying the rules. I'm learning the rules of law as we go, as I've said several times. Thank you.

Q. Okay. I'd like you to take Plaintiff's Exhibit 1. You still have a copy of that; that was the first exhibit introduced yesterday. It's probably on the bottom of your stack there.

A. Yes. Well, we did some digging around, so it's not on the bottom of my stack.

Q. It's a post by Waldo dated December 16th, 2005. There's a number at the right hand corner that says PGR 006225.

A. Okay.

Q. Okay. I'm going to read this statement that was made by Jason Waldo, correct? Jason Wallin, who is otherwise known as Waldo?

A. Okay.

Q. He says: "We're 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 sponsor's links to help us out. Thanks a million."

Who is Jason referring to as the "we" in we?

A. Hisself and Jeff.

Q. Himself and Jeff, okay. This statement conveys the message that Jason Wallin was asking people to buy quality PGR items from the web store, so that Jeff and Jason could have some of their costs covered that were incurred to get the PGR site and the organization up and running; isn't that correct?

A. That's correct.

Q. So this statement doesn't convey the message that Jeff Brown was looking to profit from the sale of quality PGR items

from the web store, does it?

A. No, sir. It states that they are trying to cover their costs of getting the organization up and going.

Q. So they're looking to cover costs, not profit. They're stating that they have invested some money in order to help get this off. What they're looking for is to cover their costs?

A. That's what it says in the post, yes.

Q. Okay, thank you. Can you turn to Exhibit 4 now?

A. I've got that. Okay.

Q. You got it?

A. Got it.

Q. Okay. You testified -- Rachel had you testify yesterday regarding this post by Jason Wallin of November 15th, 2006, correct?

A. Correct.

Q. Okay, I'm going to read this statement as well. It says:

"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."

So is it fair to say from this posting by Jason Wallin that Jeff Brown claimed ownership of the PGR logo because he had filed a copyright application on the logo?

A. From reading the post, yes, it is.

Q. Okay. Do you have any knowledge or understanding of the difference between a copyright and a trademark?

A. Absolutely not.

Q. Not, okay.

A. To this moment I couldn't tell you.

Q. Even to this day?

A. I couldn't tell you a trademark from a copyright.

Q. Okay, okay, can you go to Exhibit 7 now, please. Do you have that?

A. Yes, I do.

Q. Okay, so this is another post from Jason Wallin dated November 15th, 2006. I'm going to read a portion of this, where it says:

"We need to set up some ground rules around this. What would you think of these, proposed rules for challenge coin design.

1. Required design elements include the words, quote, 'Patriot Guard Riders,' unquote, and, quote, 'Standing For Those Who Stood For US,' unquote. And then in parentheses, (note the "US" is all caps so that it can mean us or the United States), end paren."

Then Number 2. States: "Forbidden design elements include the copywritten logo that Jeff Brown drew as we only have permission to use it on the website but not in marketing material."

So is it fair to say from Paragraph 2 there by Jason Wallin, that Jeff Brown claimed ownership of the PGR logo because he

had a copyright on the logo?

A. It specifically says copywritten, yes, and at the time trademark and copywritten were something the board of directors as a whole knew not the difference of.

MR. O'MALLEY: Okay, object to hearsay as to what the remainder of the board knew as opposed to yourself.

BY MR. O'MALLEY:

Q. So you had no knowledge of the difference between copyright and a trademark and their legal purposes and all that?

A. No.

Q. Okay, and still do not to this day, or is that just with regard to copyrighting?

A. Just with regard to copyright.

Q. Okay, okay. Going to Paragraph 1 of this statement of this post, Jason also states in Paragraph 1:

"That it is acceptable and even required that a new design element must use the words Patriot Guard Riders"; isn't that correct?

A. To Line 1?

Q. Yes --

A. You said Paragraph 1.
Q. I'm sorry.
A. Okay.
Q. Yes.
A. Okay, repeat the question?
Q. Sure. Jason states in Line 1, Paragraph 1, whatever you want to call it, the sentence following the Number 1:

> "That it is acceptable and even required that a new design element must use the words Patriot Guard Riders"; isn't that correct?

A. Yes.
Q. Okay. How is it that it was acceptable for the PGR to use the term Patriot Guard Riders, such to the point that it was even required if Jeff Brown wouldn't allow them to use the logo?
A. Because at the time we thought that we had claimed it first and that the logo was ours, so we were trying to set rules and standards for the organization to use.
Q. But you state -- you just stated that the -- his statement here is "that a forbidden design element includes the

copywritten logo."

A. The logo itself is the emblem on my shirt, the "Patriot Guard Riders, Riding With Respect" trademark logo that Jeff has filed.

Q. Right.

A. And Patriot Guard Riders is the name, "Patriot Guard Riders."

Q. Okay.

A. The words, "Patriot Guard Riders."

Q. So you as the board, the board believed that it was only not allowed to use the logo, but they were still allowed to use the name?

A. Yes.

Q. In connection with goods?

A. In connection with goods, yes.

Q. Okay. So, all right, so going back I asked you before about when the time came up when all this stuff, so to speak, hit the fan, so that was --

A. Good description.

Q. Thank you. So that was leading up to his resignation, Jeff Brown's resignation, as well as after his resignation, correct?

A. Yes.

Q. There was still, I believe yesterday you referred to it, and if I misquoted you here wrong, but you can correct me now, that it was like a hail storm or a war going on; that there was a lot happening --

A. Fair enough.

Q. -- at that time. Would it be fair to state that there was a lot of confusion on the board as to what was happening at the time and how things should be handled, both leading up to Jeff's resignation and following Jeff's resignation?

A. Mass confusion. We had no idea what we were doing.

Q. Okay, mass confusion. So --

A. We were very aware of the steps we were taking, but we were taking steps and moving forward to the best of our knowledge. And as I said on various composites there was one board, one vote, regardless of individuals. What the board voted was what was released, and we knew nothing.

Q. Okay, so because you state you knew nothing, isn't it possible that members on

the board: Jason, yourself, Bonnie, Bill Lyons -- who did I leave off? Ed Mueller, isn't it possible that any one of them could have made statements on the board while trying to answer questions to your general public, your members. You're trying to answer questions; isn't it possible that some of the information that was provided was not accurate or not fully thought through?

MRS. BLUE: Objection; calls for speculation.

A. It is possible, yes. However, in the designation of Jason as the person to contact the trademark, that Jason was chosen specifically because Jason claimed to have previously done trademarks for other organizations. Jason claimed to have knowledge of what he was doing, so, "Good answer, good answer, here's your hat. You know what's happening."

BY MR. O'MALLEY:

Q. So what about with regard to statements made on the forums that Rachel has talked to you about both yesterday and today?

A. There were specific items. Bonnie and Ed specifically would lie through their teeth. I -- individual topics we can look at and approach one by one, but Jason claimed he knew what he was doing. And Bonnie and Ed hated Jeff and would say whatever they could to make this resignation permanent.

Q. Okay. Okay, so going back to the trademark filing, you have stated that after Brown resigned, you and the rest of the board of directors authorized Jason Wallin to file a trademark application on behalf of the PGR for the PGR logo, correct?

A. Yes.

Q. Okay. This authorization was given during a board meeting, a telephonic board meeting; is that how --

A. A telephonic board meeting.

Q. -- you typically did this because you're all located in different areas, right?

A. A telephonic board meeting.

Q. Do you know what day that happened?

A. Within a week of it, and I think looking through the documents that it was

somewhere around the 9th of November. The exact date I don't know for sure, but it happened -- it happened before it was considered.

Q. Before it was filed -- it happened before the trademark was filed, correct?

A. Yes.

Q. Okay. So if the trademark was filed, I believe if we look at --

A. It happened the day before or within hours of the trademark being filed.

Q. Okay. And so the trademark was filed --

MRS. BLUE: November 9th.

BY MR. O'MALLEY:

Q. If we look at Exhibit 5, I think, which I'm missing here. It was November 9th?

A. Yes.

Q. Right. Okay, so it happened either the day before or within hours of that happening?

A. Yes.

Q. Okay. Prior to the authorization being given, did Jeff Brown ever inform the board or yourself that he was the owner of

the trademark of the PGR logo? Now, I'm talking separate than your knowledge that he ran the store --

A. Yes.

Q. -- and used it?

A. Yes.

Q. When did he tell you that he was the owner of the trademark?

A. When people would ask us to use the trademark for merchandise, and the board, as early as when I was a board member, and even when I was just head shed on some of the com calls in regards to the Help On The Homefront.

So one time, for instance, somebody wanted to use the logo. I can't remember the specific incident, but they -- somebody presented an idea to use the logo on something that was pretty ridiculous idea, and Jeff and the board voted. Jeff said, "Absolutely not," and the board said, "Absolutely, you're right," and we didn't grant permission to use the logo to --

Q. So, okay, so the board was involved in that decision?

A. If I remember right, it was like Jeff was not going to release the logo for that particular thing. And the board would -- somebody on the board presented it because somebody had asked. And Jeff said, "Absolutely not." The board said, "Yeah, that's great; we wouldn't recommend it either," and it went away.

Q. Okay. So from what I understand from what you're saying is that this occurred during a PGR board meeting?

A. That particular incident, yes.

Q. Or conference call?

A. Yes.

Q. So wouldn't it stand to reason that decisions Jeff is making at that time he is making on behalf of the board as opposed to on his own individual behalf?

MRS. BLUE: Objection; calls for legal conclusion.

A. We were deferring to him as the guy who controlled the mark as far as we were concerned.

BY MR. O'MALLEY:

Q. So you deferred to him, but you didn't

have actual knowledge that he had stated he -- he, as an individual, owned the mark. You were aware that it was being used by the store; is that correct?

MRS. BLUE: Same objection.

A. Two things happened, okay? We knew he was controlling the mark at that point, not the board, not the store. We, as an organization around the time of the hail storm, didn't clearly understand the difference between the store and the mark. Our goal was to acquire the mark, which we knew Jeff had previously --

BY MR. O'MALLEY;

Q. Used, I believe is what you've stated?

A. Granted permission to use. So our knowledge within it has -- my knowledge, and I will say the board at large because I was on the calls with them, were that the discrepancy and the storm was that originally it was his mark, but it should have gone with the organization.

In our naivety we didn't separate the difference between them. Now Jeff's gone. Now let's open our store, and as I've

testified earlier, "Oh, shucks, what's this thing about the logo and trademark?" "Well, let's research it." "Okay." "It hadn't been filed." "Quick, get a file on it and it's ours, and we'll run our store." That's the sequence of events in our Harry-Caray world during that hail storm.

So previous to that we knew damn good and well it was Jeff's trademark, but we didn't understand trademarking and all of that that went with it.

Q. So if you didn't understand all that went with trademarks, how did you know it was Jeff's trademark --

A. Because we went to him to get --

Q. -- that seems terribly inconsistent to me.

A. We went to him to get permission from him for other people to use it, because he told us he's --

Q. Because he was the president of the PGR?

A. He said he owned the trademark. The discrepancy came in when we saw that it hadn't actually been filed, and there's two sets of scenarios. At the time he claimed

that he owned the trademark, which nobody disputed. The dispute came in when we decided that we would own the trademark because he hadn't filed it yet.

Q. Okay. Can I ask you to look at your deposition again, Defendant's Exhibit 1?

A. Yes.

Q. Can you first go to Page 77, Line 23, and read starting there until the next page, Line 3?

A. "Ronny, before Jeff Brown resigned as the PGR, were you aware that --"

Q. I'm sorry, can you repeat it to track the language? You didn't read it properly.

A. Question -- Line 23, right?

Q. Right.

A. "Ronny, before Jeff Brown resigned from the PGR, were you ever aware that he claimed to own the PGR trademark as an individual?

Answer: I have no specific knowledge that he claimed to own the trademark as an individual. I mean, like I said, I knew that he owned the store."

Q. Okay. That seems to be in

contradiction to what you have just told me; isn't that correct?

A. Absolutely, I mean there was --

Q. Okay, thank you.

A. Absolutely, there was no clarification.

MR. O'MALLEY: Object to the continued volunteering of testimony.

BY MR. O'MALLEY:

Q. Can I have you go to Page 84, Line 19?

A. Okay.

Q. And can you read until Page 85, Line 2?

A. Did you --

"Question: Did you and the PGR leadership, at the time that you authorized Jason Wallin to tried (sic) to file the trademark application on the corporation's behalf, did you believe that the trademark was owned by the organization? Answer: Yes, I did. I thought it represented the organization and it was so fundamentally tied to our image and our personnel that, yes, I believe that the organization owned the trademark."

Q. Okay, thank you. Can we take a look at Exhibit 5 again, please? That's the trademark application.

A. Okay, this one?

Q. Yes.

A. Okay.

Q. Okay. Can I have you turn to, let's say the second page here.

A. Okie-dokie.

Q. There's a header that says, "Goods and/or Services," correct?

A. Yes, that's there.

Q. And it says International Class: 045. Class status: Active, and describes -- below that it says:

"Organizing and conducting support groups in the field of combat veterans and their families."

This is what the trademark, the PGR logo was filed for by the PGR, Inc.; is that correct, in connection with these services?

A. Yes.

Q. Okay. It does not call for anything having to do with the sale of goods at the time, correct?

A. Correct.

Q. Do you see anything in here talking about goods?

A. No.

Q. Okay. Do you know whether the services provided by the PGR, consistent with this, began to take place prior to any sale of goods where this logo was used on?

A. I don't know.

Q. Okay.

A. The organization started before I came on board, and I wasn't involved with it. And when the store opened and when the merchandise on the website came on, I was member 7000, I think, somewhere in there. I don't remember exactly. My email address, my original account died when I was on there, and I started over, so I don't remember what my original was. So I don't know what -- the transactions that took place in the very beginning.

Q. Okay, all right. Sorry, I'm just going through my notes. If you will give me a second.

A. That's okay.

Q. I probably ought to put my stuff in some kind of workable fashion.

In connection with what you just said, you said that you were not involved with the PGR at the time to know whether the services were provided prior to the sale of goods, right?

A. Correct.

Q. Who do you believe would have knowledge of that; would Jason Wallin?

A. I believe Jason Wallin would have.

Q. Anyone else?

A. Jeff Brown would have.

Q. Anyone else?

A. I don't know of myself personally any individual. I mean, sure, there had to be somebody, but I don't know for sure any individual's name, as I learned everything I know from Jason and Jeff in the early days.

Q. So because Jason filed this trademark application on behalf of the PGR --

A. Yes.

Q. -- he was the one who declared ownership of the mark in connection with the services provided. Do you believe -- you

have no knowledge to dispute that Jason Wallin was incorrect; you have no firsthand knowledge to debate that. Is that correct?

A. That is correct. And as I stated earlier, we had no specifics other than, "You're the guy that knows something about it; file it." We didn't even know what he had filed. There was no official board of directors' communication in the development of that document other than, "Go forth, young man, go forth."

Q. Because you believed him to be the most knowledgeable person about the --

A. About trademark.

MR. O'MALLEY: I have no further questions.

MRS. BLUE: Do you want to take a short break?

MR. O'MALLEY: Sure.

(Whereupon, a recess was had)

MRS. BLUE: You're still under oath.

REDIRECT EXAMINATION

BY MRS. BLUE:

Q. A minute ago Mr. O'Malley had you look at Exhibit 4. Let's go back to that if we

can find it in our --

A. I've got my stack --

Q. -- stack of exhibits here.

A. I've got it.

Q. Okay, now I have to find it. All right, Mr. O'Malley asked you if this post from Jason Wallin indicated that Jeff's ownership was dependent on his filing of the copyright; is that correct?

A. I believe so.

Q. All right. Is there anything else in this post that might indicate why Jeff thought he owned the logo?

A. Well, the last sentence says that he drew the logo.

Q. All right, thank you. Okay, let's go to Exhibit 7 now. We need more space here.

All right. A few minutes ago Mr. O'Malley asked you some questions regarding Number 1 and 2 in this post from Jason Wallin. And specifically he asked you whether Jason Wallin's statement indicated that Jeff thought he owned the logo because it was copywritten, which is in Number 2?

A. Right.

Q. All right. Is there anything else in Number 2 that would indicate why Jeff thought he owned the logo?

A. Well, it says that Jeff drew it.

Q. All right, thank you. Let's stay on that post for just a second and let's talk about these rules here. Were these rules actually ever enacted?

A. This?

Q. Yes.

A. Yes, this was. This was specific to the challenge coin that we, I believe, came out with as an organization. And I believe we were released a challenge coin at some point thereafter for sale.

Q. So were these rules adopted in any formal way; were they ever posted anywhere for membership?

A. This is specific to a contest and a coin. There was a similar, very similar that was posted on state usage of the PGR logo. Very -- I mean, these rules specifically are specific to that challenge coin.

Q. Now go to Exhibit 5 that we were

looking at. This is PGR, Inc.'s application.

A. Okay.

Q. I believe you testified when Mr. O'Malley was asking you some questions that the board thought that they could use the name but not the logo; is that right?

A. That's what the post said.

Q. Okay, that's what Jason thought?

A. (Indicating).

Q. Do you know whether the rest of the board had that same understanding?

A. I believe we thought as we were the Patriot Guard Riders, Incorporated, that we were the Patriot Guard Riders, and that specific organization was not questionable.

Q. Okay. Well, if you thought that you could use the name but not the logo, why was Jason directed to file a trademark application that included the logo?

A. Because the logo was in dispute, and we needed to file a trademark on it to make a claim for it.

Q. That was your understanding at the time?

A. Yes.

Q. That if you made the filing then you

could claim it?

A. We were the first horse to the trough.

Q. All right. But this post of Jason's is November 15th, so it's after the trademark application's filed?

A. Okay.

Q. And he's telling everyone that forbidden design elements include the copywritten logo that Jeff Brown drew.

A. Right.

Q. Okay. So does that seem contradictory to you?

A. Yes. We knew the trademark was in contest.

Q. Okay, let's talk for a second about another question Mr. O'Malley asked you, if Jeff had ever informed the board that he owned the Patriot Guard logo, and you answered, "Yes, he had." And I think then Mr. O'Malley asked you the basis for that. And you testified that when people would ask for permission to use the logo they would ask Jeff; is that right? I want to make sure I don't mischaracterize your testimony.

A. They would either ask Jeff directly or

ask one of us, and we would then approach Jeff.

Q. Okay. Could anybody else on the board give permission to use the logo?

A. No.

Q. Without asking Jeff?

A. No.

Q. Did you ever give anybody permission to use the logo without asking Jeff?

A. I did, as a board member when the state stores were given the set of instructions that they develop a state specific, and a board member can approve it for state use, yes.

Q. Is that before or after Jeff resigned?

A. That was after.

Q. Okay. All right, you testified also that there was one instance, and you weren't -- I don't think you had a very clear recollection of exactly what the request was for, but it was something that neither Jeff or nor the board appeared to have thought worthy of putting the logo on?

A. Right.

Q. And you didn't remember exactly what

that request was?

A. I remember the incident because it was a pretty ludicrous proposition.

Q. Okay. And you testified that the board was involved in that decision. You said that the board deferred to Jeff because he owned the mark; is that right?

A. Yes.

Q. Okay. And you also said that the board was aware that Jeff used the mark; is that right?

A. Yes.

Q. When the board deferred to Jeff, were they simply agreeing with his denial of this request to use, or was there some formal vote on it? If you recall.

A. I don't recall specifically, but there may have been, et cetera. The one thing that specifically confused me in this is --

MR. O'MALLEY: Objection; speculation.

A. -- the title ownership versus control. The ownership, as I've stated several times, never was spent much time with. I mean, owner and controlling, we just didn't think like that. There wasn't, "You own this,"

and, "You own that," but we knew who owned the store and who to verify with.

BY MRS. BLUE:

Q. Did you understand that Jeff had already used that logo in connection with goods he offered in the store?

A. I bought my first items, and it came from him.

Q. Okay. Do you have a better understanding now about how trademark ownership is acquired?

A. I have a much better idea of how it's acquired. I still am not sure of what trademark and copyright, and somehow trademark is -- my simplistic would be the donut, and copyright would be the term, "donut." But I could be entirely wrong.

Q. Okay, all right. Mr. Mark had you look at some testimony that you -- I'm sorry, Mr. O'Malley. I was reading Davis' name on here.

He had you look at some testimony that you gave in October of 2008. And I think that he indicated that there was a contradiction in your testimony on Page 78

in that deposition and today's testimony.

A. Yes.

Q. I would like to have you take a look at Page 89 in that deposition. And I'm going to have you read that first Question and Answer, please.

A. "Ronny, what is your understanding of how an individual or an entity comes to own a trademark?

A: Well, before November of 2006, I had no clue what a trademark was or what was happening. It wasn't even part of my vernacular. But to own a trademark, you submit it through the trademark or patent office, whatever it is, and then they review it and after some kind of period of time they issue a preliminary approval kind of thing, where at that point if there's any objections, you can go to their website and look at what's up and protest it or not."

Q. And so when you gave the testimony in this deposition in October of 2008 --

A. Yes.

Q. This was your understanding of how a trademark -- how trademark ownership was acquired?

A. Yes.

Q. And that is different than your understanding of how trademark ownership is acquired today?

A. Yes.

Q. Let's go back to Exhibit 5 for just a second. Mr. O'Malley asked you to look at the goods and services in this application which is the one filed by the PGR, Inc., and you indicated that the goods and services were as set forth in this document: "Organizing and conducting support groups in the field of combat veterans and their families," right?

A. Right.

Q. Now, let's flip back in this document to the page with the tee-shirts on it?

A. Okay.

Q. Okay. How do those tee-shirts support the organizing and conducting support groups in the field of combat veterans and their families?

A. Do you want the correct answer, or do you want what actually happened with those shirts?

Q. Well, no, what I want to know is how do those shirts tell people that the PGR, Inc. performs those services?

If I see somebody wearing one of these shirts, what would I think? That's a bad way to ask that question.

If you saw somebody wearing those shirts, what would you think?

A. That they are a Patriot Guard Rider.

Q. Okay. And what do Patriot Guard Riders do?

A. We support families of wounded troops and deceased soldiers or wounded soldiers.

Q. So I could assume then, if I saw you wearing one of those shirts, that you were a Patriot Guard Rider, and that's what you did, right?

A. Yes.

Q. Okay.

MRS. BLUE: Just a second here.

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

MRS. BLUE: I'll introduce, this is going to be Plaintiff's 24.

A. I lost it.

Q. You don't have it yet.

A. I lost another one.

Q. Give that one down to the reporter, please. This is a printout from May 3rd, 2010 from the US Trademark -- Patent and Trademark office. It is a trademark application, serial number 770410061.

Ronny, will you look at the mark?

A. Okay.

Q. What does that say?

A. Patriot Guard Rider.

Q. Will you look down at the applicant on the page?

A. Jeff Brown.

Q. Yep, right. This is Jeff Brown's application. Can you tell us the filing date on this?

A. November the 9th of 2006.

Q. Okay, all right. Flip to the second page where it says, "Goods and Services." There's a whole long list of them there. Go down to the bottom of that list,

International Class: 035. Will you read that, beginning with "Association services," please?

A. "Association services, namely, promoting the interests of families of deceased military members and families of deceased Veterans."

Q. Okay. Tell me the first use date there?

A. First use date, October the 27th of 2005.

Q. Okay. First use in commerce date?

A. November the 9th, 2005.

Q. Okay. Let's go to -- flip back over to Exhibit 5, flip to the second page of it. Exhibit 5 again is the PGR, Inc.'s application?

A. Okay.

Q. Tell me the first use in commerce date?

A. First use in commerce date, June the 1st of 2006.

Q. Okay. First use date?

A. November 11th of 2005.

Q. All right. Are those dates in the PGR, Inc. application before or after the dates alleged in Jeff Brown's application?

A. The first use date is later. The first use in commerce date is later.

MRS. BLUE: Okay, that is all I have.

MR. O'MALLEY: Okay, I've got a couple more questions. We can stay with this Exhibit 24 and Exhibit 5.

THE WITNESS: Okay.

RECROSS EXAMINATION

BY MR. O'MALLEY:

Q. Let's see, we'll start with Exhibit 24. On that same -- I'm sorry, not on that same page. Let's go on the sixth page.

A. Okay.

Q. So on the top it says email address, and to the right, Jeff Brown at valornet dot com?

A. Yes.

Q. We're on the same page, okay. So if you go down about midway into that page, actually, I'm sorry, I'm going to skip another page. Go up two more pages. I'll get to the right --

A. Okay.

Q. Okay, so down there, midway down you see, "Goods and/or Services and Basis

Information." And then it says, "International Class 035," right?

A. Okay.

Q. And then the next, below that it says, "First Use Anywhere Date." What does that say to the right of that?

A. October 27th, 2005.

Q. Can you read exactly what it says to the right of that, please?

A. "At least as early as 10-27 2005."

Q. So does that mean, if you were to understand this statement, that this mark was used in connection with the services, which it describes right below, "Association services, namely." And then it goes on, that this mark was used at least as early as that date, meaning it could have been used prior to that date, but in no event later than that date?

A. That's what I would read, yes.

Q. Okay. Go down the next step where it says, "First Use In Commerce Date." What does it say to the right?

A. At least as early as November 9th, 2005.

Q. Okay, so does the same hold true, that

it would have been used in commerce -- it's possible that it was used in commerce prior to that date, but no later than that date?

A. That's what I would surmise.

Q. Okay, can we switch back to Exhibit 5?

A. Okay.

Q. This is the PGR's application.

A. Okay.

Q. Go to the fifth page?

A. Five, all right.

Q. Okay, down about midway there it says, "Goods and/or Services and Basis Information"?

A. Yes.

Q. "International Class 045"?

A. Yes.

Q. Okay, so this one says, "First Use Anywhere Date," what does it say to the right of that?

A. At least as early as November 11th, 2005.

Q. So your understanding is that the mark could have been used prior to this date, but in no event later than this date?

A. Yes.

Q. Okay. And go down another line,

"First Use In Commerce Date," what is that date?

A. At least as early as June the 1st of 2006.

Q. So it could have been used before that date, but in no event later than that date?

A. Yes. And as I said earlier, that was an arbitrary number invented by Jason Wallin, so I don't know the accuracy of this one, which I was a participant.

Q. That's fine. So you have no knowledge with regard to that is what you're saying of the actual dates?

A. Actually, I do not.

Q. Okay. So if you compare these two because the dates could be prior to the dates, the specific dates identified, isn't it entirely possible that the dates when the PGR first used their mark, the logo mark in connection with their services, was before the date that Jeff Brown used his mark in connection with services?

MRS. BLUE: Objection; calls for speculation.

BY MR. O'MALLEY:

Q. All I'm asking is is it possible. One says at least as early as October 27th, '05. The other one was a least as early as November 11th, 2005, so that means it's possible that --

A. Legally written on this document, if you weren't aware of the methodology Jason used to determine that number. He admitted it.

Q. So, yes, so you don't know that?

A. I don't know that.

Q. Okay, thank you.

A. I do know it was invented.

MR. O'MALLEY: Okay, objection to the volunteering again.

BY MR. O'MALLEY:

Q. Okay. I want to take, again keep Exhibit 5 out but go to Exhibit 7.

A. Five and seven, okay.

Q. Okay, you got Exhibit 7. That's a post by Jason Wallin on November 15th, '06?

A. Yes.

Q. And Exhibit 5 is PGR application for the PGR logo?

A. Yes.

Q. So you had stated that the filing date for the logo was November 9th of 2006, correct?

A. Yes.

Q. Okay. And then six days later on November 15th, '06, Jason Wallin is stating that, "forbidden design elements include the copywritten logo"; is that correct?

A. Yes.

Q. And she asked you if something seems contradictory there, and you agreed that it seems contradictory.

Doesn't it stand to reason that something happened between November 9th of '06, and November 15th, '06, that would cause Jason Wallin to write this?

MRS. BLUE: Objection; vague.

A. It would be speculation to say yes. Written as it is in evidence right here, no. So seeming to reason, based on if I was a member at large or on the board of directors, I know that negotiations were proceeding with Jeff behind the scenes, and the board was not moving forward with them, so on the surface, no.

BY MR. O'MALLEY:

Q. So you don't believe that anything would have caused Jason to, on November 9th state, "We own the mark," and six days later suddenly switch and say, "Jeff owns the mark"; that nothing happened to cause him to change his mind in that regard?

A. I'm sure that something happened; don't know what. I'm only speculating to make that kind of an answer. But as it is written, there's nothing to lead me to that conclusion other than assumptions.

MR. O'MALLEY: Okay, thank you. Can we take a quick break, maybe a minute?

MR. STOUT: Yes.

(Whereupon, a recess was had)

MR. O'MALLEY: Back on the Record. Okay, we have no further questions.

MRS. BLUE: All right. Well, there you go, that was easy.

(Whereupon, a lunch recess was had, after which negotiations between the parties ensued).

CERTIFICATE

STATE OF OKLAHOMA)
)Ss.
COUNTY OF TULSA.)

I, Elizabeth Ann Behles, a Certified Shorthand Reporter in and for the State of Oklahoma, do hereby certify that the above witness, **RONNY ROY AWTRY,** was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the case aforesaid; and that the deposition of the witness was reduced to writing by me by means of Stenograph; the signature of the witness being not waived; and that the same was thereafter transcribed by the aid of caseCATalyst4 under my supervision; and that the same was taken on the 4th and 5th days of May 2010, in the City of Tulsa, County of Tulsa and State of Oklahoma by agreement of the parties. I am not related to nor attorney for any of said parties nor otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of August, 2010.

Elizabeth Ann Behles
Oklahoma Certified Shorthand Reporter
Certificate No. 121
Exp. Date: December 31, 2011

ELIZABETH ANN BEHLES, CSR

Fee:$ 1805.40 Paid by opposer

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 26 day of May, 2010.

RONNY ROY AWTRY

SUBSCRIBED AND SWORN to before me on this 20 day of MAY 2010.

Notary Public

AMBER RENEE THOMAS
Notary Public, State of Texas
My Commission Expires
April 22, 2014

My Commission Expires:
4/22/2014

CORRECTIONS TO THE DEPOSITION OF:

RONNY ROY AWTRY

PAGE	LINE	CORRECTION	REASON
2	22	Add Tom Hoffman PGR BOD member present	He was there

November 9, 2010

Re: Jeff Brown v. Patriot Guard Riders, Inc.

Dear Mr. Awtry:

Please find attached a copy of your deposition in the above matter. Please read the deposition. If there are corrections there is a separate sheet to denote the correction and the reason for same. You will need to sign the certification page in front of a Notary Public.

If I have not received the corrections page within thirty (30) days, the original will be filed without signature. If you have any questions, please contact this office.

Respectfully,

Elizabeth Ann Behles, CSR
Certified Shorthand Reporter

CC: Transcript
Cc: Mrs. Rachel Blue
Cc: Mr. James O'Malley

Patriot Guard Riders

Standing For Those Who Stood For US

Monday, November 24, 2008

..:: ALL Forums ::..

jomalley Logout

Navigation

- Home
- About Us
- Leadership Contacts
- Letters of Appreciation
- Fallen Warrior Scholarship
- ALL Forums
- Help on the HomeFront
- Most Recent Posts
- Photo Gallery
- Media/Press
- Fallen Members
- Events
- Troop Support Partners
- PGR FAQ
- PGR Gear
- Dialup Homepage
- Hugh's Posts

Directory

Click to send an email to the

Patriot Guard Riders Forum

Unanswered Not Read My Forums Active Topics

Forums My Profile Search Members

Forums > Patriot Guard Riders - National > National Happenings Archives

Subject: Support for the cause

You are not authorized to post a reply.

Author	Messages	Oldest First

Waldo ●
Posts: 1325
Windsor, Co

16 Dec 2005 5:55 PM Alert

We are using the couple of bucks that we make on the web store and the banner advertising to help cover some costs that we have incurred to get this site and organization up and going. We would greatly appreacite it if you could buy some quality PGR items that Jeff has put together and click on some of the sponsors links to help us out. Thanks a million

Jason

Jason Wallin "WALDO"
Deputy Executive Director
Corporate Treasurer
Patriot Guard Riders
970-402-1892

PGR 006225

0 Read Messages

PGR Doo-Rag

Large Fallen Heroes patch

Waldo
Posts: 1325
Windsor, Co
YOU CAN TALK ABOUT US...
BUT YOU CAN'T TALK WITHOUT US.
Send Email
Message

10 Nov 2006 2:33 AM

Alert

Hey you all,
I have been very careful in my postings this week. I do however want to answer as many very valid questions that have been asked in a very rational manner in the thread here. Before I begin I want you to know that I wish that I could answer all of them and will as soon as we have answers to them. I need you to all understand in this transitional period I will provide them as rapidly as I can.

Everyone that asked specifically about the logo

I am not going to say much about that right now as we are still working through some issues. At this point I can assure you that we will not have to change our log or website name in the next 12 months.

NCBoulevard
It's been hinted at in a number of threads that there's a plan in the works. I feel sure that national isn't short sighted enough to allow the PGR branded goods to fall by the wayside.

I ASSURE YOU WITH EVERY FIBER OF MY BEING THAT THIS WILL NOT HAPPEN

Mad Dog

Having set up and certified Sarbanes-Oxley corp compliance programs, and having run 501(c)3 entities, yep, could be a conflict of interest. No, I am not saying that anyone is not being absolutely honest, but I agree with the above post that the reality of what needs to be structured, to avoid potential fraudulent situations is taking place, as a natural course of action. If there is a CPA involved, as stated above, this is a no brainer.

That is why we have retained John Tatum to make sure we have our ducks in a row here.

The next question is, are the by-laws complete and published? If so, where can I get a copy? The by-laws and balance sheet structure (revenue vs expense line items) would solve all of this wasted posting real quick. For all of you that need the reminder, a not for profit entity can have any number of revenue streams, so long as the balance sheet adds up to the regulations on use of funds and such.....

I can certainly publish the bylaws and have nothing to hide nor does any one currently serving on the national board. The bylaws are complete but not up to date. The ones we are working from are the boiler plate that is provided by the attorney that did the original incorporation of the Patriot Guard Riders, Inc. The Original By-Laws provide for three

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 patriotgurad.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

what I do. I have appreciated all of the conversations that we have had and especially appreciated the ones in which you called me out when you believed that I was wrong. (And for the record we have had more than one of these conversations). Here is a content of an email that was sent to the board of directors from me to make clear my position on this website.

I want to make this my formal notices that as of today all software and hardware used for the website (servers, Firewalls, and switches) are donated to the PGR, Inc. In addition I am releasing any claim I have had to the domain name patriotguard.org.

FYI Here we are currently using 5 servers to do all that we do here and of those 5 the pgr, Inc. has purchased 1 of them.

With that have we made mistakes as a board and how we have dealt with some issues, YOU BET. The best that I can offer you or any member is that every thing that is done now will have transparency never see here before as well as this great organization that we have put together will grow strong.

One other thing this organization means more to me that any narcissistic need I have for personal glory. If at anytime you want to call bullshit and tell me that you no longer have confidence in me I will gladly step away from leadership and go back to what we all recognize that the true reason for being hear helping soldiers and their family. No hard Feelings. While I have not specifically asked the other board members but I know in my heart they are the same way.

member #3 (only behind 2 system created accounts

funny that member 1 & 2 are computers eh?<

Jason Wallin "WALDO"
Deputy Executive Director
Corporate Treasurer
Patriot Guard Riders
970-402-1892

American By Birth
Biker By Choice
Patriot Forever!

Tact and Political Correctness were developed by those who lack the testicular fortitude to say what they really mean!

Waldo
Posts: 1325
Windsor, Co

Send Email
Message

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!

Tact and Political Correctness were developed by those who lack the testicular fortitude to say what they really mean!

cgbrocksmith
Posts: 1291
Quincy, IL - "Defend Those Who Defended Us"

Send Email
Message

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:

"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

Send Email

Message

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 transion 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.

harly69g
Posts: 7760
KY State Captain
Forum Moderator

Send Email
Message

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

harly69g@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

Send Email
Message

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

indyharley
Posts: 3846
Indiana

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

indyharley
Posts: 3846
Indiana

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

Big rock
Posts: 2002

10 Nov 2006 9:27 AM Alert

Posted By cgbrocksmith 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.

Send Email

Message

Amen

Mission first, Everything else comes in 2nd

Page 2 of 2 << < 1 2

You are not authorized to post a reply.

Forums > State Captain Area > State Captain/Ride Captain Discussions > Looking Back

ActiveForums 3.6

Copyright © 2005-2008 by Patriot Guard Riders Terms Of Use Privacy Statement

Q Did he retain a leadership position in the PGR after that? 10:38AM

A Yes. He was -- there was a couple of things that took place. One is at the time he physically had the technical ability to go in there and turn the computers off, but he also possessed the technical ability to keep us running. And there was a large fear that if too hard a move was made against Jason, that he would shut the Patriot Guard Riders down. We're essentially Web-site based and so he was kept around, but it was unanimously decided and he threw out there himself that he would be nowhere associated monetarily to the Patriot Guard Riders, so he was removed from the treasurer position ASAP. 10:39AM 10:39AM

Q And what position did he assume then? 10:39AM

A I don't remember the exact title, but, essentially, based on that large position of Web site administration.

Q But he was still on the board of directors?

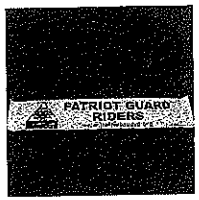
A Yes. 10:40AM

Q Do you recall any board of director discussion about wanting to keep a low profile about what had happened with Jason Wallin?

A Yeah. The board of directors, that was one of the big reasons I felt that the audit concerning Jason 10:40AM

PLAINTIFF'S EXHIBIT
tabbies

0 Read Messages



PGR Doo-Rag

Large Fallen Heroes patch

Send Email
Message

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

Send Email
Message

Alert

15 Nov 2006 1:43 PM

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!

Tact and Political Correctness were developed by those who lack the testicular fortitude to say what they really mean!

RedThreat600RR
Posts: 1683
Ride Captain
Savannah, GA
11/11/06-Present

Send Email
Message

Alert

15 Nov 2006 2:00 PM

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

PLAINTIFF'S EXHIBIT 4

PGR 003540

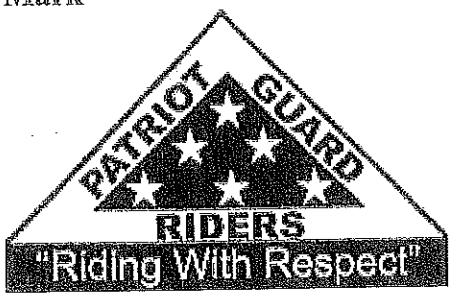
Thank you for your request. Here are the latest results from the TARR web server.

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

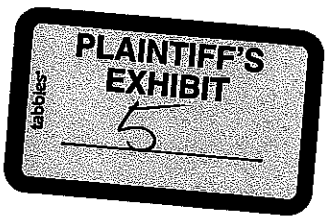
Current Location: 650 -Publication And Issue Section

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

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

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

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

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

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 77040379
Filing Date: 11/09/2006

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

The table below presents the data as entered.

Input Field	Entered
TEAS Plus	YES
MARK INFORMATION	
*MARK FILE NAME	\\TICRS\EXPORT2\IMAGEOUT2\770\403\77040379\xml1\FT K0002.JPG
*SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	Patriot Guard Riders Riding with Respect
*COLOR MARK	YES
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of this mark has a yellow field with a blue and white folded American flag and blue text.
*COLOR(S) CLAIMED (If applicable)	yellow, blue, and white
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	900 x 572
APPLICANT INFORMATION	
*OWNER OF MARK	Patriot Guard Riders, Inc.
*STREET	312 Granite Ct
*CITY	Windsor

*STATE (Required for U.S. applicants)	Colorado
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	80550
PHONE	970-402-1892
EMAIL ADDRESS	jason@patriotguard.org
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
LEGAL ENTITY INFORMATION	
*TYPE	CORPORATION
*STATE/COUNTRY OF INCORPORATION	Oklahoma
GOODS AND/OR SERVICES AND BASIS INFORMATION	
*INTERNATIONAL CLASS	045
*FIRST USE ANYWHERE DATE	At least as early as 11/11/2005
*FIRST USE IN COMMERCE DATE	At least as early as 06/01/2006
*DESCRIPTION	Organizing and conducting support groups in the field of MILITARY AND MILITARY FAMILY SUPPORT
*FILING BASIS	SECTION 1(a)
*FIRST USE ANYWHERE DATE	At least as early as 11/11/2005
*FIRST USE IN COMMERCE DATE	At least as early as 06/01/2006
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT2\IMAGEOUT2 \770\403\77040379\xml1\FT K0003.JPG
SPECIMEN DESCRIPTION	this is a sample of a t-shirt that we sold to help raise money for scholorships for the families of fallen soldiers.
ADDITIONAL STATEMENTS INFORMATION	
*TRANSLATION (if applicable)	
*TRANSLITERATION (if applicable)	
*CLAIMED PRIOR REGISTRATION	

(if applicable)	
*CONSENT (NAME/LIKENESS) (if applicable)	
*CONCURRENT USE CLAIM (if applicable)	
CORRESPONDENCE INFORMATION	
*NAME	Patriot Guard Riders, Inc.
FIRM NAME	Patriot Guard Riders, Inc.
*STREET	312 Granite Ct
* CITY	Windsor
* STATE (Required for U.S. applicants)	Colorado
* COUNTRY	United States
* ZIP/POSTAL CODE (Required for U.S. applicants only)	80550
PHONE	970-402-1892
* EMAIL ADDRESS	jason@patriotguard.org
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	275
TOTAL FEE DUE	275
SIGNATURE INFORMATION	
* SIGNATURE	/Jason D. Wallin/
* SIGNATORY'S NAME	Jason D. Wallin
SIGNATORY'S POSITION	Treasurer, Patriot Guard Riders, Inc.
* DATE SIGNED	11/09/2006
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Nov 09 13:14:12 EST 2006
	USPTO/FTK-72.250.47.100-2 00611091314127235 27-77040

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).

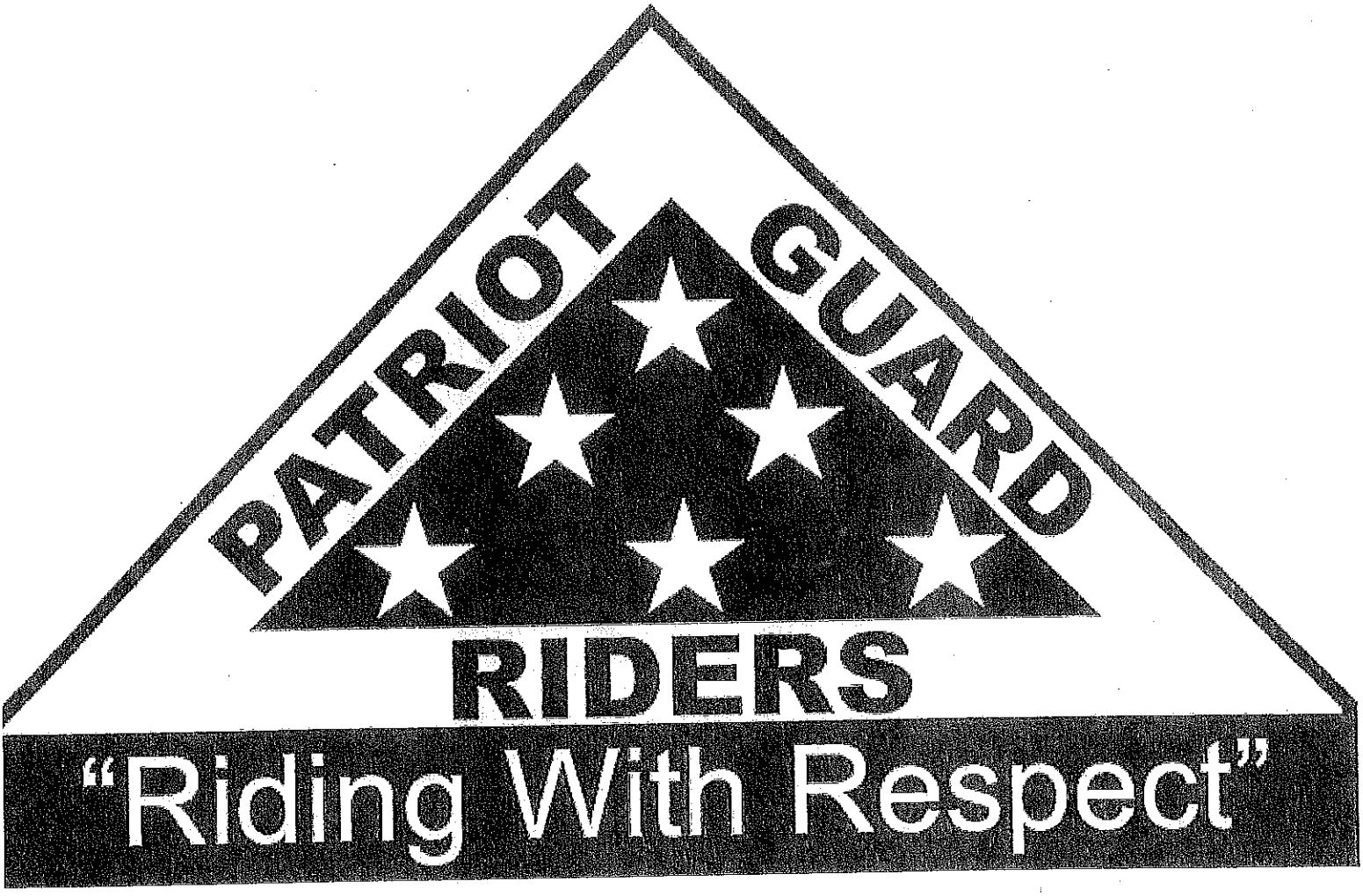
Declaration

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.

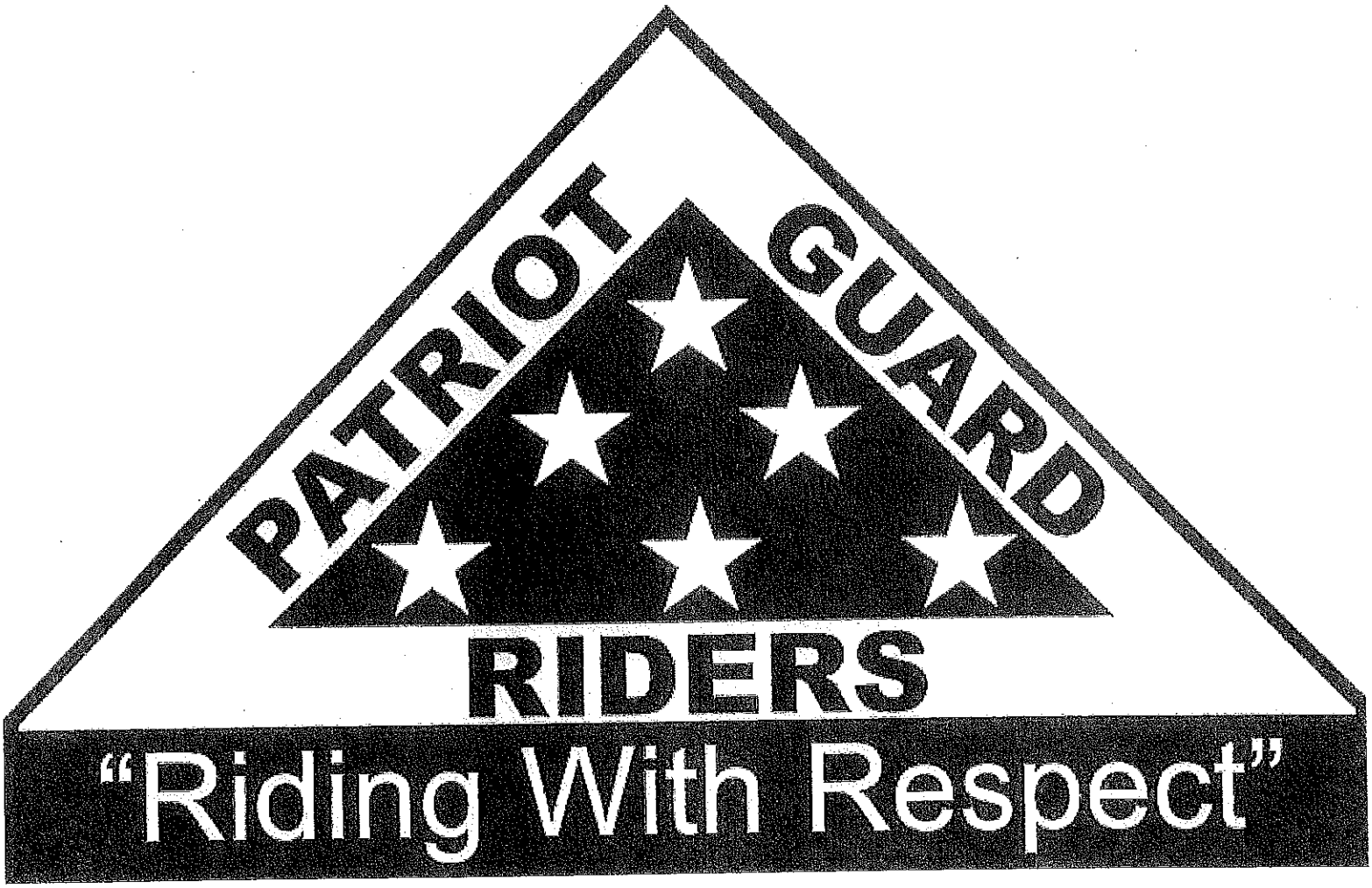
RAM Sale Number: 1533
RAM Accounting Date: 11/09/2006

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

PATRIOT GUARD RIDERS


PATRIOT GUARD
RIDERS
"Riding With Respect"

From:	TMDesignCodeComments
Sent:	Thursday, November 16, 2006 00:08 AM
To:	jason@patriotguard.org
Subject:	Notice of Design Search Code for Serial Number: 77040379

ATTORNEY REFERENCE NUMBER:

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 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 comprisi
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[ld]
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
Defaut NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 77040379

To:	Patriot Guard Riders, Inc. (jason@patriotguard.org)
Subject:	TRADEMARK APPLICATION NO. 77040379 - PATRIOT GUARD RIDERS "RIDING WITH RESPEC ETC. - N/A
Sent:	3/16/2007 10:21:11 PM
Sent As:	ECOM101@USPTO.GOV
Attachments:	Attachment - 1

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/040379

APPLICANT: Patriot Guard Riders, Inc.

77040379

CORRESPONDENT ADDRESS:
PATRIOT GUARD RIDERS, INC.
312 GRANITE CT
WINDSOR, CO 80550-5491

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: PATRIOT GUARD RIDERS "RIDING WITH RESPEC ETC.

CORRESPONDENT'S REFERENCE/DOCKET NO: N/A

CORRESPONDENT EMAIL ADDRESS:
jason@patriotguard.org

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at http://tarr.uspto.gov/, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 77/040379

The assigned examining attorney has reviewed the referenced application and determined the following.

No Conflicting Marks Noted

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

Specimen

The specimen is not acceptable because it does not show the applied-for mark used in connection with any of the goods and/or services specified in the application. An application must include a specimen showing the applied-for mark in use in commerce for each class of goods and/or services based on Section 1(a) in the application. Trademark Act Sections 1 and 45, 15 U.S.C. §§1051 and 1127; 37 C.F.R. §§2.34(a)(1)(iv) and 2.56; TMEP §§904 and 1301.04.

In this case, the specimen show a mutilated version of the applicant's proposed mark used in ornamental fashion on a t-shirt; it does not evidence use of the mark as a source indicator for "organizing and conducting support groups in the field of military and military family support."

Therefore, applicant must submit the following:

(1) A substitute specimen showing use of the mark for each class of goods and/or services specified in the application; and

(2) The following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: "**The specimen was in use in commerce at least as early as the filing date of the application.**" 37 C.F.R. §2.59(a); TMEP §904.09. If submitting a specimen requires an amendment to the dates of use, applicant must also verify the amended dates. 37 C.F.R. §2.71(c).

Examples of specimens for services are signs, photographs, brochures, website printouts or advertisements that show the mark used in the sale or advertising of the services. TMEP §§1301.04 *et seq*. Please note that the attached web page from the applicant's site is a good example of a proper specimen for this case, if it was in use in commerce at least as early as the filing date of this application.

If applicant cannot satisfy the above requirements, applicant may amend the Section 1(a) filing basis (use in commerce) to Section 1(b) (intent to use basis), for which no specimen is required. However, should applicant amend the basis to Section 1(b), registration cannot be granted until applicant later amends the application back to use in commerce by filing an acceptable allegation of use with a proper specimen. 15 U.S.C. §1051(c); 37 C.F.R. §§2.76, 2.88; TMEP Chapter 1100.

In order to amend to Section 1(b), applicant must submit the following statement, verified with an affidavit or signed declaration under 37 C.F.R. §2.20: "**Applicant has had a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application as of the filing date of the application.**" 15 U.S.C. §1051(b); 37 C.F.R. §§2.34(a)(2) and 2.35(b)(1); TMEP §806.03(c).

Pending a proper response, registration is refused because the specimen does not show the applied-for mark in use in commerce as a trademark or service mark for the identified goods or services. 15 U.S.C. §§1051 and 1127; 37 C.F.R. §§2.34(a)(1)(iv) and 2.56.

If applicant submits a response via electronic means, please note that the substitute specimen must be a digitized image submitted in JPG or PDF format. 37 C.F.R. §2.56(d)(4); TMEP §904.02.

The following is a sample declaration under 37 C.F.R. §2.20 with a supporting statement for a substitute specimen:

> The undersigned being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting there from, declares *that the substitute specimen was in use in commerce at least as early as the filing date of the application;* all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

_____
(Signature)

_____
(Print or Type Name and Position)

_____
(Date)

In order to properly "sign" a TEAS form, applicant can either (1) choose an electronic signature consisting of any combination of letters, numbers, spaces and/or punctuation marks, preceded and followed by the forward slash symbol (/) (e.g., */john doe/*), and enter this in the signature block on the TEAS form, or (2) attach a JPG or PDF image of a declaration under 37 C.F.R. §2.20, together with a pen-and-ink signature. 37 C.F.R. §2.193(c)(1)(iii); TMEP §804.05.

Disclaimer
The applicant must insert a disclaimer of "RIDERS" in the application because the term(s) is/are merely descriptive of the goods and/or services. Trademark Act Section 6, 15 U.S.C. Section 1056; TMEP sections 1213 and 1213.08(a)(i).

The term "RIDERS" is defined as:

rid·er

rid·er (rī'dər) *noun*

1. One that rides, especially one who rides horses.
2. a. A clause, usually having little relevance to the main issue, that is added to a legislative bill. **b.** An amendment or addition to a document or record.
3. Something, such as the top rail of a fence, that rests on or is supported by something else.[1]

The term "RIDERS" merely describes a feature of the applicant's services, namely, motorcycle riders who gather together to honor veterans (see attachment of applicant's website).

Trademark Act Section 6(a), 15 U.S.C. Section 1056(a), states that the Commissioner may require the applicant to disclaim an unregistrable component of a mark. Trademark Act Section 2(e), 15 U.S.C. Section 1052(e), bars the registration of a mark which is merely descriptive or deceptively misdescriptive, or primarily geographically descriptive of the goods. Therefore, the Commissioner may require the disclaimer of a portion of a mark which, when used in connection with the goods or services, is merely descriptive or deceptively misdescriptive, or primarily geographically descriptive. If an applicant does not comply with a disclaimer requirement, the examining attorney may refuse registration of the entire mark. TMEP section 1213.01(b).

A disclaimer does **not** remove the disclaimed matter from the mark. It is simply a statement that the applicant does not claim **exclusive** rights in the disclaimed wording or design apart from the mark as shown in the drawing.

The following cases explain the disclaimer requirement more fully: *In re Kraft, Inc.*, 218 USPQ 571 (TTAB 1983); *In re EBS Data Processing, Inc.*, 212 USPQ 964 (TTAB 1981); *In re National Presto Industries, Inc.*, 197 USPQ 188 (TTAB 1977); *In re Pendleton Tool Industries, Inc.*, 157 USPQ 114 (TTAB 1968).

The computerized printing format for the *Trademark Official Gazette* requires a standard form for a disclaimer. TMEP section 1213.08(a)(i). A properly worded disclaimer should read as follows:

> No claim is made to the exclusive right to use "RIDERS" apart from the mark as shown.

See In re Owatonna Tool Co., 231 USPQ 493 (Comm'r Pats. 1983).

Color Location Statement – Clarification Needed

The color location statement disagree with the colors depicted in the mark shown on the drawing. The drawing shows the mark in the colors yellow, blue and white; however the color location statement specifies a yellow field with a blue and white folded American flag and blue text. The color drawing, color claim and location statement must agree. 37 C.F.R. §2.52(b)(1); TMEP §807.07(c).

Therefore, applicant must submit either: (1) a corrected color claim and/or location statement that agree with the colors depicted in the drawing of the mark, or (2) a color drawing that agrees with the color claim and location statement.

If applicant chooses option (1), the following color claim and/or location statement are suggested: "The colors yellow, blue and white are claimed a features of the mark. The color blue appears in the background and in the words "PATRIOT GUARD RIDERS"; the color yellow appears in the words "RIDING WITH RESPECT" and in the triangle frame containing the words "PATRIOT GUARD RIDERS; and the color white appears in the six five-pointed stars in the interior triangle."

If applicant submits a substitute drawing, applicant is advised that amendments or changes to the applied-for mark in a substitute drawing will not be accepted if the changes would materially alter the mark. 37

C.F.R. §2.72; TMEP §807.14.

Recitation of Services

The wording "military and military family support" in the recitation of services is unacceptable as indefinite, as indicated below. The applicant must amend the recitation to specify the common commercial name of the services, to indicate their nature, and/or to specify the field or industry in which the services are performed, as indicated below in the suggested recitation. If there is no common commercial name for the services, the applicant must describe the services in detail. TMEP section 1402.11.

It is the applicant's duty and prerogative to identify the goods and services. TMEP Section 1402.01(d). The identification of goods or services should be clear, accurate and as concise as possible. *See Procter & Gamble Co. v. Economics Laboratory, Inc.*, 175 USPQ 505 (TTAB 1972); *In re Cardinal Laboratories, Inc.*, 149 USPQ 709 (TTAB 1966); *California Spray-Chemical Corp. v. Osmose Wood Preserving Co. of America, Inc.*, 102 USPQ 321 (Comm'r Pats. 1954); *Ex parte A.C. Gilbert Co.*, 99 USPQ 344 (Comm'r Pats. 1953). Furthermore, the identification of goods and services must be specific and definite. *In re Societe Generale des Eaux Minerales de Vittel S.A.*, 1 USPQ2d 1296 (TTAB 1986), *rev'd on other grounds*, 824 F.2d 957, 3 USPQ2d 1450 (Fed. Cir. 1987). TMEP Section 1402.01.

The *Acceptable Identification of Goods and Services Manual* sets out acceptable language for identifying goods and services of various types. Utilizing identification language from the Manual may enable trademark owners to avoid problems relating to indefiniteness with respect to the goods or services identified in their applications for registration; however, applicants should note that they must assert actual use in commerce or a bona fide intent to use the mark in commerce for the goods or services specified. TMEP Section 1402.04.

The applicant is strongly encouraged to consult the Acceptable Identification of Goods and Services Manual. The Manual is available on the PTO's "homepage" on the Internet, which can be accessed at **http://www.uspto.gov**. The Manual may also be purchased, along with other trademark information, in a CD-ROM format from the Office of Electronic Information Products Development of the Patent and Trademark Office ((703) 306-2600). *See* notice at 1190 TMOG 67 (Sept. 17, 1996). In addition, the Manual is available in hard-copy on a subscription basis from the Government Printing Office. TMEP Section 1402.04.

Please note that, while an application may be amended to clarify or limit the recitation, additions to the recitation are not permitted. 37 C.F.R. Section 2.71(b); TMEP section 1402.06. Therefore, the applicant may not amend to include any services that are not within the scope of the services recited in the present recitation.

The applicant may adopt the following recitation, if accurate:

> "Organizing and conducting support groups in the field of combat veterans and their families," in International Class 45.

Trademark Attorney Suggested

Applicant may wish to hire a specialist attorney to assist in prosecuting this application because of the technicalities involved. The Office cannot aid in the selection of a trademark attorney. 37 C.F.R. §2.11. A pplicant may wish to consult the Yellow Pages for a listing of attorneys specializing in trademark or

intellectual property law, or seek guidance from its local Bar Association attorney-referral service.

TEAS Plus Response Requirements

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: TEAS Plus applicants should submit the following documents using the Trademark Electronic Application System (TEAS) at http://www.uspto.gov/teas/index.html: (1) written responses to Office actions; (2) preliminary amendments; (3) changes of correspondence address; (4) changes of owner's address; (5) appointments and revocations of attorney; (6) amendments to allege use; (7) statements of use; (8) requests for extension of time to file a statement of use, and (9) requests to delete a §1(b) basis. If any of these documents are filed on paper, they must be accompanied by a $50 per class fee. 37 C.F.R. §§2.6(a)(1)(iv) and 2.23(a)(i). Telephone responses will not incur an additional fee. NOTE: In addition to the above, applicant must also continue to accept correspondence from the Office via e-mail throughout the examination process in order to avoid the additional fee. 37 C.F.R. §2.23(a)(2).

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Alec Powers/
Trademark Examining Attorney
US Patent and Trademark Office
Law Office 101
Phone: 571-272-9309
Fax: 571-273-9101

HOW TO RESPOND TO THIS OFFICE ACTION:

- ONLINE RESPONSE: You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at http://www.uspto.gov/teas/index.html. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- REGULAR MAIL RESPONSE: To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the *date of receipt in the Office*,** not the postmarked date. To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at http://tarr.uspto.gov.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at http://portal.uspto.gov/external/portal/tow.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at http://www.uspto.gov/main/trademarks.htm

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

---

[1] *The American Heritage® Dictionary of the English Language, Third Edition* copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

Patriot Guard Riders

Standing For Those Who Stood For US

Friday, March 16, 2007

..:: About Us » Our Mission ::..

Register L

Navigation

- Home
- About Us
- Leadership Contacts
- Letters of Appreciation
- Fallen Warrior Scholarship
- ALL Forums
- Help on the HomeFront
- Photo Gallery
- Media/Press
- Fallen Members
- Events
- Corporate Sponsors
- Troop Support Partners
- Links
- PGR FAQ
- PGR Gear

Our Mission

Patriot Guard Riders Mission Statement

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

We don't care what you ride, what your political views are, or whether you're a "hawk" or a "dove". It is not a requirement that you be a veteran. It doesn't matter where you're from or what your income is. You don't even have to ride. The only prerequisite is Respect.

Our main mission is to attend the funeral services of fallen American heroes as invited guests of the family. Each mission we undertake has two basic objectives.

1. Show our sincere respect for our fallen heroes, their families, and their communities.
2. Shield the mourning family and friends from interruptions created by any protestor or group of protestors.

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

Copyright © 2005 -2006 by Patriot Guard Riders Terms Of Use Privacy Statement

PATRIOT GUARD
RIDER

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77040379
LAW OFFICE ASSIGNED	LAW OFFICE 101
MARK SECTION (no change)	
OWNER SECTION (no change)	
LEGAL ENTITY SECTION (no change)	
ARGUMENT(S)	
Applicant respectfully submits that "Riders" should not be subject to a disclaimer, as it does not describe the services in any way. In fact, many members of the organization which perform the identified services under the trademark are not motorcycle riders, and the mission statement identified by the Examining Attorney specifies as such.	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	045
DESCRIPTION	
Organizing and conducting support groups in the field of MILITARY AND MILITARY FAMILY SUPPORT	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 11/11/2005
FIRST USE IN COMMERCE DATE	At least as early as 06/01/2006
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	045
DESCRIPTION	
Organizing and conducting support groups in the field of combat veterans and their families	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 11/11/2005
FIRST USE IN COMMERCE DATE	At least as early as 06/01/2006

STATEMENT TYPE	"The substitute specimen(s) was in use in commerce as of the filing date of the application."
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT13\770\403 \77040379\xml1\ROA0002.JP G
SPECIMEN DESCRIPTION	scanned photograph of a Patriot Guard Riders patch which is worn by members when promoting and performing the services identified
ADDITIONAL STATEMENTS SECTION	
DESCRIPTION OF THE MARK (and Color Location, if applicable)	"The mark consists of the color blue which appears in the background and in the words "PATRIOT GUARD RIDERS"; the color yellow appears in the words "RIDING WITH RESPECT" and in the triangle frame containing the words "PATRIOT GUARD RIDERS"; and the color white appears in the six five-pointed stars in the interior triangle."
COLOR(S) CLAIMED (If applicable)	"The color(s) yellow, blue and white is/are claimed as a feature of the mark."
MISCELLANEOUS STATEMENT	Please delete the color claim currently of record.
CORRESPONDENCE SECTION	
NAME	James R. Foley
FIRM NAME	Trexler, Bushnell, Giangiorgi, Blackston
INTERNAL ADDRESS	36th Floor
STREET	105 West Adams St.
CITY	Chicago
STATE	Illinois
ZIP/POSTAL CODE	60603
COUNTRY	United States
PHONE	312-704-1890
FAX	312-704-8023
EMAIL	ptodocket@trexlaw.com
AUTHORIZED EMAIL COMMUNICATION	Yes
SIGNATURE SECTION	
DECLARATION SIGNATURE	/James R. Foley/
SIGNATORY'S NAME	James R. Foley

SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	08/23/2007
RESPONSE SIGNATURE	/James R. Foley/
SIGNATORY'S NAME	James R. Foley
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	08/23/2007
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Aug 23 16:17:49 EDT 2007
TEAS STAMP	USPTO/ROA-67.36.193.194-2 00708231617497496 08-77040 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
9608-77040379-380adf5cfeaa14775acd8de632
8cb13a2e3-N/A-N/A-20070823154646822734

PATRIOT GUARD
RIDER

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 fllinois 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-67.36.193.194-20070823161749749608-77040379-380adf5cfeaa14775acd8de6328cb13a2e3-N/A-N/A-20070823154646822734

Trademark Snap Shot Amendment & Mail Processing Stylesheet

(Table presents the data on Amendment & Mail Processing 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	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

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

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."

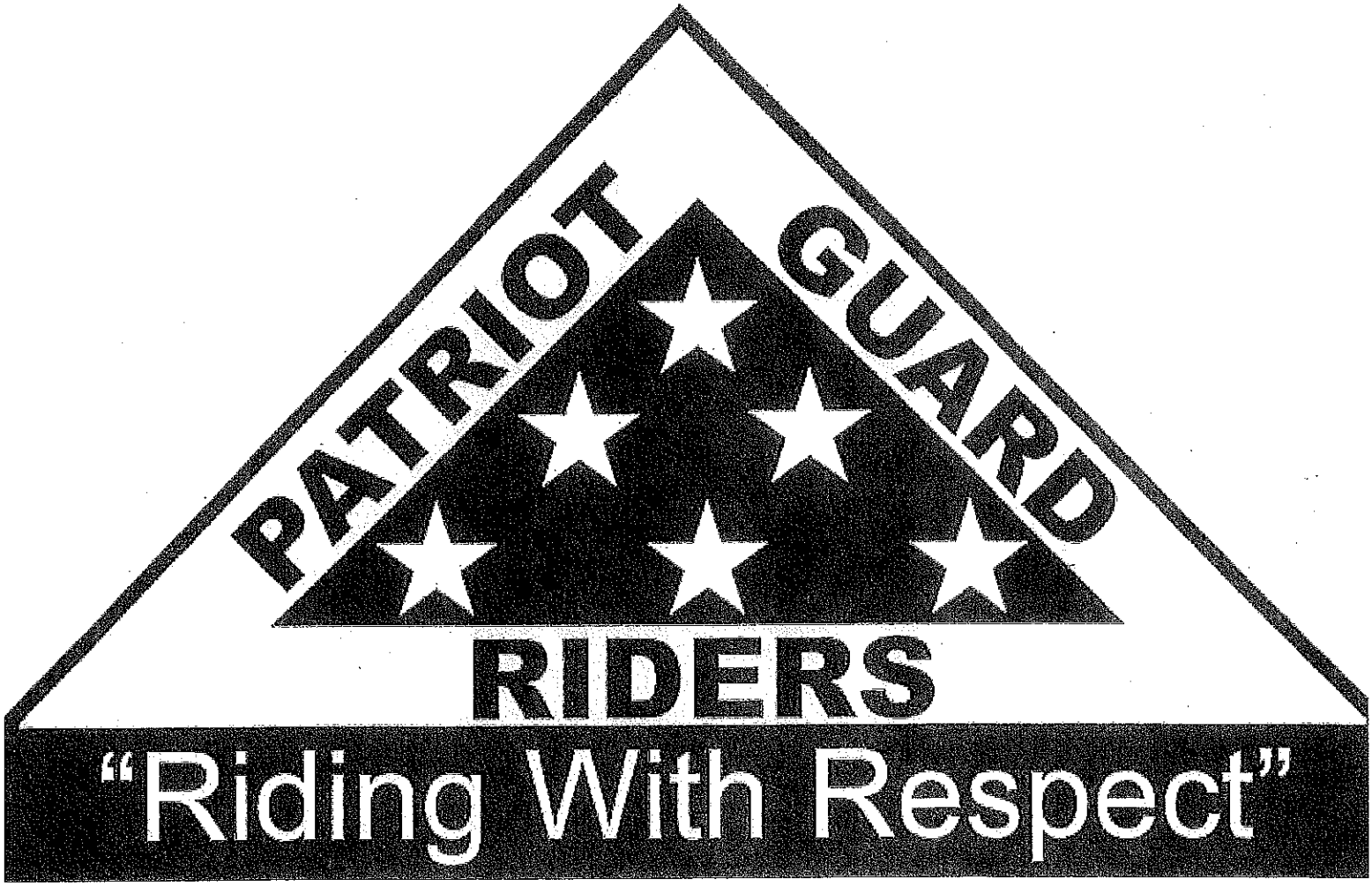
PROSECUTION HISTORY

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

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."

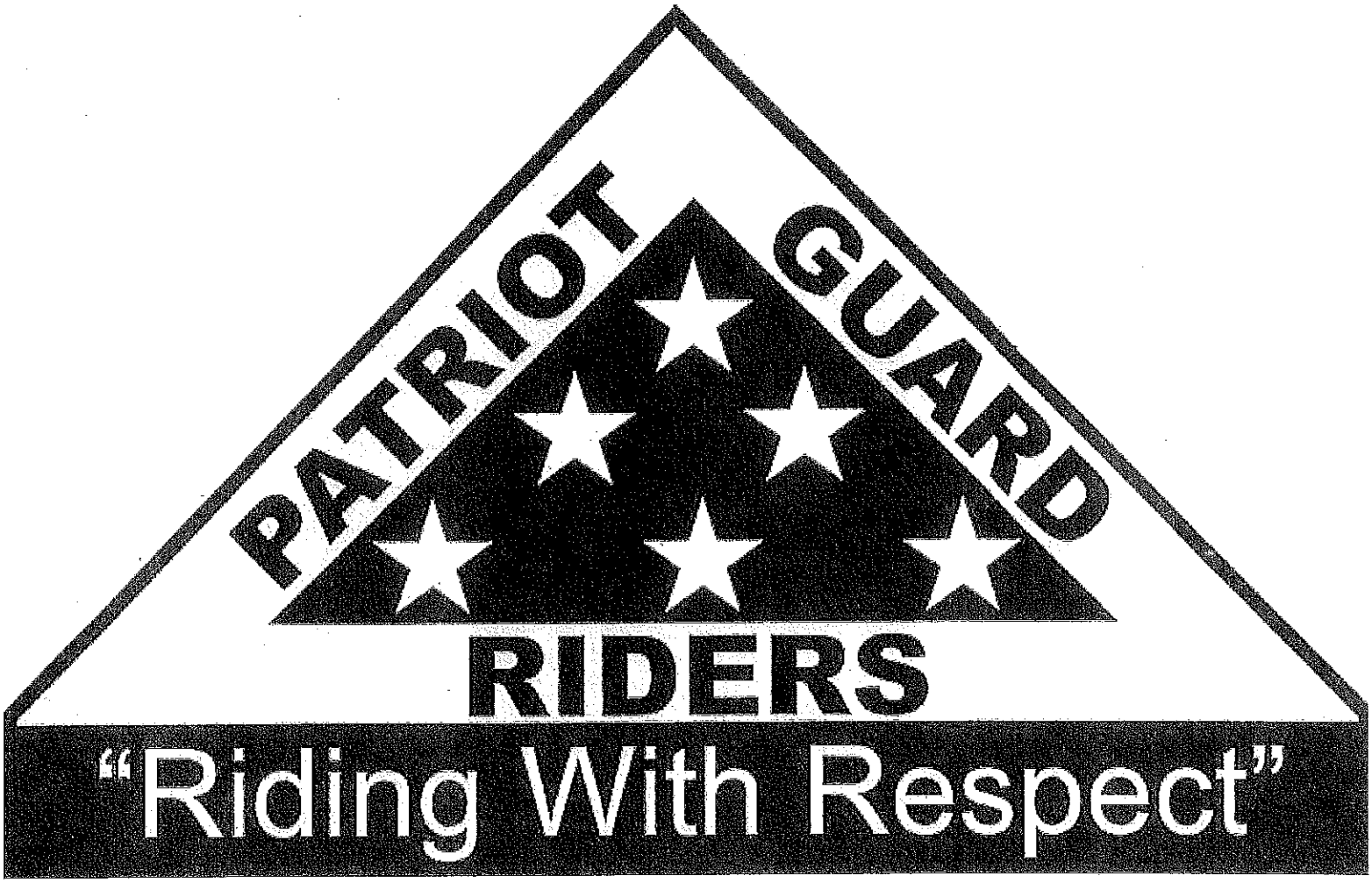
PROSECUTION HISTORY

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 Snap Shot Publication & Issue Review Stylesheet

(Table presents the data on 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

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

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.

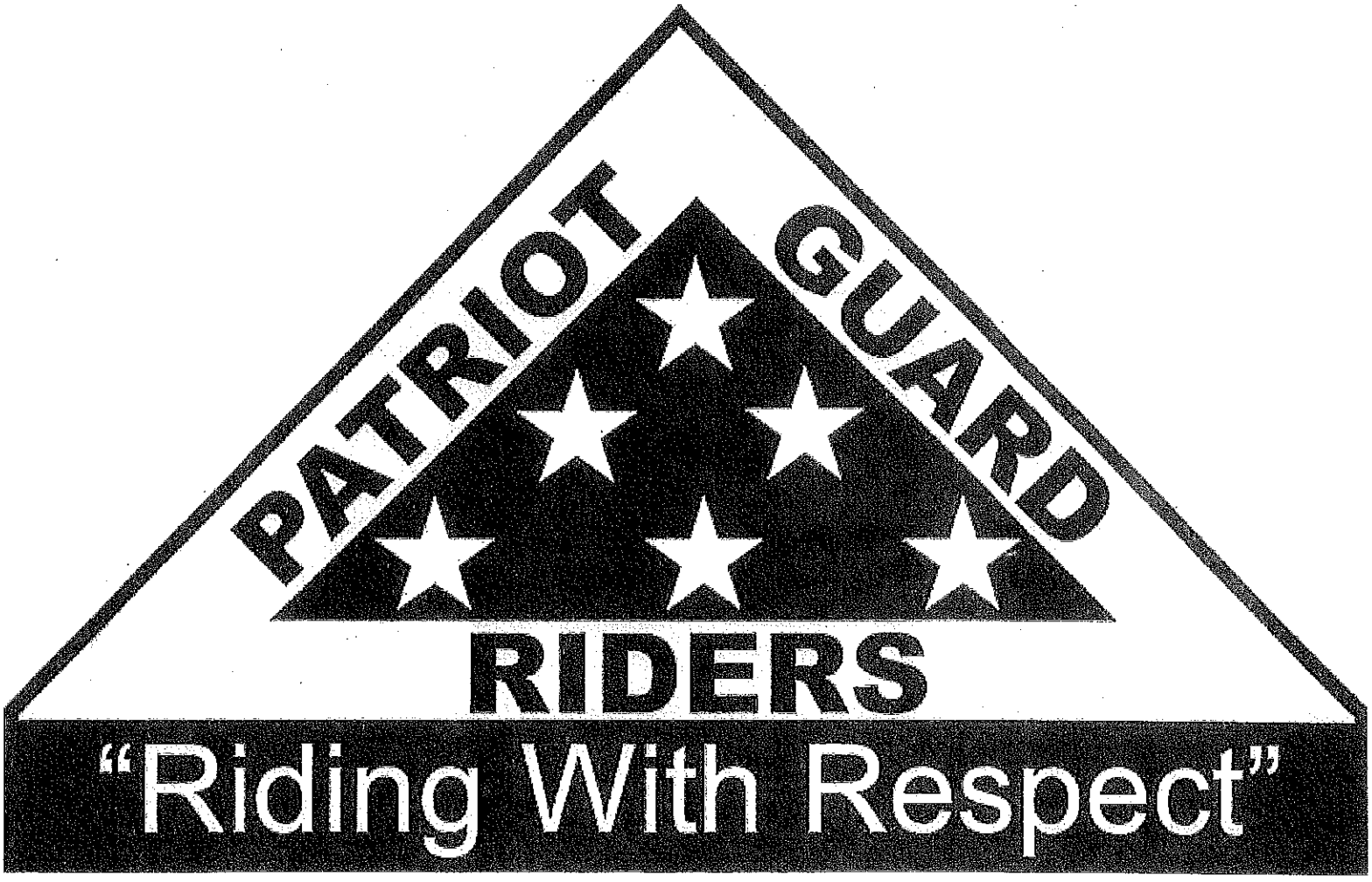
PROSECUTION HISTORY

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

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

Oct 10, 2007

NOTICE OF PUBLICATION UNDER 12(a)

1. Serial No.:
77/040,379

2. Mark:
PATRIOT GUARD RIDERS "RIDING WITH RESPEC
Etc. and design

3. International Class(es):
45

4. Publication Date:
Oct 30, 2007

5. Applicant:
Patriot Guard Riders, Inc.

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

Correspondence Address:

James R. Foley
Trexler, Bushnell, Giangiorgi, Blackston
36th Floor
105 West Adams St.
Chicago IL 60603

TMP&I

> Jeff

Straight up question then Jeff.

Is the PGR logo and all that goes with it going to PGR inc. or not? Simple yes or no question. Lots of people would appreciate a response I think.

Dennis

Dennis,
Straight up answer...there has never been an issue with the PGR, Inc. using the name or logo on the website or any non-commecial use. I have made that clear from the beginning and don't even know how, other than some people trying to stir up crap, that question ever came up. Any other use will be decided on a case by case basis.
Jeff

In the end, we remember not the words of our enemies, but the silence of our friends.
Martin Luther King, Jr.

jacooch
Posts: 57

17 Nov 2006 2:55 PM Alert

> Posted By BirdieMN on 17 Nov 2006 1:52 PM
>
> > Posted By snap67 on 17 Nov 2006 1:41 PM
> > I Agree with Potsie. Jeff said it plain enough. Let's back off the "mud slinging" and remember our mission statement. Our troops are falling in record numbers and those families need our support. Jeff developed the current PGR and the Mission Statement. Let's honor those things and accept what PGR has done for us. By us I refer to old burned out vets like myself. And all you good people who want to "serve our country". We have too much to do to spend our time finding foult and assigning blame. Let's do what we do best and "Ride with respect".
> > Thanks for your time.
> > LLRB
> > Snap
> > ICVMC for PGR

Snap,

PLAINTIFF'S EXHIBIT 6

PGR 003626

Thom
USAF Vet 75-81

Waldo
Posts: 1325
Windsor, Co
YOU CAN TALK ABOUT US...
BUT YOU CAN'T TALK WITHOUT US.

15 Nov 2006 2:58 PM Alert

we need to set up some ground rules around this what would you think of these?

Proposed Rules for Challenge Coin Design
1. Required design elements include the words "Patriot Guard Riders" and "Standing for those who stood for US" (note the us is all caps so that is can mean us or the United States)
2. Forbidden design elements include the copy written logo that Jeff Brown drew as we only have permission to use it on the website but not in marketing material.
3. All designs submitted for consideration become the property of Patriot Guard Riders, Inc. and may be used in marketing materials for the Patriot Guard Riders.
4. There will be a period of 2 weeks in which designs can be submitted
5. After the 2 week period, the national board will select up to 5 finalists.
6. After the finalists are chosen, then general membership will vote on the finalist designs for a period of 1 week.
7. The winner will receive $100 store credit for the special events store (where the coin will be sold)

Jason Wallin "WALDO"
Deputy Executive Director
Corporate Treasurer
Patriot Guard Riders
[redacted]

American By Birth
Biker By Choice
Patriot Forever!

Tact and Political Correctness were developed by those who lack the testicular fortitude to say what

9/18/448

PETITIONER'S EXHIBIT 24

PLAINTIFF'S EXHIBIT 7

Tact and Political Correctness were developed by those who lack the testicular fortitude to say what they really mean!

LadyTrog
Posts: 118
Assistant State Captain Jackson MS

15 Nov 2006 5:38 PM Alert

> Posted By Waldo on 15 Nov 2006 1:58 PM
> we need to set up some ground rules around this what would you think of these?
>
> Proposed Rules for Challenge Coin Design
> 2. Forbidden design elements include the copy written logo that Jeff Brown drew as we only have permission to use it on the website but not in marketing material.

So, what is the copy written logo? Trog's got Photoshop open and starting to work!

Attitude It everything
Make sure you have the right one.

Life is short..... Forgive quickly, Kiss slowly, Love truly, Laugh uncontrollably, And never regret anything that made you smile.

Proud Wife of Retired Captain Jera Anderson!!
My husband, best friend, lover and soul mate.....

Carmen Anderson
MS Assistant State Captain
aka LadyTrog

Waldo
Posts: 1325
Windsor, Co

15 Nov 2006 5:42 PM Alert

> Posted By LadyTrog on 15 Nov 2006 4:38 PM
>
> > Posted By Waldo on 15 Nov 2006 1:58 PM
> > we need to set up some ground rules around this what would you think of these?
> >
> > Proposed Rules for Challenge Coin Design
> > 2. Forbidden design elements include the copy written logo that Jeff Brown drew as we only have permission to use it on the website but not in marketing material.

9/18/448

PETITIONER'S EXHIBIT

Brown v Patriot

snonut
Posts: 443
Dover, NH

Send Email
Message

17 Nov 2006 4:36 PM Alert

I'm with Sgt Potsie.
One point that I keep coming back to is: where does anybody have the right to question and demand answers from this website or National? This is NOT ours, NOBODY owes us answers. If they want to answer questions, great, if not, it's THEIR choice. I don't own any piece of this website, I don't pay dues, I don't pay for bandwidth, I don't pay for advertising, you guys don't owe me anything! I have no rights in this group, and you know something, that's ok with me, I'm not going anywhere.
In any other group that I have VOLUNTEERED for, I do what is asked of me. Sure, I can ask questions or make suggestions, but if I don't like what I hear or see, I can leave at any time. Same here.
Jason, Snap, Bonnie, and all - I would much rather see the National Board resolve all issues and should you choose, you can let us know the resolution. If you want to issue a blanket statement on how something's done, that's ok too. If you want to ask our opinion, terrific. If you don't want to tell us a damn thing, fine. This is NOT a democracy.
I don't know about the rest of you, but I signed on because I was disgusted with what the WBC was doing. I've stayed on to honor our military, living and dead. Whether or not this group is non-profit, 501 whatever, lining someone's pockets, I DON'T CARE!! I will forever be grateful to whomever put up the cash to start this site, and I'm going to "ride with respect", whether it's with a group know as PGR or anyone else.
Respectfully,
Kathi

User Support Team
Assistant State Veteran's Services Officer

"All that it takes for evil to triumph is for good people to do nothing."

Twister
Posts: 1811
Broken Arrow, OK

Send Email
Message

17 Nov 2006 4:36 PM Alert

Well, it looks like I'm damned if I do and damned if I don't!

Once again folks, the store is a "for profit" business. It always has been and that's always been out in the open.

I have yet to figure out why some people have a need to initiate conspiracy theories and others so quick to believe in them. I have busted my butt for the PGR and make no apologies for anything I've done.

Early on Jason and I discussed that I would set up the store and he would set up the website advertising as "for profit" companies. The hope was that they would generate enough income to fund the PGR and have enough left over so that we would not have to draw a salary like officers of most other non-profit organizations. That actually came about and now some people are complaining about that.

Nobody gave a rat's butt about the store being turned over to the PGR, Inc. when we had 5,000 members and my wife and I went into our savings to start and fund it. Nobody cared whenever new products were introduced and a few thousand dollars was risked each time to see if it would sell. Nobody cared until a small group of disgruntled people decided that now; after all of our hard work and investment, we should give it away.

Should all members' businesses be turned over to the PGR? Additionally, perhaps the manufacturers of the caps, shirts, banners flags, etc. should be asked to give us their products for free. Our plan has always been, and continues to be, to donate approximately 50% of the profit to the PGR while still running the store. You can believe that or not, your choice. But, we will do that because we want to, not because someone tells us to. Folks, there will always be private enterprise associated with non-profit businesses. Non-profit could not exist without it. As long as the non-profit benefits, and the PGR surely has, why are you complaining?

Regarding other use of the name and logo, if you will remember just a few weeks ago when I announced the state decals, I stated then that 100% of that was to go to each states treasury. There was no issue of name and logo usage. That was the first of several ideas I was working on. Doesn't that kinda give you the idea that I may not be as greedy as some would have you believe? As I said earlier, usage will be determined on a case-by-case basis.

With all due respect, instead of asking me why we don't sign over a private business that is personally funded, that we did all the design work for, all the product research, all the tasks of ordering and inventorying, all the packing and shipping, all the order problems, all the myriad of other tasks necessary to make it successful, plus assumed all the financial risk; why not just graciously say **"Hey, thanks for the all the donations and the hard work to make it happen, and please keep 'em coming"** and let it go at that.

If this position makes you question my integrity, patriotism, or dedication to the PGR, I'm sorry for that. The simple solution to your personal issues seems to be; don't purchase any items from the store.

On the other hand, if any of you detractors are ready to donate your privately owned business or 100% of your income to the PGR, step right up.

Jeff

In the end, we remember not the words of our enemies, but the silence of our friends.
Martin Luther King, Jr.

sgtpotsie
Posts: 3664
New Mexico SC
Albuquerque, NM

17 Nov 2006 4:41 PM Alert

Can we let this go now?

PGR 003663

-X-Y-Z-

Wescoot2
Posts: 2885
Park Ridge, Illinois

Send Email
Message

19 Nov 2006 12:03 AM

Alert

Posted By jacooch on 18 Nov 2006 10:24 PM
Ed,

Can you please clarify one point for me. When you say below, We are NOT in business together, does that refer to yesterday or today going forward or to the origins of PGR?

My issue on this topic is that I am speaking of prior to the firestorm that came out in the last 24 hours. My belief is that the arrangement is as follows.

There are three entities involved, one a store, one a website, one PGR. PGR was/is in the middle and the other entities were revenue streams tht supported PGR. It was percieved that the revenue stream was covered by 501 c3 and it's lwas and rules as set up by the IRS. Donations were being accepted from the website, I can click a link and donate.

What was I donating too? A charity? Admittedly, there is none. I personally know how long it takes to get 501c3 approved. I have personal experience of seeing it.

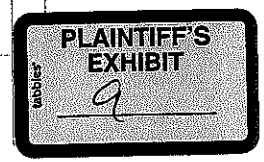
Was I donating to a business? Have you ever done that? Has anyone sent microsoft or macdonalds or any other company money?

So at the very least, 2 entities were making money of off one good name PGR. It was not explicit to those who only saw PGR what was happening behind the scenes. When you went to the store it was purposefully set up to look like PGR including using the domain ".org" Is that above reproach? Have you seen how many sites are set up to look like EBay to cheat people who are trusting? Thousands are out there, I get an email a day phishing (sic) for my info.

So, when you say what you are saying, is that in the future or in the past. It will help me to understand what is going on.

Lastly, I have been very vocal the last 24 hours for one reason only. I am lead to be a part of this organization. I am also the type that is not afraid to voice my opinion when I do my research and logic seems to be missing. It is one of my strengths and gifts that I have been given. I served my country for 23 years. I have a right to question when an organization I believe in wiuth every ounce of blood in my body appears to be heading in the wrong direction. When proven wrong, I will be the loudest and most vocal apologiast, but for now, I have genuine questions that I feel no one is asking. I do this in support of PGR, not to harm it.

John
MN Membership Coordinator



PGR 003737

> Posted By Wescoot2 on 18 Nov 2006 3:27 PM
> jacooch,
>
> I suggest you take the time and read the statement which Snap has made. We are NOT in business together. Our members will now have an option of purchasing from Jeff's Store, items which he has for sale, knowing full and well that he will be making a profit on that sale.
>
> The members will also have the option to purchase from the NEW PGR store, where ALL proceeds will go back into the Organization.
>
> How you came to the conclusion that we are working together, is beyond me.
>
> Ed

Well you have asked many question, and I will attempt to answer them the best that I can.

Lets tackle the easy one first, the Store which has always been owned by Jeff. Your questions relating to the store and the store website, must be addressed to him. Jeff was responsible for obtaining the name, and the .org domain. That has never been in the past, nor will it ever be in the future, under the control of the Patriot Guard Riders Inc. From the very beginning, it was set-up as a private company, owned and operated by Jeff Brown.

You also asked about the donations, I'm assuming your speaking about the donate button which is located on the PGR Website. All those donations, went into the bank account of the Patriot Guard Riders Inc.

Another question was in referrence to the Patriot Guard Riders Inc. status as a 501 c3. As the BOD has learned, the paperwork has not been completed, however we now have the necessary paperwork in our hands. All indications from our legal advisor, have indicated we can put this on a fast track with the IRS, and we should be able to receive that status within 120 days after submission.

Fnally, you asked about the future of the Patriot Guard Riders Store Inc. I do believe I answered that question before, but I will once again. Jeff Brown will continue to run his store, listed under members businesses, just like many other members of PGR have listed in the same area. Jeff has agreed to donate 50% of his profits from that store back to Patriot Guard Riders Inc. Please note, that since this is a private business, We, the BOD will not have the right to audit this figure.

The NEW Patriot Guard Riders Inc. store, will be controlled by the BOD, and all the records of income, will be available, to our geneal membership, I can't tell you how often that will be, Waldo, will have to

address those specifics, but believe me, they will be available 100% of the Profits from the Patriot Guard Riders Inc. store, will go right back into our organization.

Finally, the website, www.patriotguard.org is under the control of the Patriot Guard Riders Inc..

I believe I have addressed each of your concerns at this time.

Ed

X-Y-Z (you figure it out - Get out your Captain Video Decoder Ring)

Home 847-698-7383
Cell 847-217-1862

If your gonna be One.....Be a BIG RED ONE

Truth - You Can't Handle the TRUTH

Waldo
Posts: 1325
Windsor, Co

19 Nov 2006 12:04 AM

Alert

Posted By jacooch on 18 Nov 2006 10:32 PM
Do I have a solution, you bet. I know of how it can work. It has been clearly communicated to me that that information is not welcome. One of my issues with the store is this. Were does the money go. Without National being a 501, there is legally no accountability needed. They own it. I respect that. People say that the store helps run PGR. In what way? Has any state been given any financial support? I know mine has yet to see a flag from sturgis. Common sense says the only thing that the store is supporting is the website and the plaques. Cool, when was the last time any state got a membership update from the website? Aug 30, 2006? I do not call that support. Always follow the money. It will answer the questions. But in this case

Patriot Guard Riders

Standing For Those Who Stood For US

Wednesday, June 18, 2008

..:: ALL Forums ::..

jomalley Logout

Code Amber Alert

This is the Code Amber Amber Alert Ticker: -- CodeAmber.org nee

Navigation

- Home
- About Us
- Leadership Contacts
- Letters of Appreciation
- Fallen Warrior Scholarship
- ALL Forums
- Help on the HomeFront
- Most Recent Posts
- Photo Gallery
- Media/Press
- Fallen Members
- Events
- Troop Support Partners
- PGR FAQ
- PGR Gear

Patriot Guard Riders Forum

Unanswered Not Read My Forums Active Topics — Forums My Profile Search Members

Forums > Patriot Guard Riders - National > Letters from the PGR President

Subject: Official Board of Directors Statement 17 Nov 06

Email me when someone replies to this thread.

Topic is locked

Author	Messages	Oldest First
snap67 ◉ Posts: 567 AL and Ga Ride Capt/National Executive Director	17 Nov 2006 8:16 PM	Alert

We realize that there are a lot of questions, a lot of answers, and a lot of rumors floating around concerning the issues that led to Jeff's resignation, and the current status of the PGR as a non-profit organization. Outlined below are the facts as we understand them:

1. Jeff created the concept of PGR National and the PGR store;

9/18/448

PLAINTIFF'S EXHIBIT 10

PETITIONER'S EXHIBIT 3

Dialup Homepage

Directory

Click to send an email to the departments below:

User Support
Moderators
Photos
Media
Media Sightings
Submit Picture of Day
Web Site Administrator
Communications Officer
Letters Of Appreciation
Help On The Homefront

Mission Request

Click on the link below to make initial contact with us regarding honor mission requests:

Contact Us

Contact Arlington National Cemetery

2. Jeff designed the logo and the merchandise it appears on;

3. Jeff and his wife are the sole owners of the "PGR Store;"

4. The PGR Store was placed on the front page of the website for members to order their PGR items (leaving some members to believe that the store belongs to the PGR);

5. We have been told that 100% of the proceeds from the PGR Store belong to Jeff;

6. To date, Jeff has donated approximately $67,000 to the PGR;

7. Based upon concerns of the membership, the BOD asked Jeff to see the income from the PGR Store for purposes of rebutting recent accusations concerning the monies made from the store;

8. Jeff refused to divulge that information, stating "It is nobody's business";

9. Jeff stated that he has made approximately $30,000 personal profit from the PGR Store to date, however, in a post today, Jeff stated that his intentions are, and always have been, to donate 50% of all proceeds from his store to the PGR;

10. Based upon the fact that Jeff was making profit from the PGR Store, as the BOD determined created a conflict of interest, when asked by the BOD to give the store to the non profit organization, Jeff chose to resign as the Executive Director of the PGR;

11. Jeff has offered the PGR the use of the logo and the name Patriot Guard Riders for use on our website only, for a period of one year;

12. Jeff has made it very clear that this excludes the PGR from being able to use the logo or name in connection with any merchandising;

13. The BOD understanding its fiduciary responsibility to all of our members and to insure a constant flow of income agreed to expand the offerings in our special events store;

14. While transitioning to new leadership, the BOD through investigation became aware that Jeff had neither completed the trade-marking application for the logo and name, nor the application for National Tax Exempt Status for the PGR (501c3);

15. In keeping with the new leadership methods, the current BOD made this information available to the membership as soon as it came to light;

17. The BOD is now working on creating a new logo (for sale of items in the special events store), drafting appropriate by-laws, and applying for 501c3 tax exempt status (which we understand from our attorney will cover the PGR's activities for the preceding 18 months);

18. From this point forward the current BOD plans to run the PGR as such:

Messages

0 Unread Messages

0 Read Messages

America Loves You Silk Rose

PGR Doo-Rag

PGR Armband

a. Transparency with regard to all issues concerning PGR management (i.e., financials, PGR Store (when one is open), decision making processes, changes to national policy, current status of fundraising (acceptance and administration of funds), etc.

b. More open communications with our leaders (Reg. Caps, SCs, RCs, HOTHs, etc.)

c. More diversity among States, allowing more independent operations within those states, while maintaining a uniformity with the national PGR.

As the BOD resolves these current issues, the membership will be notified, and kept apprised of the status of those issues.

With all this said, we would at this time ask our members to digest these facts, and then join us in refocusing our energies, getting back to why we are here, and forging ahead to continue the mission.

You just don't know when an old vet will Snap

Topic is locked

Forums > Patriot Guard Riders - National > Letters from the PGR President > Official Board of Directors Statement 17 Nov 06

ActiveForums 3.6

As for the patches...I saw a new one this weekend. The color did look slightly different to me, had that tennis-ball green/yellow look to my eye and the weave of the background was more loose than the previous patches. I didn't think it was horrible, I just noticed a slight difference.

<_____ For D, K, K _____>

"This ain't rocket surgery."

Wescoot2
Posts: 2885
Park Ridge, Illinois

Send Email
Message

26 Mar 2007 10:23 AM Alert

Ok, Ed here is your break.....Now give us some definite answers as far as when the merchandise is going to be available. The store committee should have in writing an estimated delivery date of anything they have ordered. A time line on when merchandise in the development stages will be available. I understand everyone is a volunteer, but if we ran missions like the store in being handled we wouldn't need the store. I have said all I am going to say about it, this will be my last post concerning the store or the way we are being treated by the store operator and some of the National staff..If it's performance don't improve, I like others will just go back to doing business with Twister..

Let me see if I can answer your questions...you asked when the merchandise is going to be available.....What Mercahndise???

Items that being developed. may or may not ever be place in the store. The Marketingteam comes up with ideas, and presents them to me. I take them to the entire BOD and it voted upon. So there is no time line aviaiable on items being developed.

After and item is approved by the BOD, I will then place some type of statement, as I did with the challenge coin, that the order has been placed, and if fact I do give an esptimated delivery time, as I did with the challenge coin, and it looks like the manufaturer, will be delivering in that time period specified.

After our supplier receives the item, I then go out to his facility, and take a picture of the item. It it then uploaded in the store, and avalable for purchase.

The store has handled over 5000 orders in just a little over 100 days. Other than a few lost orders, most of our members are quite happy with the store overall.

The stores is also going thru growing pains, as we never had any idea about what stock levels were needed to insure that product was always available. A few items were on back order, but the instances

PLAINTIFF'S EXHIBIT 11

PGR 004105

Patriot Guard Riders

Standing For Those Who Stood For US

Friday, November 21, 2008

..:: ALL Forums ::..

jomalley Logout

Navigation

- Home
- About Us
- Leadership Contacts
- Letters of Appreciation
- Fallen Warrior Scholarship
- ALL Forums
- Help on the HomeFront
- Most Recent Posts
- Photo Gallery
- Media/Press
- Fallen Members
- Events
- Troop Support Partners
- PGR FAQ
- PGR Gear
- Dialup Homepage
- Hugh's Posts

Directory

Click to send an email to the

Patriot Guard Riders Forum

Unanswered Not Read My Forums Active Topics

Forums My Profile Search Members

Forums > State Captain Area > State Captain/Ride Captain Discussions

Subject: Looking Back

You are not authorized to post a reply.

Page 1 of 2 | 1 | 2 | > | >>

Author	Messages	Oldest First

hlange
Posts: 880
NCR Captain, Bangor WI

Send Email
Message

09 Nov 2006 10:51 AM

Alert

Hi all,
Just to let you know, this may very well turn into a rant but I'll try to avoid that. I look at the website many times a day, reading the post, checking the mission list, just trying to keep up with everything. Over the last month or so, as you all well know, there has been some contraversy and discontentment over how the PGR and the PGR store were being run.I read it and tried to understand the point of view of both sides. I watched as some decided that the PGR was no longer a place that they wished to devote time to or to follow the policies of. I saw them start up other websites and leave the PGR. I watched as the man who started the PGR, the one with the resorces and vision to take what 3 bikers started doing and making it into a nationaly reconized group that is respected and admired by hundreds of thousands of people step down from the leadership position because of the complaints of a few people. I watched as a man who is one of my heros be denegrated and slandered because the one thing he did not envision was just how big this thig we call the PGR would become, or how fast that would happen.

This morning I went and looked for the oldest post that I could find, just to see what happen way back

PLAINTIFF'S EXHIBIT 12

PGR 003509

departments below:

User Support
Moderators
Photos
Media
Media Sightings
Submit Picture of Day
Web Site Administrator
Communications
Officer
Letters Of Appreciation
Help On The Homefront

Mission Request

Click on the link below to make initial contact with us regarding honor mission requests:

Contact Us

Contact Arlington National Cemetery

Messages

0 Unread Messages

when, how it started, and what the personallity of the group was.

I joind in the middle of December 2005, just about 3 weeks after the web site came online. I am member # 2369. Yes, 2,369. That would be less then 50 people per state average. Just a huge organization, right? NO, it wasn't, but it was a dedicated one. Nobody was doing it for the money, simply becaause there wasn't any. The cost of running the web site, getting the plaques, traveling to spread the word of the PGR was either footed by the store, straight donations or in many cases, out of members pockets. All the store was going to do was to make enough to maybe stop members from having to spend money that many didn't have to support the operation of the PGR.

Many people don't seem to understand that the PGR is a corporation, a busines run as a non-profit corporation. The store is also a corporation, but is not non-profit. Who owns them? Well, it would be the stockholders, those who put up the money for the lawyers and filing fees and did all the work to incorporate them and then to trademark the names and motto so that they would be protected from people that could steal them for their own use. It belongs to the ones that invested the money and time to set up a web site to diseminate the info. It does NOT belong to the members of the forum, we are all GUEST of the owners, and it pains me to see how some have come into the PGR house and crapped on the rug and stole from it, only to then leave and complain that they were mistreated.

Anyway, way, way back when this thing started, Twister did not hide the fact that he owned the PGR store, or that it was a for profit thing, whereas the PGR itself was was a non-profit thing. I don't know why it was set up this way and I don't care. There was no way that anyone could have seen what the PGR would become, how big it would get, or that it could be operated at least as a break even operation. All that came later. I think what has happened was that everything got so big so fast that the owners were taken by surprize. I do not believe that anyone could have seen just how big the store would become or how much money would go through it. Reguardless of how much it makes now, back then someone had to front the store, do the work and get the items shipped. Someone had to design the items, someone had to pay to trademark them to protect their investment. I didn't do it, the malcontents didn't do it, Twister did it. He did the work to at least make the PGR break even. Yeah, he could have given every penny to the PGR, but I believe that he deserved much more then he could have possibly gotten from the store. If the store had lost money I wonder how many people that say Twister shouldn't have made any profit would say that the PGR should bail him out. No, heaven forbid that would happen. They would say that it is his problem and he should have to cover it.

To those malcontents that have left the PGR to "start" new groups, shame on you. The only one that had that right would have been the Kansas Patriot Guard. They did exist prior to the PGR and they have followed what they said they believed. God bless them, and I can say that as an American Legion Rider member, they make me proud. To the "leaders" of other groups that broke off only after the PGR became a sucess, I won't mention the names but their initials are Florida, Kentuckey, Nevada and North Carolina, you have no honor. You invested nothing into the operation, took no risk, then STOLE from the PGR because you wanted to be in charge, just didn't want to do the work. Yes, they stole from the PGR. They stole the membership list, they stole the reputation, the stole the honor. They are

0 Read Messages

PGR Doo-Rag

Large Fallen Heroes patch

thieves. They didn't even bother to come up with a name that was different enough that most people would not be confused. They are jerks, hypocrites and thieves. You waited until all the work was done, all the risk were taken by others and a reputaion built and then decided that you should be in charge of that which you had nothing to do with. If you wanted to do something different then you could have, but you are too lazy to do the work. You could have just said that the PGR was not for you and started another group, but you were not going to pass up a chance to steal the work of others. I don't care what you whine about, you have no honor and you don't have my respect. You could regain it, but it is going to take some real work on your part so I don't see that happeneing soon.

Now, should the owner of the PGR store have made a profit? Yes, of course they should have, for all the reason stated above, They invested the time, money and effort, they took the risk. As I said, if the store would have lost money then the owners would have to cover it. The mere fact that the store turned a profit is irrlevent. As the leader of a nonprofit corporation, just how much should Twister have been compensated? Oh, I dont know, how much do does the head of the Red Cross make? How much does the head of the United Way make? Should he be able to make a living just for running the PGR? I would say yes. Does the fact that I'm an unpaid volenteer mean that Twister should not make any money because I don't? No, I give my time up freely. If I don't want to do that then I don't have to. Should we not pay anyone that works for the PGR because we don't get any money ourseles? That would be foolish. If we want to have the PGR run in a professional manner then we better have people that know what they are doing helping us. Those people cannot do it for free. They have families to feed and are worth money to have work for us. I don't think that there are are enough people getting paid for the work they do, we could use more professionals to help us. Let me ask you this, how much would you pay in dues to belong to this group, now that you know what it does? Put a dollar amount on the feeling you got the first time a grieving mother mouthed the words "thank you" to you as she passed the flagline in the cemetary, what was that hug and thank you from the father worth? I can't place a price on it, but I know that it was because of Twister that I got those things, and I will be forever grateful to him for it. Also, remember this, Twister could have kept ALL the profit from the store. Legally it was his, but he didn't. I do not know exactly how much he donated but it was at least $67,000.00 from what I have been told. or as the thieves say "only" $67,000.00. That is money that he did not have to give up, but did. So to those who wish to belittle what he's done, how much of you income did you give up? Any? You can kiss my pale white ass.

I will miss Twister being at the helm, but I know that Snap will be another excellent leader.

Twister,
I hope that everything I've done for the PGR has been done right, you ARE one of my heroes.

Snap,
Tell me what you want and I'll do what I can to make it so. Just name it.

Henry A. Lange BTC(SW)(USN)(Ret)

PGR 003511

Patriot Guard Riders

Standing For Those Who Stood For US

Friday, November 21, 2008

..:: ALL Forums ::..

jomalley Logout

Navigation

- Home
- About Us
- Leadership Contacts
- Letters of Appreciation
- Fallen Warrior Scholarship
- ALL Forums
- Help on the HomeFront
- Most Recent Posts
- Photo Gallery
- Media/Press
- Fallen Members
- Events
- Troop Support Partners
- PGR FAQ
- PGR Gear
- Dialup Homepage
- Hugh's Posts

Directory

Click to send an email to the

Patriot Guard Riders Forum

Unanswered Not Read My Forums Active Topics

Forums My Profile Search Members

Forums > State Captain Area > State Captain/Ride Captain Discussions

Subject: Jeff Brown resigns

Page 3 of 3 << < 1 2 3

You are not authorized to post a reply.

Author	Messages	Oldest First

adccop
Posts: 2781
Tonopah, Arizona

Ride Captain

Send Email
Message

09 Nov 2006 1:14 AM

Alert

I said my Thank You to Jeff and let Snap know he would have my support and was going to leave it at that but the more I think about it the more it pisses me off. Brings to mind the famous line from the movie Network, "I'M mad as HELL and I'm not going to take it anymore."

I am sick and tired of the PC Pantywaists trying to control things their way even when it is not theirs to control. Membership was free if you don't like what is happening get out we don't need you. If you don't like the music or the movie change the channel stupid don't try and sue the station. All you hear in this world lately is change this line or remove this word it might offend someone else or offend me. Don't listen to it, sing it, or read it asshole go home and play with your tinker toys.

The National PGR was built by Jeff with his time, spirit, funds and separation from his family. It is his to do with as he wants if you disagree with his vision or direction leave and start you own group if your ideas are so great then you shouldn't have to invest a lot to make it work, (tongue in cheek.)

It is a sad day when a few malcontents and people with a need to know things that are none of their

PLAINTIFF'S EXHIBIT 13

PGR 003503

Jon Tatum <jon@tatumassociates.cc> wrote:

Ed:

Jeff's store had nothing to do with the non-profit corporation. The non-profit didn't even exist for most of the time that Jeff had the store. There may have been a short period that Jeff was selling product while the non-profit was in existence but I'm not sure what those dates would have been. He operated the store as a Sole Proprietor for tax purposes. I never prepared Jeff's tax returns so I can't say how that was handled. The attorney is correct with the assumptions below however the timing is what would hold up in court and with the IRS. Hope this helps.

Let me know if you have any other questions. I'm always glad to help.

Jon Tatum

--

Tatum & Associates, Inc.
2000 Mallory Ln, Ste 130-140
Franklin, TN 37067

--

Mail to: jon@tatumassociates.cc
(615) 300-1549 **Voice**
(615) 599-1560 **Fax**

From: Ed Mueller [mailto:wescoot2@yahoo.com]
Sent: Tuesday, September 25, 2007 9:09 AM
To: Jon Tatum
Subject: Your Position on a matter

Hi Jon,

I have spoke to Ronny Awtry about how Jeff ran his store, and he assured me that both you, and our Attorney stated, that Jeff's way was preferable, and that the IRS would have no problem with it.

Below is a communication which I have received from another member, who sought the opinion of another lawyer (I have removed the lawyers name) Please read what she opines, and let me know your thoughts on this.

Letter follows

Patriot Guard Riders, Inc.
In Re: Non-Profit Self Dealing Rules
Dear Board of Directors:
I have been asked to provide your organization with my opinion concerning possible matters of self-dealing in your organization which could jeopardize PGR's tax exempt status with the IRS. I provide this opinion based on my past experience with nonprofit organizations and knowledge of the IRS rules and regulations concerning tax exempt entities.
I have been provided information about the Patriot Guard Riders, Inc. (PGR) and its connection to a for-profit entity, PGR Store, LLC (store). According to my information PGR was only permitted to obtain merchandise from the store. Members were linked to the store from the PGR web-site to purchase PGR gear, patches and supplies. It is my further understanding that the owner of the store was a board member of PGR. I understand that he has since been removed from that position.
The IRS does not tolerate self-dealing in nonprofit organizations. This premise is central to the tax-exempt statute which specifically states that "Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable … . no part of the net earnings

PLAINTIFF'S EXHIBIT 14

9/18/1448

Brown v Patriot

PETITIONER'S EXHIBIT 22

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 12:23:13 ET

Serial Number: 77383586 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

PATRIOT GUARD RIDERS

(words only): PATRIOT GUARD RIDERS

Standard Character claim: Yes

Current Status: Further action on the application has been suspended.

Date of Status: 2010-02-04

Filing Date: 2008-01-29

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 105

Attorney Assigned:
YONTEF DAVID ERIC

Current Location: L50 -TMEG Law Office 105

Date In Location: 2009-08-04

LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. Patriot Guard Riders, Inc.

Address:
Patriot Guard Riders, Inc.
2448 E. 81st Street, Suite 5900
Tulsa, OK 741374259
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Oklahoma
Phone Number: 312-704-1890
Fax Number: 312-704-8023

GOODS AND/OR SERVICES

International Class: 014
Class Status: Active
Ornamental pins; commemorative coins
Basis: 1(a)
First Use Date: 2005-12-14
First Use in Commerce Date: 2005-12-14

International Class: 024
Class Status: Active
Cloth banners; fabric flags
Basis: 1(a)
First Use Date: 2005-11-29
First Use in Commerce Date: 2005-11-29

International Class: 025
Class Status: Active
Hats; short-sleeved and long-sleeved t-shirts; sweatshirts; do rags
Basis: 1(a)
First Use Date: 2005-12-08
First Use in Commerce Date: 2005-12-08

International Class: 026
Class Status: Active
Embroidered patches for clothing; armbands
Basis: 1(a)
First Use Date: 2005-12-23
First Use in Commerce Date: 2005-12-23

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: 2005-11-09
First Use in Commerce Date: 2005-11-09

ADDITIONAL INFORMATION

Disclaimer: "RIDERS" IN CLASS 45

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-02-04 - Report Completed Suspension Check Case Still Suspended

2009-08-04 - Report Completed Suspension Check Case Still Suspended

2009-08-04 - Assigned To LIE

2009-02-04 - Report Completed Suspension Check Case Still Suspended

2008-08-04 - Notification Of Letter Of Suspension E-Mailed

2008-08-04 - LETTER OF SUSPENSION E-MAILED

2008-08-04 - Suspension Letter Written

2008-08-04 - Examiner's Amendment Entered

2008-08-04 - Notification Of Examiners Amendment E-Mailed

2008-08-04 - EXAMINERS AMENDMENT E-MAILED

2008-08-04 - Examiners Amendment -Written

2008-05-07 - Notification Of Non-Final Action E-Mailed

2008-05-07 - Non-final action e-mailed

2008-05-07 - Non-Final Action Written

2008-05-07 - Assigned To Examiner

2008-02-04 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
James R. Foley

Correspondent
JAMES R. FOLEY
TREXLER, BUSHNELL, GIANGIORGI, BLACKSTON
105 W ADAMS ST FL 36
CHICAGO, IL 60603-6299
Phone Number: 312-704-1890
Fax Number: 312-704-8023

PTO Form 1478 (Rev 9/2006)
OMB No. 0651-0009 (Exp 12/31/2008)

Trademark/Service Mark Application, Principal Register

Serial Number: 77383586
Filing Date: 01/29/2008

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77383586
MARK INFORMATION	
***MARK**	PATRIOT GUARD RIDERS
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	PATRIOT GUARD RIDERS
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
***OWNER OF MARK**	Patriot Guard Riders, Inc.
***STREET**	2448 E. 81st Street, Suite 5900
***CITY**	Tulsa
***STATE** **(Required for U.S. applicants)**	Oklahoma
***COUNTRY**	United States
***ZIP/POSTAL CODE** **(Required for U.S. applicants only)**	74137-4259
PHONE	312-704-1890
FAX	312-704-8023
EMAIL ADDRESS	ptodocket@trexlaw.com
LEGAL ENTITY INFORMATION	

TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Oklahoma
GOODS AND/OR SERVICES AND BASIS INFORMATION	
***INTERNATIONAL CLASS**	006
***IDENTIFICATION**	Metal license plates
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/09/2005
FIRST USE IN COMMERCE DATE	At least as early as 12/09/2005
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT15\773\835\77383586\xml1\APP0003.JP G
SPECIMEN DESCRIPTION	Scanned photograph of mark applied to the goods
***INTERNATIONAL CLASS**	014
***IDENTIFICATION**	Ornamental pins; commemorative coins
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/14/2005
FIRST USE IN COMMERCE DATE	At least as early as 12/14/2005
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT15\773\835\77383586\xml1\APP0004.JP G
SPECIMEN DESCRIPTION	Scanned photograph of mark applied to the goods
***INTERNATIONAL CLASS**	024
***IDENTIFICATION**	Cloth banners; fabric flags
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 11/29/2005
FIRST USE IN COMMERCE DATE	At least as early as 11/29/2005
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT15\773\835\77383586\xml1\APP0005.JP G
SPECIMEN DESCRIPTION	Scanned photograph of mark applied to the goods
***INTERNATIONAL CLASS**	025

*IDENTIFICATION	Hats; short-sleeved and long-sleeved t-shirts; sweatshirts; doo-rags
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/08/2005
FIRST USE IN COMMERCE DATE	At least as early as 12/08/2005
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT15\773\835\77383586\xml1\APP0006.JP G
SPECIMEN DESCRIPTION	Scanned photograph of mark applied to the goods
*INTERNATIONAL CLASS	026
*IDENTIFICATION	Embroidered patches for clothing; armbands
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/23/2005
FIRST USE IN COMMERCE DATE	At least as early as 12/23/2005
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT15\773\835\77383586\xml1\APP0007.JP G
SPECIMEN DESCRIPTION	Scanned photograph of mark applied to the goods
*INTERNATIONAL CLASS	045
*IDENTIFICATION	Organizing and conducting support groups in the field of combat veterans and their families
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 11/09/2005
FIRST USE IN COMMERCE DATE	At least as early as 11/09/2005
SPECIMEN FILE NAME(S)	\\TICRS2\EXPORT15\773\835\77383586\xml1\APP0008.JP G
SPECIMEN DESCRIPTION	Printout of web site page
ATTORNEY INFORMATION	
NAME	James R. Foley
ATTORNEY DOCKET NUMBER	2569/47154/2
FIRM NAME	Trexler, Bushnell, Giangiorgi, Blackstone & Marr, Ltd

STREET	105 W. Adams, 36th Floor
CITY	Chicago
STATE	Illinois
COUNTRY	United States
ZIP/POSTAL CODE	60603
PHONE	312-704-1890
FAX	312-704-8023
EMAIL ADDRESS	ptodocket@trexlaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	David J. Marr
CORRESPONDENCE INFORMATION	
NAME	James R. Foley
FIRM NAME	Trexler, Bushnell, Giangiorgi, Blackstone & Marr, Ltd
STREET	105 W. Adams, 36th Floor
CITY	Chicago
STATE	Illinois
COUNTRY	United States
ZIP/POSTAL CODE	60603
PHONE	312-704-1890
FAX	312-704-8023
EMAIL ADDRESS	ptodocket@trexlaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	6
FEE PER CLASS	325
***TOTAL FEE DUE**	1950
***TOTAL FEE PAID**	1950
SIGNATURE INFORMATION	

SIGNATURE	/james r. foley/
SIGNATORY'S NAME	James R. Foley
SIGNATORY'S POSITION	Attorney of record
DATE SIGNED	01/29/2008

PTO Form 1478 (Rev 9/2006)
OMB No. 0651-0009 (Exp 12/31/2008)

Trademark/Service Mark Application, Principal Register

Serial Number: 77383586
Filing Date: 01/29/2008

To the Commissioner for Trademarks:

MARK: PATRIOT GUARD RIDERS (Standard Characters, see mark)
The literal element of the mark consists of PATRIOT GUARD RIDERS.
The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Patriot Guard Riders, Inc., a corporation of Oklahoma, having an address of
2448 E. 81st Street, Suite 5900
Tulsa, Oklahoma 74137-4259
United States
requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

International Class 006: Metal license plates

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 006, the mark was first used at least as early as 12/09/2005, and first used in commerce at least as early as 12/09/2005, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Scanned photograph of mark applied to the goods.
Specimen File1

International Class 014: Ornamental pins; commemorative coins

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 014, the mark was first used at least as early as 12/14/2005, and first used in commerce at least as early as 12/14/2005, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Scanned photograph of mark applied to the goods.
Specimen File1

International Class 024: Cloth banners; fabric flags

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 024, the mark was first used at least as early as 11/29/2005, and first used in commerce at least as early as 11/29/2005, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Scanned photograph of mark applied to the goods.
Specimen File1

International Class 025: Hats; short-sleeved and long-sleeved t-shirts; sweatshirts; doo-rags

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 025, the mark was first used at least as early as 12/08/2005, and first used in commerce at least as early as 12/08/2005, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Scanned photograph of mark applied to the goods.
Specimen File1

International Class 026: Embroidered patches for clothing; armbands

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in

commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 026, the mark was first used at least as early as 12/23/2005, and first used in commerce at least as early as 12/23/2005, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Scanned photograph of mark applied to the goods.
Specimen File1

International Class 045: Organizing and conducting support groups in the field of combat veterans and their families

Use in Commerce: The applicant is using the mark in commerce, or the applicant's related company or licensee is using the mark in commerce, or the applicant's predecessor in interest used the mark in commerce, on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

In International Class 045, the mark was first used at least as early as 11/09/2005, and first used in commerce at least as early as 11/09/2005, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Printout of web site page.
Specimen File1

The applicant hereby appoints James R. Foley and David J. Marr of Trexler, Bushnell, Giangiorgi, Blackstone & Marr, Ltd
105 W. Adams, 36th Floor
Chicago, Illinois 60603
United States
to submit this application on behalf of the applicant. The attorney docket/reference number is 2569/47154/2.

Correspondence Information: James R. Foley
105 W. Adams, 36th Floor
Chicago, Illinois 60603
312-704-1890(phone)
312-704-8023(fax)
ptodocket@trexlaw.com (authorized)

A fee payment in the amount of $1950 has been submitted with the application, representing payment for 6 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and

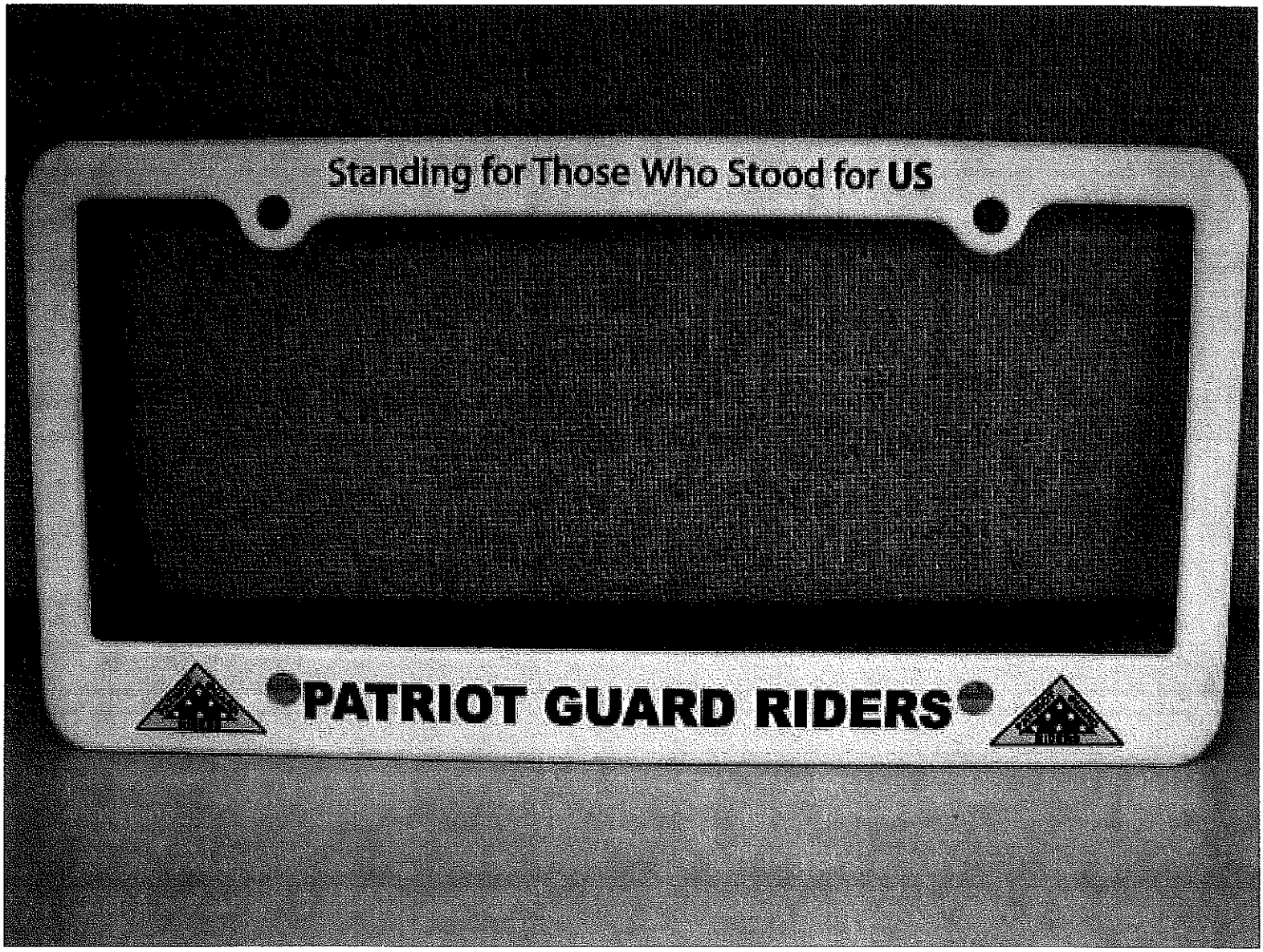
the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application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

Signature: /james r. foley/ Date Signed: 01/29/2008
Signatory's Name: James R. Foley
Signatory's Position: Attorney of record

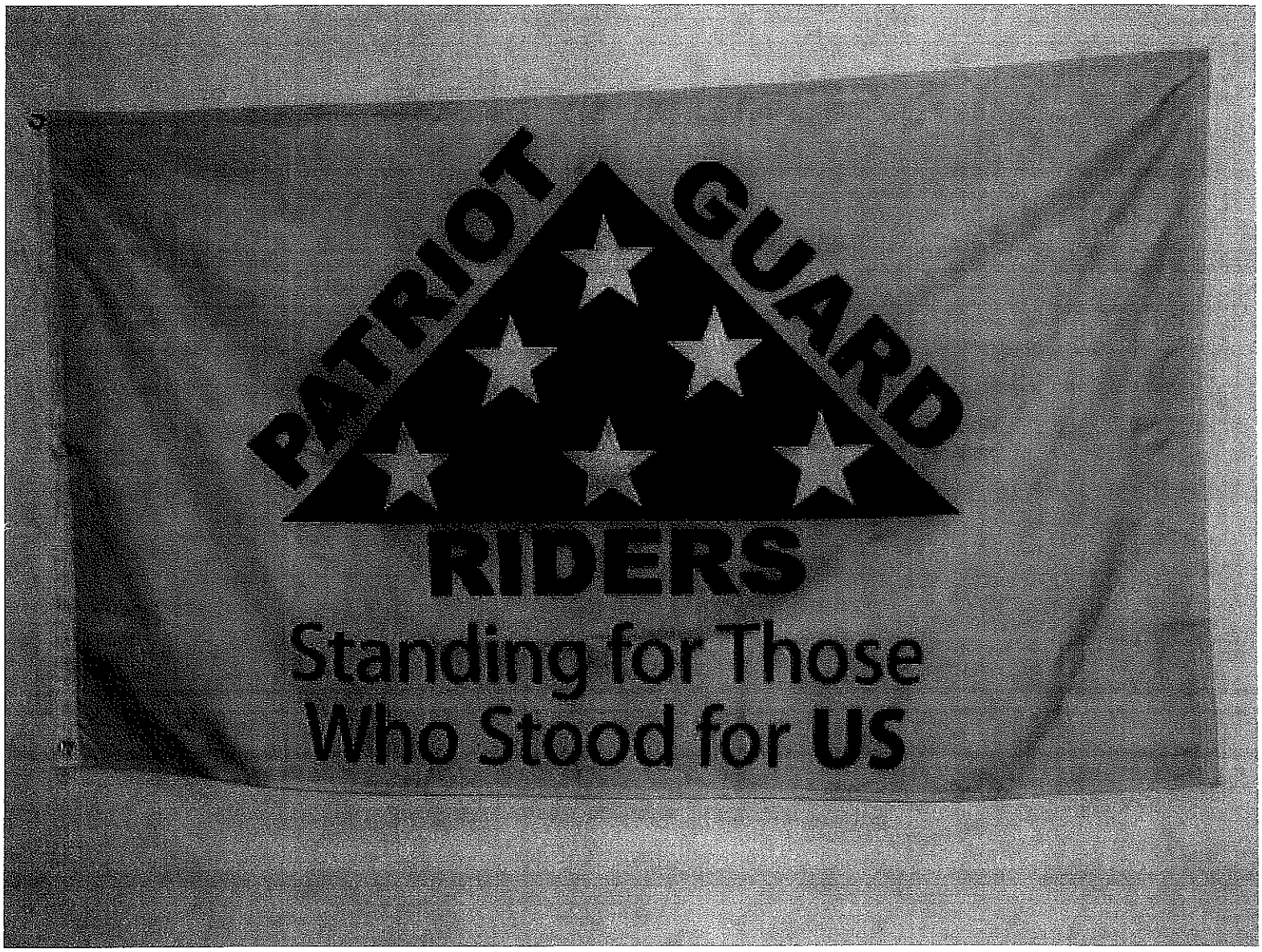
RAM Sale Number: 2982
RAM Accounting Date: 01/30/2008

Serial Number: 77383586
Internet Transmission Date: Tue Jan 29 18:09:21 EST 2008
TEAS Stamp: USPTO/BAS-67.36.193.194-2008012918092131
9546-77383586-4002eded1ba5ee99cd3831b5b4
be564597-DA-2982-20080129165750856196

PATRIOT GUARD RIDERS

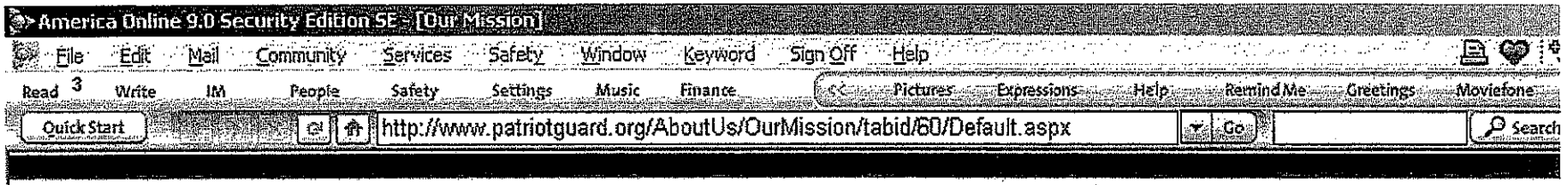

Standing for Those Who Stood for US
PATRIOT GUARD RIDERS

PATRIOT GUARD
RIDERS
Standing for Those
Who Stood for US


PATRIOT GUARD
RIDERS
Standing for Those
Who Stood for US

Standing for Those
Who Stood for Us

PATRIOT GUARD
RIDERS
Standing for Those
Who Stood for US



Patriot Guard Riders

Standing For Those Who Stood For US

esday, January 29, 2008

..:: About Us » Our Mission ::..

Navigation

- Home
- About Us
- Leadership Contacts
- Letters of Appreciation
- Fallen Warrior Scholarship
- ALL Forums
- Help on the HomeFront
- Photo Gallery
- Media/Press
- Fallen Members
- Events
- Troop Support Partners
- PGR FAQ
- PGR Gear
- Dialup Homepage

Our Mission

Patriot Guard Riders Mission Statement

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

We don't care what you ride, what your political views are, or whether you're a "hawk" or a "dove". It is not a requirement th veteran. It doesn't matter where you're from or what your income is. You don't even have to ride. The only prerequisite is Resp

Our main mission is to attend the funeral services of fallen American heroes as invited guests of the family. Each undertake has two basic objectives.

1. Show our sincere respect for our fallen heroes, their families, and their communities.

2. Shield the mourning family and friends from interruptions created by any protestor or group of protestors.

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

*** User:dyontef ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:02	77383586[SN]
02	470	N/A	0	0	0:03	*p{v0:2}t$1r{v0:2}t*[bi,ti] and live[ld]
03	12689	N/A	0	0	0:04	*g{v0:2}r$1d*[bi,ti] and live[ld]
04	2399	N/A	0	0	0:06	*r{"iey"}{v0:1}d$1{v0:2}r*[bi,ti] and live[ld]
05	5	0	5	3	0:01	2 and (3 4)
06	83	N/A	0	0	0:01	3 and 4
07	80	0	7	2	0:01	6 not 5
08	465	0	54	36	0:01	2 not (5 7)
09	39080	N/A	0	0	0:05	*r{"iey"}{v0:1}d*[bi,ti] and live[ld]
10	1297	N/A	0	0	0:01	9 and (2 3)
11	1213	0	59	40	0:01	10 not (5 7)

Session started 5/7/2008 9:45:13 AM

Session finished 5/7/2008 9:59:08 AM

Total search duration 0 minutes 26 seconds

Session duration 13 minutes 55 seconds

Defaut NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 77383586

To:	Patriot Guard Riders, Inc. (ptodocket@trexlaw.com)
Subject:	TRADEMARK APPLICATION NO. 77383586 - PATRIOT GUARD RIDERS - 2569/47154/2
Sent:	5/7/2008 10:55:44 AM
Sent As:	ECOM105@USPTO.GOV
Attachments:	Attachment - 1 Attachment - 2 Attachment - 3 Attachment - 4 Attachment - 5

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/383586

MARK: PATRIOT GUARD RIDERS

77383586

CORRESPONDENT ADDRESS:
JAMES R. FOLEY
TREXLER, BUSHNELL, GIANGIORGI, BLACKSTON
105 W ADAMS ST FL 36
CHICAGO, IL 60603-6299

RESPOND TO THIS ACTION:
http://www.uspto.gov/teas/eTEASpageD.htm

GENERAL TRADEMARK INFORMATION:
http://www.uspto.gov/main/trademarks.htm

APPLICANT: Patriot Guard Riders, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:
2569/47154/2
CORRESPONDENT E-MAIL ADDRESS:
ptodocket@trexlaw.com

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 5/7/2008

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant

must respond timely and completely to the issues below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62, 2.65(a); TMEP §§711, 718.03.

Prior Pending Application

Information regarding pending Application Serial No. 77/041,061 is enclosed. The filing date of the referenced application precedes applicant's filing date. There may be a likelihood of confusion between the two marks under Trademark Act Section 2(d), 15 U.S.C. §1052(d). If the referenced application registers, registration may be refused in this case under Section 2(d). 37 C.F.R. §2.83; TMEP §§1208 *et seq*. Therefore, upon entry of a response to this Office action, action on this case may be suspended pending final disposition of the earlier-filed application.

If applicant believes there is no potential conflict between this application and the earlier-filed application, then applicant may present arguments relevant to the issue in a response to this Office action. The election not to submit arguments at this time in no way limits applicant's right to address this issue at a later point.

If applicant chooses to respond to the potential refusal to register, then applicant must also respond to the following requirements.

Identification of Goods –Class 25

Applicant must revise the description of goods in Class 25 to replace the misspelled word "doo-rags" with the word "do rag". TMEP §1402.01.

The applicant may adopt any or all of the following descriptions, if accurate:

"Metal license plates", in International Class 6;

"Ornamental pins; commemorative coins", in International Class 14;

"Cloth banners; fabric flags", in International Class 24;

"Hats; short-sleeved and long-sleeved t-shirts; sweatshirts; **do rags**", in International Class 25;

"Embroidered patches for clothing; armbands", in International Class 26; and/or

"Organizing and conducting support groups in the field of combat veterans and their families", in International Class 45.

TMEP §1402.11.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at http://tess2.uspto.gov/netahtml/tidm.html. *See* TMEP §1402.04.

Although identifications of goods and services may be amended to clarify or limit the goods, adding to or broadening the scope of the goods and services is not permitted. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*, 1402.07. Therefore, applicant may not amend the identification to include goods and services that are not within the scope of the goods and services set forth in the present identification.

Disclaimer – Class 45

Applicant must disclaim the descriptive word "RIDERS" apart from the mark as shown because it merely describes the "amalgamation of riders" who organize and conduct support groups for combat veterans and their families, as noted by the specimen of record. *See* 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a). See the attached dictionary definitions.

In this regard, although applicant's web page printout indicates that some of the services providers may not ride, "[a word] may be merely descriptive even if it does not describe the 'full scope and extent' of the applicant's goods or services." *In re Oppedahl & Larson LLP*, 373 F.3d 1171, 1173, 71 USPQ2d 1370, 1371 (Fed. Cir. 2004) (citing *In re Dial-A-Mattress Operating Corp.*, 240 F.3d 1341, 1346, 57 USPQ2d 1807, 1812 (Fed. Cir. 2001)); TMEP §1209.01(b). It is enough if the term describes only one significant function, attribute or property. *In re Oppedahl*, 373 F.3d at 1173, 71 USPQ2d at 1371; TMEP §1209.01(b). In this case, the term "RIDER" in the proposed mark unequivocally and undoubtedly describes at least one significant aspect of the identified services; namely, the services are provided, in part, by motorcycle riders.

The computerized printing format for the Office's *Trademark Official Gazette* requires a standardized format for a disclaimer. TMEP §1213.08(a)(i). The following is the standard format used by the Office:

> No claim is made to the exclusive right to use "RIDERS in Class 45" apart from the mark as shown.

TMEP §1213.08(a)(i); *see In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

Miscellaneous

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.

/David Yontef/
Trademark Attorney Advisor
Law Office 105
(571) 272-8274

RESPOND TO THIS ACTION: If there are any questions about the Office action, please contact the assigned examining attorney. A response to this Office action should be filed using the form available at http://www.uspto.gov/teas/eTEASpageD.htm. If notification of this Office action was received via e-mail,

no response using this form may be filed for 72 hours after receipt of the notification. **Do not attempt to respond by e-mail as the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at http://tarr.uspto.gov. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

DESIGN MARK

Serial Number
77041061

Status
REPORT COMPLETED SUSPENSION CHECK - CASE STILL SUSPENDED

Word Mark
PATRIOT GUARD RIDER

Standard Character Mark
Yes

Type of Mark
TRADEMARK; SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(4) STANDARD CHARACTER MARK

Owner
Brown, Jeff INDIVIDUAL UNITED STATES 8321 S. 8th St. Broken Arrow OKLAHOMA 74801

Goods/Services
Class Status -- ACTIVE. IC 006. US 002 012 013 014 023 025 050. G & S: Metal license plates. First Use: 2005/12/09. First Use In Commerce: 2005/12/09.

Goods/Services
Class Status -- ACTIVE. IC 014. US 002 027 028 050. G & S: Ornamental pins. First Use: 2005/12/14. First Use In Commerce: 2005/12/14.

Goods/Services
Class Status -- ACTIVE. IC 024. US 042 050. G & S: Cloth banners; Fabric flags. First Use: 2005/11/29. First Use In Commerce: 2005/11/29.

Goods/Services
Class Status -- ACTIVE. IC 025. US 022 039. G & S: Hats; Short-sleeved or long-sleeved t-shirts. First Use: 2005/12/08. First Use In Commerce: 2005/12/08.

Goods/Services
Class Status -- ACTIVE. IC 026. US 037 039 040 042 050. G & S: Embroidered patches for clothing. First Use: 2005/12/23. First Use In Commerce: 2005/12/23.

Goods/Services
Class Status -- ACTIVE. IC 035. US 100 101 102. G & S: Association services, namely, promoting the interests of families of deceased military members and families of deceased veterans. First Use: 2005/10/27. First Use In Commerce: 2005/11/09.

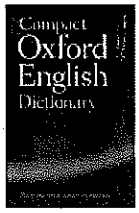
Filing Date
2006/11/09

Examining Attorney
WILKE, JOHN

Attorney of Record
Molly D. McKay

PATRIOT GUARD RIDER

Compact Oxford English Dictionary



rider

• **noun 1** a person who rides a horse, bicycle, motorcycle, etc. **2** an added condition or proviso.

— DERIVATIVES **riderless** adjective.

Perform another search of the Compact Oxford English Dictionary

About this dictionary
The *Compact Oxford English Dictionary of Current English* contains 145,000 words, phrases, and definitions.
Find out more about Oxford's range of English dictionaries
Sign up for the AskOxford Word of the Day

Search the Little Oxford Dictionary of Quotations
Search the Concise Dictionary of First Names

- Ask The Experts
- Better Writing
- World of Words
- Games
- Global English
- Foreign Languages

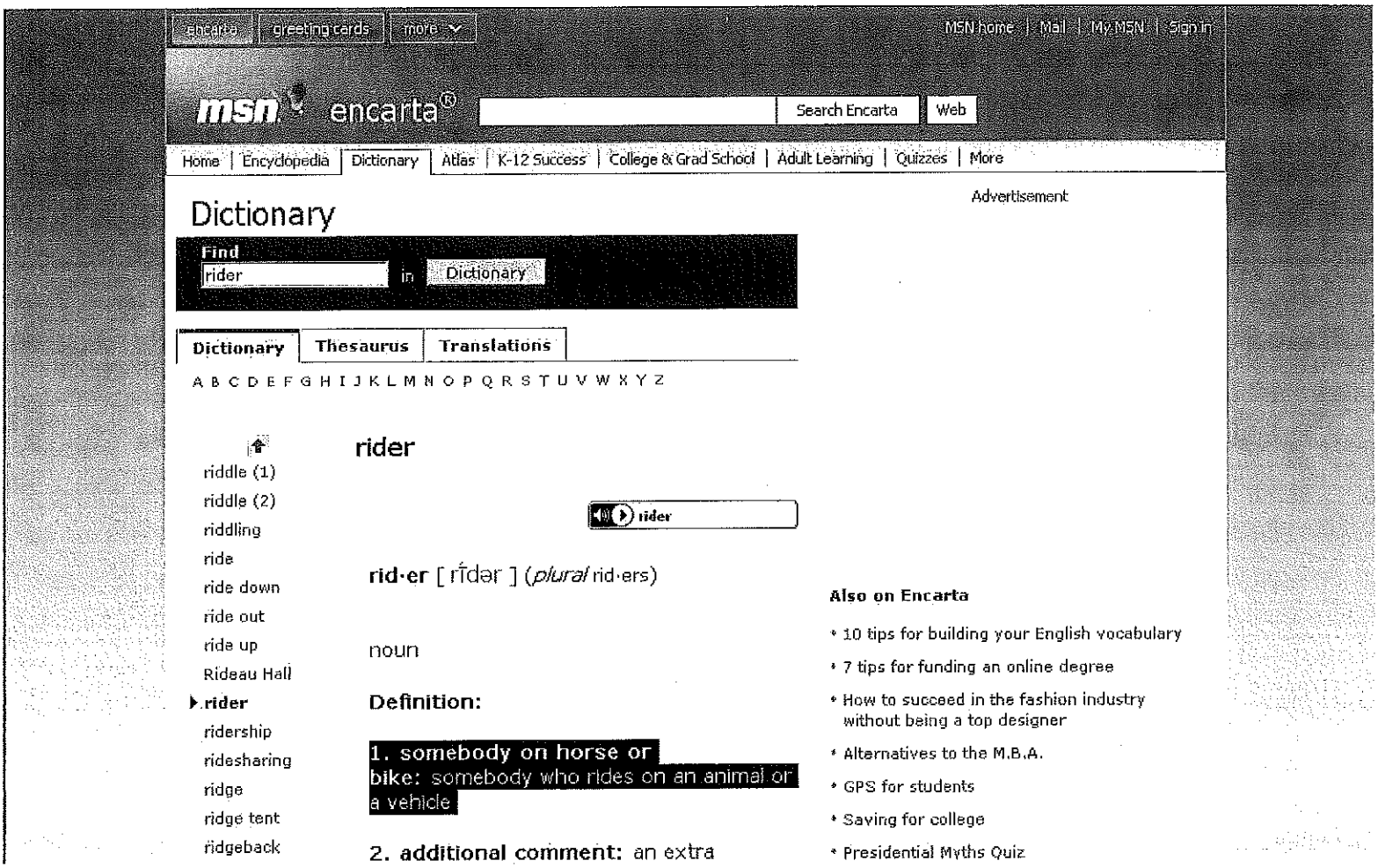
LINKS

→ AskOxford Shop
→ External Web Links
→ OUP Website
→ Children's Dictionaries
→ ELT Dictionaries
→ Oxford Online

PRIVACY POLICY AND LEGAL NOTICE Content and Graphics © Copyright Oxford University Press, 2008. All rights reserved.

OXFORD UNIVERSITY PRESS

http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861702705
05/07/2008 10:38:47 AM



To:	Patriot Guard Riders, Inc. (ptodocket@trexlaw.com)
Subject:	TRADEMARK APPLICATION NO. 77383586 - PATRIOT GUARD RIDERS - 2569/47154/2
Sent:	5/7/2008 10:55:48 AM
Sent As:	ECOM105@USPTO.GOV
Attachments:	

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 5/7/2008 FOR APPLICATION SERIAL NO. 77383586

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link **http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77383586&doc_type=OOA&** (or copy and paste this URL into the address field of your browser), or visit **http://tmportal.uspto.gov/external/portal/tow** and enter the application serial number to **access** the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable **response time period**. Your response deadline will be calculated from **5/7/2008**.

Do NOT hit "Reply"to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at http://www.uspto.gov/teas/eTEASpageD.htm.

HELP: For *technical* assistance in accessing the Office action, please e-mail **TDR@uspto.gov**. Please contact the assigned examining attorney with questions about the Office action.

WARNING

1. The USPTO will NOT send a separate e-mail with the Office action attached.

2. Failure to file any required response by the applicable deadline will result in the

ABANDONMENT of your application.

To:	Patriot Guard Riders, Inc. (ptodocket@trexlaw.com)
Subject:	TRADEMARK APPLICATION NO. 77383586 - PATRIOT GUARD RIDERS - 2569/47154/2
Sent:	8/4/2008 12:35:57 PM
Sent As:	ECOM105@USPTO.GOV
Attachments:	

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/383586

MARK: PATRIOT GUARD RIDERS

77383586

CORRESPONDENT ADDRESS:
JAMES R. FOLEY
TREXLER, BUSHNELL, GIANGIORGI, BLACKSTON
105 W ADAMS ST FL 36
CHICAGO, IL 60603-6299

GENERAL TRADEMARK INFORMATION:
http://www.uspto.gov/main/trademarks.htm

APPLICANT: Patriot Guard Riders, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO:
2569/47154/2
CORRESPONDENT E-MAIL ADDRESS:
ptodocket@trexlaw.com

NOTICE OF SUSPENSION

ISSUE/MAILING DATE: 8/4/2008

This letter is further to the Examiner's Amendment mailed August 4, 2008.

SUSPENSION PROCEDURE: This suspension notice serves to suspend action on the application for the reason(s) specified below. No response is needed. However, if you wish to respond to this notice, you should use the "Response to Letter of Suspension" form found athttp://teasroa.uspto.gov/rsi/rsi. The Office will conduct periodic status checks to determine if suspension remains appropriate.

Action on this application is suspended pending the disposition of:

- Application Serial No(s). **77041061**

Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), the latter, if and when it registers, may be cited against this application in a refusal to register under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d). See 37 C.F.R. §2.83; TMEP §§1208 et seq. A copy of information relevant to this pending application(s) **was sent previously.**

Applicant may submit a request to remove the application from suspension to present arguments related to the potential conflict between the relevant application(s) or other arguments related to the ground for suspension. TMEP §716.03. Applicant's election not to present arguments during suspension will not affect the applicant's right to present arguments later should a refusal in fact issue. If a refusal does issue, applicant will be afforded 6 months from the mailing or e-mailing date of the Office action to submit a response. 15 U.S.C. §1062(b); 37 C.F.R. §2.62.

Miscellaneous

If applicant has questions about its application or needs further assistance, please telephone the assigned trademark examining attorney directly at the number below.

/David Yontef/
Trademark Attorney Advisor
Law Office 105
(571) 272-8274

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at http://tarr.uspto.gov. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

To:	Patriot Guard Riders, Inc. (ptodocket@trexlaw.com)
Subject:	TRADEMARK APPLICATION NO. 77383586 - PATRIOT GUARD RIDERS - 2569/47154/2
Sent:	8/4/2008 12:36:01 PM
Sent As:	ECOM105@USPTO.GOV
Attachments:	

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 8/4/2008 FOR APPLICATION SERIAL NO. 77383586

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77383586&doc_type=SUL&n (or copy and paste this URL into the address field of your browser), or visit http://tmportal.uspto.gov/external/portal/tow and enter the application serial number to access the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable **response time period**. Your response deadline will be calculated from **8/4/2008**.

Do NOT hit "Reply"to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at http://www.uspto.gov/teas/eTEASpageD.htm.

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

1. The USPTO will NOT send a separate e-mail with the Office action attached.

2. Failure to file any required response by the applicable deadline will result in the

ABANDONMENT of your application.

NOTE TO THE FILE

SERIAL NUMBER: 77383586

DATE: 08/04/2008

NAME: dyontef

NOTE:

_ Checked LEXIS/NEXIS

_ Searched internet using [insert search engine or web site]

_ Checked with Law Library re surname.

_ Checked geographic significance.

_ Checked with translations branch.

_ Checked ID with ID/Class

_ Checked ID with Senior Attorney/Managing Attorney

_ Telephoned attorney/applicant leaving message re: _____

_ Telephoned attorney/applicant, application was signed on _

_ Personal interview conducted with attorney/applicant re ___

_ Attorney/applicant called to discuss ___

_ Bulky specimens with examiner.

_ Acronym website searched.

_ Changed Tradeups to add. ___

_ Changed Tradeups to delete.___

_ Changed Tradeups to add Examiner's Amendment.

_ Letter of Protest Granted

X OTHER: J. O'Malley indicated that he was authorized by J. Foley to conclude business with respect to the issues contained in the Examiner's Amendment dated August 4, 2008. TMEP Section 602.

To:	Patriot Guard Riders, Inc. (ptodocket@trexlaw.com)
Subject:	TRADEMARK APPLICATION NO. 77383586 - PATRIOT GUARD RIDERS - 2569/47154/2
Sent:	8/4/2008 12:31:25 PM
Sent As:	ECOM105@USPTO.GOV
Attachments:	

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/383586

MARK: PATRIOT GUARD RIDERS

77383586

CORRESPONDENT ADDRESS:
JAMES R. FOLEY
TREXLER, BUSHNELL,
GIANGIORGI, BLACKSTON
105 W ADAMS ST FL 36
CHICAGO, IL 60603-6299

GENERAL TRADEMARK INFORMATION:
http://www.uspto.gov/main/trademarks.htm

APPLICANT: Patriot Guard Riders, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO: 2569/47154/2

CORRESPONDENT E-MAIL ADDRESS:
ptodocket@trexlaw.com

EXAMINER'S AMENDMENT

ISSUE/MAILING DATE: 8/4/2008

OFFICE SEARCH: The examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

AMENDMENT: In accordance with the authorization granted by James O'Malley on August 4, 2008, the application has been AMENDED as indicated below. Please advise the undersigned examining attorney immediately if there is an objection to the amendment. Otherwise, no response is necessary. TMEP §707.

If the identification of goods and/or services has been amended, please note that any future amendments must be in accordance with 37 C.F.R. §2.71(a) and TMEP §1402.07(e).

Identification of Goods and Services

The goods in Class 6 have been deleted from the application. Therefore, the following goods and services will be printed on any registration that may issue from this application:

"Ornamental pins; commemorative coins", in International Class 14;

"Cloth banners; fabric flags", in International Class 24;

"Hats; short-sleeved and long-sleeved t-shirts; sweatshirts; do rags", in International Class 25;

"Embroidered patches for clothing; armbands", in International Class 26; and

"Organizing and conducting support groups in the field of combat veterans and their families", in International Class 45.

TMEP §1402.01(e).

Disclaimer

The following disclaimer statement is added to the record: No claim is made to the exclusive right to use " RIDERS" in Class 45 apart from the mark as shown. 15 U.S.C. §1056; TMEP §§1213, 1213.03(a) and 1213.08(a)(i).

Miscellaneous

If applicant has questions about its application or needs further assistance, please telephone the assigned trademark examining attorney directly at the number below.

/David Yontef/
Trademark Attorney Advisor
Law Office 105
(571) 272-8274

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at http://tarr.uspto.gov. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

To:	Patriot Guard Riders, Inc. (ptodocket@trexlaw.com)
Subject:	TRADEMARK APPLICATION NO. 77383586 - PATRIOT GUARD RIDERS - 2569/47154/2
Sent:	8/4/2008 12:31:30 PM
Sent As:	ECOM105@USPTO.GOV
Attachments:	

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 8/4/2008 FOR APPLICATION SERIAL NO. 77383586

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77383586&doc_type=EXA&i (or copy and paste this URL into the address field of your browser), or visit http://tmportal.uspto.gov/external/portal/tow and enter the application serial number to access the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable **response time period**. Your response deadline will be calculated from **8/4/2008**.

Do NOT hit "Reply"to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at http://www.uspto.gov/teas/eTEASpageD.htm.

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

1. The USPTO will NOT send a separate e-mail with the Office action attached.

2. Failure to file any required response by the applicable deadline will result in the

ABANDONMENT of your application.

Trademark Snap Shot Amendment & Mail Processing Stylesheet

(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	77383586	FILING DATE	01/29/2008
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	YONTEF, DAVID ERIC	L.O. ASSIGNED	105

PUB INFORMATION

RUN DATE	08/05/2008
PUB DATE	N/A
STATUS	653-SUSPENSION LETTER - MAILED
STATUS DATE	08/04/2008
LITERAL MARK ELEMENT	PATRIOT GUARD RIDERS

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	YES
LITERAL MARK ELEMENT	PATRIOT GUARD RIDERS
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Patriot Guard Riders, Inc.
ADDRESS	2448 E. 81st Street, Suite 5900 Tulsa, OK 741374259
ENTITY	03-CORPORATION
CITIZENSHIP	Oklahoma

GOODS AND SERVICES

INTERNATIONAL CLASS	014
DESCRIPTION TEXT	Ornamental pins; commemorative coins

INTERNATIONAL CLASS	024
DESCRIPTION TEXT	Cloth banners; fabric flags

INTERNATIONAL CLASS	025
DESCRIPTION TEXT	Hats; short-sleeved and long-sleeved t-shirts; sweatshirts; do rags

INTERNATIONAL CLASS	026
DESCRIPTION TEXT	Embroidered patches for clothing; armbands

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	014	FIRST USE DATE	12/14/2005	FIRST USE IN COMMERCE DATE	12/14/2005	CLASS STATUS	6-ACTIVE
INTERNATIONAL	024	FIRST USE	11/29/2005	FIRST USE	11/29/2005	CLASS	6-ACTIVE

CLASS		DATE		IN COMMERCE DATE		STATUS	
INTERNATIONAL CLASS	025	FIRST USE DATE	12/08/2005	FIRST USE IN COMMERCE DATE	12/08/2005	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	026	FIRST USE DATE	12/23/2005	FIRST USE IN COMMERCE DATE	12/23/2005	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	045	FIRST USE DATE	11/09/2005	FIRST USE IN COMMERCE DATE	11/09/2005	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"RIDERS" IN CLASS 45

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
08/04/2008	GNS3	O	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	012
08/04/2008	GNSL	S	LETTER OF SUSPENSION E-MAILED	011
08/04/2008	CNSL	R	SUSPENSION LETTER WRITTEN	010
08/04/2008	XAEC	I	EXAMINER'S AMENDMENT ENTERED	009
08/04/2008	GNEN	O	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	008
08/04/2008	GNEA	O	EXAMINERS AMENDMENT E-MAILED	007
08/04/2008	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	006
05/07/2008	GNRN	O	NOTIFICATION OF NON-FINAL ACTION E-MAILED	005
05/07/2008	GNRT	F	NON-FINAL ACTION E-MAILED	004
05/07/2008	CNRT	R	NON-FINAL ACTION WRITTEN	003
05/07/2008	DOCK	D	ASSIGNED TO EXAMINER	002
02/04/2008	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	James R. Foley
CORRESPONDENCE ADDRESS	JAMES R. FOLEY

	TREXLER, BUSHNELL, GIANGIORGI, BLACKSTON 105 W ADAMS ST FL 36 CHICAGO, IL 60603-6299
DOMESTIC REPRESENTATIVE	NONE

PATRIOT GUARD RIDERS

Messages

0 Unread Messages
0 Read Messages

America Loves You Silk Rose

PGR Doo-Rag

Monica,

Lets put the facts out once again, and I'm sorry if I make an error in all of the chain of events.

1. The current BOD asked to see the records of the PGR store, we were told, it was a private business, and those records would not be made available to us.

2. Based on that information, the BOD voted No confidence, in respects to the then, Executive Director, and asked for his resignation.

3. Jeff asked that we allow the store to remain open until he sold out all of the product which he currently had in stock, the BOD agreed to that.

4. The BOD, asked Jeff, if we could continue to use the current Logo, since Jeff made it very clear up to that point that he had the Logo trademarked.

5. Jeff told the BOD that we could use the current Logo and name on the website, but would not grant us the use for any items to be merchandised.

6. In an attempt to continue to use the current logo, the BOD negotiated with Jeff, that he could continue to run his store, and Jeff agreed that we PGR could also open a store, and he would grant us the right to use the current logo on any merchandise.

7. During further talks to clarify eff's last position, he made it known, that we could only use the current logo, on merchandise, which did not duplicate any item, which he sold.

8. The BOD did not accept those terms, and took a chance, and filed for a trademark on the current Logo. It was at that time, that th BOD found out, that Jeff did not have the Logo trademark, and in fact, our application, had a lower filing numer than his. Going back in my memory, without looking up the exact number, I believe our application beat his into the trademark office by approx 700.

9. Since Jeff claimed First Use of the Logo, he feels that he owns the Logo, even though our filing number is lower than his.

10. THE BOD on a conferrence call with our lawyer, in which the Regional Captains were part of the conversation, was askd his opinion about the Logo dispute.

11. Without going into all the legal wording which he used, our lawyer believes that Jeff has the right to use the Logo, but he would not be able to stop the PGR from using it eiher. He also advised at that time, if it was necessary to fight this in court, we could figure on it costing the PGR between 50- 70 Thousand dollars.

PLAINTIFF'S EXHIBIT tabbies 66

PGR Armband

Welcome Home Silk Rose

Wounded Warrior Challenge Coin

12. With no source of income at this time, the BOD had to make a decision, how we were going to continue to fund, our website, pay our accountant, pay for the plaques, pay for legal assistnce.....etc....etc.....etc....

13. The BOD made a decision, based on many of the threads out here on our website, that changig our Logo, instead of possibly spending thousands of dollars, would be the best direction to take.

14. The BOD, to insure that our Mission went forward, had to insure a source of income to continue operations, and we went forward to open our own store, to generate this income.

All of the above took place in a period of 3 weeks.....While we were also out here on the web, trying to hold this group together, and defending, every little action which we had to take. Many times, not being able to state somethings, because we were still in negotiations with Jeff, who had complete access to what was being said.

I'm not making excuses why everyone wasn't consulted, or even asked for their input. The BOD has a fiduciary responsibility, to everyone of our members, and we took the action which we felt was necessary, to insure that this organization continued to move forward, and accomplish our Mission Statement.

Ive now tried my best to spell everything out the best that I can remember these events. I hope his now gives you a better understanding of What the BOD did, and Why.

Respects,
Ed

Freedom
Justice
Brotherhood

[redacted]

If your gonna be One.....Be a BIG RED ONE

Diplomacy...the art of telling someone to go to hell.....and they look forward to the trip

Waldo
Posts: 1325
Windsor, Co

10 Dec 2006 2:07 AM Alert

> the crow says
>
> while I very well understand the need for the BOD to make critical decisions in a timely fashion, I am disappointed the RCs/SCs could not have been better informed as to what those decisions were at some point.
>
> new store? logo change? a clue would have been nice.

From National Announcements dated 21 Nov 06 - desision to stand up a new store.

http://www.patriotguard.org/Forums/tabid/61/view/topic/postid/318031/forumid/155/Default.aspx#318031

> I would like to address some topics with you and the best way for my old mind is by the numbers. So here goes.
> 1) The PGR store; We are going to TRY and have the new store up by New Years Eve. It will sell all the items it does now and more. And ALL profit will go to the PGR. We are going to outsource this store so that no member will have his hands on it. It will be overseen by a committee of members.

from national website dated 12 nov 06 - introduction of the slogan

[redacted]patriotguard.org/Forums/tabid/61/forumid/14/postid/304100/view/topic/Default.aspx

> Indy harley says:
> Jason the new banner looks great and definitely conveys what we do - thanks for your efforts.

Patriot Guard Riders

Standing For Those Who Stood For US

Friday, November 21, 2008

..:: ALL Forums ::..

jomalley Logout

Navigation

- Home
- About Us
- Leadership Contacts
- Letters of Appreciation
- Fallen Warrior Scholarship
- ALL Forums
- Help on the HomeFront
- Most Recent Posts
- Photo Gallery
- Media/Press
- Fallen Members
- Events
- Troop Support Partners
- PGR FAQ
- PGR Gear
- Dialup Homepage
- Hugh's Posts

Directory

Click to send an email to the

Patriot Guard Riders Forum

Unanswered Not Read My Forums Active Topics

Forums My Profile Search Members

Forums > State Captain Area > State Captain/Ride Captain Discussions

Subject: A solution

You are not authorized to post a reply.

Page 1 of 3 | 1 | 2 | 3 | > | >>

Author	Messages	Oldest First

snap67
Posts: 567
AL and Ga Ride Capt/National Executive Director

Send Email

Message

18 Nov 2006 12:20 PM

Alert

Well, I have some good news for everybody. Jeff and I have put our heads together and come up with, what we believe to be, a great solution to this controversy. First, let me make clear that there has never been an issue with the use of the name or logo for PGR identification purposes. Jeff has always given his assurance to that issue. The issue has been the store and that's been beaten to death. Here's the plan. There will be two stores, the new "PGR Store" and "Twister's Place" Jeff will license the PGR, Inc. and the new PGR Store to use the name and logo, free of charge, to produce new PGR products designed to raise funds for the PGR, Inc. 100% of the proceeds will go directly to the PGR Inc. The PGR Store will be owned, managed and operated by the PGR, Inc. Due to the specialized manpower required, the store may well need to be outsourced. Jeff has even offered to assist with any design work. Twister's Store will continue to provide PGR products different from those offered in the PGR Store. Twister's Store will still continue to provide donations to the PGR Inc. as it has always done. This will give the PGR two sources of revenue. Both sites will be linked to each other in an effort to provide maximum exposure and a non-competitive relationship for the betterment of the PGR. On a personal note, I truly believe we have allowed a few critics to have an undue influence in this matter. I have worked with Jeff for a year and Know that his heart has always been with the PGR; he has

PLAINTIFF'S EXHIBIT 17

labbies

departments below:

User Support
Moderators
Photos
Media
Media Sightings
Submit Picture of Day
Web Site Administrator
Communications Officer
Letters Of Appreciation
Help On The Homefront

Mission Request

Click on the link below to make initial contact with us regarding honor mission requests:

Contact Us

Contact Arlington National Cemetery

Messages

0 Unread Messages

continued to remain true to the PGR and his vision. This plan should be a testament to that dedication and a true demonstration of how like minds can come together to solve almost any problem. Now is the time for us to unite, all shake hands, and focus on the mission. Thanks, Snap ICVMC for PGR

You just don't know when an old vet will Snap

elisejk
Posts: 1571
Hampstead, MD

18 Nov 2006 12:30 PM Alert

{{hug}}

Thank you -

National Support Staff

"Accept the challenges so that you may feel the exhilaration of victory."
General George S. Patton

MySpace

Big rock
Posts: 2002

18 Nov 2006 1:02 PM Alert

FANTASTIC!

cgbrocksmith
Posts: 1291
Quincy, IL - "Defend Those Who Defended Us"

18 Nov 2006 1:05 PM Alert

Illinois backs the Board.....sing it "Ol' Blue Eyes".

MIAP Central US Operations Coordinator

"To Care For Him Who Shall Have Borne The Battle" - Abraham Lincoln

PGR 003713

0 Read Messages

PGR Doo-Rag

Large Fallen Heroes patch

Send Email

Message

President Abraham Lincoln stated in the Gettysburg Address:

"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!

Zippy
Posts: 6495
Phoenix, AZ
National Forum Admin
User Accounts Admin

Send Email

18 Nov 2006 1:05 PM

Alert

Well, I have to say this. Totally awesome. When this all first started I was up, then down. Angry then sad, first at one side, then the other. Finally when things really heated up the last couple of days I thought, crap, I'm backing up. I'm gonna sit back and see if we get any more information from either side of this issue and then make up my mind. Something in my heart told me there just was something not right in all of this and I've finally figured it out. I admit, I was ready to jump on the bandwagon completely but something held me back. I think National and Jeff have come up with the perfect solution and I can't wait to see what's coming up in both stores so I can go shopping once again to support this organization and the folks we honor. Congrats and hugs to both of you for working this out!

Small Fallen Heroes patch

PGR Armband

Wounded Warrior Challenge Coin

Message

Diane "Zippy" Anderson
PROUD Army Mom of SSgt Billy Myers 2nd Cavalry Stryker, Iraq

"...for those who man the battle line, the bugle whispers low, and freedom has a taste and price the protected never know..."

TOU Enforcement Agent

NCBoulevard
Posts: 1509
Regional Captain
Capital Region
DE,MD,NC,SC,VA,WV

Send Email
Message

18 Nov 2006 1:12 PM Alert

An equitable solution.

Kudos to you Bill and Thank you Jeff.
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

Monica
Posts: 790
MN SC "EOF"
Northfield, MN

Send Email
Message

18 Nov 2006 1:15 PM Alert

Posted By snap67 on 18 Nov 2006 11:20 AM
Well, I have some good news for everybody. Jeff and I have put our heads together and come up with, what we believe to be, a great solution to this controversy. First, let me make clear that there has never been an issue with the use of the name or logo for PGR identification purposes. Jeff has always given his assurance to that issue. The issue has been the store and that's been beaten to death. Here's the plan. There will be two stores, the new "PGR Store" and "Twister's Place" Jeff will license the PGR, Inc. and the new PGR Store to use the name and logo, free of charge, to produce new PGR products designed to raise funds for the PGR, Inc. 100% of the proceeds will go directly to the PGR Inc. The PGR Store will be owned, managed and operated by the PGR, Inc. Due to the specialized manpower required, the store may well need to be outsourced. Jeff has even offered to assist with any design work. Twister's Store will continue to provide PGR products different from those offered in the PGR Store. Twister's Store will still continue to provide donations to the PGR Inc. as it has always done. This will give the PGR two sources of revenue. Both sites will be linked to each other in an effort to provide maximum exposure and a non-competitive relationship for the betterment of the PGR. On a personal note, I truly believe we have allowed a few critics to have an undue influence in this matter. I have worked with Jeff for a year and Know that his heart has always been with the PGR; he has continued to remain true to the PGR and his vision. This plan should be a testament to that dedication and a

> true demonstration of how like minds can come together to solve almost any problem. Now is the time for us to unite, all shake hands, and focus on the mission. Thanks, Snap ICVMC for PGR

You have got to be kidding.

<_____ For D, K, K _____>

"This ain't rocket surgery."

PGR Mad Dog
Posts: 0

Send Email
Message

18 Nov 2006 1:18 PM Alert

Chah Ching!

Revenue streams will keep us alive and capable of accomplishing the mission.

PGR is, and needs to be run like a business! Not for profit does not equal the excuse to run an organization in an amature way.

Way to go!

Round of applause!!!!!!

rrawtry
Posts: 827
PGR-BOD-Secretary

Send Email
Message

18 Nov 2006 1:27 PM Alert

We are moving and steps are being made to insure progress. Rome wasn't built in a day and neither was the PGR. Ever tried to untangle a knotted ball of fishing string so it was still good and the fishing could continue? Welcome to the world of the BOD!!

Let's keep untangling the knots and moving forward... It takes a team and we are all on the same one!!

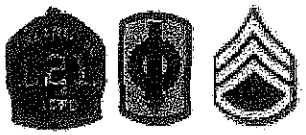
Ronny "BEAR" Awtry
BOD Corporate Treasurer
Director of Help On The Homefront
bear@patriotguard.org

In memory of Danny Jurecko. May 8, 1968. 281st AHC Intruder. You are not forgotten.

Steam

18 Nov 2006 2:20 PM

Send Email
Message



Forums > Patriot Guard Riders - National > Red, White, and Blue Book

jacooch
Posts: 57

18 Nov 2006 3:52 PM

Alert

Send Email
Message

> Posted By snap67 on 18 Nov 2006 11:20 AM
> Well, I have some good news for everybody. Jeff and I have put our heads together and come up with, what we believe to be, a great solution to this controversy. First, let me make clear that there has never been an issue with the use of the name or logo for PGR identification purposes. Jeff has always given his assurance to that issue. The issue has been the store and that's been beaten to death. Here's the plan. There will be two stores, the new "PGR Store" and "Twister's Place" Jeff will license the PGR, Inc. and the new PGR Store to use the name and logo, free of charge, to produce new PGR products designed to raise funds for the PGR, Inc. 100% of the proceeds will go directly to the PGR Inc. The PGR Store will be owned, managed and operated by the PGR, Inc. Due to the specialized manpower required, the store may well need to be outsourced. Jeff has even offered to assist with any design work. Twister's Store will continue to provide PGR products different from those offered in the PGR Store. Twister's Store will still continue to provide donations to the PGR Inc. as it has always done. This will give the PGR two sources of revenue. Both sites will be linked to each other in an effort to provide maximum exposure and a non-competitive relationship for the betterment of the PGR. On a personal note, I truly believe we have allowed a few critics to have an undue influence in this matter. I have worked with Jeff for a year and Know that his heart has always been with the PGR; he has continued to remain true to the PGR and his vision. This plan should be a testament to that dedication and a true demonstration of how like minds can come together to solve almost any problem. Now is the time for us to unite, all shake hands, and focus on the mission. Thanks, Snap ICVMC for PGR

Wow, wow, wow!!! This is good. You guys are amazing. The gall of the BOD to 1st say, we are investigating, then no transparency whatsoever, then this posting:

We realize that there are a lot of questions, a lot of answers, and a lot of rumors floating around concerning the issues that led to Jeff's resignation, and the current status of the PGR as a non-profit organization. Outlined below are the facts as we understand them:

1. Jeff created the concept of PGR National and the PGR store;

2. Jeff designed the logo and the merchandise it appears on;

3. Jeff and his wife are the sole owners of the "PGR Store;"

PGR 003719

4. The PGR Store was placed on the front page of the website for members to order their PGR items (leaving some members to believe that the store belongs to the PGR);

5. We have been told that 100% of the proceeds from the PGR Store belong to Jeff;

6. To date, Jeff has donated approximately $67,000 to the PGR;

7. Based upon concerns of the membership, the BOD asked Jeff to see the income from the PGR Store for purposes of rebutting recent accusations concerning the monies made from the store;

8. Jeff refused to divulge that information, stating "It is nobody's business";

9. Jeff stated that he has made approximately $30,000 personal profit from the PGR Store to date, however, in a post today, Jeff stated that his intentions are, and always have been, to donate 50% of all proceeds from his store to the PGR;

10. Based upon the fact that Jeff was making profit from the PGR Store, as the BOD determined created a conflict of interest, when asked by the BOD to give the store to the non profit organization, Jeff chose to resign as the Executive Director of the PGR;

11. Jeff has offered the PGR the use of the logo and the name Patriot Guard Riders for use on our website only, for a period of one year;

12. Jeff has made it very clear that this excludes the PGR from being able to use the logo or name in connection with any merchandising;

13. The BOD understanding its fiduciary responsibility to all of our members and to insure a constant flow of income agreed to expand the offerings in our special events store;

14. While transitioning to new leadership, the BOD through investigation became aware that Jeff had neither completed the trade-marking application for the logo and name, nor the application for National Tax Exempt Status for the PGR (501c3);

15. In keeping with the new leadership methods, the current BOD made this information available to the membership as soon as it came to light;

17. The BOD is now working on creating a new logo (for sale of items in the special events store), drafting appropriate by-laws, and applying for 501c3 tax exempt status (which we understand from our attorney will cover the PGR's activities for the preceding 18 months);

18. From this point forward the current BOD plans to run the PGR as such:

a. Transparency with regard to all issues concerning PGR management (i.e., financials, PGR Store (when one is open), decision making processes, changes to national policy, current status of fundraising (acceptance and administration of funds), etc.

b. More open communications with our leaders (Reg. Caps, SCs, RCs, HOTHs, etc.)

c. More diversity among States, allowing more independent operations within those states, while maintaining a uniformity with the national PGR.

As the BOD resolves these current issues, the membership will be notified, and kept apprised of the status of those issues.

With all this said, we would at this time ask our members to digest these facts, and then join us in refocusing our energies, getting back to why we are here, and forging ahead to continue the mission.

Pay particular attention to note # 10.

Now you are in business together. I guess I am seeing marketing in action. Can't wait to see how this is played out in the Media, the IRS (hope you have good documentation on the donations you recieved) and on Phelps site.

Good work everyone, move along, nothing to see here, move along...

Let's see how long before this post is deleted, like the last one where I said I DO NOT have confidence in the BOD. You guys are simply amazing....

John

MN Membership Coordinator

Waldo
Posts: 1325
Windsor, Co

18 Nov 2006 4:00 PM Alert

the first one that deletes the above post will have their mods right removed it immediately.

It is a valid question

Jason Wallin "WALDO"
Deputy Executive Director

Corporate Treasurer
Patriot Guard Riders
970-402-1892

American By Birth
Biker By Choice
Patriot Forever!

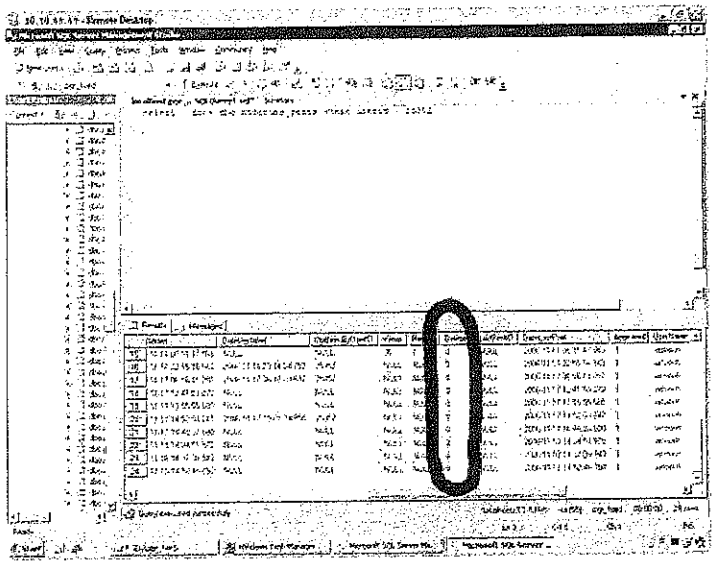
Tact and Political Correctness were developed by those who lack the testicular fortitude to say what they really mean!

Waldo
Posts: 1325
Windsor, Co

18 Nov 2006 4:26 PM

Alert

as a matter of fact I went into your profile on the database and was going to find out who deleted you other post in the national forum. to my suprise I found that no post has been delete for your user acoount? BTW what city in alabama do you live in?



Jason Wallin "WALDO"
Deputy Executive Director
Corporate Treasurer
Patriot Guard Riders
970-402-1892

American By Birth
Biker By Choice
Patriot Forever!

Tact and Political Correctness were developed by those who lack the testicular fortitude to say what they really mean!

PGR 003723

Wescoot2
Posts: 2885
Park Ridge, Illinois

Send Email
Message

18 Nov 2006 4:27 PM

Alert

jacooch,

I suggest you take the time and read the statement which Snap has made. We are NOT in business together. Our members will now have an option of purchasing from Jeff's Store, items which he has for sale, knowing full and well that he will be making a profit on that sale.

The members will also have the option to purchase from the NEW PGR store, where ALL proceeds will go back into the Organization.

How you came to the conclusion that we are working together, is beyond me.

Ed

X-Y-Z (you figure it out - Get out your Captain Video Decoder Ring)

Home 847-698-7383
Cell 847-217-1862

If your gonna be One.....Be a BIG RED ONE

Truth - You Can't Handle the TRUTH

Zippy
Posts: 6495
Phoenix, AZ
National Forum

18 Nov 2006 4:28 PM

Alert

Not me! Don't think this forum should be moderated by anyone anyway. I'm interested in the answer,

Admin
User Accounts Admin

Send Email
Message

though.

Diane "Zippy" Anderson
PROUD Army Mom of SSgt Billy Myers 2nd Cavalry Stryker, Iraq

"...for those who man the battle line, the bugle whispers low, and freedom has a taste and price the protected never know..."

TOU Enforcement Agent

rrawtry
Posts: 827
PGR-BOD-Secretary

Send Email
Message

18 Nov 2006 4:36 PM

Alert

John,

Do you have a solution? Do you have a resolution? If Jeff refuses to give up the store, and the members and leaders be they S/C or R/C's demand that the PGR move forward and repair past wrongs, what in the hell can be done?

A resolution of some form was reached, does it meet some approval, yes!! Does it meet some ridicule, Yes!! However, what in the hell can be done? If the Logo and stuff is being claimed by both and is being submitted by both, what can be done? The federal government is in control now!!

You have every right to agree or disagree... I will defend that right at the very top!! However, Give a sollution if you have one. Don't hint around if you have a sollution or better method of working.

Say what you mean? I didn't get a damn thing from your post but a hinted at accusation.... Do you wish to accuse me of something personally? Put it on the damn table!!! Do you think I have an unspoken agenda. put it on the damn table!! I am a big boy!!

I am not sorry if the wheels of progress do not turn qickly enough for you!! I would be honored to assist you in any way I can, I would be honored to pursue your method of sollution.. However, you have to present a sollution to get an answer!!

Ronny "BEAR" Awtry
BOD Corporate Treasurer
Director of Help On The Homefront
bear@patriotguard.org

In memory of Danny Jurecko. May 8, 1968. 281st AHC Intruder. You are not forgotten.

PGR 003725

jacooch
Posts: 57

Send Email
Message

18 Nov 2006 4:48 PM Alert

Jason,

I will continue to search for the post that I am referencing....

John

Waldo
Posts: 1325
Windsor, Co

Send Email
Message

18 Nov 2006 5:08 PM Alert

> Posted By jacooch on 18 Nov 2006 3:48 PM
> Jason,
>
> I will continue to search for the post that I am referencing....
>
> John

NP man
If it helps I have posted the database dump in spreadheet form. After a quick look it shows that 11 of your post have been modified since they were posted the first time by userid 25352. but all posts and modifications came from the ip address 24.118.102.116. I bet if you go to google and type in what's my ip it will come back as yours. Let me know if I can be any further help.

Attachment: jacooch.xls

Jason Wallin "WALDO"
Deputy Executive Director
Corporate Treasurer
Patriot Guard Riders
970-402-1892

American By Birth
Biker By Choice
Patriot Forever!

Tact and Political Correctness were developed by those who lack the testicular fortitude to say what they really mean!

hlange
Posts: 880
NCR Captain, Bangor WI

Send Email
Message

18 Nov 2006 5:38 PM Alert

Well, how about that! Is it a solution that will make everybody happy? Obviously not, but it makes it so that we can do what we need to do. I think that it is equitable to all parties and resovles the situation without having to have a judge decide it. I will buy from the new store, and I will buy from Twister's place. I think that both will have something that I would want.

I think that this whole thing got real big real fast and caught most offguard. I'm sure that if anyone knew what was going to happen then some things would be done different. We can't change that now and we need to work to make it better from here on out. Still have the Mission to do, that NEVER changed. I love all you guys, thank you.

BTW, if I have ticked anybody off lately, I wish to apoligize, sorry. Thanks again.

Henry A. Lange BTC(SW)(USN)(Ret)
"Remember that no matter how many missions you have been on, all that matters to the family is the one you are on today." *Roert*

"A positive anything is better then a negative nothing."

kyscooterman
Posts: 0

Send Email
Message

18 Nov 2006 6:00 PM Alert

i know how i will react to any store with pgr things i just wont buy anything else!!!!!

Page 1 of 3 | 1 | 2 | 3 | > | >>

You are not authorized to post a reply.

Forums > State Captain Area > State Captain/Ride Captain Discussions > A solution

PGR 003727

ActiveForums 3.6

Copyright © 2005-2008 by Patriot Guard Riders Terms Of Use Privacy Statement

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 12:51:23 ET

Serial Number: 77958528 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

(words only): MICHIGAN PATRIOT GUARD RIDES WITH RESPECT

Standard Character claim: No

Current Status: Newly filed application, not yet assigned to an examining attorney.

Date of Status: 2010-03-18

Filing Date: 2010-03-14

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 042 -New Application Processing

Date In Location: 2010-03-18

LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. Michigan Patriot Guard

Address:
Michigan Patriot Guard
2915 S. Cambridge Rd.
Lansing, MI 48911
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Michigan

PLAINTIFF'S EXHIBIT 16

GOODS AND/OR SERVICES

International Class: 045
Class Status: Active
To show sincere respect for fallen heroes, their families, and their communities by attending the funeral services of fallen American soldiers and by raising funds for the families of deceased and wounded military
Basis: 1(a)
First Use Date: 2010-02-03
First Use in Commerce Date: 2010-02-03

ADDITIONAL INFORMATION

Color(s) Claimed: The color(s) gold, black, yellow, red, blue, white and brown is/are claimed as a feature of the mark.

Description of Mark: The mark consists of multiple images within a circle. The outermost ring is gold in color. The next ring is black and contains the words "MICHIGAN PATRIOT GUARD" along the top and "RIDES WITH RESPECT" along the bottom of the circle written in the color gold. This black ring also contains a blue star on the left side and a yellow star on the right side. The inner circle contains a portion of the faded United States flag colored in red, white and blue. Within the flag is a cut-out of the State of Michigan colored in blue with a drop shadow inside and a red border around it. Also contained within the inter circle is an American Bald Eagle with brown feathers along the wings and body and with white feathers around the head and tail. Also contained within the inner circle is a yellow triangle with a blue interior with six white stars at the bottom of the inner most circle.

Design Search Code(s):
01.01.13 - Stars - multiple stars with five points
01.17.11 - Maps of states of the United States, excluding Texas
03.15.01 - Eagles
03.15.19 - Birds or bats in flight or with outspread wings
24.09.05 - American flags; Flags, American
26.01.18 - Circles, three or more concentric; Concentric circles, three or more; Three or more concentric circles
26.01.21 - Circles that are totally or partially shaded.
26.05.21 - Triangles that are completely or partially shaded

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-03-19 - Notice Of Design Search Code Mailed

2010-03-18 - New Application Office Supplied Data Entered In Tram

2010-03-17 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Timothy J. Jordan

Correspondent
TIMOTHY J. JORDAN

GARAN LUCOW MILLER P.C.
1000 WOODBRIDGE ST
DETROIT, MI 48207-3108
Phone Number: 313-446-5531
Fax Number: 313-259-0450

PTO Form 1478 (Rev 9/2006)
OMB No. 0651-0009 (Exp 12/31/2008)

Trademark/Service Mark Application, Principal Register

Serial Number: 77958528
Filing Date: 03/14/2010

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77958528
MARK INFORMATION	
***MARK**	\\TICRS\EXPORT9\IMAGEOUT9\779\585\77958528\xml1\AP P0002.JPG
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	"MICHIGAN PATRIOT GUARD" "RIDES WITH RESPECT"
COLOR MARK	YES
COLOR(S) CLAIMED (If applicable)	The color(s) gold, black, yellow, red, blue, white and brown is/are claimed as a feature of the mark.
***DESCRIPTION OF THE MARK (and Color Location, if applicable)**	The mark consists of multiple images within a circle. The outermost ring is gold in color. The next ring is black and contains the words "MICHIGAN PATRIOT GUARD" along the top and "RIDES WITH RESPECT" along the bottom of the circle written in the color gold. This black ring also contains a blue star on the left side and a yellow star on the right side. The inner circle contains a portion of the faded United States flag colored in red, white and blue. Within the flag is a cut-out of the State of Michigan colored in blue with a drop shadow inside and a red border around it. Also contained within the inter circle is an American Bald Eagle with brown feathers along the wings and body and with white feathers around the head and tail. Also contained within the inner circle is a yellow

	triangle with a blue interior with six white stars at the bottom of the inner most circle.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	768 x 768
REGISTER	Principal
APPLICANT INFORMATION	
***OWNER OF MARK**	Michigan Patriot Guard
***STREET**	2915 S. Cambridge Rd.
***CITY**	Lansing
***STATE** **(Required for U.S. applicants)**	Michigan
***COUNTRY**	United States
***ZIP/POSTAL CODE** **(Required for U.S. applicants only)**	48911
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Michigan
GOODS AND/OR SERVICES AND BASIS INFORMATION	
***INTERNATIONAL CLASS**	045
***IDENTIFICATION**	To show sincere respect for fallen heroes, their families, and their communities by attending the funeral services of fallen American soldiers and by raising funds for the families of deceased and wounded military.
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 02/03/2010
FIRST USE IN COMMERCE DATE	At least as early as 02/03/2010
SPECIMEN **FILE NAME(S)**	\\TICRS\EXPORT9\IMAGEOUT9 \779\585\77958528\xml1\AP P0003.JPG
	\\TICRS\EXPORT9\IMAGEOUT9 \779\585\77958528\xml1\AP P0004.JPG
SPECIMEN DESCRIPTION	Web pages

ATTORNEY INFORMATION	
NAME	Timothy J. Jordan
FIRM NAME	Garan Lucow Miller P.C.
STREET	1000 Woodbridge St.
CITY	Detroit
STATE	Michigan
COUNTRY	United States
ZIP/POSTAL CODE	48207-3192
PHONE	313-446-5531
FAX	313-259-0450
EMAIL ADDRESS	tjordan@garanlucow.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
CORRESPONDENCE INFORMATION	
NAME	Timothy J. Jordan
FIRM NAME	Garan Lucow Miller P.C.
STREET	1000 Woodbridge St.
CITY	Detroit
STATE	Michigan
COUNTRY	United States
ZIP/POSTAL CODE	48207-3192
PHONE	313-446-5531
FAX	313-259-0450
EMAIL ADDRESS	tjordan@garanlucow.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325

SIGNATURE INFORMATION	
SIGNATURE	/tjj/
SIGNATORY'S NAME	Timothy J. Jordan
SIGNATORY'S POSITION	Attorney
DATE SIGNED	03/14/2010

PTO Form 1478 (Rev 9/2008)
OMB No. 0651-0009 (Exp 12/31/2008)

Trademark/Service Mark Application, Principal Register

Serial Number: 77958528
Filing Date: 03/14/2010

To the Commissioner for Trademarks:

MARK: "MICHIGAN PATRIOT GUARD" "RIDES WITH RESPECT" (stylized and/or with design, see mark)

The literal element of the mark consists of "MICHIGAN PATRIOT GUARD" "RIDES WITH RESPECT".
The color(s) gold, black, yellow, red, blue, white and brown is/are claimed as a feature of the mark. The mark consists of multiple images within a circle. The outermost ring is gold in color. The next ring is black and contains the words "MICHIGAN PATRIOT GUARD" along the top and "RIDES WITH RESPECT" along the bottom of the circle written in the color gold. This black ring also contains a blue star on the left side and a yellow star on the right side. The inner circle contains a portion of the faded United States flag colored in red, white and blue. Within the flag is a cut-out of the State of Michigan colored in blue with a drop shadow inside and a red border around it. Also contained within the inter circle is an American Bald Eagle with brown feathers along the wings and body and with white feathers around the head and tail. Also contained within the inner circle is a yellow triangle with a blue interior with six white stars at the bottom of the inner most circle.
The applicant, Michigan Patriot Guard, a corporation of Michigan, having an address of
2915 S. Cambridge Rd.
Lansing, Michigan 48911
United States
requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 045: To show sincere respect for fallen heroes, their families, and their communities by attending the funeral services of fallen American soldiers and by raising funds for the families of deceased and wounded military.

In International Class 045, the mark was first used at least as early as 02/03/2010, and first used in commerce at least as early as 02/03/2010, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Web pages.
Specimen File1
Specimen File2

The applicant hereby appoints Timothy J. Jordan of Garan Lucow Miller P.C.
1000 Woodbridge St.
Detroit, Michigan 48207-3192
United States
to submit this application on behalf of the applicant.

Correspondence Information: Timothy J. Jordan
Garan Lucow Miller P.C.
1000 Woodbridge St.
Detroit, Michigan 48207-3192
313-446-5531(phone)
313-259-0450(fax)
tjordan@garanlucow.com (authorized)

A fee payment in the amount of $325 has been submitted with the application, representing payment for 1 class(es).

Declaration

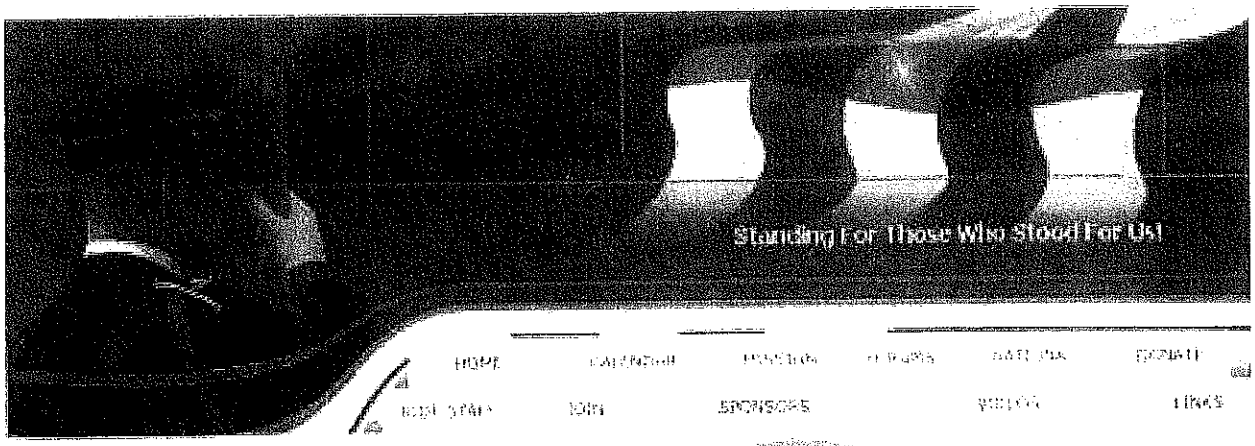
The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares 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.

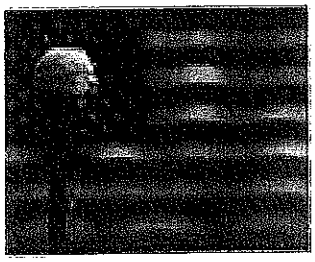
Signature: /tjj/ Date Signed: 03/14/2010
Signatory's Name: Timothy J. Jordan
Signatory's Position: Attorney

RAM Sale Number: 7122
RAM Accounting Date: 03/15/2010

Serial Number: 77958528
Internet Transmission Date: Sun Mar 14 17:41:58 EDT 2010
TEAS Stamp: USPTO/BAS-68.60.92.121-20100314174158493
910-77958528-460fe3ed8261b724f965214edf5
becf5f0-CC-7122-20100314171538331572

MICHIGAN PATRIOT GUARD
RIDES WITH RESPECT





If you would like the PGM to stand in honor for a Veteran in your family please contact us
State Captain Sam Cotta or Assistant State Captain Patric

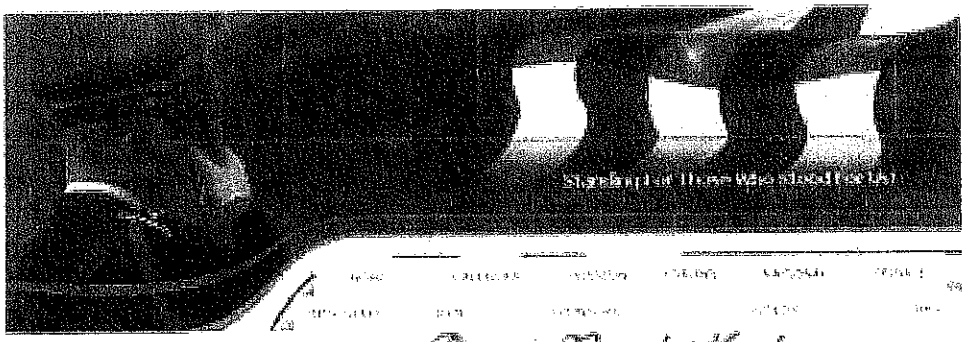
Learn How You Can Participate In Our Fundraiser With Wreaths Across America

The Patriot Guard 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.

Thank You for your continued Support.
Help us Help our Troops

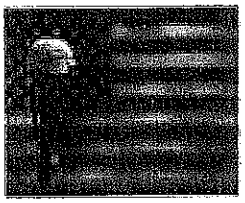
With your Tax deductible donation.

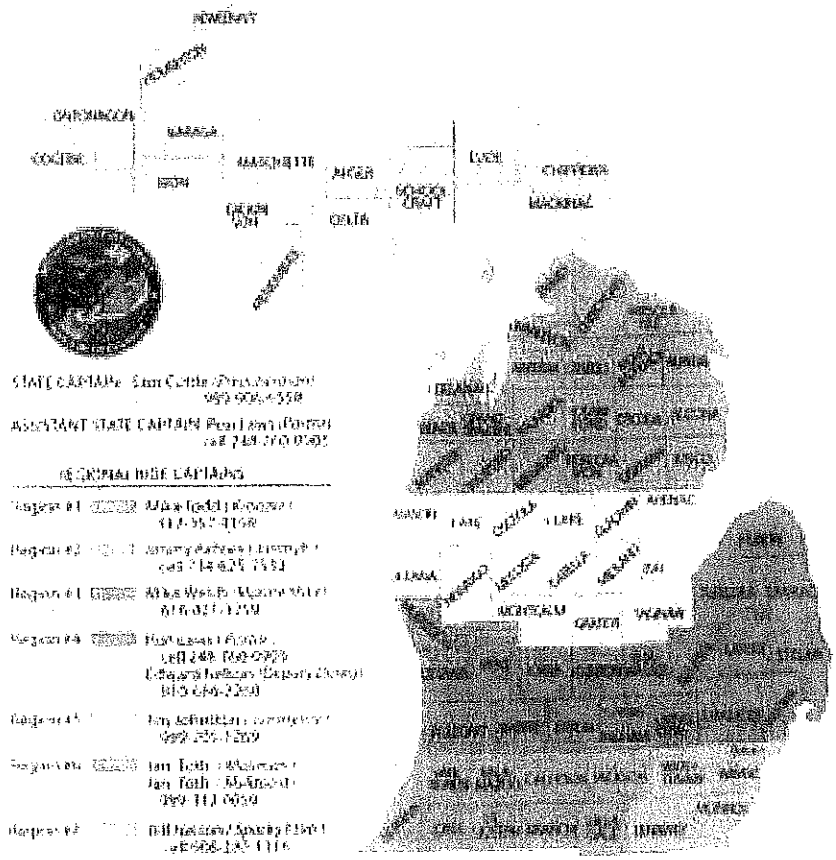
Copyright PGM Michigan

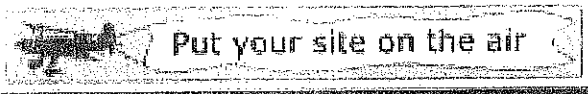


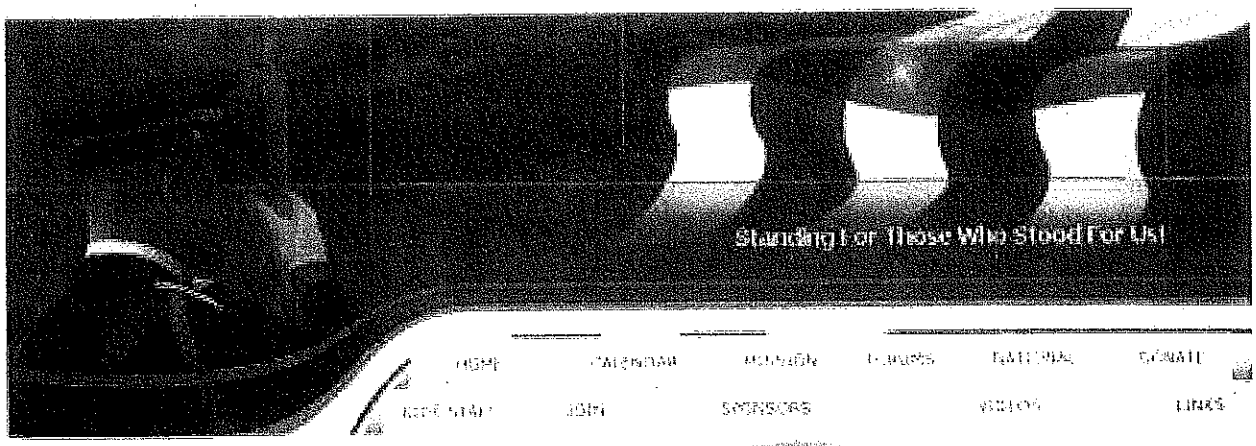
Patriot Guard Members

Michigan State Ride Staff Members

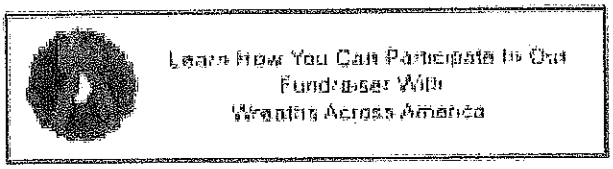








If you would like the PGR to stand in honor for a Veteran in your family please contact us
State Captain Sam Cortie or Assistant State Captain Partne


Learn How You Can Participate In Our
Fundraiser With
Wreaths Across America

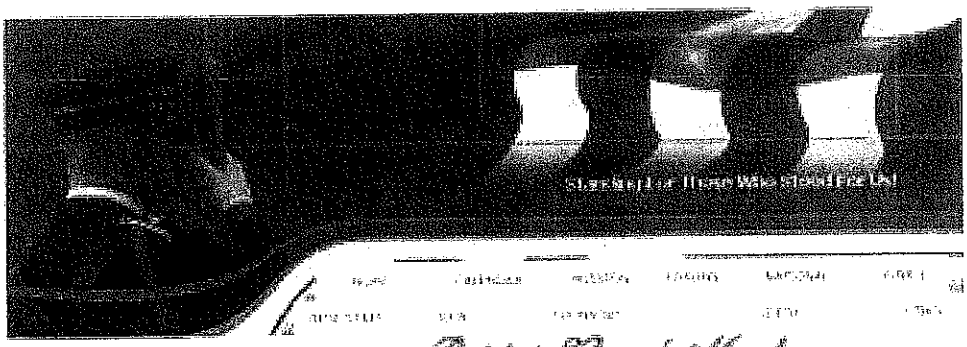
The Patriot Guard is a diverse amalgamation of riders from across the nation. We have one thing in common besides motorcycles. We have an unwavering respect for those who risk their very lives for America's freedom and security. If you share this respect, please join us.

Thank You for your continued Support.
Help us Help our Troops

With your Tax deductible donation.

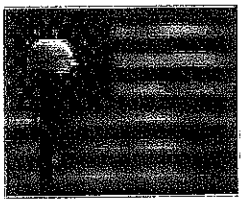
Visitors | Admin Mail

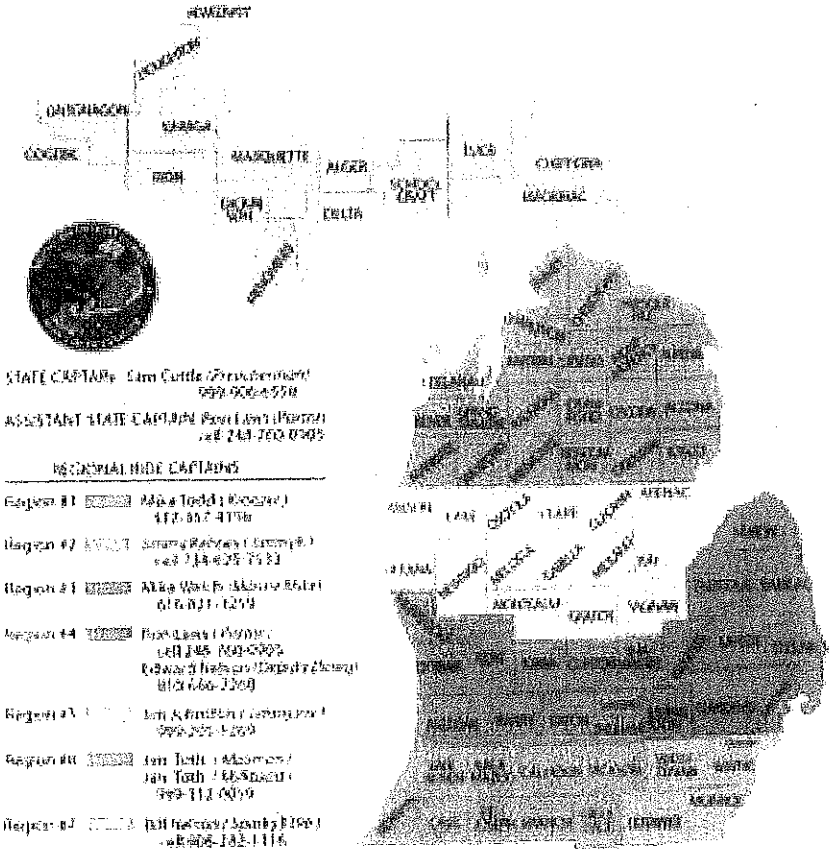
Copyright PGR Michigan



Patriot Guard Members

Michigan State Ride Staff Members





STATE CAPTAIN: Jim Cuttle (Presidential)

ASSISTANT STATE CAPTAIN: Ron Lewis (Porter)

REGIONAL RIDE CAPTAINS

Region #1 Mike Todd (Kooper)

Region #2 Jimmy Rahway (Grumpf)

Region #3 Jim Schmitt (Grumpf)

Region #4 Ron Lewis (Porter)

Region #5 Jim Toth (Mosman)

Region #6 Jim Toth (McSharp)

Region #7 Bill Nelson (Sparky Hill)

Put your site on the air

MICHIGAN PATRIOT GUARD
RIDES WITH RESPECT

From: TMDesignCodeComments
Sent: Friday, March 19, 2010 00:19 AM
To: tjordan@garanlucow.com
Subject: Notice of Design Search Code for Serial Number: 77958528

ATTORNEY REFERENCE NUMBER:

The USPTO may assign design search codes, as appropriate, to new applications and renewed registrations 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. Response to this notice is not required; however, to suggest additions or changes to the design search code(s) assigned to your mark, please e-mail TMDesignCodeComments@USPTO.GOV. You **must** reference your application serial number within your request. The USPTO will review the proposal and update the record, if appropriate. For questions, please call 1-800-786-9199 to speak to a Customer Service representative. 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:

01.01.13 - Stars - multiple stars with five points
01.17.11 - Maps of states of the United States, excluding Texas
03.15.01 - Eagles
03.15.19 - Birds or bats in flight or with outspread wings
24.09.05 - American flags
24.09.05 - Flags, American
26.01.18 - Circles, three or more concentric
26.01.18 - Concentric circles, three or more
26.01.18 - Three or more concentric circles
26.01.21 - Circles that are totally or partially shaded.
26.05.21 - Triangles that are completely or partially shaded

indyharley
Posts: 3846
Indiana

Send Email
Message

16 Nov 2006 10:04 PM Alert

well I need to come to your side of the river bank because I am all out of stones.

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

BonRu
Posts: 665

Send Email
Message

16 Nov 2006 10:04 PM Alert

> Posted By Magnet on 16 Nov 2006 8:53 PM
> I like folks just fine until they prove themselves unworthy.
>
> Tonight has been an eye opening experience. I understand why folks that knew what was going on kept it on the low to protect the organization and it's reputation, but stuff like this affects us all and can color our decisions. While I want to say that we should have been informed, I can also understand why we were not. I'm just glad that the transparancy is starting to show.
>
> Kind of like you Indy. Right now, I like you just fine.....

I'm staying out of this discussion folks, except for this - nothing was kept from you and you were not intentionally kept in the dark by any of us on the BOD. The national board also believed that the items were trademarked, as we had been told they were; we had no reason to believe otherwise. We only took a chance and filed on behalf of the PGR as a precaution in case that had not been done (since we had seen no evidence of it). We learned this information tonight while checking the status of our own pending trademark. I believe you were alerted only shortly after the rest of us.

Bonnie (BonRu) Cutler
Patriot Guard Riders, Inc.

wyldhog
Posts: 2282
Northeast, La.

16 Nov 2006 10:07 PM Alert

Sorry, I can't help it...I'm a peacemaker at heart and don't hold grudges. I look at it this way....When you hate someone or are mad at them, the only person that suffers is you...because half the people

PLAINTIFF'S EXHIBIT 19

PGR 003571

A move is underway. I've sensed it since the Gathering of the Guard. That move will place Jeff Brown back in control of the PGR.

That cannot be. I'm not saying that Jeff is Satan personified. I am saying that he cannot be a part of the leadership of this organization. There are times (and this is one of them) when I am uncomfortable with Jeff being a member.

There are many who adore Jeff and they have been busy. Soon, you'll be hearing about some of their work. You'll hear of an email from Kerri (BACritter) Hamilton accusing Jason Wallin of taking money. I am not in the position to say whether her charges are true or false. I will say that I believe she's had a little helper in constructing her charges.

So, sadly my dear Sarah, those of us who love this organization for what it is instead of how much money can be made simply cannot 'let it go'. If we do then I'm afraid it will go indeed.

Steam
Randy Stevens
South Carolina Ride Captain

Listen for the Rumble

Wescoot2
Posts: 2885
Park Ridge, Illinois

Send Email
Message

08 Aug 2007 11:46 PM

Alert

Sometimes, for the betterment of an entire organization, all the truths and facts are not layed out.....however, precautions are put in place....

The BOD on a con-call last week, added a new by-law which basically states the following.....

No Past member of the BOD, having been Removed from that position, or voluntarily stepped down, will be able to hold the position of BOD again, without the approval of 100% of the currently seated Board.

Respects,
Ed

X-Y-Z (you figure it out - Get out your Captain Video Decoder Ring)

Home 847-698-7383
Cell 847-217-1862

PLAINTIFF'S EXHIBIT 20

PGR 006471

Small Fallen Heroes patch

PGR Armband

Wounded Warrior Challenge Coin

Cargo
Posts: 72
Lexington, SC

Send Email

Message

that I will be there for them as well. RWR(Riding With Respect) oj"

17 Nov 2006 10:31 AM

Alert

> Posted By elviszappa on 17 Nov 2006 6:26 AM
>
> > Posted By Cargo on 17 Nov 2006 6:15 AM
> >
> > > Posted By Waldo on 16 Nov 2006 7:25 PM
> > > Click here and you make the call
> >
> > I am trying to understand what is going on, the link of Waldo's is coming up with a session expired, start over message and no one is flat out stating what is there.
> >
> > Can someone of National put out a statement or better the evidence of what everyone is alluding to?
> >
> > It sounds very serious and the truth is a lot more calming than hints and allegations with out the background being presented.

Maybe this link will work better for you

http://tinyurl.com/ynb9tv

PATRIOT GUARD RIDERS

Filing Date	November 9, 2006
Current Filing Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) Brown, Jeff INDIVIDUAL UNITED STATES 8321 S. 8th St. Broken Arrow OKLAHOMA 74801

PLAINTIFF'S EXHIBIT 24

PGR 003592

PATRIOT GUARD RIDERS "Riding WIth Respect"

Filing Date	November 9, 2006
Current Filing Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) Patriot Guard Riders, Inc. CORPORATION OKLAHOMA 312 Granite Ct Windsor COLORADO 80550

Tony Turner
Virginia District 3 Ride Captain

Ok I think I got the gist of it now, link is same result for me of "session expired", but I think I got it clear what happened now. Thanks for the help.

I am in the cast no stones side of the house. Things happen, move on or get stuck in the mud.

Cargo
So. Carolina RC (ret)
6 yrs ARNG
e4 11B s-3 asst
99 Kaw Vulcan Nomad
96 Kaw Vulcan 800A
"Nill illigitimi carborundum "

Fenderstrat72
Posts: 425
Dalzell, SC

17 Nov 2006 10:49 AM

Alert

Russ what it all boils down to is Jeff had never copyrighted the logo like he said he did. Then to top it off he filed for it, after Waldo did on behalf of PGR, Inc. So in summary, when Jeff told everyone back in June to quit using it because he had the copyright, it was a lie!

Fenderstrat72

PGR 003593

Send Email
Message

Ahhh....that would explain the save.....if Waldo beat him to it...anyway to find out for sure?

Jeff Greiner
Indiana Rolling Thunder
Chapter 4

Forums > Patriot Guard Riders - National > Red, White, and Blue Book

Riding for PFC Kevin "Matt" Maupin, POW in Iraq (officially listed as captured)

Gordon Sturrock
Posts: 185
Eugene, Oregon

Send Email
Message

17 Nov 2006 1:15 PM Alert

It doesn't matter if Jeff never actually filed for copyrights. If he actually created the logo - he owns it - simple. At some point he must file for copyright ownership as I think he did. PGR will lose the court fight in my opinion. I'm not a lawyer but I have been in the graphics industry for two decades so I'm pretty sure I'm right on this.
Check out the alternative logo I submitted iin the thread titled "possible new logo submission". It's almost a dead ringer for the old logo, and hopefully will be a no-brainer replacement. As the creator of it, I'm giving it to PGR free and clear.

Ride Captain - Lane Country, Oregon
U.S. Army Veteran

Page 3 of 8 << < 1 2 3 4 5 6 7 8 > >>

Topic is locked

Forums > State Captain Area > State Captain/Ride Captain Discussions > Does any one remember the old commercials on Football "IBM you make the call"?

ActiveForums 3.6

PLAINTIFF'S EXHIBIT 22

PGR 003605

land that time forgot

Send Email

Message

I want to think that we all came here for the same reason.

Ronny, Snap, Bonnie, Ed, Gene down in Georgia, Bill in NC, Potsie out in NM, Jason, you and me. We came here to honor the fallen. That's my #1 concern.

Someone making money.....not an issue with me unless I see it as a means of detracting from the mission. I do. That's why I've been so upset.

But if Bonnie will agree to bring me a dozen Dunkin Donuts (NOT Kripy Kreme) I will agree to hush long enough for the Board to give a shot at making this thing work.

Oh.....and I don't like the jelly filled. Just plain ol' buttermilk doughnuts please.

Guys on the Board. You have at your disposal a bunch of passionate patriots. You can expect us to yammer a bit.....but we're here because of respect for our military and a desire to bring some measure of comfort to a family on the darkest day of their lives.

The thing that bothers me about the last week and a half.....if all of this were laid out to some of those soldiers they'd be hurt. Might even shed a tear.

We gotta fix it where that never happens again. Never ever.

Now.....Bonnie.....whadday say? Dunkin Donuts?

Steam
Randy Stevens
South Carolina Ride Captain

Listen for the Rumble

---

sgtpotsie
Posts: 3664
New Mexico SC
Albuquerque, NM

Send Email

Message

19 Nov 2006 6:03 PM

Alert

Okay, I was hoping that after taking the weekend off this crap pile would have cooled down a little. But what do I find? The same people with the same demands, and of course the answers not being good enough. THe National Board of Directors is in place to make decisions regarding this organization. It is a lot easier to get a decision made with 5 individuals, rather than 50 or 66,000. I am getting sick and tired of people demanding things that truly are none of their business. Such as:

1. I have known for quite some time (before the "Im tired.." post by Jeff) that Jeff was the owner of the logo and the motto "Riding with Respect." In fact, it also came up at the GOTG during the Captain's meeting. Another thing also came up, which I will discuss in item #2.

PLAINTIFF'S EXHIBIT 23

PGR 003846

2. Minnesota, does your superior handling of your state also include your 3 piece back patches you made? What makes you so different from every other state? Ever think that the idea of trademarks and whatnot came about because you all decided to do your own thing? What you all did is a slap in the face to every 3 piece patch organization, and I sincerely hope someday you are brought to see the error of your ways.

3. The money Jeff made or didn't make via the PGR store is none of anyone's business except Jeff Brown and the IRS. Not you, not me. Jeff did not make money from dead soldiers. He made (or didn't make) money from us, those who bought items from him. Did you ever wonder why the PGR store was a separate website? Come off your high horse.

4. As far as Jeff's store being linked to from the PGR site, I see no problem with it. Either go there or don't. It's your choice whether or not you ever send another penny Jeff's way. Besides, unless you own the website, it's not your call.

5. I see far too many people thinking that being a Captain means they entitled to more than they are. We are no different than any at-large member, in that we are only entitled to whatever we need to do our jobs as captains. Nothing more. For those of you screaming for full disclosure of everything, come off it. We're not that important. The positions of State and Ride Captains are nothing but figureheads. We are more like coordinators. Which leads me to #6.

6. Just what in the hell is a Co-State Captain? Are we making up titles now? I was told I couldn't have an asst. captain with the same privileges as me. Please fill me in on that one.

7. I do agree that there was a conflict of interest with Jeff owning the store and being Executive Director. The right thing was done and he resigned from the position. LET IT GO!!!!

The point I am trying to nail home is that I don't need anything from National except a means to rally the troops when it comes time to put a mission together. They have done that in the form of www.patriotguard.org. The rest of the things that make this group tick are not for you and me to hash out--that's why we have a BOD. And for what it's worth, I don't give a good God Damn what you think of them. They have been placed in these positions because they can get the job done. Is everything going to be fixed today? Not by a long shot. But these things take time. I can accept that. This whole situation is not being made any better when we all come on this forum and bitch about this and that. The PGR has a lawyer AND an accountant. I am fairly certain neither of them will risk losing their licenses in order to screw us over.

Dangit, now I want a donut.

Michael "Potsie" Postel
SSgt, USAF
I.Y.A.A.Y.A.S!

Riding in memory and honor of Jim "Norton" Rolfe. You will always be our SC brother.

"I feel how weak and fruitless must be any word of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I cannot refrain from tendering you the consolation that may be found in the thanks of the Republic they died to save.
I pray that our Heavenly Father may assuage the anguish of your bereavement, and leave you only the cherished memory of the loved and lost, and the solemn pride that must be yours to have laid so costly a sacrifice upon the altar of freedom."
-Abraham Lincoln

Steam
Posts: 2861
Whitmire SC - the land that time forgot

Send Email
Message

19 Nov 2006 6:05 PM Alert

Potsie,

Chill out. Just when things are calming down here you come getting all serious again.

You want a doughnut?

Steam
Randy Stevens
South Carolina Ride Captain

Listen for the Rumble

sgtpotsie
Posts: 3664
New Mexico SC
Albuquerque, NM

Send Email
Message

19 Nov 2006 6:11 PM Alert

> Posted By Steam on 19 Nov 2006 5:05 PM
> Potsie,
>
> Chill out. Just when things are calming down here you come getting all serious again.
>
> You want a doughnut?

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 12:45:25 ET

Serial Number: 77041061 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

PATRIOT GUARD RIDER

(words only): PATRIOT GUARD RIDER

Standard Character claim: Yes

Current Status: Further action on the application has been suspended.

Date of Status: 2010-03-23

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 104

Attorney Assigned:
WILKE JOHN

Current Location: L40 -TMEG Law Office 104

Date In Location: 2010-03-23

LAST APPLICANT(S)/OWNER(S) OF RECORD

---

1. Brown, Jeff

Address:
Brown, Jeff
8321 S. 8th St.
Broken Arrow, OK 74801
United States
Legal Entity Type: Individual

Country of Citizenship: United States
Phone Number: 918-449-1652

GOODS AND/OR SERVICES

International Class: 006
Class Status: Active
Metal license plates
Basis: 1(a)
First Use Date: 2005-12-09
First Use in Commerce Date: 2005-12-09

International Class: 014
Class Status: Active
Ornamental pins
Basis: 1(a)
First Use Date: 2005-12-14
First Use in Commerce Date: 2005-12-14

International Class: 024
Class Status: Active
Cloth banners; Fabric flags
Basis: 1(a)
First Use Date: 2005-11-29
First Use in Commerce Date: 2005-11-29

International Class: 025
Class Status: Active
Hats; Short-sleeved or long-sleeved t-shirts
Basis: 1(a)
First Use Date: 2005-12-08
First Use in Commerce Date: 2005-12-08

International Class: 026
Class Status: Active
Embroidered patches for clothing
Basis: 1(a)
First Use Date: 2005-12-23
First Use in Commerce Date: 2005-12-23

International Class: 035
Class Status: Active
Association services, namely, promoting the interests of families of deceased military members and families of deceased veterans
Basis: 1(a)
First Use Date: 2005-10-27
First Use in Commerce Date: 2005-11-09

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2010-03-23 - Report Completed Suspension Check Case Still Suspended

2009-12-16 - Attorney Revoked And/Or Appointed

2009-12-16 - TEAS Revoke/Appoint Attorney Received

2009-09-23 - Report Completed Suspension Check Case Still Suspended

2009-03-23 - Report Completed Suspension Check Case Still Suspended

2009-03-23 - Assigned To LIE

2008-09-23 - TEAS Change Of Correspondence Received

2008-09-22 - Notification Of Letter Of Suspension E-Mailed

2008-09-22 - LETTER OF SUSPENSION E-MAILED

2008-09-22 - Suspension Letter Written

2008-03-21 - Report Completed Suspension Check Case Still Suspended

2007-09-21 - Report Completed Suspension Check Case Still Suspended

2007-09-04 - Attorney Revoked And/Or Appointed

2007-09-04 - TEAS Revoke/Appoint Attorney Received

2007-08-31 - Withdrawal Of Attorney Granted

2007-08-31 - TEAS Withdrawal Of Attorney Received

2007-03-21 - LETTER OF SUSPENSION E-MAILED

2007-03-21 - Suspension Letter Written

2007-03-19 - Non-final action e-mailed

2007-03-19 - Non-Final Action Written

2007-03-16 - Teas/Email Correspondence Entered

2007-03-16 - Communication received from applicant

2007-03-16 - Assigned To LIE

2007-03-16 - Assigned To Examiner

2007-02-08 - TEAS Voluntary Amendment Received

2006-11-15 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record
Rachel Blue

Correspondent
Rachel Blue
McAfee & Taft
100 W. 5th St., Suite 500
Tulsa OK 74103
Phone Number: 918-574-3007
Fax Number: 918-574-3107

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

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 77041061
Filing Date: 11/09/2006

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

The table below presents the data as entered.

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

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

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

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

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

* EMAIL ADDRESS	mnjjacobs@gmail.com
*AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	6
FEE PER CLASS	275
TOTAL FEE DUE	1650
SIGNATURE INFORMATION	
* SIGNATURE	/JABrown/
* SIGNATORY'S NAME	Jeff Brown
SIGNATORY'S POSITION	Executive Director
* DATE SIGNED	11/09/2006
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Nov 09 22:44:06 EST 2006
TEAS STAMP	USPTO/FTK-69.30.154.108-2 00611092244064766O9-77041 061-35091b65d3e3b66167b9e 649d542a568c6c-CC-1010-20 061109222524468247

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

Trademark/Service Mark Application, Principal Register

TEAS Plus Application

Serial Number: 77041061
Filing Date: 11/09/2006

To the Commissioner for Trademarks:
MARK: PATRIOT GUARD RIDER (Standard Characters, see mark)

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

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

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

International Class 006: Metal license plates

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

International Class 014: Ornamental pins

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

International Class 024: Cloth banners; Fabric flags

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

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

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

International Class 026: Embroidered patches for clothing

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

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

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

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

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

If the applicant is filing under Section 44(e), foreign registration, the applicant declares that it has a bona

fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and submits a copy of the supporting foreign registration(s), and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

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

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

Correspondence Information: John Jacobs
406 Beaumont Circle
West Chester, Pennsylvania 19380
610.918.1595(phone)
mnjjacobs@gmail.com (authorized)

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

Declaration

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

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

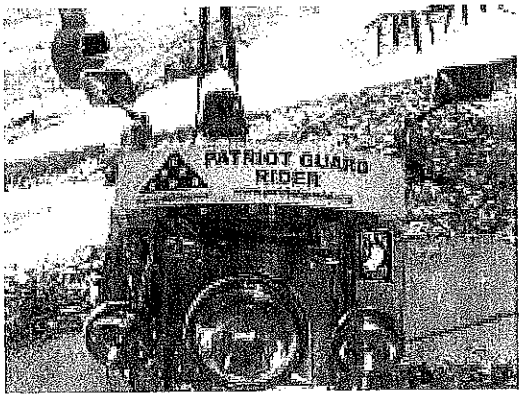
RAM Sale Number: 1010
RAM Accounting Date: 11/13/2006

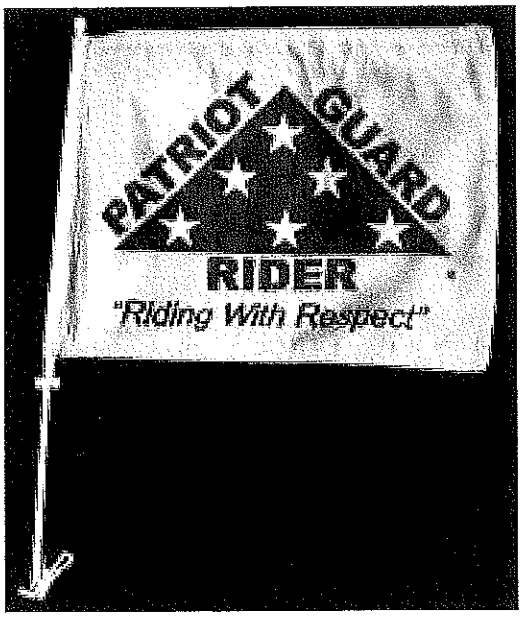
Serial Number: 77041061
Internet Transmission Date: Thu Nov 09 22:44:06 EST 2006
TEAS Stamp: USPTO/FTK-69.30.154.108-2006110922440647
6609-77041061-35091b65d3e3b66167b9e649d5
42a568c6c-CC-1010-20061109222524468247

PATRIOT GUARD RIDER

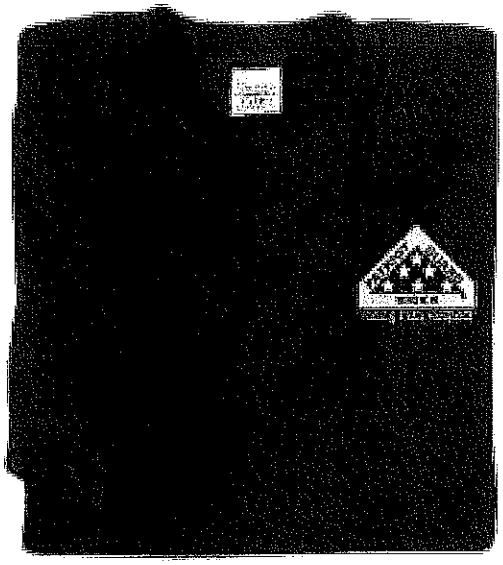
PATRIOT GUARD RIDER
"Doing With Respect"
PATRIOT GUARD RIDERS
WWW.PATRIOTGUARD.ORG

PATRIOT GUARD
RIDER
"Riding With Respect"


PATRIOT GUARD
RIDER


PATRIOT GUARD
RIDER
"Riding With Respect"

RIDER



PATRIOT GUARD
RIDER
"Riding With Respect"

PATRIOT GUARD
RIDER

PATRIOT GUARD RIDER

PTO Form 1966 (Rev 5/2006)
OMB No. 0651-0050 (Exp. 04/2009)

Preliminary Amendment

The table below presents the data as entered.

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

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

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

OMB No. 0651-0050 (Exp. 04/2009)

Preliminary Amendment

To the Commissioner for Trademarks:

Application serial no. **77041061** is amended as follows:

Classification and Listing of Goods/Services

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

Current: Class 006 for Metal license plates

Original Filing Basis: 1(a).

Proposed: Class 006 for Metal license plates

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

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

Current: Class 014 for Ornamental pins

Original Filing Basis: 1(a).

Proposed: Class 014 for Ornamental pins

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

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

Current: Class 024 for Cloth banners; Fabric flags

Original Filing Basis: 1(a).

Proposed: Class 024 for Cloth banners; Fabric flags

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

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

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

Original Filing Basis: 1(a).

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

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

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

Current: Class 026 for Embroidered patches for clothing

Original Filing Basis: 1(a).

Proposed: Class 026 for Embroidered patches for clothing

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

Declaration Signature

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

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

Signatory's Name: John Jacobs

Signatory's Position: Attorney of record

Preliminary Amendment Signature

Signature: /JMJ/ Date Signed: 02/08/2007
Signatory's Name: John Jacobs
Signatory's Position: Attorney of record

Serial Number: 77041061
Internet Transmission Date: Thu Feb 08 22:13:10 EST 2007
TEAS Stamp: USPTO/PA-71225109139-20070208221310659047-77041061-200872d7e57f6d148f19fda1213a6d3c358-N-N-20070208221237799210

Trademark Snap Shot Amendment & Mail Processing Stylesheet

(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	77041061	FILING DATE	11/09/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	WILKE, JOHN	L.O. ASSIGNED	104

PUB INFORMATION

RUN DATE	03/17/2007
PUB DATE	N/A
STATUS	638-NEW APPLICATION - ASSIGNED TO EXAMINER
STATUS DATE	03/16/2007
LITERAL MARK ELEMENT	PATRIOT GUARD RIDER

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	YES
LITERAL MARK ELEMENT	PATRIOT GUARD RIDER
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Brown, Jeff
ADDRESS	8321 S. 8th St. Broken Arrow, OK 74801
ENTITY	01-INDIVIDUAL
CITIZENSHIP	United States of America

GOODS AND SERVICES

INTERNATIONAL CLASS	006
DESCRIPTION TEXT	Metal license plates

INTERNATIONAL CLASS	014
DESCRIPTION TEXT	Ornamental pins

INTERNATIONAL CLASS	024
DESCRIPTION TEXT	Cloth banners; Fabric flags

INTERNATIONAL CLASS	025
DESCRIPTION TEXT	Hats; Short-sleeved or long-sleeved t-shirts

INTERNATIONAL CLASS	026
DESCRIPTION TEXT	Embroidered patches for clothing

INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Association services, namely, promoting the interests of families of deceased military members and families of deceased veterans

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL	006	FIRST USE	12/09/2005	FIRST USE	12/09/2005	CLASS	6-ACTIVE

CLASS		DATE		IN COMMERCE DATE		STATUS	
INTERNATIONAL CLASS	014	FIRST USE DATE	12/14/2005	FIRST USE IN COMMERCE DATE	12/14/2005	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	024	FIRST USE DATE	11/29/2005	FIRST USE IN COMMERCE DATE	11/29/2005	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	025	FIRST USE DATE	12/08/2005	FIRST USE IN COMMERCE DATE	12/08/2005	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	026	FIRST USE DATE	12/23/2005	FIRST USE IN COMMERCE DATE	12/23/2005	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	035	FIRST USE DATE	10/27/2005	FIRST USE IN COMMERCE DATE	11/09/2005	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	"RIDER"

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/16/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	006
03/16/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	005
03/16/2007	ALIE	A	ASSIGNED TO LIE	004
03/16/2007	DOCK	D	ASSIGNED TO EXAMINER	003
02/08/2007	PARI	I	TEAS PRELIMINARY AMENDMENT RECEIVED	002
11/15/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	John Jacobs

CORRESPONDENCE ADDRESS	JOHN JACOBS 406 BEAUMONT CIR WEST CHESTER, PA 19380-6412
DOMESTIC REPRESENTATIVE	NONE

PATRIOT GUARD RIDER

*** User:jwilke ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	802	N/A	0	0	0:01	*patriot*[bi,ti]
02	15111	N/A	0	0	0:01	*guard*[bi,ti]
03	3	0	3	2	0:01	1 and 2
04	2271	N/A	0	0	0:02	*r{"iy"}der*[bi,ti]
05	4	1	1	1	0:01	4 and (1 or 2)
06	11240	N/A	0	0	0:01	*gard*[bi,ti]
07	0	0	0	0	0:01	6 and (1 or 4)
08	827	N/A	0	0	0:01	*patr{v:2}t*[bi,ti]
09	25	12	13	8	0:01	8 not 1

Session started 3/19/2007 9:42:07 AM
Session finished 3/19/2007 9:45:48 AM
Total search duration 0 minutes 10 seconds
Session duration 3 minutes 41 seconds
Defaut NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 77041061

To:	Brown, Jeff (mnjjacobs@gmail.com)
Subject:	TRADEMARK APPLICATION NO. 77041061 - PATRIOT GUARD RIDER - PGR
Sent:	3/19/2007 10:05:56 AM
Sent As:	ECOM104@USPTO.GOV
Attachments:	Attachment - 1 Attachment - 2

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/041061

APPLICANT: Brown, Jeff

77041061

CORRESPONDENT ADDRESS:
JOHN JACOBS
406 BEAUMONT CIR
WEST CHESTER, PA 19380-6412

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: PATRIOT GUARD RIDER

CORRESPONDENT'S REFERENCE/DOCKET NO: PGR

CORRESPONDENT EMAIL ADDRESS:
mnjjacobs@gmail.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at http://tarr.uspto.gov/, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 77/041061

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

Search Results

Although the examining attorney has searched the Office records and has found no similar *registered* mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d), the examining attorney encloses information regarding pending Application Serial No. 77040379. 37 C.F.R. §2.83.

There may be a likelihood of confusion between the applicant's mark and the mark in the above noted application under Section 2(d) of the Act. The filing date of the referenced application is the same date as applicant's filing date, but the serial number of the referenced application precedes applicant's serial number, so it was filed before this application. If the earlier?filed application matures into a registration, the examining attorney may refuse registration under Section 2(d).

Disclaimer Not Required

The application includes a disclaimer of "RIDER" An applicant can disclaim matter voluntarily, regardless of whether the matter is registrable. TMEP §1213.01(c). However, a disclaimer of this matter is not required. Therefore, applicant may submit a written request to withdraw this disclaimer from the application. If applicant does not expressly request withdrawal of the disclaimer, it will remain in the application.

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.

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).

/John M. Wilke/
Examining Attorney
Law Office 104
571-272-5871
571-273-5871 fax

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.

DESIGN MARK

Serial Number
77040379

Status
NON-FINAL ACTION - MAILED

Word Mark
PATRIOT GUARD RIDERS "RIDING WITH RESPECT"

Standard Character Mark
No

Type of Mark
SERVICE MARK

Register
PRINCIPAL

Mark Drawing Code
(3) DESIGN PLUS WORDS, LETTERS AND/OR NUMBERS

Owner
Patriot Guard Riders, Inc. CORPORATION OKLAHOMA 312 Granite Ct Windsor COLORADO 80550

Goods/Services
Class Status -- ACTIVE. IC 045. US 100 101. G & S: Organizing and conducting support groups in the field of MILITARY AND MILITARY FAMILY SUPPORT. First Use: 2005/11/11. First Use In Commerce: 2006/06/01.

Description of Mark
The mark consists of this mark has a yellow field with a blue and white folded American flag and blue text.

Colors Claimed
The applicant claims color as a feature of the mark, namely, yellow, blue, and white.

Filing Date
2006/11/09

Examining Attorney
POWERS, ALEXANDER L.

PATRIOT GUARD
RIDERS
"Riding With Respect"

To:	Brown, Jeff (mnjjacobs@gmail.com)
Subject:	TRADEMARK APPLICATION NO. 77041061 - PATRIOT GUARD RIDER - PGR
Sent:	3/21/2007 10:16:58 AM
Sent As:	ECOM104@USPTO.GOV
Attachments:	

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/041061

APPLICANT: Brown, Jeff

77041061

CORRESPONDENT ADDRESS:
JOHN JACOBS
406 BEAUMONT CIR
WEST CHESTER, PA 19380-6412

RETURN ADDRESS:
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

MARK: PATRIOT GUARD RIDER

CORRESPONDENT'S REFERENCE/DOCKET NO: PGR

CORRESPONDENT EMAIL ADDRESS:
mnjjacobs@gmail.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

Serial Number 77/041061

EXAMINER'S AMENDMENT

AMENDMENT(S) AUTHORIZED: As authorized by John Jacobs on March 21, 2007, the application is amended as noted below. *If applicant disagrees with or objects to any of the amendments below, please notify the undersigned trademark examining attorney immediately.* Otherwise, no response is necessary. TMEP §707.

Disclaimer Deleted

Applicant deletes the disclaimer or the word RIDER in the mark.

NOTICE OF SUSPENSION

SUSPENSION PROCEDURE: This suspension notice serves to suspend action on the application for the reason(s) specified below. No response is needed. 37 C.F.R. §2.67. However, the examining attorney will conduct periodic status checks and may issue inquiries at 6 month intervals from the mailing date of this notice. TMEP §716.05. If a status inquiry Office action issues, applicant will have 6 months from the mailing or e-mailing date of the status inquiry to respond. 15 U.S.C. §1062(b); 37 C.F.R. §2.62.

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.

Action on this application is suspended pending the disposition of:

- Application Serial No(s). **77040379**

Since applicant's effective filing date is subsequent to the effective filing date of the above-identified application(s), the latter, if and when it registers, may be cited against this application in a refusal to register under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d). See 37 C.F.R. §2.83; TMEP §§1208 et seq. A copy of information relevant to this pending application(s) **was sent previously.**

Applicant may submit a request to remove the application from suspension to present arguments related to the potential conflict between the relevant application(s) or other arguments related to the ground for suspension. TMEP §716.03. Applicant's election not to present arguments during suspension will not affect the applicant's right to present arguments later should a refusal in fact issue. If a refusal does issue, applicant will be afforded 6 months from the mailing or e-mailing date of the Office action to submit a response. 15 U.S.C. §1062(b); 37 C.F.R. §2.62.

/John M. Wilke/
Examining Attorney
Law Office 104
571-272-5871
571-273-5871 fax

PTO Form 2201 (Rev 5/2006)
OMB No. 0651-0056 (Exp 10/31/2008)

Withdrawal of Attorney

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77041061
LAW OFFICE ASSIGNED	LAW OFFICE 104
PUBLISH FOR OPPOSITION DATE	00/00/0000
MARK SECTION	
MARK	PATRIOT GUARD RIDER (stylized and/or with design)
WITHDRAWAL OF ATTORNEY SECTION	
REASON TEXT	1. Client has knowingly and freely assented to termination of employment, and obtained new counsel. 2. Continued representation is likely to result in a vilation of Disciplinary Rule, as the nature of the representation has changed from pro bono to commerical.
WITHDRAWAL STATEMENT	I have given due notice to the applicant/registrant that I am withdrawing from employment and am filing this request for withdrawal with the USPTO.
WITHDRAWAL STATEMENT	I have delivered to the applicant/registrant all papers and property in my file concerning the prosecution of the mark.
WITHDRAWAL STATEMENT	I have notified the applicant/registrant of any response that may be due and the timeframe within which the applicant/registrant must file the response.
WITHDRAWAL STATEMENT	I have given the applicant/registrant notice of my withdrawal from employment at least two (2) months prior to the expiration of the response period.
CORRESPONDENCE SECTION	
ORIGINAL ATTORNEY ADDRESS	JOHN JACOBS 406 BEAUMONT CIR WEST CHESTER, PA 19380-6412

NEW CORRESPONDENCE ADDRESS	
NAME	Brown, Jeff
STREET	8321 S. 8th St.
CITY	Broken Arrow
STATE	Oklahoma
POSTAL/ZIP CODE	74801
COUNTRY	United States
PHONE	918-449-1652
SIGNATURE SECTION	
SIGNATURE	/John Jacobs/
SIGNATORY NAME	John Jacobs
SIGNATORY DATE	08/31/2007
SIGNATORY POSITON	Attorney of record
FILING INFORMATION SECTION	
SUBMIT DATE	Fri Aug 31 11:05:28 EDT 2007
TEAS STAMP	USPTO/WOA-216.203.6.12-20 070831110528840717-770410 61-2509761a571ae24445fdea 0fb824b7bdb-N/A-N/A-20070 831110506675007

PTO Form 2196 (Rev 9/2005)
OMB No. 0651-0056 (Exp 09/30/2011)

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77041061
LAW OFFICE ASSIGNED	LAW OFFICE 104
ATTORNEY DOCKET NUMBER	M8635.200
MARK SECTION	
MARK	PATRIOT GUARD RIDER
ATTORNEY SECTION	
ORIGINAL ADDRESS	Brown, Jeff 8321 S. 8th St. Broken Arrow OK 74801 918-449-1652
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	Brown, Jeff 8321 S. 8th St. Broken Arrow OK 74801 918-449-1652
NEW ATTORNEY ADDRESS	
STATEMENT TEXT	By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:
NAME	Molly D. McKay
FIRM NAME	Molly D. McKay, P.C.
STREET	2301 S. Sheridan, Suite A
CITY	Tulsa
STATE	Oklahoma

COUNTRY	United States
POSTAL/ZIP CODE	74129
PHONE	918-742-5900
FAX	918-742-5901
EMAIL	staff@mckaypatents.com
ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
ATTORNEY DOCKET NUMBER	M8635.200
NEW CORRESPONDENCE ADDRESS	
NAME	Molly D. McKay
FIRM NAME	Molly D. McKay, P.C.
STREET	2301 S. Sheridan, Suite A
CITY	Tulsa
STATE	Oklahoma
COUNTRY	United States
POSTAL/ZIP CODE	74129
PHONE	918-742-5900
FAX	918-742-5901
EMAIL	staff@mckaypatents.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
SIGNATURE SECTION	
SIGNATORY FILE	\\TICRS2\EXPORT13\770\410\77041061\xml2\RAA0002.JPG
SIGNATORY NAME	Jeff Brown
SIGNATORY POSITION	Owner
FILING INFORMATION SECTION	
SUBMIT DATE	Tue Sep 04 15:01:35 EDT 2007
	USPTO/RAA-24.249.72.171-2 00709041501355564 56-77041

TEAS STAMP	061-380209680733217360bc6 93136f4848429-N/A-N/A-200 70904145859869161

PTO Form 2196 (Rev 9/2005)
OMB No. 0651-0056 (Exp 09/30/2011)

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

To the Commissioner for Trademarks:
MARK: PATRIOT GUARD RIDER
SERIAL NUMBER: 77041061
ATTORNEY DOCKET NUMBER M8635.200

The original attorney
Brown, Jeff
8321 S. 8th St.
Broken Arrow OK 74801
918-449-1652

Original Correspondence Address :
Brown, Jeff
8321 S. 8th St.
Broken Arrow OK 74801
918-449-1652

By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:

Newly Appointed Attorney:
Molly D. McKay
Molly D. McKay, P.C.
2301 S. Sheridan, Suite A
Tulsa, Oklahoma 74129
United States
918-742-5900
918-742-5901

The following is to be used as the correspondence address:

Molly D. McKay
Molly D. McKay, P.C.
2301 S. Sheridan, Suite A
Tulsa, Oklahoma 74129
United States

918-742-5900
918-742-5901
staff@mckaypatents.com

Signatory File Signature
Signatory's Name: Jeff Brown
Signatory's Position: Owner

Serial Number: 77041061
Internet Transmission Date: Tue Sep 04 15:01:35 EDT 2007
TEAS Stamp: USPTO/RAA-24.249.72.171-2007090415013555
6456-77041061-380209680733217360bc693136
f4848429-N/A-N/A-20070904145859869161

TRADEMARK

Attorney's Docket No.: M8635.20© Date: 09/04/2007

POWER OF ATTORNEY

Trademark Serial No.: 77041061

Date Filed: November 9, 2006

Owner of the Mark: Jeff Brown

Trademark: **PATRIOT GUARD RIDER**

I, Jeff Brown, hereby grant Power of Attorney to and appoint as Attorney of Record for the above referenced trademark application to Molly D. McKay.

I have revoked all previous powers of attorney given in the above – identified application. Please change the correspondence address of the attorney(s) of record on the above referenced registration to:

Molly D. McKay, P.C.
Reg. No.: 35,609
3207 E. 22nd Street
Tulsa, OK 74114-1823
Bus: (918)742-5900
Fax: (918)742-5901
http://www.mckaypatents.com

It is certified that the person whose signature appears below has the authority to change the Power of Attorney and Change of Correspondence address for the above-identified trademark.

Jeff Brown

8/29/07

Date

To:	Brown, Jeff (staff@mckaypatents.com)
Subject:	TRADEMARK APPLICATION NO. 77041061 - PATRIOT GUARD RIDER - M8635.200
Sent:	9/22/2008 9:36:13 AM
Sent As:	ECOM104@USPTO.GOV
Attachments:	

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/041061

MARK: PATRIOT GUARD RIDER

77041061

CORRESPONDENT ADDRESS:
Molly D. McKay
Molly D. McKay, P.C.
2301 S. Sheridan, Suite A
Tulsa OK 74129

GENERAL TRADEMARK INFORMATION:
http://www.uspto.gov/main/trademarks.htm

APPLICANT: Brown, Jeff

CORRESPONDENT'S REFERENCE/DOCKET NO:
M8635.200
CORRESPONDENT E-MAIL ADDRESS:
staff@mckaypatents.com

NOTICE OF SUSPENSION

ISSUE/MAILING DATE: 9/22/2008

SUSPENSION PROCEDURE: This suspension notice serves to suspend action on the application for the reason(s) specified below. No response is needed. However, if you wish to respond to this notice, you should use the "Response to Letter of Suspension" form found athttp://teasroa.uspto.gov/rsi/rsi. The Office will conduct periodic status checks to determine if suspension remains appropriate.

Action on this application is suspended pending the disposition of:

- Opposition No(s). **91181448**

The proceeding(s) above pertains to one or more of the following: (1) a registration cited as a bar to applicant's registration under Section 2(d) of the Trademark Act, (2) a pending application(s) that could present a future bar to registration under Section 2(d) if it matured into a registration, and/or (3) the registrability of applicant's mark. 15 U.S.C. §1052. Therefore, action is suspended pending the final disposition of this proceeding(s). See 37 C.F.R. §2.83; TMEP §§716.02(a), (c) and (d), 1208 et seq. Any refusal(s) made under Section 2 is herein maintained.

/John M. Wilke/
Examining Attorney
Law Office 104
571-272-5871
571-273-5871 fax

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at http://tarr.uspto.gov. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

To:	Brown, Jeff (staff@mckaypatents.com)
Subject:	TRADEMARK APPLICATION NO. 77041061 - PATRIOT GUARD RIDER - M8635.200
Sent:	9/22/2008 9:36:15 AM
Sent As:	ECOM104@USPTO.GOV
Attachments:	

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 9/22/2008 FOR APPLICATION SERIAL NO. 77041061

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link **http://tmportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77041061&doc_type=SUL&n** (or copy and paste this URL into the address field of your browser), or visit **http://tmportal.uspto.gov/external/portal/tow** and enter the application serial number to access the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable **response time period**. Your response deadline will be calculated from **9/22/2008**.

Do NOT hit "Reply"to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at http://www.uspto.gov/teas/eTEASpageD.htm.

HELP: For *technical* assistance in accessing the Office action, please e-mail **TDR@uspto.gov**. Please contact the assigned examining attorney with questions about the Office action.

WARNING

1. The USPTO will NOT send a separate e-mail with the Office action attached.

2. Failure to file any required response by the applicable deadline will result in the

ABANDONMENT of your application.

Change Of Correspondence Address

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77041061
LAW OFFICE ASSIGNED	LAW OFFICE 104
MARK SECTION	
MARK	PATRIOT GUARD RIDER
CORRESPONDENCE SECTION (current)	
ORIGINAL ADDRESS	Molly D. McKay Molly D. McKay, P.C. 2301 S. Sheridan, Suite A Tulsa Oklahoma 74129 United States 918-742-5901 918-742-5900 staff@mckaypatents.com
NEW CORRESPONDENCE ADDRESS	
NEW ADDRESS	Molly D. McKay Doerner, Saunders, Daniel & Anderson LLP Suite 500 320 South Boston Avenue Tulsa Oklahoma United States 73102-3758 (918) 582-1211 (918) 591-5360 rblue@dsda.com
SIGNATURE SECTION	
SIGNATURE	/rachelblue/
SIGNATORY NAME	Rachel Blue
SIGNATORY DATE	09/23/2008
SIGNATORY POSITION	Attorney
FILING INFORMATION SECTION	

SUBMIT DATE	Tue Sep 23 14:46:18 EDT 2008
TEAS STAMP	USPTO/CCA-12.175.100.178- 20080923144618632265-7704 1061-400be19b3f9cc4923f2a 59c4a25ad4a3a3-N/A-N/A-20 080923144416842600

PTO Form 2196 (Rev 9/2005)
OMB No. 0651-0056 (Exp 09/30/2011)

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77041061
LAW OFFICE ASSIGNED	LAW OFFICE 104
MARK SECTION	
MARK	PATRIOT GUARD RIDER
ATTORNEY SECTION	
ORIGINAL ADDRESS	Molly D. McKay Doerner, Saunders, Daniel & Anderson LLP M8635.200 Suite 500 320 South Boston Avenue Tulsa Oklahoma (OK) 73102-3758 United States (USX) (918) 582-1211 (918) 591-5360 rblue@dsda.com
CORRESPONDENCE SECTION	
ORIGINAL ADDRESS	Molly D. McKay Doerner, Saunders, Daniel & Anderson LLP M8635.200 Suite 500 320 South Boston Avenue Tulsa Oklahoma (OK) 73102-3758 United States (USX) (918) 582-1211 (918) 591-5360 rblue@dsda.com
NEW ATTORNEY ADDRESS	
STATEMENT TEXT	By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following

	new attorney.
NAME	Rachel Blue
FIRM NAME	McAfee & Taft
STREET	100 W. 5th St.
CITY	Tulsa
STATE	Oklahoma
COUNTRY	United States
POSTAL/ZIP CODE	74103
PHONE	918-574-3007
FAX	918-574-3107
EMAIL	rachel.blue@mcafeetaft.com
ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
NEW CORRESPONDENCE ADDRESS	
NAME	Rachel Blue
FIRM NAME	McAfee & Taft
STREET	100 W. 5th St., Suite 500
CITY	Tulsa
STATE	Oklahoma
COUNTRY	United States
POSTAL/ZIP CODE	74103
PHONE	918-574-3007
FAX	918-574-3107
EMAIL	rachel.blue@mcafeetaft.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
SIGNATURE SECTION	
SIGNATURE	/JeffBrown/
SIGNATORY NAME	Jeff Brown
SIGNATORY DATE	12/16/2009

SIGNATORY POSITION	Owner
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Dec 16 14:31:08 EST 2009
TEAS STAMP	USPTO/RAA-65.216.21.66-20 091216143108533023-770410 61-460d8bbedcec6fc672b498 c9f71cb97f2d-N/A-N/A-2009 1216113346791459

PTO Form 2196 (Rev 9/2005)
OMB No. 0651-0056 (Exp 09/30/2011)

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

To the Commissioner for Trademarks:
MARK: PATRIOT GUARD RIDER
SERIAL NUMBER: 77041061

The original attorney
Molly D. McKay
Doerner, Saunders, Daniel & Anderson LLP
M8635.200
Suite 500
320 South Boston Avenue
Tulsa Oklahoma 73102-3758
United States
(918) 582-1211
(918) 591-5360
rblue@dsda.com

Original Correspondence Address :
Molly D. McKay
Doerner, Saunders, Daniel & Anderson LLP
Suite 500
320 South Boston Avenue
Tulsa Oklahoma 73102-3758
United States
(918) 582-1211
(918) 591-5360

rblue@dsda.com

By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney.

Newly Appointed Attorney:
Rachel Blue
McAfee & Taft
100 W. 5th St.
Tulsa, Oklahoma 74103
United States
918-574-3007
918-574-3107

The following is to be used as the correspondence address:
Rachel Blue
McAfee & Taft
100 W. 5th St., Suite 500
Tulsa, Oklahoma 74103
United States

918-574-3007
918-574-3107
rachel.blue@mcafeetaft.com

Signature: /JeffBrown/ Date: 12/16/2009
Signatory's Name: Jeff Brown
Signatory's Position: Owner

Serial Number: 77041061
Internet Transmission Date: Wed Dec 16 14:31:08 EST 2009
TEAS Stamp: USPTO/RAA-65.216.21.66-20091216143108533
023-77041061-460d8bbedcec6fc672b498c9f71
cb97f2d-N/A-N/A-20091216113346791459

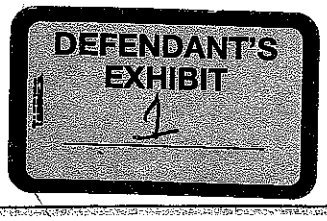
IN THE UNITED STATES PATENT & TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

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

- -

TELEPHONIC DEPOSITION OF RONNY ROY AWTRY, produced as a witness on behalf of the Opposer and Petitioner, in the above-styled and numbered cause, taken on the 28th day of October 2008, in the City of Tulsa, County of Tulsa, State of Oklahoma, before me, Marlene Percefull, Certified Shorthand Reporter, duly certified under and by virtue of the laws of the State of Oklahoma.



A P P E A R A N C E S

FOR THE OPPOSER:

Ms. Courtney L. Bru
Ms. Rachel Blue
Attorneys at Law
320 S. Boston
Suite 500
Tulsa, OK 74103

FOR THE APPLICANT:

Mr. David J. Marr
Mr. James A. O'Malley
Attorneys at Law
105 W. Adams St.
Suite 3600
Chicago, IL 60603
(By Telephone)

ALSO PRESENT:

Mr. Jeff Brown
Mr. Bill Richart
(By Telephone)

INDEX

WITNESS	PAGE
Ronny Roy Awtry	
Direct Examination by Ms. Bru	4
Cross Examination by Mr. Marr	77
Redirect Examination by Ms. Blue	89
Signature Page	91
Reporter's Certificate	92

EXHIBITS

PETITIONER'S

Number		Identified	Offered
1	12-11-06 forum post	15	
2	12-7-06 forum post	25	
3	9-18-07 forum post	46	
4	12-6-06 e-mail	48	
5	12-27-06 e-mail	52	
6	7-8-08 e-mail	68	

(Whereupon, the deposition began at 9:02 a.m.)

RONNY ROY AWTRY,

having first been duly sworn to testify to the truth, the whole truth and nothing but the truth, testified as follows:

DIRECT EXAMINATION

BY MS. BRU:

Q Could you state and spell your name for the record. 9:02AM

A My name is Ronny Roy Awtry, R-O-N-N-Y, R-O-Y, A-W-T-R-Y.

Q And what is your business address?

A My business address is Speedy Services, 1050 KCK Way, Suite 2, Cedar Hill, Texas 75104. 9:02AM

Q Okay. What is your e-mail address?

A My e-mail address is Rrawtry@Yahoo.com.

Q Have you ever used any other e-mail addresses?

A Yes, I have used Bear@Patriotguard.org.

Q Okay. 9:03AM

A And there was an SBC Global years ago, but I don't even remember it.

Q Have you ever been deposed before?

A Yes.

Q Okay. So you understand that we're just going to 9:03AM

go through a series of questions and answers and I'm going to need you to respond vocally, okay? 9:03AM

A Yeah.

Q And if you don't understand the question, be sure and let me know and I'll rephrase it before you try to answer it. 9:03AM

A Okay.

Q If you need a break, let us know. I'm just going to ask you not to ask for a break right in the middle of an answer. Let's go ahead and finish up the question that we're on, then we'll go ahead and take a break, okay? 9:03AM

A Okay.

Q Are you under any medication or drugs that would make it difficult for you to understand or answer a question today? 9:03AM

A No, I'm not.

Q Are you under a doctor's care for any illness?

A Psoriasis treatment. I mean, nothing that would prevent me from answering or having comprehension of what's happening. 9:03AM

Q Okay. And you understand that you're under oath right now, the same as you would be in a court of law?

A Yes, I do.

Q Is there anyone there with you right now? 9:04AM

A No, there is not. 9:04AM

Q Okay. Do you have any documents in front of you, other than the exhibits that I sent you by e-mail last week?

A No, I do not. 9:04AM

Q Okay. Have you ever talked to me before?

A Yes, I have. Um --

Q Go ahead.

A It's been some period of time. I think I deal with your secretary most. 9:04AM

Q Okay. Sorry about that. Have you ever given me any documents?

A No, I have not.

Q Have you ever talked with Rachel Blue before?

A I don't remember. I think I have, but I don't remember. 9:04AM

Q Do you remember what you guys talked about?

A Just general topics in regards to the trademark issue of the Patriot Guard Riders.

Q Okay. Have you ever given her any documents? 9:04AM

A No.

Q Have you ever talked to Dave Marr?

A Yes, I have.

Q And what did you guys talk about?

A General issues regarding the trademark of the 9:05AM

Patriot Guard Riders. 9:05AM

Q Have you ever given Dave any documents?

A No, I have not.

Q Okay, great. Are you currently a member of PGR?

A Yes, I am. 9:05AM

Q How long have you been a member?

A I've been a member since January of 2006.

Q How did you get involved in the organization?

A Word of mouth. I was told of a Web site with Patriot Guard Riders and I logged on and joined. And it became something that was near and dear to my heart and I participated probably thousands of hours in the last several years. 9:05AM

Q Okay. What is your current position in PGR?

A I currently believe I'm the assistant to the HOTH coordinator. Other than that, I have no official title other than past board of directors, past treasurer. 9:06AM

Q And what is HOTH?

A Tom Hoffman is the HOTH coordinator, the HOTH administrator, Help On The Homefront. 9:06AM

Q Help On The Homefront. What does that group do?

A Help on the Homefront is a facet of the PGR that helps support veterans or current soldiers having disabilities related to their service to the country.

Q Okay. And I think you said you previously were a 9:06AM

board of directors member? 9:06AM

A Yes, I was.

Q When were you on the board of directors?

A I was on the board of directors from approximately June of 2006 until -- June of 2006 until late December 9:06AM of 2007 or early January 2008. I don't remember exactly.

Q Were you ever on the board of directors with Jeff Brown?

A Yes, I was. 9:07AM

Q Okay. And were you -- what were your past positions on the board?

A Well, I was past -- I was the director of the Help On The Homefront program. And initially there was a three-man board that was instituted into a five-man 9:07AM board in June of 2006.

Q Okay.

A And at the time I was a -- kind of a board member at large, I guess. I was not the secretary or the treasurer or the president, of course, but I was the 9:07AM Help On The Homefront director. And upon Jeff's removal and the removal of Jason from the treasury position, I stepped into the treasury position.

Q So you became treasurer immediately after Jason Wallin? 9:08AM

A Yes. 9:08AM

Q And how long did you serve as treasurer?

A I served as treasurer for, um, I guess right at a year.

Q Did you voluntarily leave that position? 9:08AM

A Yes, I did. I left due to family hardships. I've got a father in a nursing home and my business was entirely suffering from my dedication to the Patriot Guard Riders and I needed to concentrate on my small business and my family. 9:08AM

Q Okay. When you were on the board of directors, were you a member of what's referred to as the head shed?

A Yes, I was.

Q Can you describe that term for us or that group for us? 9:09AM

A Head shed is supposed to be the regional captains who were over multiple states underneath them. The national department heads, which are Home On The Homefront, forum moderator, different -- the mail team, different aspects and the board of directors. And it's basically a -- the group of people that comes together and discusses the policy changes or what's happening with the Patriot Guard Riders. 9:09AM

Q Would you receive e-mails from 9:09AM

headshed@Patriotguard.org? 9:09AM

A Yes.

Q Okay. And do you have a road name?

A My name is Bear.

Q Okay. 9:09AM

A B-E-A-R.

Q Are you aware of the forums on the PGR www.Patriotguard.org Web site?

A Yes, I am.

Q Have you ever posted on those? 9:10AM

A Yes, I have.

Q What ID do you use?

A Bear with an apostrophe@Patriotguard.org. I had another e-mail address, another log on, and it was RRawtry and it magically stopped working and wouldn't 9:10AM allow me to log-in under that for some reason and I had to change to Bear.

Q And when did that happen?

A Whenever my current log in or the Bear started. I don't know for sure. Probably sometime in late 2006. 9:10AM

Q Do you currently have access to the Web site www.Patriotguard.org?

A Yes, I do.

Q Have you ever been involved in maintenance or administration of that Web site? 9:11AM

A Yes, I have. 9:11AM

Q Could you explain a little bit for us what you would do?

A Well, Jason Wallin was the head of the Web site. And sometime in late August of 2006, he basically 9:11AM disappeared and we had nobody in administration to keep the Web site running. And so as I had administration access, I stepped into that role and tried my best. I have absolutely no background in keeping it running and, boy, I struggled hard, but, you know, labor of 9:11AM love, I stepped up and I did it. So my job there was I instituted the team plan for the Patriot Guard Riders wherein we tried to better organize the management structure of the Patriot Guard Riders as well as just keep the Web site running. Contact the server 9:12AM personnel, who actually located the service for the Patriot Guard Riders, and did some minor maintenance to the Web site to keep it running.

Q Would you ever make backup copies of forum posts?

A I never made backup copies of forum posts. 9:12AM However, the entire Web site was backed up in its entirety nightly at 1:00 p.m. -- I mean, at 1:00 a.m. in the morning. The entire Web site, every forum, everything that happened on it was backed up daily at 1:00 a.m. 9:12AM

Q Do you know what I mean when I say that a particular forum was archived? 9:12AM

A Yes, I do.

Q Could you explain that for us?

A Archiving a forum is when one or two things happen. Either it's extremely old and we needed to shut it down, keep people from going in on an extremely old forum. And, you know, basically clean up the Web site and -- or moderate it to pull it out of operation because it's becoming inflammatory to one degree or another. And for the good of Patriot Guard Riders and the families of our fallen soldiers, it needs to be pulled up off the Web site. 9:12AM 9:13AM

Q To the best of your knowledge, would archived materials, forum posts, et cetera, still be available today? 9:13AM

A Yes. Periodically they're throughout the -- now, I don't know how accurate it -- I haven't been involved in that for over a year, but -- or right at a year anyway, but periodically there were different things that happened with the Web site where copies were made just for historical, to go back and, you know, restart the Web site or research it or whatever. Nothing ever happened along those lines, but if we had a major problem, sometimes historically we saved that 9:14AM 9:14AM

particular day. However, once every approximately ten to 14 days, all of the backups are deleted, like I said, except for some kind of historical big problem where we needed to save that particular date. And they're deleted about every ten to 14 days because the Web site is so active they don't have the band width to keep storing entire copies of the database. 9:14AM 9:14AM

Q Do you remember when Jeff Brown resigned from the board of directors?

A Yes, I do. 9:15AM

Q When was that?

A That was approximately somewhere in the neighborhood of November 8th to 12th, somewhere right in there, I believe.

Q What year was that? 9:15AM

A That was 2006.

Q Do you know who owned the domain Patriotguard.org at the time that Jeff resigned from the board?

A Jason Wallin actually physically owned it at the day that Jeff Brown resigned. 9:15AM

Q Did Jason Wallin always own that domain name?

A Jason Wallin owned it right until shortly after Jeff. He gave it to the Patriot Guard Riders at that time.

Q Jason gave it to the Patriot Guard Riders? 9:16AM

A Yes, he did. 9:16AM
Q And when would that have happened?
A That was probably, like I said, right around within -- within three to five days of Jeff's resignation. 9:16AM
Q Do you know who currently has control of the servers used by Patriot Guard Riders, Incorporated?
A The physical location of them is What-Wire in Colorado. It was. I don't know -- I know that they were discussing moving them or doing something with 9:16AM them, so no, I don't know where they physically are. The last I knew they were physically in the possession of What-Wire and Bill Richart had the ultimate control of the physical servers and Web site with some folks that worked for him and administration of it. 9:17AM
Q Were you involved at all in the decision to incorporate the PGR organization into PGR Riders, Incorporated?
A Yes, I was. The paperwork was turned over -- when Jeff originally contacted his original attorneys and 9:17AM got this going, he gave all the paperwork to Jason Wallin. Come to find out, Jason Wallin did absolutely nothing with the paperwork and I took the paperwork from him and physically filled out all of the questions regarding -- I believe an application had been filed, 9:17AM

but it's pretty much worthless without the questionnaire to support it to get your -- you can't even complete the application at that point. So I did the entire questionnaire myself, presented it to the board, who unanimously adapted it, turned it over to Bonnie Cutler, who was the sitting secretary who mailed it back to the attorney to file it and get our 501(c)(3) status. We were physically a nonprofit in the State of Oklahoma but the 501(c)(3) federal status, I did the paperwork myself. 9:17AM 9:18AM 9:18AM

Q Is Bonnie Cutler now Bonnie Perry?

A I don't have any clue.

Q Okay. Can I get you to take a look at Exhibit 1 for me?

A Exhibit 1. All righty. 9:18AM

Q All right. Okay. And there is a, looks like, forum posting from you on 11 December 2006, is that correct?

A Yes.

Q Do you recall making this posting? 9:18AM

A Yes. I mean, I made hundreds of postings, but it definitely looks like my writing and something I would have written. I don't remember this specifically.

Q Look at the second page of that document.

A Okay. 9:19AM

Q There's a sentence there, a couple of lines down in the first paragraph on that page, and it says, "I have piles of e-mails to answer. I was caught up finally last week" -- excuse me. "I was caught up finally last week and now I'm in the freaking hole again. This thread got to work. I have the national 501(c)(3) questionnaire to finish." 9:19AM 9:19AM

Is that part of the incorporation paperwork you were just describing?

A Yes, it is. 9:19AM

Q Can you explain what that questionnaire was?

A That questionnaire is the -- is the questionnaire from Winters and King, but I believe that it actually originates with the IRS and that is the second part of the 501(c)(3). That's not physically incorporated in the Patriot Guard Riders, that is physically obtaining our 501(c)(3) status. 9:20AM

Q Does the questionnaire have to be submitted before you retained 501(c)(3) status from the IRS?

A Yes, it does. You can't proceed without the questionnaire. 9:20AM

Q Do you remember when that questionnaire was completed and submitted to the IRS?

A It was finished right around the first of December of 2006, at which point the board said it was good and 9:20AM

it was turned over to Bonnie -- actually, no, I take that back. It was physically submitted right around -- by Bonnie somewhere in the neighborhood of January the 16 of 2007. 9:20AM

Q Okay. I believe you said that you became a member of the PGR organization in January of 2006, is that correct? 9:21AM

A That's correct.

Q Do you recall if at that time you were able to purchase items with the PGR logo on them from the Web site ww.Patriotguard.org? 9:21AM

A Yes.

Q Are you aware that that store, that existed in January of 2006, was owned by Jeff Brown?

A No. 9:21AM

Q Did you become aware of that at any time afterwards?

A Yes. I became aware of that somewhere in the neighborhood of June of 2006. Initially, I was just a guy logging onto the Web site, thought it was cool, supported it, and bought a bunch of stuff. I had no history of the Patriot Guard Riders or anything else. 9:21AM

Q How did you come to find out that Jeff Brown owned the store in June of 2006?

A Jeff had set on a board of directors con call that 9:22AM

due to the amount of time he was investing in the Patriot Guard Riders and running the store, that he quit his job to do the Patriot Guard Riders full time. Didn't physically state that he owned the store at that time, but I -- I don't know, I think I'm a fairly bright person. And so I asked Jason Wallin, who told me that Jeff owned the store, at which point I asked Jeff. 9:22AM 9:22AM

Q Do you recall when you asked Jason Wallin who owned the store? 9:23AM

A I asked Jason Wallin who owned the store shortly after that. Probably mid June of 2006. I mean, within a week of it.

Q Do you recall ever seeing a post on any forum on the Web site www.Patriotguard.org that stated that Jeff Brown owned the store? 9:23AM

A The only that I can recollect -- the only post or the first post that I saw of that nature was, I believe, in October of 2006 on the, you know, threads in the open forums. 9:23AM

Q When you say "open forums," do you mean anyone can access those?

A On any forums whatsoever.

Q Okay. Did you ever have any conversation with anyone else about Jeff Brown's ownership of the store? 9:24AM

A Jason Wallin, of course, Snap or Bill Lines, who was our secretary and stepped into the president role of the Patriot Guard Riders. 9:24AM

Q When did you talk with Snap about it?

A I talked with Snap about it when the heated question came up about does Jeff own the store or not in the threads by a people. And Snap was perfectly aware of it as well. 9:24AM

Q Do you know whether Ed Mueller was aware that Jeff Brown owned the store? 9:25AM

A Do I know whether who was aware?

Q Ed Mueller.

A I do not have a clue whether Ed Mueller knew or not. The only time that -- or when I first became aware of Ed Mueller taking a stance one way or the other was within a few days of Jeff Brown's resignation. 9:25AM

Q Were any other board of director members aware that Jeff Brown owned the store?

A Not that I'm aware of. Myself, Jason and Snap were the only three. 9:25AM

Q Are you familiar with the -- I'm just going to call it the PGR logo. Are you familiar with the PGR logo?

A Very aware of it. 9:25AM

Q Can you describe it for me? 9:25AM
A The PGR logo is a folded flag in the triangle background with "Patriot Guard Riders" below it and depending on your version, "Riding with Respect" or "Standing With Those Who Stood For Us." 9:26AM
Q Which version existed first?
A "Riding with Respect."
Q When did the "Standing With Those Who Stood For Us" version become available?
A It started with the wrangling of issues regarding the trademark in -- I think the first products with it came out first to mid week -- just before Christmas of 2006. 9:26AM
Q Do you know who created the PGR logo that included the phrase "Riding with Respect"? 9:27AM
A Jeff Brown did.
Q Who else knew that?
A Jason Wallin knew that. I would figure the original secretary, Kurt Mayor, probably knew that. Everybody on the board of directors knew that Jeff Brown physically created that logo. 9:27AM
Q Did you ever personally have conversations with Jason Wallin about whether or not Jeff Brown created the logo?
A Yes. 9:27AM

Q When did those conversations occur? 9:27AM
A In June of 2006.
Q Were those over the phone?
A Yes.
Q Do you recall any of the conversation? 9:28AM
A Well, yes. At that time, Jason Wallin gave me the story of the advertising on the Web site, which it was agreed that Jeff Brown would run the Patriot Guard Riders store and create income from that. That was the agreed-to between Jason and Jeff. And that Jason 9:28AM would, from the Google ads, create income from the Google ads, both of them, for funding the time and effort they put into getting the organization running.
Q Are you aware that Jeff Brown is claiming ownership of the PGR mark with the slogan "Riding with 9:28AM Respect"?
A Yes, I am.
Q And do you agree with his claims of ownership?
A I believe that the Patriot Guard Riders logo needs to be properly with the Patriot Guard Riders, 9:29AM Incorporated. I think the organization needs to own its own logo.
Q Let's talk about the slogan -- the mark with the slogan "Standing With Those Who Stood For Us." I think you said it was created -- well, when was it created? 9:29AM

A It was probably created or the idea was conceptualized probably in late November of 2006 with store opening in, like I said, early December of 2006. 9:29AM

Q What store opened in early December 2006?

A The Patriot Guard Riders authorized a company to begin selling merchandise. We put the logo -- I mean, we put that particular merchandise physically incorporated into our own Web site and contracted for sale of the products. 9:29AM

Q Is that the first store that sold merchandise with a PGR logo that was opened by the PGR as opposed to Jeff Brown? 9:30AM

A Yes, it was.

Q And is the company that you're referring to CDM?

A Yes, it is. 9:30AM

Q Were you on the board when the PGR, Incorporated, decided to use CDM?

A Yes, I was.

Q Were there con calls about that?

A Yes, there was. 9:30AM

Q Can you describe those for me?

A Well, when any inference whatsoever to Jeff Brown was removed from the Web site, up to and including our history at the very beginning was removed from the Web site, it was determined that people were screaming 9:31AM

about what am I going to do for my merchandise now. So Ed Mueller was put in charge of a committee to locate products and -- and acquire bids and estimates for that service. And he had a friend in the business who owned CDM, who said that they would take it on and create the merchandise with no money up-front. There was no money at the time. There was no money up-front and he would own the entire inventory and the Patriot Guard Riders would, in turn, take the profits from whatever he sold it to us for. 9:31AM

Q So did Ed Mueller solicit any other bids or estimates?

A If I recall, the committee talked to a couple of people and -- or, there was a report from Ed was that the committee had looked at it and this looked to be the most profitable deal. 9:32AM

Q Who owned the inventory, Ed Mueller or CDM?

A CDM owned the inventory.

Q Why were the references to Jeff Brown removed from the Web site? 9:32AM

A Basically because Bonnie and Ed were entirely scorned and irrational by the actions of what they felt Jeff had done and arbitrarily were -- were removing any linkage of Jeff Brown that they possibly could.

Q Was there a board of director's vote or decision 9:33AM

to remove those references? 9:33AM

A I believe -- well, yes and no. There were some matching times where Ed proceeded and made a call and then came back to the board. And there were some references at times where the board would vote, like, 9:33AM whether his store was going to remain to be allowed operational.

Q Describe those for me.

A Well, the gist of it was that Bonnie had basically -- prior to that, I think the history is 9:34AM extremely important -- had rather harshly removed and fired various members for any -- any interference to Jeff whatsoever. When Jeff was removed, she gave us a standing offer that he would close the store and turn everything over to the Patriot Guard Riders. Wanted 30 9:34AM days to clear his inventory or approximately 30 days. Wanted a rational period of time to clear his inventory and ask that he be listed as the founder emeritus of the Patriot Guard Riders, neither of which I personally thought was an extremely flamboyant thing to do at the 9:34AM time. I thought it was extremely prudent. And Snap was with me. Me and Bill Lines were the only ones who had contact with Jeff Brown at this particular point. Basically, Bonnie and Ed were pretty emotional in the deal and decided that was entirely unacceptable. And I 9:35AM

believe Ed pulled his store off the Web site initially and then talked to the board about it a little bit later. The board agreed -- not in its entirety, but the board agreed that they were going to do that and me and Snap went back to Jeff several times to try to negotiate something else out. 9:35AM 9:35AM

Q What else were you trying to negotiate?

A Why were trying to negotiate letting Jeff resign with dignity and turn the Patriot Guard Riders store and merchandise and belongings back over to the Patriot Guard Riders, I believe the trademark and all. 9:36AM

Q Ronny, let me get you to look at Exhibit 2. It's a forum post. The first date on the first page is 7 December 2006. There's numbers at the bottom. On the first page there's a PGR 001326. Do you see that? 9:36AM

A Yes, I do.

Q If you'll keep going a few pages in. I think on Page 7 there's PGR 001132. Can you find that page for me?

A PGR 0 -- Page 6, okay. Page 7 and -- yeah, I have it here. 9:36AM

Q Do you see at the bottom it says "rrawtry" and there's a post presumably from you dated 7 December 2006, and it continues over to the next page. Can you take a second and read that for me? You can 9:37AM

read it to yourself. 9:37AM
A Okay. I'm looking at -- looks like my post begins on Page 8 physically where it says -- it starts with "folks"?
Q Right. Take a second and read that and let me know when you've gotten through it. 9:37AM
A Yes, okay.
Q The new slogan that you referred to in sentence one, is that the "Standing With Those Who Stood For Us"? 9:38AM
A Yes.
Q Was that slogan created or adopted by the board? I don't want to put words in your mouth, but give us a sense, based on this posting, why that slogan was adopted by the board? 9:38AM
A It was specifically adopted by the board because the trademark was -- had become an issue and there were essentially enough -- a very small group, but enough loudmouths creating havoc on the forums that essentially the board caved in to any negotiations 9:39AM which -- it caved in like cardboard, but to pursue any further negotiations with Jeff, that essentially another slogan was created so that products could be marketed and that the anti-Jeff Brown group, as I call them, wanted to purchase products. So the slogan was 9:39AM

created so that we could mark it separate -- separate products indifferent of Jeff's store. That's basically it. 9:39AM

Q Was this post made by you before you and Snap were negotiating with Jeff or after? 9:39AM

A Let me see what the date on it is physically on the post. 7 of December 2006. We were still in the process of negotiation with Jeff. As far as -- at that particular time, as far as myself and Snap were concerned, I thought we were still trying to negotiate something out with Jeff at that time. That was right in the middle of it, actually. 9:40AM

Q Why did the board of directors change its mind and decide to contest the trademark?

MR. MARR: Objection, leading. 9:40AM

Q At some point did the board of directors change its mind and decide to contest the trademark?

A Actually, for a few members of the board of directors, specifically Bonnie and Ed, there was no negotiations going to take place in the first place, but myself and Snap believed in good faith, that we were working with Jeff in good faith to find an amicable solution to get out of that mess. It was an extremely inflammatory negative chapter in the Patriot Guard Riders' history for one reason or another. And 9:41AM 9:41AM

Jason always pretty much went with Bonnie and Ed and it was only discovered later exactly why. 9:41AM

Q Exactly why was that?

A Well, my theory, and, of course, it's my theory, and I think I could probably support it with fact, but when Jason pulled his disappearing act, he had the checkbooks and he had negotiated several bad deals with the treasurer at -- I mean, with various organizations, being the Healing Fields, T-shirt for a fire department or flags from a fire department in Colorado and a couple other things, all of which Jeff had to fund out of his own pocket or the Patriot Guard Riders store. Jeff had -- I mean, Jeff had no access to the Patriot Guard Riders official checkbook at this time and started asking Jason anytime we could get him on a con call or even when he wasn't on the con call, if somebody could get ahold of him, actually as far as sending somebody to his home or attempting to send somebody to his home to recover the Patriot Guard Riders checkbooks, at which point, I'm fairly confident that Jeff believed that Jason had misappropriated Patriot Guard Riders' funds. And there was never any proof that Jason had done so until, I believe, July or August of 2007 I came across the e-mail address to the PayPal accounts where all the donations and proceeds 9:42AM 9:42AM 9:42AM 9:43AM 9:43AM

from selling of the Sturgis shirts or any private stuff that we were using to clean out inventory, et cetera, were sold on the Patriot Guard Riders Web site. And it was determined at that time that -- by then I was the treasurer and it was determined then that the numbers that were taken in through donate or sale any kind of PayPal funds, specifically to the Patriot Guard Riders, did not match whatsoever what was donated. So essentially, initially, it looked like -- because Jeff had already been remove at the president, it looked like Jeff and Jason were having some kind of personal argument, but it turned out that Jeff was 100 percent on the money that, yes, indeed, Jason had stolen funds from Patriot Guard Riders. And it looked like the whole hurry up board meeting where Jeff's removal, which was initiated while Jeff as out of town, was probably to cover Jason who Jeff was uncovering Jason's theft.

Q You said that it turned out that Jeff Brown was 100 percent right.

A Yes.

Q How did you find that out?

A Well, through the PayPal account. I actually found this PayPal account. I created the new PayPal accounts for the Patriot Guard Riders for various

functions and initially Ed had set up a new PayPal account for the store specifically. And we decided that different programs that we did needed to have separate PayPal accounts so that, for accounting use, we didn't have to pick apart, you know, thousands of PayPal transactions a month to determine whether they were donations or whether they were purchases from the Patriot Guard home store or et cetera. And while I was looking to create an e-mail address to dump that into, the computer told me that there already existed such an e-mail address, Donation@PatriotGuard.org. So I opened that e-mail address and lo and behold, there were PayPal transactions that were under Jason's control dating all the way back to late February. It opened earlier than that, but the first transactions that were in there, for some reason, started in late February. And the reason that that was suggested was because we had looked at whether Jason had misappropriated some funds. And I had started an investigation into that in January with our accountant. And our accountant did not have enough to proceed and Jason Wallin would not supply his PayPal records. He would keep sending some kind of Excel spreadsheet or something that was kind of sort of some information, but he would not supply the exact PayPal documents. I called our accountant one

9:45AM 9:45AM 9:46AM 9:46AM 9:46AM 9:47AM

day to find out how that was proceeding and he informed me that Snap had told him to just close the investigation and don't go further with it because if you couldn't get the information, then let's just go on. At which point, I was fairly irate because I was the treasurer and that was supposed to be my responsibility to start or stop that, but -- so I always kept that in the back of my mind. So when I found that account, that's when I started adding up numbers and figured out that something was rotting in Denmark, that Jeff was right, that Jason had stolen Patriot Guard funds. 9:47AM 9:47AM 9:47AM

Q Who was the accountant that you talked to?

A I haven't done this in a year and I used to deal with this guy every day. John -- whatever the -- I don't know who the current Patriot Guard Riders accountant is. I don't believe it's changed, but whoever the official for hire accountant was. 9:48AM

Q Was it John Tatum?

A It was John Tatum, yes. I do apologize. I dealt with John every day multiple times a day for a year and I can't remember his name. 9:48AM

Q That's all right. What can you tell me about, I think you called it, the hurry up board meeting?

A Jeff Brown was actually in Alabama visiting Snap. 9:48AM

I believe Jason -- I believe Jeff and Snap had become fast friends and had a lot of respect for each other, so Jeff was actually in Alabama doing some Patriot Guard Riding. You know, I always thought it was important that national leaders showed up at different events all over the country just to show that we were real people that rode bikes just like them. So he's down in Alabama. And as a matter of fact, Friday night, that Friday he was supposed to have been at -- Friday, I think he went down on Friday and then Saturday he was with Snap doing some kind of Patriot Guard stuff. And the board all got together there to discuss -- Jason called a meeting to discuss the allegations of Jeff owning the store and what to do about it and all. I probably called Snap but he was not available by phone. But it was basically instituted without any knowledge from Jeff or Snap that an emergency board con call was being held. 9:48AM 9:49AM 9:49AM 9:49AM

Q Was Snap on the call?

A No, he was not. 9:50AM

Q Was Jeff on the call?

A No, he was not.

Q Who was on the call?

A Myself, Ed, Bonnie and Jason.

Q Who called the call? 9:50AM

A Jason. 9:50AM
Q Did he know that Jeff Brown was out of town?
A Yes, he did.
Q How did he know that?
A Well, we all knew that -- Jeff had informed 9:50AM
everybody that he was going to be out of town for a few days.
Q Did anyone ever suggest during the course of that calling that, hey, maybe we should try to get Jeff Brown on the line and see what he has to say about 9:50AM
this?
A I did.
Q And what response did you get to that?
A Maybe we just need to get Snap involved in it. And -- but essentially that the other members on the 9:51AM
phone call felt this was important enough that it needed to be proceeded with immediately. I was extremely uncomfortable.
Q Did they give you any indication why they felt the need to rush through it? 9:51AM
MR. MARR: Objection.
A No. There was such a hot bed of activity happening on the Web site. There was a very few people but extremely vocal and extremely un-unifying, if that's a word, but extremely dividing that were going 9:51AM

bonkers on the Web site about Jeff owning the store and how they felt about it. And we were all -- at the time I was probably getting three to 500 e-mails a day in my e-mail box. The Web site is exploding. You'll see a large number of posts from me at that particular time just trying to get in there and see the membership and do what I thought was the right thing as board of directors. And that -- but there was enough people and essentially with the knowledge of Jeff having -- having claimed ownership to the store, Ed and Bonnie were pretty irrational through that whole time. 9:51AM 9:52AM 9:52AM

Q Why do you -- what do you think the reason for that was? Why were Ed and Bonnie so concerned about ownership of the store?

A Well, I talked to Ed about this later. Never talked to Bonnie. Me and Bonnie didn't much get along. We had some rather vocal and public arguments. But in regards to Ed, Ed told me specifically that the reason that he felt so strongly and had some repulsion to Jeff Brown was because he had gone out and defended Jeff Brown and fired members and he essentially told me that he suffered from essentially what was comparable to scorned woman syndrome and he wouldn't forgive Jeff as long as he lived. And I think that emotion always overrode prudence on behalf of Ed Mueller. 9:52AM 9:53AM 9:53AM

Q When did you become treasurer of Patriot Guard Riders? 9:53AM

A I believe I became treasurer at the very end of November or the beginning of December of 2006. When there were questions initially of impropriety against Jason, there was no substantial proof, but the board said, hey, let's just go ahead and rearrange positions. And Jason was like, I don't want to handle the money, I'm just fine with that. So I stepped into that position. 9:54AM

Q Why do you think there was a bigger issue regarding Jeff Brown's ownership of the store than there was regarding Jason Wallin's PayPal money disappearance?

A There never was, as far as I was concerned. I believe that probably the bigger reason behind it was probably at the time, as I've said, there was a several -- small group of vocal minorities that were really tearing up the Web site and making our lives miserable. And the impetus to act or to do something was there in one form or another. I had presented some solutions. I know Snap had, too, to Jeff Brown prior to him going out of town, but as I said, I was always uncomfortable that we had an emergency meeting and we couldn't get ahold of Snap or Jeff. 9:54AM 9:55AM 9:55AM

Q Were there -- 9:55AM
A I was somewhat confused. Let me be perfectly frank here. I did not try to call Jeff. I was somewhat confused and there was a whirlwind of something I didn't understand happening, so I 9:56AM
personally called Snap. Nobody on the board knew that I did so, but I personally called Snap and that's, like I said, I got no answer.
Q While you were on the board, were there ever any other similar type of emergency meetings? 9:56AM
A Well, yeah, there was. There was several emergency meetings to determine -- called by Bonnie Cutler to determine whether I was going to stay on the board of directors. As I said, me and Bonnie had a longstanding disagreement and so she called several 9:56AM
meetings to determine if I was going to stay on the board of directors. And I was never voted to be removed. When the information about Jason Wallin -- when I finally found the documentation to proceed, actually Jason called an emergency board meeting and 9:57AM
resigned, admitted that he had misappropriated funds and resigned. And those are the main ones that I can attest to.
Q Did all board of director members participate in those emergency meetings? 9:57AM

A For the most part, yes. There might have been a member absent here or there, but pretty much when we called the board meeting, all board of director's members were pretty much present on every -- on every call of that nature. 9:57AM

Q While you were treasurer of PGR, Inc., what duties did you have with respect to stores that sold PGR merchandise?

A The only -- the only responsibility I had was to ensure that the accountant was updated when funds were transferred so that he could document it in our ledger. I never physically -- that was the first thing I instituted was I never physically handled money, but it was my responsibility to update the accountant when a transfer of funds had taken place. It was pretty much entirely oversaw by Ed Mueller. 9:58AM

Q In November or December of 2006, what circumstances would require a transfer of funds like you just described?

A In November or December of 2006, what would require a transfer of funds? Let me go back. Well, we immediately opened a new bank account and withdrew all funds. We stayed in the same bank, the Bank of Oklahoma, and we withdrew all funds from the existing account and transferred them over to a new account so 9:58AM 9:59AM

that we closed the old account. The old PayPal account that Jason had run was closed. And, basically, the removal of Jason from any fiscal responsibility. 9:59AM

Q Did you ever keep books that would show purchases from PGR merchandise sold on the Web site www.Patriotguard.org? 9:59AM

A No, I did not.

Q What about from merchandise sold on the Web site www.Patriotguardstore.org?

A No, I did not. 10:00AM

Q Who kept those books?

A Well, the books were kept by the -- who oversaw the books, I believe. And one of the -- if I'm not mistaken, you just named the PGR store and Jeff Brown's store? 10:00AM

Q Well, let's talk about that. Do you remember a store located on the Web site www.patriotguard.org?

A Not specifically. I'm bad with e-mail addresses and phone numbers and that kind of stuff. I mean, I would -- I remember everything that happened but specifically by name, et cetera, I'm -- I mean, by event, yes, I do. I understand that there were -- physically there were physically three occasions in which the Patriot Guard Riders sold merchandise and one of them was the Jeff Brown store, one of them was the 10:00AM 10:01AM

official PGR store, and one of them was the Patriot Guard Riders Web site itself to sell the overabundance of product that Jason Brown had ordered. And that was money that was supposed to go back. The Jason Wallin stuff was the stuff that when I became treasurer, this was my first red flag about Jason and misappropriation. The stuff that -- the overstock stuff that we physically worked through the Patriot Guard Riders organization itself to sell, the Sturgis Healing Fields shirt, the money came in to the Web site. There was a run in July where we are selling that kind of stuff, the additional Gathering of the Guard shirts from that year. And there's a run coming into the Patriot Guard Riders' PayPal account, but -- and I had no access to the PayPal account. I found this out because my first thing I did as treasurer was I ordered all of the back banking documents from the previous Patriot Guard Rider bank account, the official bank account. And so we sold some merchandise for that overstock, Jeff's store, and then the official Patriot Guard store that came on line in early December of 2006. 10:01AM 10:01AM 10:01AM 10:02AM 10:02AM

Q You said that there were -- the third example that you gave us were times when PGR would sell things directly on its Web site, like Sturgis shirts and you said that was in July. Can you tell me what year that 10:02AM

was? 10:02AM
A July of 2006.
Q So you -- so the PGR sold Sturgis shirts that way?
A Yes, Sturgis shirts and the overstock shirts, I believe, from the Gathering of the Guard. We sold a 10:03AM
couple of -- the Sturgis Healing Field shirt and -- there were two items and I believe it was the overstock of the Gathering of the Guard shirts.
Q And only those two items?
A I believe I'm correct on that, yes. 10:03AM
Q Who paid --
A There could have been another item. I don't remember, but those were the two main ones.
Q Who paid to have the Sturgis shirts produced?
A Well, ultimately Jeff Brown did. The money that 10:03AM
was collected on the Web site never made it back to Jeff Brown. That was the -- some of the disputed funds. And I believe the reason that Jeff had launched an accounting review of -- or had hired an accountant. When everything got really bad is when Jeff hired the 10:04AM
accountant to oversee what had been happening with the Patriot Guard books is when Jason came back out of retirement and essentially worked to have Jeff removed.
Q You referred to an official PGR store. When did that store open? 10:04AM

A December of 2006, I believe. 10:04AM
Q And was that the store that would sell merchandise with the PGR logo and the "standing With Those Who Stood For Us" slogan?
A Yeah, that was the CDM merchandise. 10:04AM
Q Are you aware of a Twister's store?
A Yes, I am.
Q And what was that?
A Twister's store was Twister's store. I mean, that was Jeff Brown's store that he owned. 10:05AM
Q I want to ask you some questions about stores regardless of what Web site they were on, whether they were on www.Patriotguard.org or www.Patriotguardstore.org, but I only want you to answer based on things before December of 2006. Okay? 10:05AM
A Okay.
Q While you were treasurer, during that time period, did you ever personally transfer funds to pay for costs associated with the production of any PGR merchandise?
A Well, as I said, I didn't become treasurer until that time. I didn't physically do anything prior to that point. 10:06AM
Q You reviewed accounts when you became treasurer?
A Yes, I did.
Q Did you see any evidence that PGR had been paying 10:06AM

for production costs associated with PGR merchandise? 10:06AM
A Essentially what I saw was in some of those Healing Fields, that type stuff. The PGR wrote checks for essentially the deposits to get the programs going. The PGR received PayPal payments to purchase the 10:06AM merchandise that was actually sold on the store, and essentially nothing was paid to the vendors for the additional money they were owed through the Patriot Guard Riders. That was the money that Jeff settled up independently. 10:07AM
Q Now, I want to ask you some questions about PGR merchandise with the Standing With Those Two Stood For Us Slogan. Have you ever seen that slogan on any type of ornamental pin or a coin?
A Standing for Those Who Stood For Us, that 10:07AM particular slogan? I don't remember and I'll be 100 percent honest with you, I had purchased more than enough product through Jeff Brown that I still have the hats, unworn hats, and Patriot Guard Riders large decals to put on your vehicle. I still have a quantity 10:08AM of those to this very day that say Riding With Respect, so I never paid much to the new store -- much attention to the new store because, frankly, I was always Riding with Respect. I hired on under that moniker and I always felt it made a lot more sense. I never liked 10:08AM

Standing For Those Who Stood For Us. 10:08AM

Q Do you own anything that says Standing With Those Who Stood For Us?

A Yeah. We were given hats at the Gathering of the Guard and I believe I have some challenge coins. I was 10:08AM given some challenge coins because the Patriot Guard Riders sent me on a few different outings to Walter Reed Army Medical Center to Naval Medical Center, San Diego, and I always took challenge coins to hand out to our disabled troops. 10:09AM

Q Best you can recall, when did you receive a hat that said "Standing With Those Who Stood For Us"?

A At the 2007 Gathering of the Guard. Ed Mueller brought them.

Q And when did you get a challenge coin that said 10:09AM "Standing With Those Who Stood For Us"?

A I think the hat said that, but I don't know that the challenge coins said that. But I received my challenge coins. Initially the first one was when I went to Naval Medical Center, San Diego. And, man, I 10:09AM could be wildly wrong with this, but it's documented in our books somewhere. I believe I went to that in May of 2007.

Q Did Jeff Brown make donations to PGR, either the organization or the incorporated entity, prior to his 10:10AM

resignation from the board? 10:10AM
A Yes, he supported a HOTH project and, as I said, he paid for several large outstanding debts that we had incurred. I would basically figure that's a contribution. 10:10AM
Q Would he -- how would that work? Would he pay those funds -- would he write out a check to PGR?
A In the case of a soldier that we helped, I believe, in Georgia, I believe he wrote the -- there wasn't a checkbook to write it from anywhere else, 10:10AM Jason still had the checkbook, so I believe that he wrote the check directly from himself. I could be mistaken, but I believe he wrote the check directly to the soldier himself. When I was sent to Army -- Walter Reed Army Medical Center, he wrote me a reimbursement 10:11AM check for my airfare directly to me. When he paid the Healing Fields people, I believe he wrote the check directly from himself to the Healing Fields. I don't know if it specifically came through the Patriot -- no, it did not necessarily come directly through the 10:11AM Patriot Guard Rider itself, but at that point in time you could not separate Jeff Brown from the Patriot Guard Riders, they were one and the same.
Q Do you know about how much money Jeff Brown gave to PGR or to related projects, including HOTH, your 10:12AM

travel, or anything like that, before he resigned from the board? 10:12AM

A There's actually a -- a series of e-mails. They're in these documents here that you had sent me. I believe it was in the neighborhood of $70,000. 10:12AM

Q Let me ask you this, Ronny. Do you consider the mission of the PGR to be different from the HOTH mission?

A No, I do not. At that time, Jeff Brown, Jason Wallin, everybody on the board of directors -- heck, even most people on the second board of directors main board of directors, that was Snap, Bonnie, Jason, myself and Ed and, heck, even from, I believe, current members of the board of directors, that basically the HOTH program is probably the future of the Patriot Guard Riders, when the current conflict ends, that the HOTH program is probably going to be the program that sustains us for future operations. My heart and soul in the Patriot Guard Riders was to always ensure that, just like always, when we go through the next ten to 20 years of peace, that the Patriot Guard Riders is sustained and ready to jump back on motorcycles and start riding when the next round of warfare starts and our soldiers need to us ride them for them again. 10:12AM 10:13AM 10:13AM

Q Take a look at Exhibit 3 for me. On that first 10:13AM

page there's a post that looks like it's from you dated 18 September 2007. If you would please take a little while and read through that and let me know when you're ready to talk about it. 10:13AM

A Okay. Hold on. I'm trying to locate it. What page is that? 10:14AM

Q Exhibit 3 is just a three-page exhibit. It's probably 16 or 17 pages into the document that I e-mailed you.

A Okay. 10:14AM

Q And it will have a sticker on the bottom that says Exhibit 3.

A Okay. I found Exhibit 3. Okay. Where am I looking?

Q Just go ahead and read through your post and get familiar with it. It starts on the very first page and it goes all three pages. 10:14AM

A Yes.

Q And let me know when you're ready.

A I remember this post explicitly. I'm ready to go. 10:15AM

Q Okay. So information that you put into that post, is that all true information about donations made by Jeff Brown?

A That post is the most true statement regarding any of the fiasco surrounding Jeff Brown that ever 10:15AM

transpired. 10:15AM

Q Are you aware that there were posts made to the forums on www.Patriotguard.org where certain individuals would make statements about whether or not Jeff Brown donated money at all to PGR or to HOTH? 10:15AM

A There was so much in-fighting and trash out there, I don't specifically remember them questioning whether he had donated any money to the Patriot Guard Riders or HOTH. They doubted Jeff Brown ever did anything for the Patriot Guard Riders. 10:16AM

Q In September 2007 when you made this post, were other people on the board of directors aware that Jeff had made these donations?

A Yes.

Q Who knew that Jeff had made these donations? 10:16AM

A Everybody. As I said, there in that meeting in approximately April of 2007, late April, I believe, I was accused in the threads of going to Jeff Brown every time the board of directors refused a HOTH project, then I would in turn go to Jeff Brown to do it. And it 10:17AM was a wildly untrue statement because the last time that Jeff had funded a project, which was back in February of '07, I was given orders by the board of directors at large to not approach Jeff Brown at any other times. So everything that Jeff had ever done to 10:17AM

that point, up through February, was common knowledge of the board of directors. 10:17AM

Q Why did they ask you not to approach Jeff Brown for any more donations?

A I can give you a quote, whether it's appropriate or not, but essentially Ed Mueller summed it up in that, "If that son of a bitch doesn't want to donate it directly to the PGR for us to decide what to do with it, then fuck him." 10:17AM

Q Go to Exhibit 4. And it's an e-mail that Jeff Brown sent to Snap, Bonnie Cutler, Jason Wallin, wescoot2, and you. And he cc'd head shed. And the date of the e-mail is December 6, 2006, and it's a two-page e-mail. Do you see that? 10:18AM

A Yes, let me -- okay. I've got it here. Okay. 10:18AM

Q Take a minute to look at it and let me know when you're ready to answer some questions about it.

A Okay. I'm familiar with it. I remember this letter explicitly. It broke my heart.

Q Go to the third paragraph. And the first sentence says -- and this is Jeff writing, "The structure of the PGR store has never been a secret." What do you think he meant by that? 10:19AM

A I don't know. As I said, I knew about it and I asked him about it and was given a very direct answer. 10:19AM

And that dates back to me personally in June of 2006. 10:19AM
I know that Snap knew about it when we talked about it and I know that Jason knew about it. I don't know who else knew about it. I know that Jeff publicly -- the first e-mail I can remember in public open forums to 10:19AM this topic was addressed by Jeff in October of 2006 -- I believe it was, October of 2006. But I know that once I asked him about it, he never -- never denied it and for my part, and I know for Snap's and Jason from the very beginning. I know that there are people 10:20AM directly involved with the board of directors who knew that Jeff Brown owned the store.

Q Who is that? What people knew that Jeff Brown owned the store?

A All I can attest to is myself, Jason Wallin and 10:20AM Bill Lines.

Q What was the question that you asked Jeff Brown and what was the very direct answer that he gave you about the store?

A I told Jeff that at that time that -- that I was 10:21AM told that, you know, that he owned the store himself, that it was official Patriot Guard Riders stuff and he said yes, absolutely correct. I funded it out of my own pocket and I started it and I run it. And I said, "Well, you know, you told us that you quit working to 10:21AM

run it and it doesn't take a rocket scientist to put A and B together." And he was like, "Yeah." 10:21AM

Q Go down to the last paragraph. Did Jeff Brown financially bail the PGR out of the Gathering of the Guard? 10:21AM

A I know what Jeff wrote an awful lot of checks. I don't know whether he physically bailed out the PGR from the Gathering of the Guard. I'd be lying if I answered yes. I know he wrote a lot of checks personally for the Gathering of the Guard. However, I can attest beyond a shadow of a doubt that he bailed us out of the Healing Fields 110 percent. 10:22AM

Q What about the PGR Sturgis shirts referred to in that paragraph?

A Absolutely. Everything to basically do with Sturgis, which was -- the Healing Fields were physically in Sturgis. Anything to do with that outing Jeff Brown essentially bailed out the PGR. He had vendors who were looking for us and couldn't get responses from Jason, the current treasurer. And then they, basically, started blanket e-mailing anybody in the board of directors or -- the state captain in South Dakota. I mean, they were, basically, frantically seeking payment for large sums of money that they had been promised and never received. 10:22AM 10:22AM

Q Was there ever any board of director discussion about Jeff Brown paying those sums of money personally? 10:23AM

A I know for my part, yes. I mentioned it several times on board of directors calls. I know that everybody was aware that he had done so. Bonnie and Ed Mueller always incorrectly stuck to the guns that Jeff knew what was happening all along because he had the checkbooks in his possession and, basically, decisions were made based on nonfact. We all knew from all being on the con calls that Jeff was actively seeking to get those checkbooks so we could get those vendors paid. And when that failed, he reimbursed them himself. 10:23AM 10:23AM

Q When did anyone on the board of directors at that time ever express any concern that Jeff was paying for these different things personally? 10:24AM

MR. MARR: Objection, leading.

Q You can answer.

A Well, actually, I don't think anybody necessarily gave a hoot one way or another. I mean, everybody was happily doing their own thing. And it concerned me because I was physically talking to these people, getting e-mails and stuff, and I was alarmed that they weren't getting paid. So I know on board of director's con calls in August and September, that Jeff had discussed that he had paid those. "Somebody help me 10:24AM 10:25AM

get the checkbooks, please." 10:25AM

Q Did Jeff Brown ever get the checkbooks?

A Jeff Brown physically, I believe, and this is what was said on one of the con calls, got half of a checkbook from Jason. No bank documents ever came. 10:25AM

Q Take a look at Exhibit 5 for me. And it's a two-page document. The first page is an e-mail from Jeff Brown to you on December 27, 2006. And it attached a donation, PGR store to PGR spreadsheet and the second page is a spreadsheet. Do you see that? 10:25AM

A Yes.

MR. MARR: Exhibit 5.

A Okay. The first page is basically a spreadsheet. That's all I have on that under Exhibit 5 is just the spreadsheet. 10:26AM

Q Does it say Brown 007766?

A Okay. I'm sorry. It starts -- there's a large gap between it. Yeah. There's a from JeffBrown@Valornet. on December 27, 2006, to me, "says FYI," and it has a series of stuff that came from Jeff Brown personally, yes. 10:26AM

Q Does that spreadsheet accurately represent donations from Jeff Brown?

A Yes, it does.

Q Did you ever discuss the missing funds and the 10:27AM

fact that they implicated Jason Wallin with Jeff Brown? 10:27AM
A Yes. Because, as I said earlier, Jeff had always felt that his basic problems that happened when he resigned, that they called a board of director's meeting, et cetera, were the direct result of his 10:27AM closing in on Jason for stealing the funds and him having to pay them all himself. And he, essentially, felt that Jason had orchestrated this all based on that. But since Jason would not turn over any PayPal records, there was no way to substantiate it. And 10:28AM frankly I always felt that maybe Jeff, at that time, had a little bitterness and scorned feeling towards Jason Wallin, but I promised him that if it ever came -- the evidence ever presented itself, that I would pursue it in plain conscience to the best of my 10:28AM ability. And when the opportunity came, I followed my word. I would have done it whether I told Jeff Brown I would have done it or not. It was -- me pursuing the investigation against Jason Wallin broke my heart because I said stayed in that man's house and I played 10:28AM with his children and accepted all the hospitality he had to offer. But right is right. I had to pursue the investigation because the evidence presented itself and it basically substantiated that Jeff was right all along, I felt. 10:29AM

Q Did John Tatum ever do an audit of the missing funds? 10:29AM

A Yes, he did. I did the preliminary audit. I put the original numbers together and went back historically, because I had a better idea of the history and everything that happened. In that document that you sent to me earlier, there were several things, airfare to D.C., and some other items such as that in there. And me being in the position with the history, I would know some of that kind of stuff based on the PayPal that went through there, what was correct or not. And so I looked through that and I worked with -- I worked with John Tatum originally in the very beginning of this and then John Tatum took it on and he did his thing with it. 10:29AM 10:30AM 10:30AM

Q When did you do your preliminary audit?

A I believe I had it to him in -- August or September seems to ring a bell. And since I was working from the -- I was working backwards. I was working from the PayPal receipts that were sent to the Web site and I had no official PayPal documents. And based on the preliminary things, Ed talked to Jason and he disagreed, at which time, he physically came up with the PayPal records himself and we were able to re-look at those and there were several things on there, 10:30AM 10:31AM

like -- Jeff pretty much always reimbursed somebody. 10:31AM
You spend the money out of your own pocket and then
Jeff would send you the money back. Airfare to D.C.,
Jason claimed all the airfare and Jeff claimed that he
had reimbursed Jason for those and several such things 10:31AM
as that.
Q You said August or September. What year was that?
A That was 2007.
Q Jason Walling turned over PayPal receipts to the
board of directors? 10:31AM
A No, he did not. That was in the e-mail address
that I discovered. When PayPal does a transaction on
your behalf, they send the -- they have the option of
sending the notification to an e-mail address. Then,
obviously, Jason had either forgot this or -- or 10:32AM
something because he had, prior to that point, always
denied that there was anything happening and everybody
just happily went down the road that we'll take Jason's
word for it and go on down the road.
Q What e-mail address was that? 10:32AM
A Donation or donations -- I'm not -- I don't
remember. I haven't used it in so long --
@Patriotguard.org.
Q And when did John Tatum report back on his audit?
A Well, there was a long period. The audit sat on 10:32AM

the shelf for about a month or two while the PGR leadership wrangled with how to pursue the findings on it, at which point the FBI was contacted. John Tatum's advice was sought to determine, you know, what was our judiciary responsibility of the Patriot Guard Riders with this information to keep ourselves above reproach for doing the right thing. And so it, basically, sat on the shelf for a couple of months. And during that time is when I eventually stepped down. The audit wasn't completed and back from John Tatum, I don't believe, until after I was no longer the treasurer. 10:33AM 10:33AM 10:33AM

Q How much money are we talking about? How much money disappeared?

A I personally believe all tolled that it was approximately $35,000. Jason was forgiven a debt. Initially, when -- okay. Jason always came clean when he thought he was on the spot. Originally, when Jeff stepped down in November of 2006, I said to Jason, I said, "Jason, didn't" -- how exactly did I put that? I asked him about the appropriateness of the funds that had come through that account, at which case Jason claimed that he owed about $11,000 and the PGR leadership decided to forgive him that debt in lieu of his ownership of the physical sober properties. They decided to accept payment for that money based on him 10:34AM 10:34AM 10:35AM

surrendering ownership of computer products that kept us going. 10:35AM

Q Did he surrender ownership of those computer properties?

A Did he? Yes, that's what I'm saying. He physically wrote an e-mail and in that, stated that he hereby gave PGR the server equipment, the -- you know, monitors. And he had a small list of stuff. And it was included, but it was separate that he give the domain name to the Patriot Guard Riders. 10:35AM

Q When did that e-mail come out?

A Within days of Jeff Brown stepping down because when Jeff Brown stepped down, I physically went to Jason and I asked him about that and -- and he turned around and proceeded with this action. 10:36AM

Q Where are those servers now?

A As I said, the best of my ability, they are at What-Wire in Colorado.

Q Did the board of directors ever discuss filing a lawsuit against Jason Wallin? 10:36AM

A Yes, they did. They sought -- they sought several remedies and it was actually recommended by John Tatum that, you know, you'll never get the money, you'll always have outstanding funds and it will show on the Patriot Guard Riders' Web site and have some degree of 10:36AM

liability attached to it. So we contacted the FBI and appraised them of the situation and they told them that if the attorney chose to prosecute that they would call us back. If not, they wouldn't. And for that sum of money, they probably wouldn't, that they generally go after much bigger fish. And it was -- the best recommendation was to get it off the books and to assess some type of blame. Now, we were told that it did not mean that further it could not be pursued for a criminal offense, but to issue Jason a 1099, in which case he would be liable for it as far as taxes were concerned and the PGR would not be judiciously responsible for misappropriate of funds, that it would -- it would be tied to Jason Wallin. And if it was ever pursued by the authorities that they would, basically, pursue the funds from Jeff Brown -- I mean, from Jason Wallin, it was decided that it was going to cost way too much in attorney's fees to get absolutely nothing back. It's going to be nothing but a legal case with nothing in the end but a judgment, a lien maybe, but probably never see the money.

10:37AM 10:37AM 10:37AM 10:38AM 10:38AM

Q When Wallin first admitted to using or taking the $11,000, I think you said, he had admitted to that in November of 2006?

A Yes.

10:38AM

Q Did he retain a leadership position in the PGR after that? 10:38AM

A Yes. He was -- there was a couple of things that took place. One is at the time he physically had the technical ability to go in there and turn the computers off, but he also possessed the technical ability to keep us running. And there was a large fear that if too hard a move was made against Jason, that he would shut the Patriot Guard Riders down. We're essentially Web-site based and so he was kept around, but it was unanimously decided and he threw out there himself that he would be nowhere associated monetarily to the Patriot Guard Riders, so he was removed from the treasurer position ASAP. 10:39AM 10:39AM

Q And what position did he assume then? 10:39AM

A I don't remember the exact title, but, essentially, based on that large position of Web site administration.

Q But he was still on the board of directors?

A Yes. 10:40AM

Q Do you recall any board of director discussion about wanting to keep a low profile about what had happened with Jason Wallin?

A Yeah. The board of directors, that was one of the big reasons I felt that the audit concerning Jason 10:40AM

needed to be made public record as soon as possible just because there were people asking about it. But on the heels of the trademark issue and Jeff Brown and everything, you know, one sounding leader in the position accused of misappropriation of the second one, which essentially meant that the organization was founded by lies and crooked to start with was a bad idea. 10:40AM 10:40AM

Q Did you ever uncover any documentary evidence that Jeff Brown stole money from the PGR? 10:41AM

A Never. Jeff Brown never physically -- Jeff Brown has always maintained, in various e-mails, et cetera, that him and Bonnie never used a red penny of the Patriot Guard Riders money. And I believe that is a completely, 100 percent factual statement. They gave more money to the PGR than the zero that was -- that could be attributed to him taking. 10:41AM

Q Are you aware that Jason Wallin has filed a trademark application for the PGR logo?

A Yes, I am. 10:41AM

Q Do you know when that application was filed?

A November, December of 2006.

Q Were you on the board at that time?

A Yes, I was.

Q Do you remember any board discussions authorizing 10:42AM

Jason Wallin to file that trademark application? 10:42AM
A Yes, I do.
Q Tell me about that.
A The board thought it was prudent that we trademark the Patriot Guard Riders immediately for the 10:42AM organization to gain ownership of its logo, and the board voted to proceed with that and put Jason in charge of it. It's one of the only things that he ever did expediently.
Q Why did the board feel the need to do it 10:42AM expediently?
A To separate itself from Jeff Brown and to ensure the future of the Patriot Guard Riders.
Q Did the board know at the time that it had these conversations that no trademark application had yet 10:43AM been filed by Jeff Brown?
A Yes, I believe so. I think that it was researched to determine if there was a trademark for the organization or not.
Q Who researched it? 10:43AM
A Either Ed Mueller or Jason Wallin.
Q Were you aware that Jeff Brown was using the mark at that time?
A Yes. I mean, that was the number one thing was that they wanted Jeff Brown to stop selling Patriot 10:43AM

Guard merchandise and -- and that was one of the avenues pursued to make him stop. 10:44AM

Q Was the board of directors generally aware that Jeff Brown was using the PGR mark at that time?

A Yes, absolutely. 10:44AM

Q Was there ever any discussion within the board of directors, while you served on the board of directors, about the multitude of forum posts regarding Jeff Brown that were appearing on www.Patriotguard.org?

A Was there any discussion regarding when Jeff was on the boards about the multitude of posts about Jeff Brown? I don't remember? A few times there would be some inflammatory accusations mainly originated by the Kansas Patriot Guard, who always claimed to -- that we were infringing on what they started. But, I mean, that's a real vague question and I don't necessarily know the answer. 10:44AM 10:45AM

Q Do you recall ever discussing within the board of directors that some of these inflammatory posts may or may not violate the terms of use? 10:45AM

A No, I'm not aware that -- specifically the terms of use, that was talked about. Quite often the terms of use was -- basically, I believe, that Bill Richart -- when the forum moderator came up with the terms of use idea, I don't even know that we 10:45AM

necessarily had a formal terms of use before. We may have, but it wasn't necessarily a topic before, give or take, maybe September or October of 2006. 10:46AM

Q Have you ever seen a black and white rectangular patch with F-J-B on it? 10:46AM

A Yes, I have.

Q Do you know --

A I never physically -- I've never physically seen the patch -- take that back. Yes, I have. When I went up to Washington, DC, for my uncle's funeral at Arlington Cemetary I saw it, but, yes, I have seen it. 10:46AM

Q You saw the patch at Arlington?

A Yes. Some Patriot Guard Riders from the Maryland, Virginia, D.C. area had it on.

Q Do you know what "FJB" stands for? 10:46AM

A Yes, I do. It means, fuck Jeff Brown.

Q It does not mean "Freedom, Justice and Brotherhood"?

A Officially, yes, it does. The implication of it, no, it does not. It was created to fuck Jeff Brown. 10:47AM

Q Who created it?

A Well, I later heard that there was an e-mail in which I participated and I knew exactly what it means because Ed Mueller had told us on a board of director's con call what it meant jokingly. And I thought it was 10:47AM

pretty offensive, but the -- it later came out in this thing where a newcomer had said what is this F-J-B and Randy, Steam, Stephens, Ed Mueller, Monica from Minnesota, who claimed ownership of creating the patch, when I said, you know, you guys -- it's in there and I don't remember my exact verbiage, but, you know, essentially my inference was quit being a bunch of cowards. I don't care that you feel that. I mean, I'm the kind of person that a person's feelings are a person's feelings and it's not mine to dictate what they are. But I am the kind of person that I have large Patriot Guard Riders tattooed on my right forearm and a POW/MIA on my left forearm and an American flag on my left shoulder. And I'm very much if you represent something, scream it off the top of your rooftops, don't be a bunch of cowards and hide behind that you don't know the meaning of it when you damn well do. At which point, Monica said a board of directors -- a past board of director's member is being inappropriate, which was me, for basically swearing everybody off. Saying, you know, you bunch of cowards, step up and claim it.

10:47AM 10:48AM 10:48AM 10:48AM 10:48AM

Q When was the board of directors conference call where you all talked about the FJB patches?

A Approximately shortly after its inception and I

10:49AM

want to say that that started somewhere in the neighborhood of September 2007, give or take. 10:49AM

Q Who all was on that conference call?

A Well, Jeff Brown --

Q I'm sorry. Say that again, Ronny. 10:49AM

MR. MARR: You're breaking up here, too, can you repeat the last two questions, please?

A I'm sorry. Ed Mueller is the one who stated it, so I know he was there for sure. Jason was already gone. And I -- well, you know what, I believe that -- 10:50AM see, I'm kind of dancing around because I don't remember the exact time frame, but if I'm not mistaken, the new board was already in place, so that would make it in November instead of September. But all I can attest to is that I remember specifically was Ed 10:50AM Mueller. I want to say that I believe that Bill Richart was probably on call. However, I will also state that Bill worked in the evenings and he wasn't on a lot of the evening con calls in the early days, so I would be lying if I said that with factuality. 10:50AM

Q Did Bonnie Cutler know what "FJB" implied?

A I don't know. By that point, there was such a breakdown in communication that myself and Bonnie never talked any more.

Q Did the PGR, Incorporated, receive donations from 10:51AM

the sale of the FJB patches? 10:51AM
A I do not know. I know that it was created to assist in the defense of the trademark is the history of it, so when I was sitting -- I never received a dime, but I don't know what happened after I left. 10:51AM
Q Are you familiar with the legal defense funds that appears on the Patriotguard.org Web site?
A Yes, I am.
Q Who's idea was that?
A If I'm not mistaken, and I could be wrong, I believe that that probably originated with Randy Stephens, possibly Bill Richart, but I don't remember. I think Randy Stephens was probably one of the biggest advocates of that. 10:51AM
Q Do you have any idea how much money that had raised? 10:52AM
A No, I do not because that's right around the time that I had stepped down and I -- as a matter of fact, I had already stepped down, I think -- no, that was the Gathering of the Guard that I helped create, so I don't remember. I don't have a firm answer. 10:52AM
Q Did the board of directors ever consider creating a similar legal defense fund to fund any litigation or prosecution of Jason Wallin?
A No. 10:52AM

Q Were you aware of any state level management that has ever been relieved of their duty because of their relationship with Jeff Brown? 10:53AM

A Yes, I am.

Q Who? 10:53AM

A David David, our Texas state captain. The strong supporters of Jeff Brown were always frowned upon after his resignation, but I know David David was here. And Texas had their own Gathering of the Guard in April and Jeff came to the Gathering of the Guard and shortly thereafter, he was removed from his office. And that happened right around July 2nd, which was my 40th birthday, because it was felt my relationship to David David, who I hadn't spoken to in over a year, may compromise me as well. So my past board of director rights, which was always voted that I would be -- or any past board of directors who left in good standing would have access to the state captain's forums as adviser to the board. It's, basically, that as a past board of director member in good standing, that you would stay on at head shed in an advisory capacity, not necessarily have any say-so on day-to-day operations, but to see what is happening and to input. And my rights were removed in that capacity at that time. 10:53AM 10:53AM 10:54AM

Q The Texas Gathering of the Guard, was that April 10:54AM

of 2008? 10:54AM

A Yeah. Yeah, April 2008. It's usually the last Saturday of the month in 2008.

Q Take a look at Exhibit 6 for me. It's an e-mail to you from exec dated July 8, 2008. Subject line 10:54AM reads, "What in the heck is going on"? Do you see that?

A Yes, I saw that. Let me get down to it. Okay. Hold on. I'm scrolling and it kept scrolling. Yes, I do. I'm there. 10:55AM

Q And you talk in the second paragraph about your privileges being revoked. Is that what you're referring to on July 2nd?

A Yes. Essentially, my stance has always been I just want the truth known and I firmly believe that the 10:55AM organization needs to own its own trademark, but I believe that basically anything that slandered Jeff Brown to give credibility that fight was good, and not -- I didn't believe that, but I thought the general mentality was that it was good. And I personally 10:55AM didn't believe that. I thought negotiations should have been pursued with Jeff originally in good faith and common decency allowed him to step out as founder emeritus and the organization to proceed. But, yes, I personally believed that because of my relationship 10:56AM

with Jeff Brown, meaning that I do not give my friendship away lightly. I can count my friends on my two hands. And Jeff Brown is one of those people on those two hands. And I personally talked to Jeff Brown and I told Jeff how I feel as a friend, he told me how he feels, and we agreed to go on down the road. And friends make mistakes. And the fact of a true friend is do you bail out on your friends when something happens. And I always was uncomfortable and felt it was unjustified that we had to quit hammering away at Jeff Brown's dignity as part of the whole thing. For some reason, the trademark and everything I always believe was used as a tool to deface and to discredit Jeff to every other possible degree, rather than sticking to the issues of negotiating for the trademark. 10:56AM 10:56AM 10:56AM 10:57AM

Q Do you remember writing this e-mail that's Exhibit 6?

A Oh, I remember writing it because I hadn't been on the Web site in a month or so, maybe sooner than that. I don't remember, but I didn't spend a lot of time on the e-mail. After I stepped down, I participated with my family and my company and my wife, who lost me to the Patriot Guard Riders for two years. And I was infuriated that, essentially, because I won't say I 10:57AM 10:57AM

hate Jeff Brown is, basically, I think a big part of it, is that I personally felt a target because I'm not one of the persons who will say fuck Jeff Brown. I'll say fuck Jeff Brown because other people are saying it but in no possible means, shape, form or fashion did I agree. I think Jeff needed his dignity, he needed to be founder emeritus and we needed our logo. 10:57AM 10:58AM

Q What response did you get to this e-mail?

A Absolutely none. I received a one e-mail from one of the junior or newer board members, who didn't even know me, and said that I could talk, but I didn't talk. I eventually talked to Bill Richart about it and told him how I felt. You know, I felt raped. I felt that, man, I had nearly lost my own personal business and I had put my wife through nine times of hardship because for two years I disappeared and participated in leading the Patriot Guard Riders and -- and nobody even answered me. And I felt that that told most of the story. Bill Richart went to the board and actually created a new role, which is called past board of directors, and instituted my rights. I will say that Bill Richart has always been available when I picked the phone up to call him and to communicate and -- but I was really flabbergasted that nobody responded to my e-mail. 10:58AM 10:59AM 10:59AM

Q Were your privileges restored? 10:59AM

A Like I said, they were restored. A new Web access ability was created called past board of director and I was included in that. It was is restored Monday a week ago, I believe. Bill called me to tell me that it had 11:00AM been restored and I was -- I was extremely grateful that -- like I said, I really felt -- I can't describe it any other way, I felt raped.

Q Do you know whether or not Jeff Brown, as a past board of director member, is part of this new Web 11:00AM access group?

A I do not have a clue.

Q Have there been any no confidence votes in the board of directors?

A Oh, yeah. I was -- I've had, like I said, maybe 11:00AM three or four no confidence votes on myself for, basically, not getting along with Bonnie Cutler.

Q Was there a vote of no confidence in March of 2008?

A In March of 2008. I don't have any direct 11:00AM knowledge of that because I wasn't on the board of directors at that time. I understand through, basically hearsay, that Ed Mueller -- well, I talked to Ed directly and Ed felt that there was a vote of no confidence on him. 11:01AM

Q Was that in March of 2008? 11:01AM
A Give or take. I couldn't remember exactly without looking through e-mails, but it was probably approximately that time because, like I said, I really quit doing anything in about January of 2008. 11:01AM
Q Have you ever been a forum moderator for www.Patriotguard.org?
A No, I have not.
Q Have you ever been a forum administrator?
A No, I was -- well, hold on. In the capacity that 11:01AM when Jason disappeared, I basically was a Web administrator just filling in in a pair of shoes that I didn't even know -- I was a gorilla with a machine gun. I didn't know what I was doing, but I filled in. I was never specifically in forum operations. 11:02AM
Q While you were on the board of directors, did the board of directors vote to elect forum moderators?
A Yes. There was a time, and I don't know if it's still taking place, where it was we elect a team leader and let the team leader pick his own team. And at some 11:02AM point, the board of directors voted that, no, they wanted to personally have some kind of say-so in what the team leaders -- who the people were being picked.
Q Was a candidate ever turned down because of his or her relationship with Jeff Brown? 11:03AM

A I did not specifically remember if they were. 11:03AM
Q Are you aware that forum posts were deleted or modified at any point?
A I don't know that any forum was modified. I don't know that specifically, but I do know that forums were 11:03AM deleted, but I don't believe they were actually deleted. I believe they were moved to forum moderator review. In that exhibit you just asked me about, I talk about one where earlier -- the earlier exhibit where I stated that I told the truth, the whole truth 11:03AM and nothing but the truth in the thread with regards to Jeff Brown donating to the Patriot Guard Riders. There was a -- I felt at that time that there was a good showing of pro-Jeff people as well as a good showing of anti-Jeff people. And I thought that the continuation 11:04AM of the argument was just hurting the organization. And I feel and Ed felt, for different reasons, Ed thought it was going pretty negatively against Jeff with some people, and I thought there was a good showing of people that were -- I thought the organization at that 11:04AM point in the membership deserved the right to hash it out and to put it all out in the open and get it over with one time, rather than repeatedly opening it and opening it and opening it and it was locked.
Q Do you know -- I'm sorry. Go ahead. 11:04AM

A "Locked" means that it was shut down, that nobody else could view it. I don't know if it was removed or not, but it was -- it was decided that this wasn't productive. 11:04AM

Q Who would decide that? 11:05AM

A Ed Mueller decided it, as the forum moderator, that it took a three-person vote to keep it open and that he -- that me and Ed, as two members of the board, didn't have the right to tell him to leave it open.

Q Do you know anything about Jeff Brown's password for access to the www.Patriotguard.org Web site being changed to "I am a thief"? 11:05AM

A No, I don't have any knowledge of that. I know that he was restricted and shut down and restricted and shut down and opened up and restricted and shut down and opened up and shut down on many times with board vote and with moderator -- I believe, with moderator management. 11:05AM

Q Have you ever personally been instructed to withhold information regarding the trademark dispute? 11:06AM

A To withhold information regarding -- I don't know if I was specifically ever told to withhold any information. As a matter of fact, Bill Richart told me that if he wins the trademark, if Patriot Guard Riders wins it, he wants it won fair and honestly and he 11:06AM

doesn't want anybody to withhold. That's what he told me specifically. I do know that my views and feelings and input and history of the Patriot Guard Riders has been challenged on multiple times because -- like Ed and Bonnie Kept telling people that Jeff always had the Patriot Guard checkbooks and I believe that everybody, including them, knew damn good and well that Jeff never had those checkbooks, that Jason had them. And so I believe that I have always been kind of stifled because, you know, such as this deposition here. Yeah, I believe that the Patriot Guard needs to own its name, but I also believe that Jeff Brown has been done bad a time or two by the organization and I just wanted -- I remembered it. 11:06AM 11:06AM 11:07AM

THE WITNESS: Hang on just a second, Ronny. 11:07AM

A Okay.

Q Ronny, do you know whether or not Ed Mueller has received any money as a result of the purchase of PGR merchandise from CDM? 11:08AM

A I'm sorry. My phone kind of bleeped there. Somebody was trying to call me and I missed part of your sentence.

Q That's all right. Let me ask you again. Are you aware of whether or not Ed Mueller has received any 11:08AM

money personally from the sale of PGR merchandise produced by CDM? 11:08AM

A No, I'm not. It was brought to our attention one time that they have a salesman with the last name of Mueller and accused Ed of having a relative there. I called Snap, who was the president at the time, and told him that, you know, I'll call Ed myself and ask him and Ed flatly denied having any relation to the Mueller employed by CDM. 11:08AM

Q Ronny, do you recall receiving a phone call within the last week or so from Dave Marr? 11:09AM

A Yes, I do, yes.

Q What did he tell you during that phone call?

A Dave Marr offered to represent me as part of the trademark dispute as a past board of director member, that he would represent me. And I asked him why and he told me because if he represented me, then there would be certain questions that I couldn't be asked or certain things that -- and I told him that I -- I just wanted the whole truth out there and I'd call him back if I wanted that to happen, that I wanted to call my own attorney to seek advice, who advised me that, you know, if you're trying to tell the truth, then you don't want an attorney representing you on either side. And if one of them is trying to go at, then you might 11:09AM 11:09AM 11:10AM

want to take sides with one or the other. But at this point, if they're asking you questions and you want the truth, then the only way to do it is to be unrepresented. 11:10AM

MS. BRU: Dave, we're ready to pass the witness. I don't know if you want to take a break. 11:10AM

MR. MARR: If it's all right with Ronny, I just have a few questions relating to the trademark. And I don't know if he anticipated, I won't take too much more of your time, Ronny, would you like to continue and finish it or would you like to take a break? 11:10AM

A Sure, we can go ahead. That's fine.

MS. BLUE: Dave, one second. This is Rachel before you go forward. Courtney has to leave. She's got to go speak at another seminar, so she's going to be leaving us, but I'll be here so continue, okay? 11:10AM

MR. MARR: Okay. That's fine.

MS. BLUE: Okay. Go ahead. 11:10AM

CROSS EXAMINATION

BY MR. MARR:

Q Ronny, before Jeff Brown resigned from the PGR, were you ever aware that he claimed to own the PGR trademark as an individual? 11:11AM

A I have no specific knowledge that he claimed to own the trademark as an individual. I mean, like I said, I knew that he owned the store. 11:11AM

Q Was it your understanding that Jeff Brown's use of the trademarks, PGR trademarks, was on behalf of the corporation or on behalf of himself as an individual? 11:11AM

A I never really put much thought into it. I always thought that the logo up to that point was just part of the Patriot Guard Riders and I assumed that it was our logo. 11:11AM

Q When you say "our," what are you referring to?

A "Our," the Patriot Guard Riders.

Q The organization or the corporation?

A Yes. The physical Patriot Guard Riders, Incorporated. 11:12AM

Q Okay. You said that -- when did you testify that you originally became a board member? What month and year was that?

A I originally became a board member in 2006, at the same approximate time as Bonnie Cutler. The board had been a three-man board until then and it was expanded to a five-man board. 11:12AM

Q Okay. And that was -- I'm sorry, go ahead.

A I found out later that was never, you know, officially put in the bylaws or anything until 11:12AM

November, but we operated as a five-man board from June forward. 11:12AM

Q Okay. I believe you testified that you became aware that the store was -- the PGR store was owned by Jeff Brown sometime in June of 2006, is that correct? 11:13AM

A That's correct.

Q Based on your -- well, did you become aware at the same time that Jeff Brown claimed ownership of the trademarks?

A No, never thought to -- never thought to go down that road. I just knew that Jeff owned the store at that time, based on conversation with Jason Wallin and Jeff Brown himself and later Snap. 11:13AM

Q Did you ever see any posts by Jeff Brown on the Web site prior to October of 2006 claiming that -- or admitting that he owned the store? 11:13AM

A Truthfully, no. I never -- never saw anything prior to that, official. That doesn't mean it wasn't out there, that just meant I never saw it or participated in it. 11:14AM

Q Did you ever see any indication on Jeff Brown's store Web site indicating in any way or any indicia that he as an individual owned that store?

A I, frankly, never looked. I just got myself and went down the road, so I did not see anything that said 11:14AM

that, but I was not looking. 11:14AM
Q At some point during your testimony you testified that you knew what Twister's store was. Prior to October of 2006, was there an indication on the Web site that it was "Twister's" store? 11:14AM
A I don't know. Prior to November of 2006, I had never spent more than ten minutes thinking it was worth investigating.
Q Okay. Let's see. Then in June of '06, you testified that you and Jason and Bill Lines, in short order, became aware that Jeff owned the store, is that correct? 11:15AM
A Yes. And I don't know that Bill Lines -- me and Bill talked about it probably in August, but I know me and Jason and Jeff were talking independently about it as early as June of 2006. 11:15AM
Q Did you ever tell that to Ed Mueller or Bonnie Cutler?
A No. At that time, Ed Mueller wasn't even an associate of the board of directors. He was, I believe, the head forum moderator or national captain, somewhere in there. And as I said, me and Bonnie never really saw eye to eye on a lot of things and communication extremely broke down shortly after that but, no, I never much confided in Bonnie much. 11:16AM 11:16AM

Q Did you tell other members of the head shed in June of '06, that you had learned that Jeff owned the store as an individual? 11:16AM

A No, not necessarily. I didn't discuss it with anybody. 11:16AM

Q I believe you testified that in October of '06 is when it became public knowledge that Jeff owned the store, is that correct?

A That's the best of my knowledge, yes.

Q Why do you think that there was such an uproar among the membership upon learning that Jeff Brown owned the store? 11:17AM

A Well, I have to say that it wasn't -- at that time, there wasn't an uproar amongst the membership at large. There were probably five people, Tony Turner, Monica, Monica Mead, Allen Mullis, a small group of people on the east side who, like I said, were a very focal minority, but just wouldn't quit raising cain. Most of the people, I felt at that time, couldn't care one way or the other. 11:17AM

Q Was it publically known that Jeff Brown was profiting as an individual from the store sales?

A Not to my knowledge. Like I said, I knew and I knew that Jason and Snap knew and, frankly, as the board of directors, I pretty much spent most of my time 11:18AM

and most of my efforts in the national administration and jumped out on the Web site when a fire broke out to try to maintain calm. And that's when it really got nasty was in late October of 2006. 11:18AM

Q I see. Did you know to the extent of the -- do you know the extent of the process that Jeff Brown was making from the store sales? 11:18AM

A I had no clue.

Q Do you know now?

A No, I don't know now. You know, he said in his e-mail that's his and Bonnie's store and nobody's business. 11:18AM

Q Okay. Just a few more questions. When did the org con call that you testified about to remove Jeff Brown take place? 11:19AM

A Saturday, I would have to look at it, but I believe the first Saturday in November, Jeff was at Snap's house, like I said, and I believe it was the first Saturday in November.

Q Of? 11:19AM

A Of 2006.

Q Okay. Was that before or after the con call wherein the board authorized Jason Wallin to file the trademark on its behalf?

A That was before. The trademark -- Jeff's issue 11:19AM

was handled first, followed shortly by a negotiation to gain the store, in which point somebody discovered that there was an official trademark and the board elected to have Jason pursue officially trademarking. 11:20AM

Q And you testified that at that time you knew that Jeff Brown was using the mark, but did you know that he was using it as an individual or did you know that he was using it on behalf of the organization? 11:20AM

A I knew that he was using it as an individual, but I also was really aware of the large amount of money he'd invested into the Patriot Guard Riders through that. And then myself, at that particular time, I personally didn't see what the big deal was all about. I was talking to Jeff independently that there's character I talked about, I call him Uncle Bubba, and Uncle Bubba thinks he's a rocket scientist and he's -- he's about a half wit in reality. And I told Jeff that I don't think that Uncle Bubba would understand this because that's -- it was starting to -- this was probably right before Jeff went out of town after the furor had already started. 11:20AM 11:21AM 11:21AM

Q I see. In your opinion, as of, I believe it was, November 8, 2006, when the board authorized Jason to file the trademark on the organization's behalf, who was using the mark in connection with the missions that 11:21AM

were being conducted to honor our fallen soldiers? 11:21AM
A That's a pretty broad sweeping statement. I mean, everybody wanted Patriot Guard Riders merchandise, everybody wanted to be identified as Patriot Guard Riders merchandise on missions. So the Web site was 11:22AM using it, the individual riders were using it, Twister's store was using it. Just a pretty broad sweeping range of folks were Patriot Guard Riders.
Q Okay. Before Jeff Brown resigned from the PGR, did you have any knowledge with regard to any type of a 11:22AM license or permission allegedly being presented by Jeff Brown to the PGR organization and/or corporation to use the PGR trademarks?
A No. I'll go back to I had never spent more than ten minutes researching it. I knew Jeff Brown owned 11:23AM the store and I knew that the Patriot Guard Riders was using it. And it might be naivety on my part, but I never saw a conflict of interest.
Q Did you and the PGR leadership, at the time that you authorized Jason Wallin to tried to file the 11:23AM trademark application on the corporation's behalf, did you believe that the trademark was owned by the organization?
A Yes, I did. I thought it represented the organization and it was so fundamentally tied to our 11:23AM

image and our personnel that, yes, I believe that the organization owned the trademark. 11:23AM

Q You testified with regard to your knowledge of Jason Wallin diverting funds from the organization, did that knowledge come before or after he was authorized to file the trademark application? 11:24AM

A Oh, the knowledge? He physically gave the $11,000. The board forgave him $11,000 before that time. And the allegations of other misappropriations were -- that's why Jeff was seeking the accounting. So I knew that there was allegations and then when I said, you know, what about the Web site and the Google ad? I asked Jason specifically about the Goggle ads because in my foggiest wild notion, I never believed that the donate button was tied to the Google ads and they all went to the same place, which turned out to be Jason's pocket. So before the trademark was filed, yes, Jason had come clean on the first part of misappropriations. 11:24AM 11:24AM

Q I think you had earlier testified that Jason came clean after Jeff Brown resigned from the organization. Am I incorrect? 11:25AM

A Exactly. Jason came clean when -- I mean, this is kind of a whirlwind of events. So, you know, if I put something a day or two off that comes before or after, it all pretty much happened at the same time, but I 11:25AM

knew that the Google ads were Jason's and that he was misappropriating the funds from the Google ads by accusing Jeff of the ownership, that what are you going to do about that. At which point, he told the board the following day that he had profited off the Google ads, swore on the meeting. And I think that was my first priority of business was if we were sorting out funding, that I felt that needed to be sorted out right off the bat. 11:25AM 11:25AM

Q You said "the following day," you mean the day after the trademark application was filed? 11:26AM

A You know, I'd have to look at a time line because everything happened right there back to back. And I have an e-mail where Jason somewhere -- this happened, so, of course, we could always look at that e-mail versus the date of the actual filing but I'm -- 11:26AM

Q (Inaudible.)

A -- I think that -- man, it all happened right then. About three days there was hundreds of stuff happening on the Web site, there was decisions being made, all kinds of stuff right there in a short three-to-five-day period. 11:27AM

THE REPORTER: Mr. Marr, I didn't hear what you said.

MR. MARR: Are you speaking to me, Rachel? 11:27AM

MS. BRU: No, I'm sorry, Dave, that was the court reporter. She couldn't understand you when were talking while Ronny was talking. 11:27AM

MR. MARR: Oh, I forgot what I said. I'll just ask another question. 11:27AM

Q So you're not certain of the sequence, is that correct?

A I'm not 100 percent certain of the sequence, but I knew in my personal mind one of the biggest things was that if Jason had profited off the Google ad while claiming that -- or interest to get some people to go to Jeff, that he owned the store and needed to be removed for it, that he -- we would need to go address this as well. At which point, Jason put out a nice package and the board said, "Aw, shucks." 11:27AM 11:28AM

Q Okay. Do you recall testifying as to what your understanding of the original PGR logo comprised -- included?

A Yes.

Q And what is that again, please? 11:28AM

A It's a folded flag inside of a yellow triangle around the folded flag or the start of the folded flag, I should say, and it says "Patriot Guard Riders" and below it there's a strip that says "Riding With Respect." 11:28AM

Q And do you currently still attend missions of PGR, missions for fallen soldiers? 11:28AM

A I haven't been on an honor mission in -- in probably six months. I have been to a troop send off in the last, oh, about a month ago and -- for one of my friends. And then I've done a couple of things like that. Like I said, I haven't donated so much of my life in the last two years leading up to me resigning for family and business issues. I've pretty much stepped aside of it. I haven't really been involved in anything happening since January of 2008. 11:29AM 11:29AM

Q At the event a month ago and then at the ride six months ago, do you recall seeing that original logo being displayed by members of the PGR?

A Yeah, most people here in Texas still ride under the "Riding With Respect" logo. And they also take -- Texas developed its own logo, which they've been using for several years, that's "Standing Tall and Silent." 11:29AM

Q Okay. Well, I appreciate your taking the time today and I don't have any further questions at this point, Rachel. 11:30AM

MS. BLUE: Okay. I think I just have one then.

REDIRECT EXAMINATION

BY MS. BLUE: 11:30AM

Q Ronny, what is your understanding of how an individual or an entity comes to own a trademark? 11:30AM

A Well, before November of 2006, I had no clue what a trademark was or what was happening. It wasn't even part of my vernacular. But to own a trademark, you submit it through the trademark or patent office, whatever it is, and then they review it and after some period of time, they issue a preliminary approval kind of thing where at that point, if there's any objections, you can go to their Web site and look at what's up and protest it or not. 11:30AM 11:31AM

MS. BLUE: Okay. I don't have any more questions. Thanks.

THE WITNESS: All right.

MR. MARR: Okay. No more questions. Thank you. 11:31AM

MS. BLUE: Ronny, the Court reporter can send you a transcript of this and you can review it for accuracy and sign it and return it to us or you can waive that, whatever you choose. If you'd like her to, she'll be happy to send it to you and you can take a look at it and sign off on it. 11:31AM

THE WITNESS: Either way. I mean, when you're talking to review it for accuracy, I've made statements and there's, you know, just some 11:31AM

particular time lines that may be in question, but other than that, everything's 100 percent. I'd take a polygraph on anything I just said. 11:31AM

MS. BLUE: Well, really what we mean is review it to make sure that the court reporter accurately recorded what you said today, so that's the review for accuracy. 11:32AM

THE WITNESS: Okay. If you would like that, send it to me, I'll review it and send it back to you. 11:32AM

MR. MARR: Just because it was a telephonic deposition, it might be worthwhile to make sure that everything you said was accurately recorded.

MS. BLUE: I agree with Dave there. I think that is a good idea because we could have missed an answer here or there when the phone was cutting in and out so that's a good idea. Let's have Marlene send it to you. 11:32AM

THE WITNESS: All right. I'll review it and get it right back to you. 11:32AM

MS. BLUE: That sounds great. Thank you very much.

THE WITNESS: Thank you.

(Whereupon, the deposition was concluded at 11:32 a.m.)

SIGNATURE PAGE

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

Witness my hand this 25th day of November, 2008.

Ronny Roy Awtry

SUBSCRIBED AND SWORN TO before me this 25th day of November, 2008.

Patricia L. Steele
Notary Public

My Commission Expires:

PATRICIA L. STEELE
Notary Public, State of Texas
My Commission Expires
July 30, 2011

C E R T I F I C A T E

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

I, Marlene Percefull, Certified Shorthand Reporter within and for Tulsa County, State of Oklahoma, do hereby certify that the above-named witness was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the case aforesaid, and that I reported in stenograph his deposition; that my stenograph notes were thereafter transcribed and reduced to typewritten form under my supervision, as the same appears herein.

I further certify that the foregoing 91 pages contain a full, true and correct transcript of the deposition taken at such time and place.

I further certify that I am not attorney for or relative to either of said parties, or otherwise interested in the event of said action.

WITNESS MY HAND AND SEAL this 5 day of November, 2008.

Marlene Percefull, CSR
CSR No. 01818

CORRECTIONS TO THE DEPOSITION OF

RONNY ROY AWTRY

PAGE AND LINE NUMBER	CORRECTION
Pg 4 Line 17	rrawtry@yahoo.com - no upper R
Pg 9 Line 19	Home to "Help on . . . "
Pg 17 Line 25	"said" not set
Pg 21 Line 20	"property" not propery
Pg 24 Line 12	"interference" not intuferrence
Pg 25 Line 8	"We" not Why
Pg 25 Line 3	"Wallin" Not Brown
Pg 39 Line 10	"Keep" not quit
Pg 69 Line [illegible]	"web site" not email
Pg 69 Line 2	"Post to" not view
Pg 74 Line 6	"Bill Richart" not SD Mueller
Pg 74 Line 3	add - "these was not an.
Pg 83 Line 2	"and" not by
Pg 86 Line 3	that to "but"
Pg 86	

October 31, 2008

Mr. Ronny Roy Awtry
Speedy Services
1050 KCK Way
Suite 2
Cedar Hill, Texas 75104

Dear Mr. Awtry:

Enclosed you will find your copy of the deposition you gave on October 28, 2008. Also enclosed you will find the correction page and original signature page for the deposition.

Please review your deposition, make any needed corrections on the correction page and sign the original signature page before a Notary Public. As soon as this procedure has been completed, please return the correction page and the original signature page to me.

If you have any questions, please feel free to contact me. Thank you for your assistance in this matter.

Sincerely,

Marlene Percefull, CSR

Exhibit 1

Messages

0 Unread Messages

0 Read Messages

America Loves You Silk Rose

PGR Doo-Rag

PGR Member #3415

hollywood68
Posts: 732

11 Dec 2006 4:14 PM Alert

This whole topic, from the quesiton to the last post is a complete misuse of cyberspace. I have not been in the Captains forum flor a while as all this dribble pisses me off. I don't have the interest to saty in here and wonder when the BOD will let us know about "business cards" or whatever ; Mission today, Mission tomorrow, Wed and Thursday and then one on Steeler Sunday for a 19 year old PFC who jumped on a grenade in his humvee to save the lives of his four comrades - he did. His and the other Missions are all that matter - NOTHING ELSE in here means S... Our members here in PA, WV and OH simply get it done, all three states work together attend Missions together and I've yet to have anyone question the logo or anything else. Pray for our troops and for the fallen. Think about having to bury your 19 year old son the week before Christmas.

Honor and Respect

Hollywood

USAF - 68-72

mawtry
Posts: 827
PGR-BOD-Secretary

11 Dec 2006 4:50 PM Alert

Monty, God Love You!!

It appeared that you were vollunteering for the most hated person in the PGR!! I have laughed for the first time today, Thank You for that small but treasured gift!!

It is about unity, its not about me or you or anybody, it takes us all to pull off the mission(s), to honor the fallen, to stand(or sit) with the families in need. Our internal unity leads to our abillty to rally for those who need us.

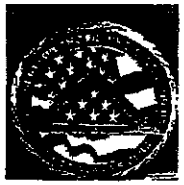
I stood in the rain with a flag yesterday. Got an e-mail thanking me for showing that National is just a bunch of fellows who stand in the rain and hold a flag, just like the next man, woman, or child.. That isn't a thankable thing, it is just what we do. I put my pants on one leg at a time, my wife sees me little because of the PGR and that isn't much different than you...

I don't want to blow smoke up my own ass. i got here by giving a damn, excelling at coordination as

EXHIBIT
tabbies

PGR Armband

Welcome Home Silk Rose



Wounded Warrior Challenge Coin

we grew, and getting the damn job done!! Didn't buy my position, didn't get a store kick back, didn't have a buddy hand me a position, I saw a need and filled!! I see some very uncompassionate swipes at national. I didn't wake up this morning to be at anyones beckoning call... I have piles of e-mails to answer, I was caught up finally last week and now i am in the freakin hole again, this thread got the work, I have the National 501(c)3 questionare to finish. I would be wrong if I said who gives a shit if everyone knows everything, I agree the logo was a shocker!! Me personally, I would rather share it with Jeff than change it!! That is me personally, not the BOD member that lived through hell week and accusations based on facts that we, the BOD, made available in the first place!! I voted on the change based on the concensus and frankly, I run the HOTH program and it isn't my duty to keep you informed, that is the duty of someone else, not me. I just tried to keep the info flowing and learned my lesson. My heart is in the HOTH and I too can see it does no good for me to come here, I plan on making this the last time I open this forum. feel free to go after me in my absence, it really doesn't matter, no solutions are to be found here!!

I get sick of being accused of all sorts of bullshit. I am really a peacemaker, strife and friction and all this makes me defensive. It brings out that anger that when i was younger made me jump between the bully and retarded kid. The kid needed defended and i would have been a bigger coward than the bully if I didn't kick that bully's ass!! Never felt better than than I did when i knew that kid could walk home in peace for the rest of his life!! I get to feeling that same protective response in these forums. I just cannot figure out where all this bullshit comes from, for it isn't healthy. i am here because i love this group, I will never come to terms with those who are miserable here, but this is the joy of my life!!

This is my love, I do this for the same reason you do, I love it!! The pay sucks!!!

I am sorry that several Minnesotans feel that what occured here is directed at you: George and Birdie specifically.

God Bless,

Ronny "BEAR" Awtry
BOD Corporate Treasurer
Director of Help On The Homefront
[redacted]

In memory of Danny Jurecko. May 8, 1968. 281st AHC Intruder. You are not forgotten.

Zippy
Posts: 6027
Phoenix, AZ
National Forum Admin
User Accounts

11 Dec 2006 5:33 PM Alert

I have watched this thread for the most part and I am just thoroughly disgusted with some of you. A logo, huh? Six pages of bandwidth about a logo and someone didn't ask your permission? Wait a minute, you didn't want someone making a profit from a store that basically started this organization

Exhibit 2

Patriot Guard Riders

Standing For Those Who Stood For US

Friday, June 13, 2008 ..:: ALL Forums ::.. jomalley Logout

Code Amber Alert

This is the Code Amber **Amber Alert Ticker:** -- CodeAmber.org needs y

Navigation

- Home
- About Us
- Leadership Contacts
- Letters of Appreciation
- Fallen Warrior Scholarship
- ALL Forums
- Help on the HomeFront
- Most Recent Posts
- Photo Gallery
- Media/Press
- Fallen Members
- Events
- Troop Support Partners
- PGR FAQ
- PGR Gear

Patriot Guard Riders Forum

Unanswered Not Read My Forums Active Topics Forums My Profile Search Members

Forums > Off-Topic > Dead Horse Barn

Subject: Standing For Those Who Stood For Us?

You are not authorized to post a reply. Page 1 of 3 | 1 | 2 | 3 | > | >>

Author	Messages	Oldest First
Aardvark ® Posts: 63 Central NJ	07 Dec 2006 9:38 AM	Alert

With all due respect for our National leadership.... I believe the new "slogan" has nothing to due with why we ride and too much to due with political correctness.

Each and every one of us has our own deeply personal reasons (plural!) WHY we ride and maybe this

EXHIBIT 2

Dialup Homepage

Directory

Click to send an email to the departments below:

User Support
Moderators
Photos
Media
Media Sightings
Submit Picture of Day
Web Site Administrator
Communications Officer
Letters Of Appreciation
Help On The Homefront

Mission Request

Click on the link below to make initial contact with us regarding honor mission requests:

Contact Us

Contact Arlington National Cemetery

slogan captures it for some, but it can't possibly represent all of us. I see it as an emotionally manipulative attempt to change our basic purpose because it leads directly into thinking about why they were "standing for US." The PGR doesn't belong in that arena.

I consider this new slogan a violation of our Mission Statement and will refuse to buy any PGR Store products branded with it. I will cherish those that say I'm "Riding With Respect" and I pray that you'll return to selling them.

I'm sure somebody meant well, but I think we've made a wrong turn. It's all about RESPECT, that's all we need to ever say.

Aardvark
Maj, USAF (Ret.)

Poor is the nation that has no heroes . . .
Shameful is the one that, having them . . forgets.

nomad16 ⊗
Posts: 0

07 Dec 2006 10:14 AM Alert

I was assured by my State Captain that the PGR motto/slogan (whatever) is still "Riding With Respect". I think (at least I hope) PGR items with "Riding With Respect" will still be available.

I don't know if it is for the same reasons as Aardvark or not (I'm not sure what he means by "political correctness") but I don't like the logo with "Standing for those who stood for us" slogan/motto either. In fact, I was about to purchase a hoodie when I noticed it and changed my mind.

hlange ⊗
Posts: 775
NCR Captain,
Bangor WI

07 Dec 2006 10:31 AM Alert

Both mottos are, IMNSHO, correct, one is what we do, the other is how we do it. I'll be buying a couple of T-shirts.

Henry A. Lange BTC(SW)(USN)(Ret)
"Remember that no matter how many missions you have been on, all that matters to the family is the one you are on today." *Roert*

"A positive anything is better then a negative nothing."

Messages

0 Unread Messages
0 Read Messages

America Loves You Silk Rose

PGR Doo-Rag

nomad16
Posts: 0

07 Dec 2006 10:42 AM Alert

I may be misunderstood. I'm not saying "Standing for those who stood for us" doesn't fit or is in some way wrong. It is something we do and would be great to have on a shirt. I'm just saying I don't like it as the PGR logo or motto.

Aardvark
Posts: 63
Central NJ

07 Dec 2006 10:51 AM Alert

To boil it down....

Riding w/ Respect... is the HOW and the WHAT.

For Those Who Stood For US... is too much about WHY. We didn't need to cross that line IMHO.

I've nothing against choice, but I think we're entering dangerous waters.

Aardvark
Maj, USAF (Ret.)

Poor is the nation that has no heroes . . .
Shameful is the one that, having them . . forgets.

Aranel
Posts: 1927
Houston, Tx

07 Dec 2006 12:05 PM Alert

It's my understanding that the 'US' part can mean either us as in a people or US as in the United States.

Riding with Respect, what does that really say? Respect for who or what? Any MC could have that slogan and it might would just mean to have curtesy on the roads. Think of it from the point of view from someone who has no idea what the PGR is. The only little clue is the word Patriot, but then again, it's ambiguous in who it represents.

Personally, I think the new motto or slogan or what have you is more of a thank you to the uniformed men and women and a clarification of what we are.

Aardvark
Posts: 63
Central NJ

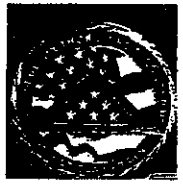
07 Dec 2006 12:16 PM Alert

If they sell both logos in our Store, you'll buy yours and I'll buy mine but we'll still ride together.

But I do wonder what the back-story is on this... new leadership saying anything?

PGR Armband

Welcome Home Silk Rose



Wounded Warrior Challenge Coin

Aardvark
Maj, USAF (Ret.)

Poor is the nation that has no heroes . . .
Shameful is the one that, having them . . forgets.

stormsinsince73
Posts: 188
East TN, Roane County, 35mi W of Knoxville down 40

07 Dec 2006 12:30 PM

Alert

if I were a betting man, I would bet that "Riding with Respect" was the original logo, created by Jeff and Co, and the "Standing for those who stood for us" is the new order, possibly worded to avoid any legal issues... just a guess.

What's left of me will honor and respect those who gave their all in our defense.

Aardvark
Posts: 63
Central NJ

07 Dec 2006 12:34 PM

Alert

Let's try this again:

there is no for me...

there is no for us...

and there is no for US...

there is only for THEM and their FAMILIES.

I can't say it any plainer.

Aardvark
Maj, USAF (Ret.)

Poor is the nation that has no heroes . . .
Shameful is the one that, having them . . forgets.

jgreiner
Posts: 2095
West Lafayette, IN
Ride Captain

07 Dec 2006 12:50 PM

Alert

> Posted By Aardvark on 07 Dec 2006 9:51 AM
> To boil it down....
>
> Riding w/ Respect... is the HOW and the WHAT.
>
> For Those Who Stood For US... is too much about WHY. We didn't need to cross that line IMHO.
>
> I've nothing against choice, but I think we're entering dangerous waters.

I disagree....many don't ride....they drive.....so that is less accurate than the new one.

Jeff Greiner
Indiana Rolling Thunder
Chapter 4

Forums > Patriot Guard Riders - National > Red, White, and Blue Book

Riding for PFC Kevin "Matt" Maupin, POW in Iraq (officially listed as captured)

Zippy
Posts: 6027
Phoenix, AZ
National Forum Admin
User Accounts Admin
HOTH Ride Captain

07 Dec 2006 12:52 PM

Alert

I think the whole point of that slogan is that they did stand for us, as a nation. They're fighting and failing to keep us free to do exactly what we're doing here, back home, at the missions, in our daily lives, on this website. It says exactly what we're doing and it doesn't exclude the cagers, it encompasses all members of PGR and all of America.

Diane "Zippy" Anderson
PROUD Army Mom of SSgt Billy Myers 2nd Cavalry Stryker, Iraq

In Memory:
Ed "Old Iron" Barrett
Natalie "Nat" Mummert
Sgt. Mitchell D. Myers-beloved friend and father of my hero, my son

"...for those who man the battle line, the bugle whispers low, and freedom has a taste and price the protected never know..."

"The real art of conversation is not only to say the right thing at the right time, but also to leave unsaid the wrong thing at the tempting moment." -- unknown

TOU Enforcement Agent

Member since 12/5/05 #1449

cgbrocksmith
Posts: 1291
Quincy, IL - "Defend Those Who Defended Us"

07 Dec 2006 1:14 PM

Alert

SINCE JOINING PGR MY MOTTO HAS ALWAYS BEEN:

"DEFEND THOSE THAT DEFENDED US!"

DOES IT MATTER...THE MISSION IS THE MISSION.

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:

"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!

Aardvark
Posts: 63
Central NJ

07 Dec 2006 1:25 PM

Alert

1. We are Patriot Guard RIDERS - putting words in my mouth that I never said implying that I mean to exclude "drivers" is a cheap trick and has NOTHING to do with anything I'm concerned about.... or should we change our name, too?

2. It is EXACTLY for the reasons that people can feel so deeply about (for us, for our freedom, for the nation) that I find the new slogan suspicious - IMHO, we're not about standing for any of those. That's not, in my mind or as stated, our MISSION. But maybe that'll be the next thing to be "improved."

Aardvark
Maj, USAF (Ret.)

Poor is the nation that has no heroes . . .
Shameful is the one that, having them . . forgets.

rrawtry
Posts: 827
PGR-BOD-Secretary

07 Dec 2006 1:31 PM

Alert

[redacted]

Folks,

It was with much regret that the new slogan was developed. It was thought out with a very specific reason. The original slogan is disputed as to who has rights over it. The PGR or Twisters Store. Jeff would have us both use it, but many folks feel that this would be holding something near to all of our hearts hostage. Twisters Store will continue to market the old slogan. Feel free to purchase those items from him. He has agreed to make donations to our programs, but no formal agreement was made or endorsed. From experience, he has made several donations from his store to the PGR in the past. However, twisters store is in no way associated with the Patriot Guard Riders. he owns it, he gets the money and decides what he wants to do with it.

The attorney gave us an estimated $70,000.00 dollar price for litigation. Frankly, $70,000.00 can do alot of good for our members, wounded troops, and programs. It was decided to pursue other avenues. It was decided that anything to do with our great organization needs to be indisputable property of the PGR. The "Riding with Respect" logo is a disputed trademark and using may cause the user to liabilty for copyright infringement.

The prudent move was to move forward and keep our chins up as we write the next chapter.

Thanks for your time!!

Ronny "BEAR" Awtry
BOD Corporate Treasurer
Director of Help On The Homefront
[redacted]

In memory of Danny Jurecko. May 8, 1968. 281st AHC Intruder. You are not forgotten.

nomad16
Posts: 0

07 Dec 2006 1:48 PM Alert

Thanks, BEAR, for the information. I will say I haven't changed my mind about it and that I am thoroughly ticked-off about that turn of events. However, based on your frankness and out of respect for "family members" that may read this forum, I'll keep my comments to myself.

Aardvark
Posts: 63
Central NJ

07 Dec 2006 1:59 PM Alert

As the person who started this discussion, I too thank you BEAR for getting some facts before us. At this time, there still aren't any links to Twisters Store on the Member Businesses pages, so the Official Store with the new slogan is all we have. Any ideas how we're to reach it?

One more question: is it OK for us to continue WEARING the "disputed trademark" on our hats, pins & patches?

Thanks again and keep us moving forward!

Aardvark
Maj, USAF (Ret.)

Poor is the nation that has no heroes . . .
Shameful is the one that, having them . . forgets.

Wescoot2
Posts: 2787
Park Ridge, Illinois

07 Dec 2006 2:10 PM Alert

Once you have purchased an item, it is yours to own and wear, so the simple answer is Yes, you may continue to wear those items.

To address your other question, let me answer it this way.....I've never seen Coke, advertise Pepsi products on their website.

Respects,
Ed

Freedom
Justice
Brotherhood

[redacted]

If your gonna be One.....Be a BIG RED ONE

Diplomacy...the art of telling someone to go to hell.....and they look forward to the trip

leacrabb
Posts: 501
24\7 NO BORDERS
Just Remember why we started this

[redacted]

07 Dec 2006 2:17 PM Alert

In my humble little opinion. I am just about sick and tired of all of this crud. I joined this organization because it was what it was. An amalgamation of people that had one thing in common. Love of Motorcycles and Love of Country and supporting those that had fallen in the course of Defending this Nation Because it was the right thing to do. No lawyers no political correctness just a bunch of folks doing the right thing. Now we have a bunch of lawyers involved, do ya think they are donating their time. A bunch of rule makers, RULES SUCK keeps people from doing the right thing Just follow the rules don't get out of line DO NOT PLACE US IN A LIABLE SITUATION.. . Do this don't do that. To be honest I am beginning to wonder if I would even reccomend the CURRENT PGR to a VET's Family. I would sooner just get on my bike grab a flag and go do what I do. Show respect and Honor. I am a member of a couple of GREAT VET organizations that do a bang up job of helping VET's and their famileis THE PGR CAN NOT BE THEM. I guess part of the greatness of THE PGR as we knew it was that we were about doing the right thing no matter who was looking. Are you going to sue me for standing on a street corner holding a flag, I don't think so. I may get a ticket for loitering but what the heck I'll tell it to the judge. This organization will never be the VFW or the American Legion. It can't even figure out what it's mission is any more. In fact I would not be surprised if it was not even the PGR much longer, Perhaps "The American Standing For Those that Stood For Us in the USA Walkers, Riders, Standers, Car Driving, Flag Waving Public At Large" just doing what we are told Organization LTD INC. Me I will do what I set out to do Show Respect and sheild the Families. With or Without the PGR. Just .02 american dollar.

Riding in Honor of:SSG. Billy L. Crabb(my dad), Larry Allen Crabb USN RET. (my namesake),John Pryor USN, Air; Lewis Webb ALR/PGR; Lowell Lemon ALR/PGR (my friends) ; Metodio Bandonill Staff Sgt.(my son-in-law), Gabriel and LT. DeMoors; Derek J. Plowman Pfc, Kelon Dewain Jones Spc, Michail Browning USAF, Justin Laird Sgt, Adam Murray Lance Cpl, Joshua Cates CPL, Steve Silas PGR, Zachary Alday SA USN, Bobby R. West SPC, Brian C. Hopper USMC, Herschel Peach MSGT, William Hayden"Pappy" Jones Ret., Cal Manning, Charles Earl Wilson CPL Ret., Jeffery Howard Pattberg Ssgt, Donald Champlin Lance Cpl, John. E Hale LCpl, Fred Ransbottom Maj., Kenneth Roberts Ret., Scott L Smith, Gerald McMillan SSGt., Kyle Nolen HS,Aron Preston Spc, Santana Himenez Sgt., David Cook Sgt., William T. Warren FSGT., John G. Brown Sgt Ist Class, Michael V. Taylor Maj., Craig Lavalley Sgt., Alan Shaw Sgt., Travis Buford Pfc., Justin Estes SSgt., Freeman Gardner Jr. Ssgt, Lt. Paul Baker TCFD, Donovan D. Witham, PFC US ARMY, Michael Yarbrough, SGT. USMC, The Johnson Family, Benton Ar. (my Heros)
And the many other men and women that have and do serve that I may, as a free man, serve to Honor them.

If You do Not stand behind our troops, PLEASE feel free to Stand in Front of them. Semper Fi

bkrbill
Posts: 722
Sherrills Ford, NC
North Carolina State Captain

07 Dec 2006 2:29 PM Alert

WOW! I guess we are a diverse group. If we don't own "Riding with Respect," let's get rid of it. But let's not lose respect for each other and certainly not for our fallen heroes in the process. "You can't please ALL the people ALL of the time." "I Stand for those who stood for us." And I do so with respect.

"Biker Bill"
Sherrills Ford, NC
NC State Captain
U.S. Army Security Agency (ASA) '62 - '65
Proud Grandfather of CPL. Andrew J. Smith
and Army PFC Joe D. W. Cook

"We Few, We Happy Few, We Band of Brothers, For He Today That Sheds His Blood With Me, Shall Be My Brother."
William Shakespeare

pulpwood
Posts: 318
Jacksonville, FL

07 Dec 2006 2:41 PM Alert

Thank you to the National Folks, Bear and Ed, for filling us in. I think you guys made a wise decision.

Pulpwood
Jerry Randall
Jacksonville, FL

Aardvark ®
Posts: 63
Central NJ

07 Dec 2006 2:42 PM Alert

Jeff in his last posting said he would close HIS store after his present inventory was gone. If we CAN'T sell "Riding with Respect" items in the official PGR Store WHO will? Are we getting the whole story here?

Aardvark
Maj, USAF (Ret.)

Poor is the nation that has no heroes . . .
Shameful is the one that, having them . . forgets.

Aranel ®
Posts: 1927
Houston, Tx

07 Dec 2006 2:44 PM Alert

The last I saw from National was, in cooperation with Jeff, that he would continue to provide the items he has with the original logo and the new PGR store would offer items in addition to his and using the new logo. The last we saw from Jeff was before renegotiations occured.

leacrabb ®
Posts: 501
24\7 NO BORDERS
Just Remember why we started this

07 Dec 2006 2:50 PM Alert

So now here is a question that has been posed to me. Since the NEW REORGANIZED PGR has a new logo does that make the old patch obsolete. If so then it would be an outlaw patch since it's not a patch associated with this organization and is not affiliated with the PGR as it is now. So the addition of

rockers is above and / or below the patch is between the rider and the COC in their state? As the person that asked stated, "Inquiring minds want to know"

Riding in Honor of:SSG. Billy L. Crabb(my dad), Larry Allen Crabb USN RET. (my namesake),John Pryor USN, Air; Lewis Webb ALR/PGR; Lowell Lemon ALR/PGR (my friends) ; Metodio Bandonill Staff Sgt.(my son-in-law), Gabriel and LT. DeMoors; Derek J. Plowman Pfc, Kelon Dewain Jones Spc, Michail Browning USAF, Justin Laird Sgt, Adam Murray Lance Cpl, Joshua Cates CPL, Steve Silas PGR, Zachary Alday SA USN, Bobby R. West SPC, Brian C. Hopper USMC, Herschel Peach MSGT, William Hayden"Pappy" Jones Ret., Cal Manning, Charles Earl Wilson CPL Ret., Jeffery Howard Pattberg Ssgt, Donald Champlin Lance Cpl, John. E Hale LCpl, Fred Ransbottom Maj., Kenneth Roberts Ret., Scott L Smith, Gerald McMillan SSGt., Kyle Nolen HS,Aron Preston Spc, Santana Himenez Sgt., David Cook Sgt., William T. Warren FSGT., John G. Brown Sgt 1st Class, Michael V. Taylor Maj., Craig Lavalley Sgt., Alan Shaw Sgt., Travis Buford Pfc., Justin Estes SSgt., Freeman Gardner Jr. Ssgt, Lt. Paul Baker TCFD, Donovan D. Witham,.PFC US ARMY, Michael Yarbrough, SGT. USMC, The Johnson Family, Benton Ar. (my Heros)
And the many other men and women that have and do serve that I may, as a free man, serve to Honor them.

If You do Not stand behind our troops, PLEASE feel free to Stand in Front of them. Semper Fi

Wescoot2
Posts: 2787
Park Ridge, Illinois

07 Dec 2006 3:11 PM Alert

I thought I answered this question earlier, if you bought a patch, and own it.....wear it.....

Since we are not an MC or RC, there is nothing to become obsolete, since we don't have a requirement to wear ANY patch.

The difference in the patch, should make no difference to the COC, our mission has not changed.

Wearing of Rockers, has NOT been authorized by any COC that I know of, but I suggest you ask that question directly to your State Captain.

Freedom
Justice
Brotherhood

[redacted]

If your gonna be One.....Be a BIG RED ONE

Diplomacy...the art of telling someone to go to hell.....and they look forward to the trip

Aardvark
Posts: 63
Central NJ

07 Dec 2006 3:14 PM

Alert

IS THIS IT?? Or an old link we should ignore?

http://www.patriotguardstore.org/

Anyone know for sure?

Aardvark
Maj, USAF (Ret.)

Poor is the nation that has no heroes . . .
Shameful is the one that, having them . . forgets.

Page 1 of 3 | 1 | 2 | 3 | > | >>

You are not authorized to post a reply.

Forums > Off-Topic > Dead Horse Barn > Standing For Those Who Stood For Us?

ActiveForums 3.6

Copyright © 2005 -2008 by Patriot Guard Riders Terms Of Use Privacy Statement

Exhibit 3

[/quote]
Well, you can always post a copy of the cancelled check with the account numbers trimmed off then. I'm assuming based on your statement that PGR was the "Pay To The Order Of" on the checks?

Yes sir...it shouldn't be necessary for me to do that, but If needed, I'll contact my bank for copies.
Jeff

In the end, we remember not the words of our enemies, but the silence of our friends.
Martin Luther King, Jr.

indyharley
Posts: 3427
Indiana

18 Sep 2007 10:47 PM Alert

.....

Richard 'IndyHarley' Wilbur
Veteran ('65-'69)
SC IN PGR ('05)
Blue Knight MC Member
Freedom - Justice - Brotherhood (FJB for short)

The Flag Line does not work for the PGR - The PGR works for the Flag Line
"The Man who fights for his ideals, is the Man who is alive!" (Cervantes' "Don Quixote")

For quick Mission information in IN see - http://indianapatriotguard.org/missions.htm

bear!
Posts: 186
Dallas, Texas

18 Sep 2007 10:53 PM Alert

To Whom It May Concern,

During my tenure as the Treasurer of the Patriot Guard Riders, Inc. (beginning 1-16-2007) I have seen a phenomenal growth in the outreach of funding that we are capable of doing as an organization. I attribute this directly to the PGR Store, that is the official PGR, Inc. owned store. As we as an organization have completed our development into a self-sufficient endeavor, we have lost the need to actively seek funding from outside sources. This however relies completely on our ability to sell products that are used to fund the above mentioned outreach. Prior to the resignation of Twister (11-9-2006), the

EXHIBIT
tabbies
3

[redacted]

PGR, Inc. was funded almost exclusively by Jeff Brown through his store. That is no longer a valid statement. The good once done has passed, and I thank Jeff for the contributions that launched us collectively.

In regards to "Twisters Store" and the request for verification of HOTH funding and contributions to the PGR, Inc., I must admit that yes, on two occasions since Jeff's resignation, we secured funds from Jeff Brown for support of a soldier and a veteran. The Veteran was in need due to a lack of home heat going into winter. Oklahoma PGR Members secured a portion of the funds, Jeff Brown secured a portion of the funds, and National PGR secured the smallest portion of the funds. This was an in process deal that was happening while Jeff was the President of the PGR and completed after he resigned. The second incident happened on February 4, 2007 in which case we had not yet secured our financial stability and I personally asked Jeff to support a wounded Marine in California. Jeff stepped up and served this Marine with a donation. These were the only two donations that I have personal knowledge of since time of Jeff's resignation. A third veteran was served prior to his resignation as HOTH developed. Jeff has, nor had, never denied any request for HOTH funding or support to this date. It is my understanding from different State captains that Jeff has since served needs in various states. These donations or contributions are not documented in the National ledger as they went directly from Jeff to others and bypassed the National Treasury, therefore they cannot be considered donations by the legal meaning of the word.

Jeff had left an offer on the table to help the HOTH and the service persons and families if needed. This was a statement made to myself and Snap. He would not serve any other BOD Members in requests, he stated. After the second mentioned request, we agreed as a BOD that we were self sufficient and had no need to seek outside funding on projects we could handle internally. Jeff has not ever made a donation to the general fund of the PGR, Inc. since his resignation. No funds for HOTH projects outside of the listed endeavors were served through donations to PGR, Inc. by Jeff since his resignation. That said, no requests were made by myself as well. While I may feel confident that had he been asked for specific HOTH donations, Jeff would have delivered. That said, he was not asked. I did however ask him to make donations to the PGR, Inc. General Fund or to the HOTH as a contribution without specific need and he refused, stating he would only donate for targeted use. I asked several times over several months and always received the same reply. I stopped asking in April.

As to Jeff's claims of support to others outside of the official channel of my office of Treasurer, or the statements of others to the effect of his support, I can not verify that as I have never seen any official records of those claims. My statement is based on fact as I know it and substantiated by our Accountant. It is time that all this dishonorable infighting is put to bed. Buy from whomever you feel like buying from. I can attest to the good that buying from the official PGR store does. Until such times as frequent and sizable donations are made to the PGR, Inc. from other outside entities, I cannot vouch for the good others are doing for us, the PGR, as a whole.

In closing, I am sure that almost everyone reading this reply will find a problem one way or the other.

That said, as your PGR, Inc. National Treasurer I am tasked with being honest and having integrity. I have based my reply on the truth as I can substantiate it. I have included a few remarks of opinion and also qualified those remarks as to fact. My heart and soul are dedicated to the PGR, Inc. and I strive to further our collective cause. I am forever grateful to Jeff Brown for this gift of the PGR that he has given us all. I now carry on with that vision as best as I know how, on my own two feet and with my own conscience as a guide. I have said all I know, there is not anything else to divulge. If I have erred in any capacity, I will promptly repair that error upon proof of fact of the error. God Bless you all!!

Serving You,

Ronny "BEAR" Awtry
Patriot Guard Riders
Director of Help On The Homefront
National Treasurer, PGR, Inc.

Ronny "BEAR" Awtry
Patriot Guard Riders, Inc.
HOTH Founder
Past BOD-Treasurer
Deputy Director- Help On The Homefront

In Memory of Danny Jurecko, May 8, 1968, MIA.. You are not forgotten!!!
Panel 57E, Line 5

Twister
Posts: 1811
Broken Arrow, OK

18 Sep 2007 11:19 PM — Alert

Ronny,
Thank you sir, you have restored my faith.
Jeff

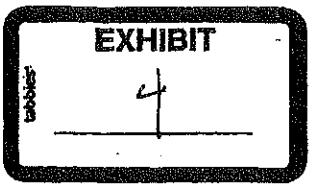
In the end, we remember not the words of our enemies, but the silence of our friends.
Martin Luther King, Jr.

---

focusedokie62
Posts: 309

18 Sep 2007 11:31 PM — Alert

Exhibit 4



From: Jeff Brown
Sent: Monday, November 06, 2006 10:33 AM
To: Bill Lines - Snap; Bonnie Cutler; Jason D. Wallin; wescoot2; Ronny Awtry
Cc: head shed
Subject: Resignation

Folks,

I just got off the phone with Snap (Brother, thanks for the call). I cannot tell you how disappointed and heartsick I am at this moment. I will not get into who reportedly said what or who did what. It is irrelevant. I have lost the confidence of the board and that is critical in order to be an effective leader. Apparently, the major conflict is over the PGR Store and the income derived from it. That's a shame. After Snap's call I now realize that the removal of the link to the PGR Store link was not a "glitch", but a statement.

What I find disheartening in all of this is that it has nothing to do with the missions. To my knowledge, nobody has questioned my leadership or management abilities. So be it.

The structure of the PGR Store has never been a secret. Whether the PGR Store makes $1 million or loses $1 million is nobody's business but my wife's and mine. We have always funded the store personally with no money ever used from PGR funds. For those who want my personal finances, the board included, it's none of your business. Because of our close friendship, I confided to Snap, the amount of money we have personally pulled out of the store operation. I believe he shared that amount with you and that's OK, but it's nobody's business. Either believe the amount or not, your choice. Were there still funds that could be made available for PGR needs? Yes, and they have been awaiting the need at our discretion.

Let me ask you. In addition to the memorial plaques, which I made a commitment to pay for, who financially bailed us out of the GOTG? Who stepped up and paid off the over $25,000 commitment made the Healing Fields Foundation for flags and shirts? Who paid for the PGR Sturgis shirts? Who bailed us out of the full cost for the flags from the Colorado Fire Department that were supposed to be free? Who paid the legal fees to set up the PGR? Who covered the cost of Indiana's calendar program? Who paid for the airfare for our members to go to Washington, DC and for the travel expenses for our representatives to meet with Walter Reed Hospital and the American Legion leaders? Who's been there to make sure the PGR, Inc. covered the financial commitments it's made. It has not been PGR, Inc.; it's been Jeff and Bonnie Brown through our personal funds and our separate business, the PGR Store! We have done this because we have had the funds available and because we believe in what we, as an organization, are doing.

When was the last time ANYONE ever said thanks for the donations? We've not asked for thanks, but some show of appreciation for all the hard work and money donated would have been preferable to this.

The PGR has been all-consuming to me. I have spent the last year helping to build an organization that is becoming a symbol of pride across the nation. I have spent the last couple of months defending myself for providing the funds to build and grow the organization. Now I am simply too worn out and heartsick to continue.

I'm going to take a few days to mourn, but, upon my return, will tender my resignation as Executive Director to the board. I will remain an active PGR member until the day there is no PGR. After the current inventory on hand is sold, the PGR store will be closed. I would appreciate the link being activated until this is accomplished. This will give you the opportunity to prepare whatever statement you would like to present to the membership. I would appreciate the courtesy of passing it by me before being made public. All I ask is that you have my replacement on board beforehand as the PGR is too important to let it die or to allow a handful of "wannabe's" kill it.

Respectfully yours,
Jeff

Exhibit 5

From: Jeff Brown <jeffbrown@valornet.com>
Sent: Wednesday, December 27, 2006 10:15 AM
To: Ronny Awtry <bear@patriotguard.org>
Subject: PGR Donation spreadsheet
Attach: Donations PGR Store to PGR.xls

Ronny,
FYI
Jeff
--
No virus found in this outgoing message.
Checked by AVG Free Edition.
Version: 7.5.432 / Virus Database: 268.15.28/605 - Release Date: 12/27/2006 12:21 PM

EXHIBIT
6

PGR Store Funds to PGR

To	For	Date	Amount
Trophy Case	Plaques	1/31/06	$337.81
Winters & Assoc	Dep for 501c3 set up	2/21/06	$420.00
Trophy Case	Plaques	3/1/06	$438.01
Winters & Assoc	Balance due for 501c3 set up	3/8/01	$1,681.00
Trophy Case	Plaques	3/25/06	$694.80
D&D Signs	10 PGR Banners	5/10/06	$1,620.00
PGR Store Donations to PGR	Plaques	5/18/06	$1,008.63
PGR Store Donations to PGR	Plaques	6/20/06	$494.54
PGR Store Donations to PGR	Plaques	8/23/06	$603.76
PGR Store Donations to PGR	Lynn Long - Reimbursement GOTG	7/1/06	$82.47
GOTG	CR Head-Catering GOTG	7/3/06	$3,000.00
GOTG	Mid-Life Crises-GOTG Band	7/3/06	$2,000.00
GOTG	Expo Center	7/4/06	$2,170.00
Misc GOTG Expenses			$500.00
PGR Store Donations to PGR	Plaques	7/10/06	$501.54
GOTG	GOTG Tshirts	6/27/06	$2,226.25
PGR Store Donations to PGR	Product Donated		$5,625.00
Misc Shipping, copying, etc			$500.00
Trophy Case	Plaques	4/4/06	$345.60
Trophy Case	Plaques	4/25/06	$843.72
Mid-Life Crisis	Deposit Band- GOTG	4/30/06	$250.00
D&D Signs	GOTG Signs & Magnets	6/31/06	$80.00
Travel to Indianapolis	Motel and Food	6/6/06	$2,530.58
Airfare to DC	IND - DCA - IND	5/26/06	$718.60
Airfare to DC	IAH - DCA - IAH	5/26/06	$570.10
Airfare to DC	IND - DCA - IND	5/26/06	$718.60
Airfare to DC	DEN - DCA - DEN	5/26/06	$667.60
Airfare to DC	IND - DCA - IND	5/26/06	$718.60
Airfare to DC	DEN - DCA - DEN	5/26/06	$667.60
Airfare to DC	TUL - DCA - TUL	5/26/06	$683.30
Airfare to DC	TUL - DCA - TUL	5/26/06	$150.00
Wayne Hemmert	Misc Special Events Store Expenses	9/19/06	$1,744.41
Gordon Bernard Company	Indianna PGR Calendars for fundraiser	9/19/06	$4,640.80
Healing Fields Foundation	Balance for Healing Fields - Sturgis	9/19/06	$25,698.00
Kerri Hamilton	GOTG 2007 Expense	9/19/06	$39.67
Tammy Johnston	Refund for 2006 GOTG	9/19/06	$110.00
Trophy Case	Plaques	9/20/06	$2,265.44
Healing Fields Foundation	Shirts	9/20/06	$810.00
Trophy Case	Plaques	10/9/06	$865.40
PGR, Inc.	HOTH-Dave Erickson	10/10/06	$1,000.00
PGR, Inc.	HOTH-MS	11/20/06	$300.00
			$70,102.84

Exhibit 6

James O'Malley

From: Ronny Awtry
Sent: Tuesday, July 08, 2008 10:37 PM
To: exec
Subject: What in the heck is going on?
Importance: High

BOD Members,

You know, I have sat pretty patiently and watched the goings on. Yeah, I was fairly disappointed at the cowardice of the folks in the," meaning of FJB" thread. Not because of what it meant or how folks feel, but just because of the cowardice by the very squeaky wheels in that thread!! By God if you feel something in your soul, stand by it!! I think you may all well remember my acting in that manner. I could really care less about the meaning of "FJB".

Now, about my privileges being revoked, what was that all about? Not even having a BOD member calling me personally? That as well reeks of shame, cowardice, or just plain lack of balls in my not having the common decency to get a call!! That being the manner of the decision that was made. The execution was just plain weak as an executive decision. I have been out of circulation focusing on my father who is dying ever faster, my business which is growing like a weed, and generally staying out of the way of what you folks are doing!! In leau of my amazement at the wonderful decision you gave me for my 40th birthday on July 2nd, yes that happened on my 40th birthday, I have put out some feelers and asked a few questions.

Just several opinions by several members of the various National teams, most of which I either started in their positions, defined or structured their team, or generally worked with for well over two years, you guys have some major lack of faith in your actions going on. Now don't get all freaked out and nail Tom or Hal, remember that I started the mail team, defined the Web team (remember Bill I pulled you in), structured the whole management of the National org basically, so I know and have spoken to literally near a dozen people. The bottom line, folks miss the Con Calls where they were a part of!! They miss the communication from the BOD, which they feel is non existent mostly anymore. They fear the enormous power that Bill R apparently has with the server in his home, the web team that reports to him only, and basically the separation that I worked to separate and now appears to be stronger in Bill than ever existed in either Jason or Jeff combined. Bill, just advise, but your perceived power is a greater threat to most people around you than Jeff or the trademark issue. Steam, the e-mail from Tony Turner that included your name and advised his Virginia and Maryland where to stay and that there wasn't really accommodations in Danville, so let's book the rooms and leave everyone out really was a blow you cannot imagine you gave to yourself!! Folks would have loved to see a BOD member call BS on that move, they fully expected Tony to pull that, but you let some folks down.

Folks, I am being critical, but respectfully and openly!! I feel in response to the lack of support you offered me, I would show you some real respect and let you know where you each stand. Our members are tired of all the BS. The audit affirmed that Jason crossed Jeff out. Not that Jeff was not wrong himself. Bonnie and Ed were acting as scorned woman syndrome in November of 2006 and blew the easy offer to get Jeff out of the store. Frankly Ed and Bonnie being a hard ass all along is what really fueled Jeff to fight. Most people don't care anymore and from what I hear it shows in the lack of funds being donated to the legal defense fund.

Where do I stand? Again, no single person deserves the right to own our organization, no one!! David David? Kinda weak execution of his removal, but I was personally glad to see his lack of HOTH support go away!! Hadn't spoken to him since April 2007, lost faith in him. Talked to Jeff once since the call I made on your request to him in February? He had some questions about air conditioning. In regards to his question about the BOD? I hadn't spoken to a single one of you since the request, not mentioning a brief word a time or two with Bill R, wasn't his business!!

I really feel you guys biggest mistake lies in your lack of personal individual commitment to making a stand. The tighter you band together, circle the wagons, exclude top leaders and S/C's in decisions, the more you lose control and respect. Remember, I put my seat up for popular vote because it mattered to me alone. I am to this day the only BOD member to do that. I was beloved by many and despised by a few, but 2/3rds wanted me to stay!! Can you say that? If you can't do you fear that maybe folks would rather see you go away? That my friends is a screwed up way to lead!!

Inclusion is your only answer!! The decisions have to be the orgs decisions, not a select and yes, hand picked few!! We all know that the biggest fear any BOD yet has had is an interloper being on the BOD and we have always fought against that in picking our BOD. Covering our own asses. Remember Bill R when we had the chance to let the membership publicly run Jeff out and you ended it against my an Ed's advise a year ago? No progress since. Inclusion will end this a lot cheaper than an attorney. Huddling up against the hordes has never served any BOD at all. Inclusion.

9/30/2008

EXHIBIT
6

Now call me an asshole, take heed of heartfelt advise, or whatever, but please let your nads hang when you pull this stuff in the future, it gives you respectability and confidence, not the appearance of cowardness and shame!!

This communication is meant as a frank conversation to folks that I consider peers, not a rant, bitch or anything else... Take it differently at your own desire, no mad desire for destruction is meant or intended. Just pointing out a solution. INCLUSION!!

Serving You,

Ronny "BEAR" Awtry
Patriot Guard Riders
Past - National BOD
Founder - Help On The Home Front
www.patriotguard.org
bear@patriotguard.org

Confidentiality Notice: The information contained in this e-mail and any attachments may be legally privileged and confidential. If you are not an intended recipient, you are hereby notified that any dissemination, distribution, or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please notify the sender and permanently delete the e-mail and any attachments immediately. You should not retain, copy or use this e-mail or any attachment for any purpose, nor disclose all or any part of the contents to any other person. --

EXHIBIT 35

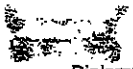
The logo was approved for the website, but approval for merchandising, was turned down.

Respects,
Ed

Freedom
Justice
Brotherhood

[redacted]

If your gonna be One.....Be a BIG RED ONE



Diplomacy...the art of telling someone to go to hell.....and they look forward to the trip

sierge ●
Posts: 0

15 Nov 2006 10:05 PM Alert

Thanks Ed I think your answer says it all.

Wescoot2 ●
Posts: 2787
Park Ridge, Illinois

15 Nov 2006 10:54 PM Alert

The logo which appears on the top of our web page is owned by Jeff Brown. He has given us the permission to continue to use it only on our web site, and not for merchandising any product.

[redacted]

The designs which hopefully will be submitted for the coins, will be the beginning of an additional new identification, as we move forward.

Respects,
Ed

Freedom
Justice
Brotherhood

If your gonna be One.....Be a BIG RED ONE

Diplomacy...the art of telling someone to go to hell.....and they look forward to the trip

Wescoot2 ●
Posts: 2787
Park Ridge, Illinois

15 Nov 2006 11:12 PM

Alert

Please note the word I used.....which was additional.....I have numerous items, such as patches, banners, and pins, which I already have sewn on my vest, or items on my car. I'm not ready to say they are all obsolete, and replace them.....hence, the new designs are addtions, to what many of our members already have.

Respects,
Ed

EXHIBIT 36

Patriot Guard Riders

Standing For Those Who Stood For US

Friday, June 13, 2008 ..:: ALL Forums ::.. jomalley Logout

Code Amber Alert

This is the Code Amber Amber Alert Ticker: -- CodeAmber.org needs yo

Navigation

- Home
- About Us
- Leadership Contacts
- Letters of Appreciation
- Fallen Warrior Scholarship
- ALL Forums
- Help on the HomeFront
- Most Recent Posts
- Photo Gallery
- Media/Press
- Fallen Members
- Events
- Troop Support Partners
- PGR FAQ
- PGR Gear

Patriot Guard Riders Forum

Unanswered Not Read My Forums Active Topics — Forums My Profile Search Members

Forums > Off-Topic > Dead Horse Barn

Subject: New Slogan and Store Opening

Topic is locked

Page 2 of 9 << < 1 2 3 4 5 6 7 8 9 > >>

Author	Messages	Oldest First
Wescoot2 ● Posts: 2787 Park Ridge, Illinois	10 Dec 2006 1:33 AM	Alert

Posted By Monica on 19 Nov 2006 11:05 AM

> Posted By indyharley on 19 Nov 2006 10:41 AM
> *"Here's what I try to live by and it seems to be appropriate:*

[redacted]

Dialup Homepage

Directory

Click to send an email to the departments below:

User Support
Moderators
Photos
Media
Media Sightings
Submit Picture of Day
Web Site Administrator
Communications Officer
Letters Of Appreciation
Help On The Homefront

Mission Request

Click on the link below to make initial contact with us regarding honor mission requests:

Contact Us

Contact Arlington National Cemetery

> ***"Carrying a grudge or a desire to get even with someone is a cancer inside us. It belittles and holds back the spirit".***
>
> *What has happened has happened - I still feel that the BOD is on the right track. I will not let my spirit be held back. I will wait and see the new documents that will be forthcoming. Anything else is just revenge and wanting to get even."*

Whether or not that was directed at me, I would like to pointedly note that I am not interested in getting even. Yes, I have expressed some of my personal opinions here - but I tried very hard to keep my opinions separate from what I believe to be valid questions, and I did my level best to ask those questions in a straightforward manner.

I am deeply concerned with the potential damage to the reputation of this organization as a whole because I feel it directly affects our capability of carrying out our mission. That alone is my reason for pointing out what I believe to be negligence, deceptive practices and enmeshing a for-profit business in the middle of a non-profit organization, implying that all proceeds go to the non-profit.

I am deeply concerned that the BOD plans to continue using a logo that belongs to one individual who will profit from it.

I am deeply concerned that a forum now called Jeff's Store is contained within the forums of Patriot Guard Riders, Inc.

Richard, you also wrote this:
"Before it gets questioned - National had nothing to do with dissolving the by-law committee other than they urged me to continue. It was my decision and I simply dissolved it and recommended that National seek an attorney. Don't ask the why because you won't be prepared for the answer and the answer has nothing to do with Jeff or the present Board. One other note, National sought me out to do the by-laws and they said they did not expect that I or the committee would be easy on them. I assured them they were right on that point."

Thank you for clearing that up, because your last email on that matter did not make it clear. I do not feel it was your place to make that decision, but I am glad to see that input has been requested on how the organization should be structured.

I would like to know why you made the arbitrary decision to dissolve the bylaws committee, even though you have said "don't ask why."

Messages

0 Unread Messages
0 Read Messages

America Loves You Silk Rose

PGR Doo-Rag

Monica,

Lets put the facts out once again, and I'm sorry if I make an error in all of the chain of events.

1. The current BOD asked to see the records of the PGR store, we were told, it was a private business, and those records would not be made available to us.

2. Based on that information, the BOD voted No confidence, in respects to the then, Executive Director, and asked for his resignation.

3. Jeff asked that we allow the store to remain open until he sold out all of the product which he currently had in stock, the BOD agreed to that.

4. The BOD, asked Jeff, if we could continue to use the current Logo, since Jeff made it very clear up to that point that he had the Logo trademarked.

5. Jeff told the BOD that we could use the current Logo and name on the website, but would not grant us the use for any items to be merchandised.

6. In an attempt to continue to use the current logo, the BOD negotiated with Jeff, that he could continue to run his store, and Jeff agreed that we PGR could also open a store, and he would grant us the right to use the current logo on any merchandise.

7. During further talks to clarify eff's last position, he made it known, that we could only use the current logo, on merchandise, which did not duplicate any item, which he sold.

8. The BOD did not accept those terms, and took a chance, and filed for a trademark on the current Logo. It was at that time, that th BOD found out, that Jeff did not have the Logo trademark, and in fact, our application, had a lower filing numer than his. Going back in my memory, without looking up the exact number, I believe our application beat his into the trademark office by approx 700.

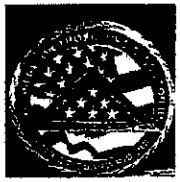
9. Since Jeff claimed First Use of the Logo, he feels that he owns the Logo, even though our filing number is lower than his.

10. THE BOD on a conferrence call with our lawyer, in which the Regional Captains were part of the conversation, was askd his opinion about the Logo dispute.

11. Without going into all the legal wording which he used, our lawyer believes that Jeff has the right to use the Logo, but he would not be able to stop the PGR from using it eiher. He also advised at that time, if it was necessary to fight this in court, we could figure on it costing the PGR between 50- 70 Thousand dollars.

PGR Armband

Welcome Home Silk Rose



Wounded Warrior Challenge Coin

12. With no source of income at this time, the BOD had to make a decision, how we were going to continue to fund, our website, pay our accountant, pay for the plaques, pay for legal assistnce.....etc....etc.....etc....

13. The BOD made a decision, based on many of the threads out here on our website, that changig our Logo, instead of possibly spending thousands of dollars, would be the best direction to take.

14. The BOD, to insure that our Mission went forward, had to insure a source of income to continue operations, and we went forward to open our own store, to generate this income.

All of the above took place in a period of 3 weeks.....While we were also out here on the web, trying to hold this group together, and defending, every little action which we had to take. Many times, not being able to state somethings, because we were still in negotiations with Jeff, who had complete access to what was being said.

I'm not making excuses why everyone wasn't consulted, or even asked for their input. The BOD has a fiduciary responsibility, to everyone of our members, and we took the action which we felt was necessary, to insure that this organization continued to move forward, and accomplish our Mission Statement.

Ive now tried my best to spell everything out the best that I can remember these events. I hope his now gives you a better understanding of What the BOD did, and Why.

Respects,
Ed

Freedom
Justice
Brotherhood

[redacted]

If your gonna be One.....Be a BIG RED ONE

Diplomacy...the art of telling someone to go to hell.....and they look forward to the trip

Waldo
Posts: 1325
Windsor, Co

10 Dec 2006 2:07 AM

Alert

> the crow says
>
> while I very well understand the need for the BOD to make critical decisions in a timely fashion, I am disappointed the RCs/SCs could not have been better informed as to what those decisions were at some point.
>
> new store? logo change? a clue would have been nice.

From National Announcements dated 21 Nov 06 - desision to stand up a new store.

http://www.patriotguard.org/Forums/tabid/61/view/topic/postid/318031/forumid/155/Default.aspx#318031

> I would like to address some topics with you and the best way for my old mind is by the numbers. So here goes.
> 1) The PGR store; We are going to TRY and have the new store up by New Years Eve. It will sell all the items it does now and more. And ALL profit will go to the PGR. We are going to outsource this store so that no member will have his hands on it. It will be overseen by a committee of members.

from national website dated 12 nov 06 - introduction of the slogan

[redacted]patriotguard.org/Forums/tabid/61/forumid/14/postid/304100/view/topic/Default.aspx

> Indy harley says:
> Jason the new banner looks great and definitely conveys what we do - thanks for your efforts.

EXHIBIT 37

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

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

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

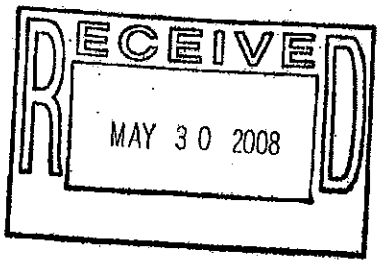
Applicant, Patriot Guard Riders, Inc., hereby responds to *"Petitioner's First Set of Interrogatories"* as follows:

GENERAL OBJECTIONS AND CONDITIONS

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

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

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



INTERROGATORIES

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

INTERROGATORY NO. 1

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

RESPONSE TO INTERROGATORY NO. 1

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

INTERROGATORY NO. 2

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

RESPONSE TO INTERROGATORY NO. 2

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

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

3. Ed Mueller, a resident of Park Ridge, Illinois, is currently a Patriot Guard Riders member. Mr. Mueller was previously associated with Applicant in the following capacities: Ride Captain – State of Illinois; Assistant State Captain – State of Illinois; Forum Moderator for the Patriot Guard website; Head Forum Moderator for the Patriot Guard website; Regional Captain – responsible for the States of Illinois, Wisconsin, Iowa, Indiana, Michigan, Ohio and Pennsylvania; Member of Applicant's Board of Directors; and President of Applicant's Board of Directors.

4. Jason Wallin, a resident of Windsor, Colorado, is one of Applicant's incorporators, and is a past Treasurer and Vice President of Applicant's Board of Directors.

5. Kurt Mayer is one of Applicant's incorporators, and is a past Secretary of Applicant's Board of Directors.

INTERROGATORY NO. 3

Identify each consultant, advisor or expert who has been retained or specifically employed by you, your attorney, or anyone acting on your behalf, with respect to any issue raised by the documents in this action, in anticipation of litigation, opposition with the trademark trial and appeal board, or preparation for trial and who is not expected to be called as a witness at trial.

RESPONSE TO INTERROGATORY NO. 3

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

INTERROGATORY NO. 4

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

RESPONSE TO INTERROGATORY NO. 4

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

INTERROGATORY NO. 5

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

RESPONSE TO INTERROGATORY NO. 5

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

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

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

INTERROGATORY NO. 6

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

RESPONSE TO INTERROGATORY NO. 6

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

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

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

INTERROGATORY NO. 7

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

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

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

RESPONSE TO INTERROGATORY NO. 7

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

INTERROGATORY NO. 8

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

RESPONSE TO INTERROGATORY NO. 8

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

INTERROGATORY NO. 9

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

RESPONSE TO INTERROGATORY NO. 9

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

INTERROGATORY NO. 10

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

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

B. The date of each such report;

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

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

RESPONSE TO INTERROGATORY NO. 10

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

INTERROGATORY NO. 11

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

RESPONSE TO INTERROGATORY NO. 11

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

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

INTERROGATORY NO. 12

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

RESPONSE TO INTERROGATORY NO. 12

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

INTERROGATORY NO. 13

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

RESPONSE TO INTERROGATORY NO. 13

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

INTERROGATORY NO. 14

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

A. The jurisdiction in which an application was filed;

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

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

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

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

RESPONSE TO INTERROGATORY NO. 14

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

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

INTERROGATORY NO. 15

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

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

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

RESPONSE TO INTERROGATORY NO. 15

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

INTERROGATORY NO. 16

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

RESPONSE TO INTERROGATORY NO. 16

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

INTERROGATORY NO. 17

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

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

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

C. Identify any such altered forms of the mark.

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

RESPONSE TO INTERROGATORY NO. 17

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

INTERROGATORY NO. 18

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

RESPONSE TO INTERROGATORY NO. 18

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

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

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

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

INTERROGATORY NO. 19

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

RESPONSE TO INTERROGATORY NO. 19

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

INTERROGATORY NO. 20

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

RESPONSE TO INTERROGATORY NO. 20

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

INTERROGATORY NO. 21

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

RESPONSE TO INTERROGATORY NO. 21

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

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

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

INTERROGATORY NO. 22

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

RESPONSE TO INTERROGATORY NO. 22

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

INTERROGATORY NO. 23

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

RESPONSE TO INTERROGATORY NO. 23

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

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

INTERROGATORY NO. 24

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

RESPONSE TO INTERROGATORY NO. 24

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

INTERROGATORY NO. 25

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

RESPONSE TO INTERROGATORY NO. 25

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

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

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

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

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

INTERROGATORY NO. 26

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

RESPONSE TO INTERROGATORY NO. 26

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

INTERROGATORY NO. 27

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

RESPONSE TO INTERROGATORY NO. 27

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

INTERROGATORY NO. 28

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

RESPONSE TO INTERROGATORY NO. 28

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

INTERROGATORY NO. 29

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

RESPONSE TO INTERROGATORY NO. 29

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

INTERROGATORY NO. 30

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

RESPONSE TO INTERROGATORY NO. 30

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

As to objections:

PATRIOT GUARD RIDERS, INC.

Date: 5/27/08

By: _____
One of its attorneys

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

Attorneys for the Applicant

9Z6592

Declaration

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

Dated: May 27, 2008

Bill Richart

CERTIFICATE OF SERVICE

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

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

Date: May 27, 2008

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

EXHIBIT 38

Patriot Guard Riders

Standing For Those Who Stood For US

Wednesday, June 18, 2008 ..:: ALL Forums ::.. jomalley Logout

Code Amber Alert

This is the Code Amber Amber Alert Ticker: – CodeAmber.org neex

Navigation

- Home
- About Us
- Leadership Contacts
- Letters of Appreciation
- Fallen Warrior Scholarship
- ALL Forums
- Help on the HomeFront
- Most Recent Posts
- Photo Gallery
- Media/Press
- Fallen Members
- Events
- Troop Support Partners
- PGR FAQ
- PGR Gear

Patriot Guard Riders Forum

Unanswered Not Read My Forums Active Topics Forums My Profile Search Members

Forums > Patriot Guard Riders - National > Letters from the PGR President

Subject: Official Board of Directors Statement 17 Nov 06

Email me when someone replies to this thread.

Topic is locked

Author	Messages	Oldest First
snap67 ● Posts: 567 AL and Ga Ride Capt/National Executive Director	17 Nov 2006 8:16 PM	Alert

We realize that there are a lot of questions, a lot of answers, and a lot of rumors floating around concerning the issues that led to Jeff's resignation, and the current status of the PGR as a non-profit organization. Outlined below are the facts as we understand them:

1. Jeff created the concept of PGR National and the PGR store;

[redacted]

Dialup Homepage

Directory

Click to send an email to the departments below:

User Support
Moderators
Photos
Media
Media Sightings
Submit Picture of Day
Web Site Administrator
Communications Officer
Letters Of Appreciation
Help On The Homefront

Mission Request

Click on the link below to make initial contact with us regarding honor mission requests:

Contact Us

Contact Arlington National Cemetery

2. Jeff designed the logo and the merchandise it appears on;

3. Jeff and his wife are the sole owners of the "PGR Store;"

4. The PGR Store was placed on the front page of the website for members to order their PGR items (leaving some members to believe that the store belongs to the PGR);

5. We have been told that 100% of the proceeds from the PGR Store belong to Jeff;

6. To date, Jeff has donated approximately $67,000 to the PGR;

7. Based upon concerns of the membership, the BOD asked Jeff to see the income from the PGR Store for purposes of rebutting recent accusations concerning the monies made from the store;

8. Jeff refused to divulge that information, stating "It is nobody's business";

9. Jeff stated that he has made approximately $30,000 personal profit from the PGR Store to date, however, in a post today, Jeff stated that his intentions are, and always have been, to donate 50% of all proceeds from his store to the PGR;

10. Based upon the fact that Jeff was making profit from the PGR Store, as the BOD determined created a conflict of interest, when asked by the BOD to give the store to the non profit organization, Jeff chose to resign as the Executive Director of the PGR;

11. Jeff has offered the PGR the use of the logo and the name Patriot Guard Riders for use on our website only, for a period of one year;

12. Jeff has made it very clear that this excludes the PGR from being able to use the logo or name in connection with any merchandising;

13. The BOD understanding its fiduciary responsibility to all of our members and to insure a constant flow of income agreed to expand the offerings in our special events store;

14. While transitioning to new leadership, the BOD through investigation became aware that Jeff had neither completed the trade-marking application for the logo and name, nor the application for National Tax Exempt Status for the PGR (501c3);

15. In keeping with the new leadership methods, the current BOD made this information available to the membership as soon as it came to light;

17. The BOD is now working on creating a new logo (for sale of items in the special events store), drafting appropriate by-laws, and applying for 501c3 tax exempt status (which we understand from our attorney will cover the PGR's activities for the preceding 18 months);

18. From this point forward the current BOD plans to run the PGR as such:

Messages

0 Unread Messages

0 Read Messages

America Loves You Silk Rose

PGR Doo-Rag

PGR Armband

a. Transparency with regard to all issues concerning PGR management (i.e., financials, PGR Store (when one is open), decision making processes, changes to national policy, current status of fundraising (acceptance and administration of funds), etc.

b. More open communications with our leaders (Reg. Caps, SCs, RCs, HOTHs, etc.)

c. More diversity among States, allowing more independent operations within those states, while maintaining a uniformity with the national PGR.

As the BOD resolves these current issues, the membership will be notified, and kept apprised of the status of those issues.

With all this said, we would at this time ask our members to digest these facts, and then join us in refocusing our energies, getting back to why we are here, and forging ahead to continue the mission.

You just don't know when an old vet will Snap

Topic is locked

Forums > Patriot Guard Riders - National > Letters from the PGR President > Official Board of Directors Statement 17 Nov 06

ActiveForums 3.6

EXHIBIT 39

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

JEFF BROWN,

Opposer,

vs.

Opposition
No. 91181448

PATRIOT GUARD RIDERS, INC.,

Applicant.

The deposition of WILLIAM HAROLD RICHART II, taken in the above-entitled cause, before SUZANNE THALJI, Certified Shorthand Reporter of the State of Illinois, on August 1, 2011, at 150 North Michigan Avenue, Suite 2700, Chicago, Illinois, pursuant to notice, commencing at 9:30 a.m.

REPORTED BY: SUZANNE THALJI, CSR, RMR, CRR
LICENSE NO.: 084-002337
JOB NO.: 168210A

Sarnoff
877.955.3855

APPEARANCES:

McAFEE & TAFT, by
MS. JENNA PERRY
1717 South Boulder Avenue, Suite 900
Tulsa, Oklahoma 74119
(918) 587-0000
jenna.perry@mcafeetaft.com

Representing the Opposer;

CLARK HILL PLC, by
MR. JAMES A. O'MALLEY
MR. DAVID J. MARR
150 North Michigan Avenue, Suite 2700
Chicago, Illinois 60601
(312) 985-5900
(312) 985-5558
jomalley@clarkhill.com
dmarr@clarkhill.com

Representing the Applicant.

Sarnoff
877.955.3855

I N D E X

WITNESS

WILLIAM HAROLD RICHART II

EXAMINED BY	PAGE
MR. O'MALLEY	4
MS. PERRY	47

APPLICANT'S EXHIBITS

NUMBER	DESCRIPTION	PAGE
Exhibit 2	PGR Store Invoice 2274, PGR 000536	11
Exhibit 3	Patriot Guard Riders Forum, 6/22/06-6/23/06, PGR 006430-31	13
Exhibit 4	PGR FAQ, 9/2/06, PGR 000138-161	16
Exhibit 5	PGR FAQ, 10/22/06, PGR 000162-185	16
Exhibit 6	Jeff's Final Corner, 11/7/06 BROWN009964	32
Exhibit 7	Patriot Guard Riders Forum, 11/21/06, PGR 002174-2177	33
Exhibit 8	Various emails, dated 9/25/07 and 10/1/07-10/4/07, PGR 003043-3050	36
Exhibit 9	Various emails, dated 12/21/08, 12/22/08, 2/28/09, 5/2/10,	43

WILLIAM HAROLD RICHART II,
having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. O'MALLEY:

Q. Okay. So, Bill, you have had your deposition taken before?

A. Yes, I have.

Q. And so you know how a deposition works?

A. In layman's terms, yes.

Q. Okay. I am just going to give you some reminders about that. I am going to ask you a bunch of questions relating to this trademark opposition. You will have a chance to answer them under oath. The other lawyer here, Ms. Perry, is also allowed to ask you questions if she so chooses.

The court reporter is taking everything down, will prepare a written record of everything that's said, which is referred to as a transcript. If you want, you can review your transcript somewhere down the line to check to make sure it's accurate and to make any corrections before signing it.

Do you understand that?

A. Yes, I do.

Q. Okay. It's very important that you understand the questions and give accurate answers. If there is anything that you don't understand or any that you don't know or aren't sure of, let us know, okay?

A. Yes.

Q. Please be sure to verbalize your answers to make it easier for the court reporter to understand you.

Are you feeling good this morning?

A. Okay.

Q. Okay. Any medications that would impact your ability to get through the deposition?

A. I don't believe so.

Q. No? Okay. Can you state your full legal name?

A. William Harold Richart II.

Q. Can you spell that?

A. R-i-c-h-a-r-t as in Tom.

Q. Okay. Richart. And your address?

A. 100 Southeast Crestwood, that's one

wood, Lee's Summit, Missouri.

Q. Okay. And where do you work?

A. Hayes-Lemmerz International, Incorporated.

Q. Okay. And can you give me a little bit of your educational background?

A. Went through various schools in the military and since then I have completed 152 hours of higher education. I have three associate degrees.

Q. In?

A. One is in computer drafting. One is in machine tool and professional certification and welding technologies.

Q. Okay. And you said you were in the military. You had education. Can you describe your military background?

A. I was 11 years in the military, 81150 skill level, which is -- I have been through the tech school, tech school, different tech schools for the military. I don't really know how to explain them in civilian terms.

Q. Okay, that's fine. And that was how long ago?

Sarnoff 877.955.3855

A. I got out of the military in 1994.
Q. 1994, okay. Are you known by any other names or nicknames?
A. In the Patriot Guard Riders, my ride name, road name is Whirlwind.
MS. PERRY: Can you say that again? I'm sorry.
THE WITNESS: Whirlwind.
BY MR. O'MALLEY:
Q. Do you want to spell it?
A. I can.
Q. Please, yes.
A. W-h-i-r-l-w-i-n-d.
Q. Okay. And do you have any email addresses -- what email addresses have you used in the last five, six years or so?
A. Just for related things or --
Q. For PGR related items.
A. Whr2nd@patriotguard.org, whr2nd@me.com, just m-e, and I have received some mails at my work address. I have a question on that.
Q. Okay. I am not asking for that address.
A. Okay.

Q. Can you tell me how you first came to know about the Patriot Guard Riders?

A. I believe I saw a news story about protestors at a funeral and went online and typed in what I saw, the name, and went to the site and read about it.

Q. Okay. What time frame would that be about?

A. Late February, early March of 2006.

Q. Okay. And when you went to that website, is that the time when you joined Patriot Guard Riders or did that occur at some later date?

A. I think I looked at it that night, and the next morning I joined. I am not a big joiner of organizations and all that, but it was something I thought had a good purpose.

Q. Okay. And how would you go about joining?

A. Registering on the website at patriotguard.org.

Q. Registering, okay. So once you became a member or a volunteer, what kind of activities did you do in the PGR? And let's kind of go

through in order from the time when you joined to present.

A. I think the very first activity I did with Patriot Guard Riders in Missouri was we attended a signing at the capitol building of the ban law for protests in Missouri. The next time I rode with the PGR was for a funeral in Anderson, Missouri. It would have been in March, I believe, for Christopher Marion, Pfc Christopher Marion.

I became a ride captain right away, which meant, you know, at the next mission that I went to, I actually was the organizer for the event. I contacted the family, the military, local law enforcement, funeral home, and made the arrangements for the ride.

Q. Okay. And then after that did you ever take on more responsibility?

A. Yes. Within probably three months of my joining, I volunteered to be one of the site moderator teams, had access to the site to post missions, to remove inflammatory comments, to enforce the use terms of the use of the site. Probably in August I believe I became the

Missouri state captain in addition, and I held that position until I joined the board of directors in 2007. In between -- sorry. That kind of got off track.

Q. Okay.

A. While I was Missouri state captain, I -- I am trying to think of the order that I did it in. I became the national forum administrator, the head of the moderator team, head moderator, we call it, in October, November, sometime between September and November of '06. Not too long after that, maybe another eight or nine months, we created the position director of operations, and I was actually -- the position was created for me to kind of oversee the daily operations and be the buffer between the board and everything else, handled decisions for them, keep their plate, you know, less congested.

In September of 2000 -- make sure I got my years right. I don't remember if it was 2007 or 2008 now. 2006 was that -- it would have been 2007. I was elected to the board of directors. My initial position was vice

president, and I became the president in April or so of the following year, and I have remained president ever since.

MR. O'MALLEY: Okay. Sounds good. Okay. I would like to introduce the first exhibit, and I am going to introduce this as Applicant's Exhibit No. 2. I plan on using some of the same exhibits over, and so rather than separating them out between that, I am going to do it as No. 2.

Unfortunately, during the depositions of Awtry and Brown, I have two Defendant's Exhibits No. 1, but I think we can -- if and when we need to use those, we can separate those out, but from here on out, I will go consecutive if that's okay with you.

MS. PERRY: Okay.

MR. O'MALLEY: Does that make sense? Okay.

(Applicant's Exhibit 2 was marked for identification.)

BY MR. O'MALLEY:

Q. Can you please turn to the second page here and take a look at this document. Are you familiar with this document?

Sarnoff
877.955.3855

A. Yes, I am.

MR. O'MALLEY: Okay. On the bottom there's a sticker that says Respondent's Exhibit 10. I just want to note that that document was used during the discovery deposition of Jeff Brown and also uses the Bates stamping PGR 000536.

Q. Can you tell me what this document is, please?

A. PGR store invoice made out to myself for a purchase that I made from the PGR store.

Q. Okay. And when did you make that purchase?

A. The date on the invoice is 3/18, 2006.

Q. Okay. So that was soon after you became a member?

A. Within the first couple weeks, it would have to be.

Q. Okay. How did you go about making this purchase?

A. I went to the PGR's website. There was a link there that said -- you know, for the PGR store, went in, picked the items I wanted and --

Q. Okay. And then this invoice that you got back here, does it have any other

information telling you about who is operating the store?

A. It says PGR store at patriotguard.org website. The other address also says PGR on it.

Q. Okay. Anything to give any indication to you that Jeff Brown was running the store?

A. It just says -- everything on it says PGR.

MR. O'MALLEY: Okay. Thank you. This is Applicant's Exhibit No. 3 here.

(Applicant's Exhibit 3 was marked for identification.)

BY MR. O'MALLEY:

Q. Can you take a look at this document and tell me what it is?

A. It appears to be a copy of one of our forums. From the header it's the state captains area forums.

Q. And is there a date on this?

A. Date of the post is 22 June 2006.

Q. Okay. And who made this post?

A. It would appear to be Jeff Brown.

Q. Okay. And it says Twister on that?

A. Yes.

Q. Is that his road name or ride name, however it is characterized?

A. Yes, it is. That's his picture too.

Q. Okay. That's him. All right. Good to know.

Can you turn to the second page there, which is PGR 006431. Can you read to me the first full paragraph in Jeff's post?

A. "The PGR name, logo, 'Riding with Respect' and 'Scooter Sissy' are all trademarks. Please do not use them without permission."

Want me to read the whole paragraph?

Q. Yes.

A. Okay. Sorry. "Additionally, please don't think I'm just being a jerk when I have to say 'no.' Just so you know, in addition to furthering the organization through a uniform image, there are some very sound legal reasons why permission may not be granted. Our attorneys have advised us if we ever have to go to court to enforce our trademarks, and the defense attorney can cite other instances where we did not enforce our trademarks, it will damage our case substantially.

"Please pass this information on to your RC's and members.

"Thanks, Jeff."

Q. Okay. When you are reading this, are there any impressions that you get from reading this?

MS. PERRY: Objection as to form. Please restate.

BY MR. O'MALLEY:

Q. Do you have any impression from reading this?

A. That PGR's logos and marks are protected. It's for the organization, and so everything on there says that -- our attorneys, you know, PGR's attorneys -- I am reading it as I am reviewing.

Q. Sure.

A. It talks about enforce our trademarks, you know. I read that as saying, you know, no one can use them without permission of the PGR.

MR. O'MALLEY: Okay. Thank you. I am actually going to introduce two documents here in a row or together, I should say.

(Applicant's Exhibits 4 and 5 were marked for identification.)

BY MR. O'MALLEY:

Q. Okay. Applicant's Exhibit No. 4 is Bates stamped PGR 000138 to PGR 000161, and Applicant's Exhibit No. 5 is Bates stamped PGR 000162 to PGR 000185. If we can look at these, both of these are printouts from the PGR website and entitled "PGR FAQ." One has the date Saturday, September 2, 2006. That is Applicant's Exhibit No. 4, and the other is dated Sunday, October 22, 2006. That's Applicant's Exhibit 5. These documents contain basically the same information here, but I just want to go through them so we can see it.

MS. PERRY: Question?

MR. O'MALLEY: Yes.

MS. PERRY: There are two dates on each of these. Can you explain that?

MR. O'MALLEY: Are you referring to the dates on the bottom?

MS. PERRY: Correct.

MR. O'MALLEY: Okay. The 5/1/2008s are the dates when they were printed from the web. Does

that answer your question?

MS. PERRY: Yes.

MR. O'MALLEY: Okay.

Q. In connection with your duties at the PGR, were you aware of this PGR FAQ section?

A. Absolutely. I have done updates to it myself on occasion.

Q. How would one get to these pages in order to access it?

A. Well, on the home page -- on all the pages we have a navigation bar, and it's actually showed on here on the side our navigation where it has a link for PGR FAQ.

Q. So that would bring you to this page, and what's on this page in general?

A. Frequently asked questions, general information on the PGR. A lot of members, when they join an organization, there's a lot of common questions people ask over and over again. It's easier to put them on the forum where they're available.

Q. Okay. Can you first turn to the second page, PGR 000139, and can you read for me the first sentence under the section that says "Are

there any dues or membership fees?" I'm sorry, the first two sentences.

A. "No, membership is free. PGR is funded through purchases made from the PGR store, public donations, member donations and member businesses who donate."

Q. Okay. So when you read this, is there a differentiation in your mind from the PGR store and public donations?

A. It has it listed as a separate category.

Q. Is there a differentiation from PGR store and member donations?

A. Same. It's listed as separate.

Q. And from the PGR store and member businesses?

A. Absolutely. Member businesses weren't ever treated the same as the store.

Q. Okay. And then it says that the PGR is funded through purchases made from the PGR store. What does that mean to you?

A. That's how the PGR manages its operating budget, selling of goods that are marked with the PGR's logo to fund the website,

plaques, all of the operations.

Q. Okay. Can you turn the page here to PGR 000140. Can you please read the statement made under "I own a business that might be of interest to PGR members. Can it be listed on the website?"

A. "Yes, it can. Send an email to Hardbite@patriotguard.org or Schmidtrock@patriotguard.org with the URL and a graphic from your site including any information you want posted. They will get it posted to the Links section in the Navigation Bar on the Home Page."

Q. Okay. So what's happening here?

MS. PERRY: Objection as to form.

BY MR. O'MALLEY:

Q. What is the basis behind this statement?

A. It was a place for people who --

MS. PERRY: I am going to object to that as well. It calls for speculation. It isn't clear. Can you restate the question?

MR. O'MALLEY: Sure.

MS. PERRY: I'm sorry. Restate the question.

MR. O'MALLEY: Sure.

Q. Based off of the sentences that you read, what is your understanding of the basis behind it?

A. That members who have a business that -- or items that PGR might be interested in, I would assume motorcycles, whatever, can send in their URL and graphic to the site and have it listed as a member business.

Q. Okay.

A. And that the people that will post that information are volunteers on the site. I know who both of them are.

Q. And it says here that this will get posted to the links section in the navigation bar on the home page. Is this the same thing you were talking about as to how -- one place you would get to the PGR FAQ section?

A. Yes. It even shows that on that first page under the navigation. There's a separate tag there for links, and there is probably a subdivision underneath.

Q. Okay. Sounds good. Thank you. Can you turn to the next page, PGR 000141. There is

a category here called a "PGR Back Patch." Second line down, there is a sentence that says, "We do not earn this patch but purchase it from our store."

What store is that?

A. The PGR store.

Q. Okay. What is a back patch?

A. There's a couple of interpretations. To be as brief as possible, when it talks about earning, at some hardcore motorcycle clubs, they do a probationary period to earn a patch. The PGR back patch, it's the logo of the PGR. People wear it to show their membership and support.

Q. Okay. When the PGR first started up, was there a PGR back patch?

A. No. Actually, when it came out, it was kind of shocking to everyone, when it first showed up, because the perception between the two, we were -- it was always the --

MS. PERRY: I am going to object to this question because he doesn't have personal knowledge of that.

THE WITNESS: I was there when the first one

showed up. The first time anyone saw the back patch was at the 2006 gathering of the guard in Claremore, Oklahoma. I was an attendee there, got the T-shirt.

Q. What time period is that?

A. Would have been June or -- I'm sorry. It was July 2006. I know it because I left early to be with my family on 4th of July. I left on the Saturday, and it ran through Sunday, so first week of July 2006, I believe.

Q. Okay. Tell me again what was the reaction when the PGR back patch came out at the gathering of the guard.

A. To be honest, kind of a what the hell.

Q. Okay.

A. People who showed up were from the Dixie region. I believe it was Dinky Dau and Ed Baker and a couple others that had made the patch down in that region.

Q. Okay.

A. There were a lot of people -- what's the deal, you know. We are not a club, and we don't want to appear as a club. We always said this was never going to happen. That was the

common perception of the PGR.

Q. And were these back patches being sold?

A. I was told, yes, because I asked about the --

Q. Okay. Was Jeff Brown aware of this?

A. I don't believe --

MS. PERRY: Will you please state the question more clearly. Objection on that one.

MR. O'MALLEY: Sure.

Q. Was Jeff Brown at the gathering of the guard in 2006?

A. Yes, he was, and I believe I asked him about it personally to be honest.

Q. I'm sorry. Asked him about what?

A. The patch, because there had been such a big deal about not becoming -- I was familiar with Jeff Brown by this point. We had met at one of my first rides, and we talked on the phone quite a bit in between.

Q. Okay.

A. So I was familiar with Jeff, and I spoke to him about it and lots of other people. I am trying to make sure I recall the specifics. I believe I was told that they had made these

down there. They were selling, and it was going to the PGR store afterwards.

Q. What was going to the PGR store?

A. The back patch was going to be available in the PGR store after that.

Q. Okay. Did Jeff Brown have any reaction to seeing these people wearing a back patch?

MS. PERRY: Objection. That calls for speculation as well.

MR. O'MALLEY: He was there and --

A. I think he was as surprised as everyone else.

Q. Okay.

A. But I also know that he had discussion with them about that and allowing them to sell it.

Q. He allowed them to sell it?

A. Yes.

Q. Okay. Thank you. Can we turn to the next page, PGR 000142.

A. Wait a second. On my previous answer --

Q. Yes.

MR. MARR: Do you want it read back?

THE WITNESS: Please.

(Answer read.)

A. I guess on reflection I am not sure I can say he was surprised. I know there was a lot of consternation -- is that a good word? -- about it, and I know he gave them, you know, the permission to sell because they had made them. Whether or not he knew prior, I can't say he didn't or if he had talked about it. I really can't say with certainty. He didn't -- by the time I saw him, I guess consternation was probably more than surprise.

BY MR. O'MALLEY:

Q. Okay. Complete?

A. Yeah, I think so.

Q. All right.

A. I am trying to remember back. It's been a while.

Q. No problem. Can you turn, if you haven't done already, to PGR 000142. Okay. There is a section there that says "Since I am a member can I use the PGR logo and name?"

Can you read what's underneath that for me?

A. "The PGR logo and name is copyrighted and restricted to specific use. Anyone wishing to reproduce the logo or name for personal and/or business use in graphics of any form MUST receive permission from National, contact Jeff 'Twister' Brown, jbrown@patriotguard.org before using it."

Q. Okay. Upon reading this, what is your impression of who owns the trademarks or -- I'm sorry. Let me rephrase that.

Upon your reading of this, what is your impression of who owns the PGR logo and name?

A. The PGR, you got to get permission from national, contact Jeff Brown who is our director at the patriotguard.org address, the organization.

Q. Okay. Thank you. The next part down it says "Where do I purchase PGR items?" Can you read to me what it says underneath there?

A. "The link to the PGR store is located in the Navigation Bar on the left-hand side of the Home Page. You will need to create a separate log-in from the one you use to log in to the PGR main site. Once you have entered the

store please take the time to familiarize yourself with the policies and procedures of the store. Many of the questions you may have about the store will be answered there."

Q. Okay. So the link to the PGR store is located in the navigation bar. That is again the same place as we've talked earlier where there's a link section, a PGR FAQ section, correct?

A. Yes.

Q. Okay. And then can you compare this -- go back two pages to PGR 000140, the part where it says, "I own a business that might be of interest to PGR members. Can it be listed on the website?" So is it your understanding from reading the statement on PGR 000142 as to whether the PGR store is owned by a member of the PGR?

A. Clearly not. It's on a separate tag that says PGR store. Member businesses are always in a separated form or separated link.

Q. Okay. Thank you. Can you turn to the next page, PGR 000143. It says "Regarding the PGR online store." Can you go through and read

that section for me, please?

A. Both paragraphs?

Q. Yes, please.

A. "A number of people have asked if they or a friend can duplicate some of our stuff for free to help the cause. Our PGR name and logo is copyrighted for a reason. The revenue generated from the sale of PGR products enables us to operate this site and continue to grow the organization without any dues, donations or fees. We also have other plans down the road.

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

Q. What is your understanding of the PGR online store and how it works based off of a reading of this?

A. Again, that, you know, we've copyrighted the name and logo for use for the organization. The sale of those items with

Sarnoff
877.955.3855

those marks is how the PGR funds itself, operates. All the associations such as, you know, other groups and these groups listed all have similar functions. They're veteran support, military support, and all these organizations have their stores also and don't allow any outside use for the same reasons, and it references, you know, comparable products through other associations below that.

Q. The next section, same page says "What if I have an idea for an item for the store?" Can you read what is stated underneath there?

A. "Suggestions for the PGR store can be posted in the National Forums under the heading Patriot Guard Store. Check the threads in that Forum before you post. Your idea may have already been suggested and the answer will be there."

Q. Okay. So is it my understanding that from this that there are forums on Patriot Guard's web page and one of them is a Patriot Guard store forum?

A. Yes.

Q. And people from that, members could

suggest --

MS. PERRY: Objection, leading.

MR. O'MALLEY: Okay.

Q. Can you tell me what is your understanding from this statement?

A. Like I said, in a couple of my roles I was the head admin. I, you know, posted forums and made forums and all this. The PGR store had a forum area with a couple different sections in it for -- it was basically customer service for the store. If people had questions on an order, an item, delivery on something, you know, shipping, if something hadn't showed up, anything related to the store was answered there through the PGR.

Q. Okay. Thank you very much.

A. I want to say one further thing.

Q. Yes, I'm sorry.

A. Member businesses were never the same way. We would post a link. We didn't endorse anything or really do discussion because we don't recommend our members do anything, you know. We don't take that responsibility on whether or not somebody's got a good transaction

or a good company.

Q. Okay.

A. The PGR store was us.

MR. O'MALLEY: Okay. Thank you. Turning now to Applicant's Exhibit No. 5, I can make this statement -- we can go through them again, or I can point to you where these same headings are located on this exhibit, if you'd like. They're essentially the same --

MR. MARR: You might want to go off the record.

MR. O'MALLEY: Okay. Off the record.

(Discussion off the record.)

MR. O'MALLEY: Okay. Applicant's Exhibit No. 5 I am going to make the statement is essentially the same document as Applicant's Exhibit No. 4. The only difference is the dates of the documents. Applicant's Exhibit No. 4 was dated September 2, 2006, and Applicant's Exhibit No. 5 is dated October 22, 2006. But the information that was just discussed can be found in both documents, and rather than going through them again to state the same things again, we will just leave it at that.

(Applicant's Exhibit 6 was marked for identification.)

BY MR. O'MALLEY:

Q. Okay. This is Applicant's Exhibit No. 6, which was produced by Brown and identified as BROWN009964. Can you tell me what this document is? Are you familiar with it?

A. It's entitled "Jeff's Final Corner." We have a link on the bottom right-hand side of the home page. It's changed names a couple times. It is an area for the president to post in. It was Jeff's Corner. It was Snap's Shack, and currently since I'm the president, it's just called Board Talk, just referencing our board of directors.

Q. Okay. So what is this document? Take some time to read through it if you'd like.

A. This is the final corner where Jeff Brown resigned from the PGR.

Q. And is there a date on this document?

A. It was posted Tuesday, November 7, 2006, at 8:42 a.m. by Jeff Brown, Twister.

Q. Okay. Can you read the last sentence of the second paragraph, please? It's the fifth

line down is where it starts.

A. It starts with "The business"?

Q. Yes.

A. "The business structure of the store has never been hidden and has been discussed 'ad nausea,' but in an effort to belay any further controversy that takes time and energy away from our missions, I have chosen to step down and close the PGR store after the current inventory is depleted."

MR. O'MALLEY: Okay. Thank you. That's it.

(Applicant's Exhibit 7 was marked for identification.)

BY MR. O'MALLEY:

Q. Okay. Applicant's Exhibit No. 7 was produced by Patriot Guard Riders and is identified as PGR 002174 to PGR 002177. Are you familiar with this document, Bill?

A. Yes.

Q. Can you explain to me what it is?

A. Can I take a glance at it first for the details?

Q. Sure.

A. It's letters to the president section.

It's a posting written by Snap, Bill Lines, who became the -- who was the president of PGR at that time. He took over after Jeff's resignation as the president. He was elected to be president, as posted by Waldo who was one of the site admins.

MS. PERRY: Waldo?

THE WITNESS: That's the rider name. All it says is Waldo.

MS. PERRY: Is that Jason Wallin?

MR. O'MALLEY: Yes.

THE WITNESS: Yes. I'm sorry. I was looking at the front page.

BY MR. O'MALLEY:

Q. Can you turn to the second page of this, please, and he says here at the top, "I would like to address some topics with you and the best way for my old mind is by the numbers. So here goes." He has a number of listed items. Can you read what No. 1 says, please?

A. "The PGR store; We are going to TRY and have the new store up by New Years Eve. It will sell all the items it does now and more. And ALL profit will go to the PGR. We are going to

outsource this store so that no member will have his hands on it. It will be overseen by a committee of members."

Q. Okay. What is the purpose behind this statement, if you know?

A. To explain that the PGR store is ongoing. It's going to continue to support the PGR in a new form.

Q. And he says there that all profit will go to the PGR. Why does he make that statement, if you know?

MS. PERRY: I am going to object. That's speculation.

A. I think it's pretty clear, because we found out previously that the other store profits were being diverted to a person instead of the organization.

BY MR. O'MALLEY:

Q. Who was that person?

A. Jeff Brown.

Q. Okay. Can you turn down to No. 3 and let me know what that reads, please?

A. "We have received advice from our attorney that we can retain and use our name and

logo without restraint. If you want a new logo, let us know but we don't have to."

Q. Okay. Is there a reason why he's making this statement?

MS. PERRY: Objection. That's also speculative.

MR. O'MALLEY: You can answer if you know.

A. Again, it's pretty clear. As of November, there were claims made by Jeff Brown that he owned it individually. None of us were lawyers, and I was head shed -- I was head forum admin and I was in head shed at that time, but there was a lot of discussion about doing it -- make sure everything we were doing was right because the mission demands that we have integrity in what we do. So we checked with lawyers to see what the actual status of it was versus claims that were being made. We had found out that many of the statements by Mr. Brown were not based in fact.

(Applicant's Exhibit 8 was marked for identification.)

BY MR. O'MALLEY:

Q. Okay. Thank you. Applicant's Exhibit

Sarnoff
877.955.3855

No. 8 is a document that was produced by PGR identified as PGR 003043 to PGR 003050. I first want to turn your attention to PGR 003047 and let you know that this is a document -- this one page was identified as an exhibit both during the deposition of Ronny Awtry and during the deposition of Jeff Brown, but there are obviously more to this email string here. Can you please take a look at PGR 003047 and take a look through it and tell me what's going on here based off of this one page?

A. There was discussion and questioning about what we thought -- what we had known and acknowledged of the store and what later came to be -- you know, it was being diverted to personal profit and whether or not that violated the bylaws of the PGR and the appropriate regulations that oversee the nonprofits.

Q. And this one email here is dated September 25, 2007. If you turn to PGR 003046, the other email you can see is also dated September 25, 2007. At that time there is a person writing by the name of Ed Mueller. Who is Ed Mueller, and what was his capacity, if

any, in the PGR at that time?

A. Ed Mueller was on the board of directors. He came on the board of directors in November of 2006.

Q. Okay.

A. He later became the president of the board of directors.

Q. After this time period?

A. Actually, I think he was the president at that time. No. I'm sorry. No. He was a member's rep, which is the position I have. I'm sorry. Snap was president at that time.

Q. Who is Jon Tatum who is also in these emails?

A. Jon Tatum is an accountant. He is also currently the PGR's accountant.

Q. Okay. Thank you.

A. Patriot Guard Riders, Incorporated.

Q. Sure. Okay. Can we fast forward to PGR 003044. Do you have that page?

A. Yes.

Q. And there is an email from Ed Mueller dated Wednesday, October 3, 2007, to exec. Who or what is exec?

A. That's the address used for the board of directors. It's a group address. Anything you send to that, all the board members receive.

Q. Okay. And can you please read Ed's statement from his email there that he is sending to the board of directors?

A. "Here is a chain of e-mails between myself, our accountant, and lawyer. Sorry, but it will be necessary to read from the bottom up. I have read the opinion of our attorney, and personally feel he is not only way off base, but trying to cover for Jeff Brown. I'm not easy with his position, and would like your thoughts."

Q. Can you finish? Sorry.

A. "Respects, Ed."

Q. All right. Can you forward to the next page, PGR 003043, and there is what appears to be a response to Ed's email from Ronny Awtry, dated Wednesday, October 3, 2007. Was Ronny Awtry on the board of directors at that time?

A. Yes. It says that in the signature block. He is national treasurer.

Q. Okay. Thank you. Can you read through

Ronny's email to Ed as well as to the rest of the board there, as he says, exec?

A. From the beginning?

Q. Yes, please.

A. "Ed, My thoughts would be that we were told this a long time ago and that Jeff weaved a helluva web. That said, I would point out some very specific questions and not generalizations that may be pertinent and easier for the accountant, attorney to digest. It is very well known you want Jeff's head on a platter, no problems here with that. A better set of facts and questions would serve us all better."

Keep going?

Q. Yes please.

A. "Such as, 1. The logo for the PGR was designed and first used by the PGR on the PGR website. Jeff created it while an officer of the company. Is this a conflict of interest?

"2. Jeff stated that the funds from the PGR store supported the PGR and expressed no delineation between the two. Is that legal? IRS acceptable?

"3. Jeff directly linked his store to

the Navigation bar of the official website with no delineation. Is that legal? IRS acceptable?

"4. Jeff advertised the PGR as a not-for profit the whole time to all parties who would listen. We gained our Oklahoma NFP," not-for-profit, "status in 2-27-2006 through Tom Winters office. If he stated we were a NFP," not-for-profit, "or 501c3 after that date was he illegal or violating IRS rules?

"5. If the above happened while Jeff's store was specifically linked in the PGR, Inc. website navigation bar at that time giving appearance that the PGR stoe" -- that's store -- "and the PGR were one in the same, was it unlawful and against IRS rules?"

Q. Okay. Thank you. And then there is a last email here, which is from Bill Richart, yourself, dated Thursday, October 4, 2007, in which you appear to be responding to Ronny's email, which is also going to the rest of the board. Is that correct?

A. Yes.

Q. Okay. Can you read your email on that?

A. "My thoughts would be covered in the

questions that Ronny added. From the attorney's remarks, it would seem that he is unaware of the overlap in events.

"One additional question for the attorney; would Jeff have violated the fiduciary responsibility of his position as Director by removing that financial support of the organization and denying us use of the established logo when he stepped down, depriving the organization of our primary means of funding now that he was no longer Director?

"The old, if I can't be the boss I'll take my money and go home tantrum..."

Q. Okay. So what is going on here with Ed's email, Ronny's email and your email?

A. There was some opinion that, you know, the accountant and the attorney, the information they had didn't reflect accurately the dates and specifics of what was actually going on. I'm not sure they do to this date to be honest. As I said, there was a lot of -- well, I think I have answered the question.

Q. Okay. Thank you. That's it with regard to that one.

MS. PERRY: Can we take a quick break?
MR. MARR: Sure.
MR. O'MALLEY: Sure.
(Recess taken.)
(Applicant's Exhibit 9 was marked for identification.)
MR. O'MALLEY: Go back on the record, please. Okay. I would like to introduce Applicant's Exhibit No. 9. Okay. Applicant's Exhibit No. 9, as you can see, has a copy of a sticker on the bottom that says Exhibit 20. This was Exhibit 20 to Jeff Brown's testimony deposition. It was not a document that was produced to us during discovery.
Q. Bill, can you please take a look through this email and tell me what it is. Take your time to read through it.
A. It is Jeff replying to a letter from -- I'm sorry. By Jeff I mean Mr. Brown replying to a letter from Ronny Awtry where Ronny has asked for permission to use PGR logos, marks on his race car and trailer.
Q. Okay. And so he is asking Jeff for permission?

A. Yes.
Q. Okay. Did Ronny Awtry make a similar request to Patriot Guard Riders, Inc.?
A. Yes, he did.
Q. Can you tell me the circumstances surrounding that?
A. Tom Hoffmann, one of the board members at the time, was a good friend of Ronny's. I believe Tom is -- one or two of Tom's children may have worked for him at one point. They're good friends. Tom brought the request for Ronny to -- you know, Ronny contacted Tom as a member of the board, and we voted in a conference call to give him permission to.
Q. So Ronny is aware that this trademark opposition is going on as to --
A. Absolutely.
Q. -- determine who is there, so in essence I guess he is covering his bases?
MS. PERRY: Objection, leading.
A. It would appear that way.
MS. PERRY: You need to restate the question in a different form.
MR. O'MALLEY: Sure.

BY MR. O'MALLEY:

Q. So what is Ronny doing then by asking Jeff for permission and asking PGR for permission?

MS. PERRY: And I object to that one based on speculation, but he can answer.

A. It appears he has asked both sides for the same permission.

BY MR. O'MALLEY:

Q. Okay. Thank you.

A. By sides I mean the PGR and Jeff Brown.

Q. All right. I have just a few follow-up questions. Based on the exhibits that we looked at here today, Applicant's Exhibits 2 through 9, looking at all that, what is your understanding of who owned the trademarks?

A. The Patriot Guard Riders, the organization.

Q. Why?

A. They were the organization. First use was with us. The first use was for our services. The store was always represented as being the funds of and controlled by the board. All the decisions were discussed within. We

have always had a real strict view that we don't profit from what we do. No member of the board of directors has ever had an authorized financial compensation for our time. We're volunteers.

Q. Okay. Was it your understanding at all that Jeff Brown owned any of the trademark rights?

A. Never, until claims were made at the end where he resigned.

Q. Okay. What is it -- I am not sure how clearly it came out through all this, but what is it that the PGR does?

A. The PGR organization shows respect for our fallen soldiers and military. I will expand it a little bit. We also do veteran send-offs -- or veteran funerals, send-off of troops and welcome home troops. It is about supporting our American heroes, those that give their lives to protect us.

Q. Okay. Did Jeff Brown as an individual, as opposed to as a part of Patriot Guard Riders organization or a leader of the Patriot Guard Riders organization, ever use the trademarks on

his own behalf in performing those services?

A. No. The PGR is not about individuals. It's one of our caveats that, you know, the members make the mission happen. It's an association of the people that are gathered together for a purpose. It makes a difference. There is no I in it.

MR. O'MALLEY: That's all the questions we have.

MS. PERRY: Well, if I would have known that --

MR. O'MALLEY: I wasn't going to question. You can take another time here if you need to.

MS. PERRY: No, but I may need to take a break before I finish the questions.

MR. O'MALLEY: Okay.

CROSS-EXAMINATION

BY MS. PERRY:

Q. Hi. I go by Jenna Perry, and I am the attorney representing Jeff Brown in the opposition, Opposition No. 91181448. I am going to ask you a series of questions, and I would like for you to answer them as fully and truthfully as possible. You understand that you

are still under oath, correct?

A. Yes.

Q. So you understand that you have the duty to answer each question truthfully and fully, correct?

A. Yes, ma'am.

Q. If you don't understand a question, will you tell me?

A. Certainly.

Q. Some of these questions may be redundant, but I ask for your patience and request that you answer each question truthfully and fully as you did the first time.

A. Certainly.

Q. Okay. Let's begin. Have you ever been convicted of a crime?

A. Traffic tickets.

Q. Anything else?

A. I once missed a court hearing for my grass being too tall, but I don't think I was convicted of anything, no.

Q. Okay. Have you ever been charged with a crime?

A. Other than stated above, no.

Q. Okay. Have you spoken with Mr. O'Malley or anyone else at this law firm before the deposition today?

MR. O'MALLEY: I would like to object just to the extent it calls for attorney-client privilege.

MS. PERRY: I understand that.

A. I have discussed the case with the attorneys numerous times.

Q. Have you spoken with Mr. O'Malley or anyone else at this law firm this week about the case?

A. Certainly.

Q. Please describe, not the content --

MR. O'MALLEY: Objection.

MS. PERRY: Not the content but the extent of --

A. Discussing travel plans of getting the other witnesses here and -- I don't know. That's about it, I guess.

Q. How much time was devoted to discussing the content of the deposition?

A. The deposition, very little. I have also been in contact with them for other matters

in this last week.

Q. I am not talking about other matters. We are talking about the content of this deposition only. Within the past week, how much time has been spent in conference with the attorneys here at this firm regarding content of this deposition?

A. I would guess less than an hour.

Q. How about in general through the entirety of the opposition proceeding, how much time has been spent discussing with the attorneys the content of what is in this deposition?

A. I am not sure what you meant by this deposition. As in right now today?

Q. Well, the opposition proceeding in general.

A. I couldn't speculate.

MR. O'MALLEY: Objection, speculation.

A. I couldn't begin to speculate. That's been four years, quite a bit of time. I really can't give you a -- if I guess, it would be a pure number pulled out of the air.

BY MS. PERRY:

Q. What time did you arrive today for the deposition?
A. A little after nine, right around nine.
Q. Did you look at any documents before you came in today?
A. No.
Q. Have you looked at any documents in the past week that were produced as exhibits today?
A. No. Without knowing the details of everything in there, I looked at some stuff at my house, but I don't remember specifically, you know, looking at these documents.
Q. Did you speak to anyone besides Mr. O'Malley or someone at this law firm when preparing for your deposition today?
A. I'm sorry?
Q. Did you speak with anyone besides Mr. O'Malley or individuals at this law firm --
A. No.
Q. -- before your deposition today?
A. No.
Q. What is your present position with PGR, Inc.?
A. President of the board of directors.

Q. When did you become president of the board of directors?

A. I think spring, early summer of 2008, I believe. Yes.

Q. List all of your duties and responsibilities as president of the board of directors of PGR, Inc.

A. It's a pretty wide net. I'm a representative of the PGR, head of the board of directors. I also have responsibility for the website teams. Every board member has different outside responsibilities of areas we do, and mine are website information teams, general spokesman, draft policies over the legal issues. I am also a ride captain in Missouri for doing missions, but I haven't participated in a lot lately with other things going on.

Q. If you are going to take legal action against a person or entity, how would that be decided in the PGR, Inc.?

A. By board of directors.

Q. Explain.

A. There would have to be a cause for an action. We would discuss. We would get legal

advice I'm sure. None of us are lawyers, and we would vote on taking a course of action.

Q. So if the PGR, Inc. were going to bring action against an individual or entity, it would be voted on prior to taking any legal action by the board of directors?

MR. O'MALLEY: Objection, speculation and goes beyond the scope of direct examination.

A. I can't speak on, you know, the exact details, you know, before I was the president, but that's always been my understanding, yes.

BY MS. PERRY:

Q. I am talking about while -- you are president now.

A. Yes.

Q. If the PGR, Inc. were going to take legal action, file a federal lawsuit against an individual or entity, tell me how that would occur.

A. As I just explained.

Q. Explain it again.

A. There would have to be some kind of a cause. I don't -- we are talking about just now currently?

Q. We are talking about now, since you have been president.

A. We would get an opinion on our position obviously, and the board would vote to take action. Some things we don't have a lot of choice in because -- by the regulations, if somebody was representing us wrong or something like that.

Q. Okay. And would the final decision have to be voted on by the board prior to filing suit?

A. Yes.

Q. Is it your opinion that Jeff Brown is infringing the trademark of the PGR, Inc.?

A. Absolutely.

Q. In your presidency, in your time of presidency for the PGR, Inc., has action ever been filed against Jeff Brown for trademark infringement?

A. No, it hasn't.

Q. Why not?

A. Under legal counsel the --

MR. O'MALLEY: Objection, calls for attorney-client privilege as to the reasons why.

BY MS. PERRY:

Q. You can answer that question as it doesn't apply to attorney-client privilege. If you have been given --

MR. O'MALLEY: Bill, just be careful to not divulge anything that's been said between us and yourself.

THE WITNESS: Could you restate the question, please.

(Record read as requested.)

MR. O'MALLEY: I would also like to continue the objection that this is beyond the scope of direct examination.

A. I'm not sure I can answer that without going into attorney-client. I am obviously not a trademark attorney. So my understanding has come from my discussion with attorneys.

BY MS. PERRY:

Q. During your presidency has legal action been taken against any entity or individual for trademark infringement?

MR. O'MALLEY: Objection, goes beyond the scope of direct.

A. Legal action?

BY MS. PERRY:

Q. Correct.

A. No.

Q. In your capacity as president of the PGR, Inc., are you involved with licensing of the PGR, Inc.'s trademarks?

MR. O'MALLEY: Objection, goes beyond the scope of the direct.

A. Yes.

BY MS. PERRY:

Q. What are the requirements for use of the trademarks -- let me rephrase.

According to the PGR, Inc., what are the requirements for use of the mark, Patriot Guard Riders, by those outside the PGR, Inc.?

MR. O'MALLEY: Same objection.

A. I am not exactly sure what you're saying by those outside PGR, Inc.

BY MS. PERRY:

Q. Anyone who isn't a member of the board of directors.

A. The PGR marks are held solely in support of the PGR mission, association.

Q. If one of the members wanted to use

Patriot Guard Riders, according to the PGR, Inc., what would be the process that they would go through in order to use the mark for novelty items, T-shirts, putting it on the motorcycle, et cetera?

A. We don't typically allow anyone to do anything for profit as an individual. Like I said, anything that's -- anything that involves money has to be for the PGR support only. It's not for any outside purposes, definitely not for individuals.

Q. So you would not license one of the members of the PGR, Inc. to use the mark on any items; is that correct?

A. That's not entirely correct, no, nothing for commercial use. Ronny Awtry's trailer, he requested it to be put on his trailer, which was a noncommercial use, and that was approved.

Q. Explain how that was approved.

MR. O'MALLEY: Asked and answered.

BY MS. PERRY:

Q. Explain how that was approved.

A. Ronny contacted Tom Hoffmann, who was a

board member, and Tom brought it before the board. It was discussed that it was going to be on his trailer. It was just representing the PGR. It was not a commercial type thing. The board voted on it.

Q. Does the PGR, Inc. have a written license agreement for use of its marks?

A. Yes.

Q. What are the terms of the license agreement?

A. That's a legal document. I couldn't begin to off the top of my head tell you what's in it. It was drafted by an attorney. I really -- it is a legal document. I couldn't begin to tell you the accurate representations of it off the top of my head. I just couldn't do it, not with any degree of certainty.

Q. When does the PGR, Inc. use that document?

A. I'm sorry?

Q. When does the PGR, Inc. use the document that you just referenced?

A. When do we use it?

Q. Yes.

A. It's the guidelines on use of the marks.

Q. I'm sorry. Say that again.

A. It's the guidelines on use of the marks. I'm really -- I guess I am not understanding your question.

Q. The document that you just described, the license agreement --

A. License agreement.

Q. -- when is it used?

A. It's in connection with our PGR store. They produce goods for the PGR store, and that's, you know, how they're authorized to do so.

Q. Do you have an executed version of the license agreement?

A. Not with me.

Q. Are there executed versions of the license agreement?

A. I don't know what executed means.

Q. Signed by both parties.

A. Yes.

Q. What other parties signed it besides the PGR, Inc.?

A. Our fulfillment center.
Q. Your fulfillment center, who is?
A. Fast Color Print, I think, is their full name.
Q. What does Fast Color Print do for the PGR, Inc.?
MR. O'MALLEY: Objection, beyond the scope of direct.
A. They are our fulfillment center. They supply the goods, you know, ship out the goods that are ordered at the PGR store.
BY MS. PERRY:
Q. Is that the only entity that has signed the license agreement that you referenced?
MR. O'MALLEY: Objection. This is beyond direct and beyond the scope of this opposition proceeding, which is the priority of the mark and fraud issues, and what's going on now with their fulfillment center is completely irrelevant.
MR. MARR: Can we go off the record for a second?
MS. PERRY: Yes.
(Discussion off the record.)

BY MS. PERRY:

Q. Has PGR, Inc. recently filed a trademark application in the United States Patent and Trademark Office?

MR. O'MALLEY: Objection, irrelevant, beyond the scope of direct.

A. Your question isn't clear to me.

MR. O'MALLEY: Also as to time frame, what does it mean?

THE WITNESS: That's why I'm not clear.

BY MS. PERRY:

Q. Within the past couple of months, has PGR, Inc. filed a recent trademark application in the United States Patent and Trademark Office?

A. Yes.

Q. Why?

A. To protect the PGR marks.

Q. What's the trademark application for? What is the mark?

A. I believe we filed a couple.

Q. Explain.

A. There were other association terms that we need to address properly as we were learning

more about trademark licensing. I said we are all obviously not trademark attorneys, and we are doing the best we can to, you know, move forward, learning and trying to make sure things are being done the correct way.

Q. You didn't answer the question. Reread --

A. Marks, I'm sorry. I got you. I believe we filed for Standing for Those Who Stood for Us, Rolling Honor Shield, I believe, and I am trying to remember because there has been so much going on with everything else, other PGR stuff not related.

I think we've also filed -- I hate to say it, but I haven't -- if I get the wrong name because there's some other things that I don't think we finished doing yet. I would hate to put something on record that I am not sure about. Those two I'm sure we did.

Q. Why did you file the applications?

MR. O'MALLEY: Asked and answered.

A. I think I answered that.

MR. O'MALLEY: Objection.

A. I think I answered that a moment ago,

to protect the PGR's rights.
BY MS. PERRY:
Q. To protect the PGR's rights?
A. Yes.
Q. Are both of the marks being used?
A. One is currently used. The other is classed differently. One I think was filed as an intent to use.
Q. Which one?
A. Rolling Honor Shield.
Q. Why was it filed?
MR. O'MALLEY: Objection, irrelevant, beyond the scope of direct.
A. To make sure that PGR had options to support the mission.
BY MS. PERRY:
Q. Does PGR, Inc. intend to use the mark?
A. I really don't know how to answer that question. As being business of the PGR, I don't know if that's something the public -- I --
MR. O'MALLEY: Object to the extent it calls for attorney-client privilege.
BY MS. PERRY:
Q. Does the PGR, Inc. intend to use the

mark?

A. I don't believe I can discuss that.

Q. You can. Please answer.

MR. MARR: Can we take a break?

MS. PERRY: After he answers the question, yes.

MR. MARR: He can finish answering the question, yes.

A. I said I believe that's confidential business of the PGR, and since we are in opposition with Mr. Brown, I don't think that's something that hinges on the scope -- not to try and use the term, of what we're -- this is not related to it. That's my answer.

BY MS. PERRY:

Q. Can you answer the question yes or no?

A. As stated, you know, this is something I discussed with the attorneys. I don't think I -- I can't --

MR. MARR: Can we take a break now?

MS. PERRY: Sure.

(Discussion off the record.)

MR. O'MALLEY: Okay. Back on the record. We have discussed this. It is our position that

your questioning is clearly outside the scope of direct, is clearly irrelevant to the issues at hand in this trademark opposition and don't have anything to do with this as to what their intent is in connection with a different mark that is not a part of this trademark opposition, and so we are going to instruct our client not to answer the question, and if you want to seek a ruling on that, have at it, I guess, but in our opinion this has nothing to do with this matter, and so we are going to leave it at that and instruct him not to answer.

MS. PERRY: Okay. The previous question?

MR. O'MALLEY: Relating to this whole -- these other marks that have been filed.

MR. MARR: We can limit it to the previous question for right now, but if you want to go on, we are likely going to have similar objections if you continue in this line of questioning.

MS. PERRY: Okay. And as you are aware, in the TTAB proceedings, you know, all objections are reserved other than objection as to form. So those objections are noted. I strongly

disagree. However, you know, your objections are noted, and like I said, you preserve all objections as will I to after the deposition, other than as to form.

MR. O'MALLEY: I understand that.

MS. PERRY: Right.

MR. O'MALLEY: And we are still instructing him not to answer.

BY MS. PERRY:

Q. I am going to ask a couple of questions with regard to the exhibits. Exhibits 4 and 5 which you previously gave testimony regarding --

A. Yes.

Q. -- do you know who wrote these FAQ?

A. For a fact, no.

Q. You do not know?

A. At the time it should have been Schmidtrock, but I can't guarantee that.

Q. Okay. So Applicant's Exhibit No. 4, you are stating that you don't know who wrote this FAQ, correct?

A. Correct. I know it was posted on the site, but I can't tell you who the author was.

Q. Okay. And Applicant's Exhibit No. 5,

do you know who wrote the FAQ in this exhibit?

A. I can't say for a fact which one -- which site team members wrote it, no.

Q. So your answer is no?

A. Correct.

Q. You stated that you joined the PGR, Inc. approximately February of 2006, correct?

A. I think I said late February, early March.

Q. Okay. You also stated that you first learned of PGR, Inc. at about the same time; is that correct?

A. I think I joined the day after I learned.

Q. Okay. Had you heard of PGR, Inc. prior to that time?

A. Prior -- no. When I learned about it, I looked into it.

Q. So you have no personal knowledge of any information relating to the PGR, Inc. prior to February, March of 2006; is that correct?

A. Direct knowledge, no.

MS. PERRY: Okay. Those are all the questions I have for you.

MR. O'MALLEY: Okay. Can we take a couple minute break and decide whether we want anything more?

MS. PERRY: Sure.

MR. O'MALLEY: Off the record.

(Discussion off the record.)

MR. O'MALLEY: Okay. Back on the record. We have no further questions.

MS. PERRY: Okay.

MR. MARR: So I guess that's it. We can go off the record.

(WITNESS EXCUSED.)

Sarnoff
877.955.3855

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

JEFF BROWN,

Opposer,

vs.

Opposition
No. 91181448

PATRIOT GUARD RIDERS, INC.,

Applicant.

I, WILLIAM HAROLD RICHART II, being first duly sworn, on oath say that I am the deponent in the aforesaid deposition taken on August 1, 2011; that I have read the foregoing transcript of my deposition, consisting of pages 1 through 70 inclusive, and affix my signature to same.

WILLIAM HAROLD RICHART II

Subscribed and sworn to
before me this 21 day
of Oct, 2011

Notary Public

DENNIS P. KEMP
NOTARY PUBLIC-NOTARY SEAL
STATE OF MISSOURI
JACKSON COUNTY
COMMISSION EXPIRES 6/15/2013
COMMISSION #09412291

Sarnoff
877.955.3855

ERRATA SHEET

Pg/Ln	Correction
___/___	Change from: _____
	Change to: _____
___/___	Change from: _____
	Change to: _____
___/___	Change from: _____
	Change to: _____
___/___	Change from: _____
	Change to: _____
___/___	Change from: _____
	Change to: _____
___/___	Change from: _____
	Change to: _____
___/___	Change from: _____
	Change to: _____
___/___	Change from: _____
	Change to: _____
___/___	Change from: _____
	Change to: _____
___/___	Change from: _____
	Change to: _____

Signature: _____ Date: _____

Sarnoff
877.955.3855

EXHIBIT 40

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

JEFF BROWN,

Opposer,

vs.

Opposition
No. 91181448

PATRIOT GUARD RIDERS, INC.,

Applicant.

The deposition of KURT ALLEN MAYER, taken in the above-entitled cause, before SUZANNE THALJI, Certified Shorthand Reporter of the State of Illinois, on August 2, 2011, at 150 North Michigan Avenue, Suite 2700, Chicago, Illinois, pursuant to notice, commencing at 9:29 a.m.

REPORTED BY: SUZANNE THALJI, CSR, RMR, CRR
LICENSE NO.: 084-002337
JOB NO.: 168211A

Sarnoff
877.955.3855

APPEARANCES:

McAFEE & TAFT, by
MS. JENNA PERRY
1717 South Boulder Avenue, Suite 900
Tulsa, Oklahoma 74119
(918) 587-0000
jenna.perry@mcafeetaft.com

Representing the Opposer;

CLARK HILL PLC, by
MR. JAMES A. O'MALLEY
MR. DAVID J. MARR
150 North Michigan Avenue, Suite 2700
Chicago, Illinois 60601
(312) 985-5562
(312) 985-5558
jomalley@clarkhill.com
dmarr@clarkhill.com

Representing the Applicant.

ALSO PRESENT:

MR. WILLIAM HAROLD RICHART II

Sarnoff
877.955.3855

why it was used, patriotguard.org. You stated an opinion with respect to what you felt that dot-org meant.

A. Yes.

Q. Is it a requirement that an organization be an organization in order to adopt a dot-org domain name, or can anyone choose the domain name dot-org and use it?

I can rephrase the question if you want.

A. No. I'm recalling what organizations were in control of domain names at that time, and at that time it was not a requirement.

Q. It was not a requirement to be an organization to adopt a dot-org domain name; is that correct?

A. That's correct.

Q. I'm sorry if I'm skipping around. I jotted notes as you were giving testimony.

Do you currently have a position at PGR, Inc.?

A. Member.

Q. You stated that there were discussions between you and Jeff Brown regarding ownership

of the trademarks. Do you recall that in your previous testimony today?

A. Do I recall saying that or recall the conversations?

Q. No. Do you recall the testimony that you gave today that you said that you had conversations?

A. I do.

Q. When did these conversations occur?

A. Multiple times over -- primarily over the period of January to May 2006.

Q. Do you remember specifics of the conversations?

A. I do. I do.

Q. Can you state them?

A. Most of the conversations centered around Jeff's opinion that these visual representations, these logos, these banners, were identified with the Patriot Guard Riders organization, with our organization, and that by association there could be negative connotations, negative misunderstandings by people if these visual representations of the Patriot Guard Riders were found on other

websites that were contrary to the message that we were trying to propagate about who we were.

Q. Okay. Thank you. You also brought up your disappointment with Jeff Brown and Jason Wallin and their involvement in what you stated was a for-profit use of PGR; is that correct?

A. That is not correct. I never mentioned Jason Wallin's involvement.

MS. PERRY: Can we read the transcript back from that portion of it.

(Record read as follows:

"A When I reached out to Jason Wallin and to Jeff Brown in December of 2005, I said I want to help. I was outraged that any individual would go to a funeral and do any act that would be dishonorable or cause further grief to a family that had just lost a precious person in defense of our country.

I poured my life into this organization. For over seven months, I did over 400 television, magazine, radio, newspaper interviews, all hours of the night, seven days a week,