

ESTTA Tracking number: **ESTTA750268**

Filing date: **06/03/2016**

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

Proceeding	91227715
Party	Defendant CALATLANTIC GROUP, INC.
Correspondence Address	EMILIA F CANNELLA ROPES & GRAY 800 BOYLSTON ST , STE 3600 BOSTON, MA 02199-3600 UNITED STATES trademarks@ropesgray.com
Submission	Answer and Counterclaim
Filer's Name	Evan Gourvitz
Filer's e-mail	trademarks@ropesgray.com, evan.gourvitz@ropesgray.com
Signature	/Evan Gourvitz/
Date	06/03/2016
Attachments	Answer and Counterclaim.pdf(2858949 bytes )

Registration Subject to the filing

Registration No	926589	Registration date	01/04/1972
Registrant	COWBOY ARTISTS OF AMERICA 2114 W. Grant Road, #42 Tucson, AZ 85745 UNITED STATES		

Goods/Services Subject to the filing

Class 200. First Use: 1964/09/00 First Use In Commerce: 1964/09/00  
All goods and services in the class are requested, namely: INDICATING MEMBERSHIP IN APPLICANT

Grounds for Cancellation

Abandonment	Trademark Act Section 14(3)
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the Matter of Applications:**

CA CALATLANTIC FINANCIAL SERVICES and Design, Ser. No. 86/772,034, published January 5, 2016; CA CALATLANTIC HOMES and Design, Ser. No. 86/770,748, published January 5, 2016; CA CALATLANTIC HOMES and Design, Ser. No. 86/770,724, published January 5, 2016; CA CALATLANTIC INSURANCE and Design, Ser. No. 86/770,766, published January 5, 2016; CA CALATLANTIC INSURANCE and Design, Ser. No. 86/770,759, published January 5, 2016; CA CALATLANTIC MORTGAGE and Design, Ser. No. 86/770,784, published January 5, 2016; CA CALATLANTIC MORTGAGE and Design, Ser. No. 86/770,774, published January 5, 2016; CA CALATLANTIC DESIGN CENTER and Design, Ser. No. 86/772,171, published January 12, 2016; CA CALATLANTIC DESIGN CENTER and Design, Ser. No. 86/772,187, published January 12, 2016; CA CALATLANTIC DESIGN STUDIO and Design, Ser. No. 86/772,110, published January 12, 2016; CA CALATLANTIC DESIGN STUDIO and Design, Ser. No. 86/772,097, published January 12, 2016; CA CALATLANTIC FINANCIAL SERVICES and Design, Ser. No. 86/772,044, published January 12, 2016; CA CALATLANTIC GROUP, INC. and Design, Ser. No. 86/772,077, published January 12, 2016; CA CALATLANTIC GROUP, INC. and Design, Ser. No. 86/772,062, published January 12, 2016; CA CALATLANTIC MYSTYLE DESIGN CENTER and Design, Ser. No. 86/772,146, published January 12, 2016; CA CALATLANTIC TITLE and Design, Ser. No. 86/770,812, published January 19, 2016; CA CALATLANTIC TITLE and Design, Ser. No. 86/770,798, published January 19, 2016; CA CALATLANTIC MYSTYLE DESIGN CENTER and Design, Ser. No. 86/772,132, published January 26, 2016; and CA and Design, Ser. No. 86/770,702, published March 1, 2016

_____ )	
COWBOY ARTISTS OF AMERICA, )	
)	
Opposer/Counterclaim Respondent, )	
)	Opposition No. 91227715
v. )	
)	
CALATLANTIC GROUP, INC., )	
)	
Applicant/Counterclaim Petitioner. )	
_____ )	

**CONSOLIDATED ANSWER, AFFIRMATIVE DEFENSES, AND  
COUNTERCLAIM OF APPLICANT/PETITIONER CALATLANTIC GROUP, INC.**

For its Answer to the First Amended Notice of Opposition (“Notice”) filed by Cowboy Artists of America (“Opposer”), CalAtlantic Group, Inc. (“Applicant”) responds as follows:

In response to the first, unnumbered paragraph of the Notice, Applicant denies that Opposer will be damaged by registration of any of the marks set forth in any of Applicant's nineteen applications at issue in this proceeding (collectively, the "CalAtlantic Applications"), and admits that Opposer purports to oppose those applications. Except as so denied and admitted, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in that paragraph and therefore denies them.

Applicant responds to the numbered paragraphs of Opposer's Notice as set forth below. Applicant denies each and every allegation by Opposer not expressly admitted herein.

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 and therefore denies them.

2. Applicant admits the truth of the allegations set forth in paragraph 2.

3. Applicant admits the truth of the allegations set forth in paragraph 3.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 4 and therefore denies them.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5 and therefore denies them.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the factual allegations set forth in paragraph 6 and therefore denies them. To the extent paragraph 6 contains Opposer's legal conclusions, no response is required.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 7 and therefore denies them.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the factual allegations set forth in paragraph 8 and therefore denies them. To the extent paragraph 8 contains Opposer's legal conclusions, no response is required.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 9 and therefore denies them.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 10 and therefore denies them.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 11 and therefore denies them.

12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 12 and therefore denies them.

13. Applicant admits that it filed its Application Serial Nos. 86/770,748; 86/770,724; 86/770,766; 86/770,759; 86/770,784; and 86/770,774 on September 28, 2015; and 86/772,034; and 86/772,171 on September 29, 2015, and the remainder of the CalAtlantic Applications thereafter, and respectfully refers the Board to those applications for their content and details. Applicant denies the remainder of the allegations set forth in paragraph 13.

14. Applicant admits that it filed the applications that are the subject of this opposition on an intent-to-use basis, and that it did not allege use of any of those marks in those applications. Applicant denies the remainder of the allegations set forth in paragraph 14.

15. Applicant denies the factual allegations set forth in paragraph 15. To the extent paragraph 15 contains Opposer's legal conclusions, no response is required.

16. Applicant denies the allegations set forth in paragraph 16.

17. Applicant denies the allegations set forth in paragraph 17, and respectfully refers the Board to the marks at issue for the details of their respective appearances.

18. Applicant denies the allegations set forth in paragraph 18, and respectfully refers the Board to the marks at issue for the details of their respective appearances.

19. Applicant denies the allegations set forth in paragraph 19, and respectfully refers the Board to the marks at issue for the details of their respective appearances.

20. Applicant denies the allegations set forth in paragraph 20, and respectfully refers the Board to the marks at issue for the details of their respective appearances.

21. Applicant denies the factual allegations set forth in paragraph 21. To the extent paragraph 21 contains Opposer's legal conclusions, no response is required.

22. Applicant denies the allegations set forth in paragraph 22.

23. Applicant denies the allegations set forth in paragraph 23.

24. Applicant denies the allegations set forth in paragraph 24.

25. Applicant denies the allegations set forth in paragraph 25.

26. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 26 and therefore denies them.

27. Applicant denies the allegations set forth in paragraph 27.

28. Applicant denies the factual allegations set forth in paragraph 28. To the extent paragraph 28 contains Opposer's legal conclusions, no response is required.

29. Applicant denies the allegations set forth in paragraph 29.

30. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 30 and therefore denies them.

31. Applicant denies the allegations set forth in paragraph 31.

32. Applicant denies the allegations set forth in paragraph 32.

33. Applicant denies the factual allegations set forth in paragraph 33. To the extent paragraph 33 contains Opposer's legal conclusions, no response is required.

In response to the unnumbered WHEREFORE paragraph of the Notice, Applicant denies that the CalAtlantic Applications should be denied registration, that the opposition should be sustained, or that Opposer is entitled to any of the relief it seeks in its Notice, or any relief whatsoever.

### **AFFIRMATIVE DEFENSES**

Subject to the responses above, and without assuming any burden other than that imposed by operation of law, Applicant alleges and asserts the following affirmative defenses in response to the allegations of Opposer's Notice. In addition to the defenses described below, and subject to its responses above, Applicant reserves the right to modify, amend and/or expand upon these defenses as discovery proceeds, and to allege additional defenses that become known through the course of discovery.

1. Opposer's Notice fails to state a claim upon which relief may be granted.
2. Opposer is barred by the doctrine of laches, estoppel, and/or acquiescence.
3. Opposer has abandoned the mark that is the subject of U.S. Reg. No. 926,589.

Applicant reserves the right to amend its Answer to add additional or other defenses that cannot now be articulated due to Opposer's failure to particularize its claims, and/or the need for further discovery concerning Opposer's claims.

### **COUNTERCLAIM FOR CANCELLATION OF REG. NO. 926,589**

Applicant believes that it will be damaged by the continued registration of U.S. Reg. No. 926,589, and hereby, as its counterclaim, petitions to cancel the same pursuant to Section 14 of the Lanham Act, 15 U.S.C. § 1064.

As grounds therefor, Applicant alleges as follows:

1. Upon information and belief, on July 16, 1970, Cowboy Artists of America, an Oklahoma unincorporated association with an address of Cowboy Hall of Fame, 1700 N.E. 63<sup>rd</sup> Street, Oklahoma City, Oklahoma 73111 (the “Oklahoma CAA”), filed U.S. Application Serial No. 72/365,423 (the “‘423 Application”) for the mark CA (stylized) (the “Old CA Design Mark”) for “indicating membership in applicant,” claiming first use and first use in commerce in September 1964.

2. Upon information and belief, the ‘423 Application matured into U.S. Registration No. 926,589 (the “‘589 Registration”) for the Old CA Design Mark for “indicating membership in applicant” on January 4, 1972.

3. Upon information and belief, the ‘589 Registration was assigned from the Oklahoma ACC to Opposer on or about June 23, 2005.

4. Upon information and belief, Opposer filed a Declaration of Use for the ‘589 Registration on January 3, 2012 (the “2012 Declaration of Use”), a copy of which is attached hereto as Exhibit A.

5. Upon information and belief, despite Opposer’s sworn statement in the 2012 Declaration of Use that “[t]he owner is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) web page,” none of the specimens provided with the 2012 Declaration of Use showed or provided any evidence of *any* use of the Old CA Design Mark in commerce in 2012, or at any time in the several years before the filing of the 2012 Declaration of Use.

6. Rather, upon information and belief, the specimens Opposer provided in the 2012 Declaration of Use appear to depict:

- a CA design that is not the subject of either of the registrations asserted by Opposer in this action, from the December 1969 issue of *The Western Horseman* (Exhibit A at 7-8);
- a CA design that is not the subject of either of the registrations asserted by Opposer in this action, from a promotional flier for a May-September 1967 art exhibition, bearing a U.S. Patent & Trademark Office (“PTO”) stamp dated July 29, 1971 (*id.* at 9-10);
- specimens of the Old CA Design Mark from 1970, given (i) their use on letterhead bearing the address of the Oklahoma ACC rather than Opposer, (ii) the listing of the “1970-71 Officers” of the Oklahoma ACC on one page of that letterhead, and (iii) the PTO stamp dated July 16, 1970 on the reverse of that page (*id.* at 11-13); and
- a CA design that is *not* the Old CA Design Mark, but arguably somewhat resembles (but is not identical to) the mark that is the subject of Opposer’s U.S. Reg. No. 3,186,188, on webpages bearing a 2011 copyright notice (*id.* at 14-15).

7. Upon information and belief, the specimens provided with Opposer’s 2012 Declaration of Use for the ‘589 Registration are unacceptable.

8. Upon information and belief, Opposer’s 2012 Declaration of Use for the ‘589 Registration is deficient.

9. Upon information and belief, the ‘589 Registration is void for failure to file a proper Declaration of Use in 2012.

10. Upon information and belief, Opposer no longer uses the Old CA Design Mark.

11. Upon information and belief, Opposer has abandoned the Old CA Design Mark.

12. Because Opposer has based the notice of opposition herein on the ‘589 Registration, Applicant is being harmed by Opposer’s continued registration of the Old CA Design Mark.

WHEREFORE, Reg. No. 926,589 should be cancelled, and Applicant therefore respectfully requests that that registration be cancelled pursuant to 15 U.S.C. § 1064.

**CONCLUSION**

WHEREFORE, Applicant respectfully requests that this opposition be dismissed, that the registrations sought by each of Applicant's applications at issue be granted, and that Reg. No. 926,589 be cancelled.

Respectfully submitted by,

Dated: June 3, 2016

ROPES & GRAY LLP



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1211 Avenue of the Americas  
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Boston, MA 02199-3600  
Tel: (617) 951-7170

*Attorneys for Applicant CalAtlantic Group, Inc.*

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

**In the Matter of Applications:**

CA CALATLANTIC FINANCIAL SERVICES and Design, Ser. No. 86/772,034, published January 5, 2016; CA CALATLANTIC HOMES and Design, Ser. No. 86/770,748, published January 5, 2016; CA CALATLANTIC HOMES and Design, Ser. No. 86/770,724, published January 5, 2016; CA CALATLANTIC INSURANCE and Design, Ser. No. 86/770,766, published January 5, 2016; CA CALATLANTIC INSURANCE and Design, Ser. No. 86/770,759, published January 5, 2016; CA CALATLANTIC MORTGAGE and Design, Ser. No. 86/770,784, published January 5, 2016; CA CALATLANTIC MORTGAGE and Design, Ser. No. 86/770,774, published January 5, 2016; CA CALATLANTIC DESIGN CENTER and Design, Ser. No. 86/772,171, published January 12, 2016; CA CALATLANTIC DESIGN CENTER and Design, Ser. No. 86/772,187, published January 12, 2016; CA CALATLANTIC DESIGN STUDIO and Design, Ser. No. 86/772,110, published January 12, 2016; CA CALATLANTIC DESIGN STUDIO and Design, Ser. No. 86/772,097, published January 12, 2016; CA CALATLANTIC FINANCIAL SERVICES and Design, Ser. No. 86/772,044, published January 12, 2016; CA CALATLANTIC GROUP, INC. and Design, Ser. No. 86/772,077, published January 12, 2016; CA CALATLANTIC GROUP, INC. and Design, Ser. No. 86/772,062, published January 12, 2016; CA CALATLANTIC MYSTYLE DESIGN CENTER and Design, Ser. No. 86/772,146, published January 12, 2016; CA CALATLANTIC TITLE and Design, Ser. No. 86/770,812, published January 19, 2016; CA CALATLANTIC TITLE and Design, Ser. No. 86/770,798, published January 19, 2016; CA CALATLANTIC MYSTYLE DESIGN CENTER and Design, Ser. No. 86/772,132, published January 26, 2016; and CA and Design, Ser. No. 86/770,702, published March 1, 2016

_____	)	
COWBOY ARTISTS OF AMERICA,	)	
	)	
Opposer/Respondent,	)	
	)	Opposition No. 91227715
v.	)	
	)	
CALATLANTIC GROUP, INC.,	)	
	)	
Applicant/Petitioner.	)	
_____	)	

CERTIFICATE OF SERVICE

I hereby certify that on this 3<sup>rd</sup> day of June, 2016, a true and correct copy of the foregoing Consolidated Answer, Affirmative Defenses, and Counterclaim of Applicant/Petitioner

Calatlantic Group, Inc. was served on Opposer's counsel by first class mail, postage prepaid,  
addressed as follows:

Emily A. Bayton, Esq.  
Lewis Roca Rothgerber Christie LLP  
201 East Washington Street, Suite 1200  
Phoenix, Arizona 85004

A handwritten signature in blue ink that reads "Nicole Mollica" with a long horizontal flourish extending to the right.

---

Nicole Mollica

EXHIBIT "A"

## Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9

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

Input Field	Entered
<b>REGISTRATION NUMBER</b>	0926589
<b>REGISTRATION DATE</b>	01/04/1972
<b>SERIAL NUMBER</b>	72365423
<b>MARK SECTION</b>	
<b>MARK</b>	CA (stylized and/or with design)
<b>ATTORNEY SECTION (current)</b>	
<b>NAME</b>	Christy L.E. Hubbard
<b>FIRM NAME</b>	LEWIS AND ROCA LLP
<b>STREET</b>	40 N. CENTRAL AVENUE, SUITE 1900
<b>CITY</b>	PHOENIX
<b>STATE</b>	Arizona
<b>POSTAL CODE</b>	85004
<b>COUNTRY</b>	United States
<b>PHONE</b>	602.262.5311
<b>FAX</b>	602.734.3750
<b>EMAIL</b>	TRADEMARKS@LRLAW.COM
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>ATTORNEY SECTION (proposed)</b>	
<b>NAME</b>	Emily A. Bayton
<b>FIRM NAME</b>	LEWIS AND ROCA LLP
<b>STREET</b>	40 North Central Avenue, Suite 1900
<b>CITY</b>	PHOENIX
<b>STATE</b>	Arizona
<b>POSTAL CODE</b>	85004
<b>COUNTRY</b>	United States
<b>PHONE</b>	(602) 262-5311
<b>FAX</b>	(602) 734-3750
<b>EMAIL</b>	TRADEMARKS@LRLAW.COM
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>DOCKET/REFERENCE NUMBER</b>	44893-10001

<b>OTHER APPOINTED ATTORNEY</b>	Sean D. Garrison, Jennifer A. Van Kirk, Flavia Campbell, Nathaniel Edwards, Brent Rasmussen
<b>CORRESPONDENCE SECTION (current)</b>	
<b>NAME</b>	CHRISTY L.E. HUBBARD
<b>FIRM NAME</b>	LEWIS AND ROCA LLP
<b>STREET</b>	40 N. CENTRAL AVENUE, SUITE 1900
<b>CITY</b>	PHOENIX
<b>STATE</b>	Arizona
<b>POSTAL CODE</b>	85004
<b>COUNTRY</b>	United States
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<b>FAX</b>	602.734.3750
<b>EMAIL</b>	TRADEMARKS@LRLAW.COM
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>CORRESPONDENCE SECTION (proposed)</b>	
<b>NAME</b>	Emily A. Bayton
<b>FIRM NAME</b>	LEWIS AND ROCA LLP
<b>STREET</b>	40 North Central Avenue, Suite 1900
<b>CITY</b>	PHOENIX
<b>STATE</b>	Arizona
<b>POSTAL CODE</b>	85004
<b>COUNTRY</b>	United States
<b>PHONE</b>	(602) 262-5311
<b>FAX</b>	(602) 734-3750
<b>EMAIL</b>	TRADEMARKS@LRLAW.COM
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>DOCKET/REFERENCE NUMBER</b>	44893-10001
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	200
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<b>OWNER SECTION (current)</b>	
<b>NAME</b>	COWBOY ARTISTS OF AMERICA
<b>STREET</b>	35550 NINE IRONS RANCH ROAD
<b>CITY</b>	WICKENBURG
<b>STATE</b>	Arizona
<b>ZIP/POSTAL CODE</b>	85390
<b>COUNTRY</b>	United States
<b>OWNER SECTION (proposed)</b>	
<b>NAME</b>	COWBOY ARTISTS OF AMERICA
<b>STREET</b>	2114 W. Grant Road, #42
<b>CITY</b>	Tucson
<b>STATE</b>	Arizona
<b>ZIP/POSTAL CODE</b>	85745
<b>COUNTRY</b>	United States
<b>LEGAL ENTITY SECTION (current)</b>	
<b>TYPE</b>	NONPROFIT CORPORATION
<b>STATE/COUNTRY WHERE LEGALLY ORGANIZED</b>	Arizona
<b>LEGAL ENTITY SECTION (proposed)</b>	
<b>TYPE</b>	NONPROFIT CORPORATION
<b>STATE/COUNTRY WHERE LEGALLY ORGANIZED</b>	Arizona
<b>PAYMENT SECTION</b>	
<b>NUMBER OF CLASSES</b>	1
<b>NUMBER OF CLASSES PAID</b>	1
<b>SUBTOTAL AMOUNT</b>	500
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<b>SIGNATORY'S NAME</b>	Tim Cox
<b>SIGNATORY'S POSITION</b>	President
<b>PAYMENT METHOD</b>	CC
<b>FILING INFORMATION</b>	

<b>SUBMIT DATE</b>	Tue Jan 03 13:13:09 EST 2012
<b>TEAS STAMP</b>	USPTO/S08N09-XX.XX.XXX.XX -20120103131309641065-092 6589-49012fb53b935a6d5f6d 56abeec37f3b12-CC-9789-20 120103130905312038

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## **Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9**

### **To the Commissioner for Trademarks:**

**REGISTRATION NUMBER:** 0926589

**REGISTRATION DATE:** 01/04/1972

**MARK:** (Stylized and/or with Design, CA)

The owner, COWBOY ARTISTS OF AMERICA, NONPROFIT CORPORATION legally organized under the laws of Arizona, having an address of

2114 W. Grant Road, #42  
Tucson, Arizona 85745  
United States

is filing a Combined Declaration of Use and/or Excusable Nonuse/Application for Renewal of Registration of a Mark under Sections 8 & 9.

For International Class 200, the mark is in use in commerce on or in connection with **all** goods/services, or to indicate membership in the collective membership organization, listed in the existing registration for this specific class: INDICATING MEMBERSHIP IN APPLICANT ; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one(or more) specimen(s) showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) web page.

#### **JPG file(s):**

[Specimen File1](#)

[Specimen File2](#)

#### **Original PDF file:**

[SPN0-641610870-130919378 . CAA spec 1.pdf](#)

#### **Converted PDF file(s) (7 pages)**

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

[Specimen File4](#)

[Specimen File5](#)

[Specimen File6](#)

[Specimen File7](#)

The registrant's current Attorney Information: Christy L.E. Hubbard of LEWIS AND ROCA LLP

40 N. CENTRAL AVENUE, SUITE 1900  
PHOENIX, Arizona (AZ) 85004  
United States

The registrant's proposed Attorney Information: Emily A. Bayton of LEWIS AND ROCA LLP

40 North Central Avenue, Suite 1900  
PHOENIX, Arizona (AZ) 85004  
United States

The docket/reference number is 44893-10001.

The Other Appointed Attorney(s): Sean D. Garrison, Jennifer A. Van Kirk, Flavia Campbell, Nathaniel Edwards, Brent Rasmussen.

The phone number is (602) 262-5311.

The fax number is (602) 734-3750.

The email address is TRADEMARKS@LRLAW.COM.

The registrant's current Correspondence Information: CHRISTY L.E. HUBBARD of LEWIS AND ROCA LLP

40 N. CENTRAL AVENUE, SUITE 1900

PHOENIX, Arizona (AZ) 85004  
United States

The registrant's proposed Correspondence Information: Emily A. Bayton of LEWIS AND ROCA LLP  
40 North Central Avenue, Suite 1900  
PHOENIX, Arizona (AZ) 85004  
United States

The docket/reference number is 44893-10001.

The phone number is (602) 262-5311.

The fax number is (602) 734-3750.

The email address is TRADEMARKS@LRLAW.COM.

A fee payment in the amount of \$500 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

### Declaration

**Original PDF file:**

[hw\\_641610870-130905312 . CA Design sig.pdf](#)

**Converted PDF file(s)** (1 page)

[Signature File1](#)

Signatory's Name: Tim Cox

Signatory's Position: President

**Mailing Address (current):**

LEWIS AND ROCA LLP  
40 N. CENTRAL AVENUE, SUITE 1900  
PHOENIX, Arizona 85004

**Mailing Address (proposed):**

LEWIS AND ROCA LLP  
40 North Central Avenue, Suite 1900  
PHOENIX, Arizona 85004

Serial Number: 72365423

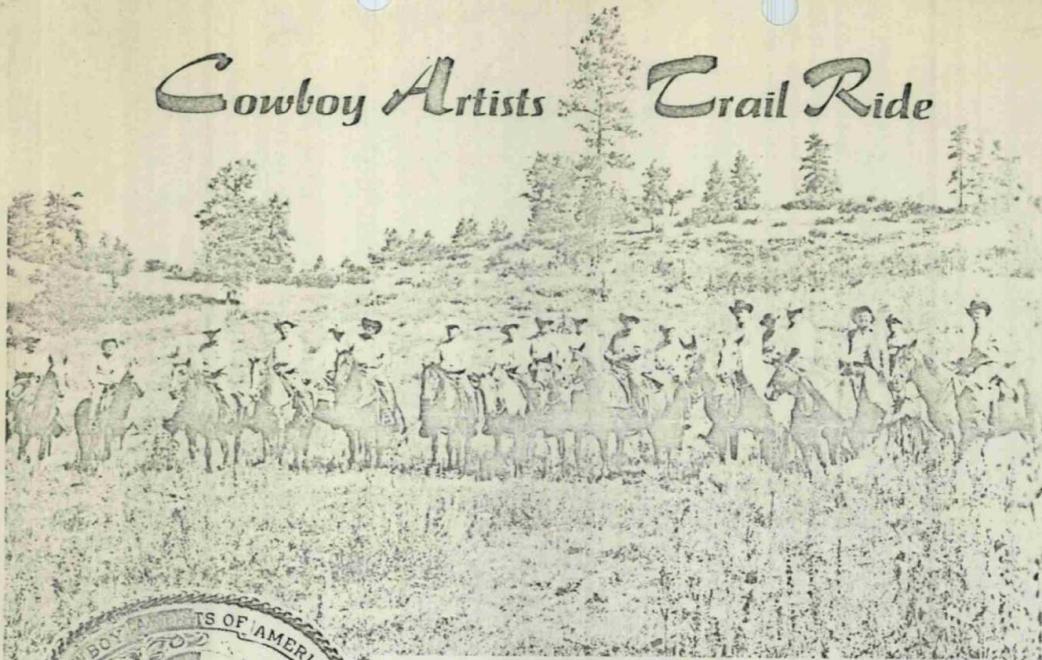
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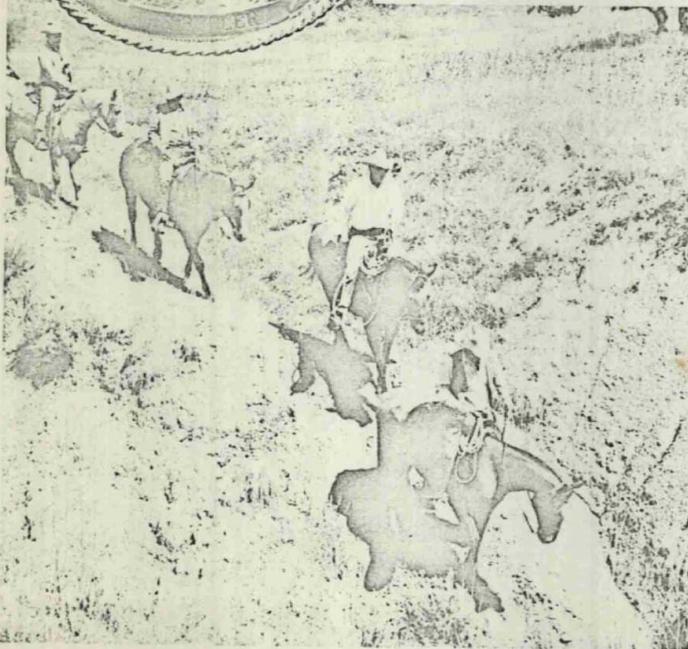
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# Cowboy Artists Trail Ride



• Members of the Cowboy Artists of America and their guests line up on the Richard Harris ranch at Pagosa Springs, Colo., before departing for a day's trail ride. The riders camped at two different locations on the ranch and met at the main headquarters each day to ride. At left is the silver buckle designed for the Cowboy Artists by Visalia. Members who make a trail ride will be authorized to wear the buckle. There will also be a three-year and a five-year pin for members who complete those rides.

By CHUCK KING & CHAN BERGEN



• The ride offered a variety of terrain. Easing his horse into a gully is John Hampton, followed by Fred Fellows, Joe Beeler, and Byron Wolfe.



• Montana artist Fred Fellows is as much at home with a rope as he is with a brush. When he isn't spinning a butterfly he's thinking about it.

THE WESTERN HORSEMAN



• It is often said of the modern western artist that he has been influenced by Charley Russell. But Joe Beeler and Gordon Snidow are out to prove that they were influenced by Grant Wood. Here, they strike a pose reminiscent of Wood's famous *American Gothic*.

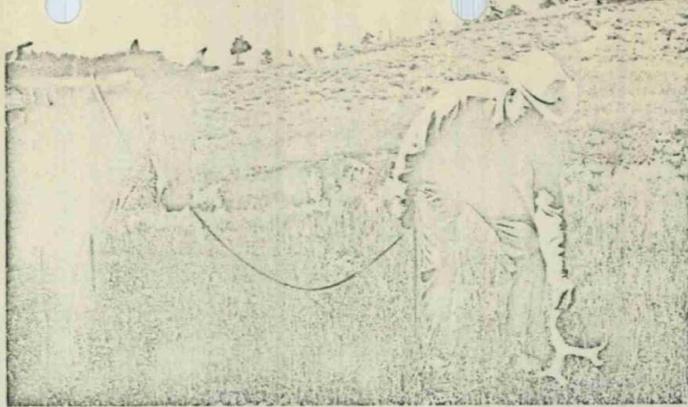
WHEN THE Cowboy Artists of America and their guests saddled up in Pagosa Springs, Colo., for their third annual trail ride this past September, the bunch turned out to be about as colorful as an artist's palette. And a casual onlooker would no doubt have been surprised to learn that members of this rangehand-looking group are responsible for some of the top western art being produced in this country today. There was very little conversation about art technique. Instead, their palaver had to do with horses, horse equipment, rodeos, and ranching. Nylon, maguay, grass, rawhide, and cotton ropes were produced and used as the talk continued.

The group had a first class camp and handled their own cooking; keep-



• Cowboy sculptor U. Grant Speed attends to a hoof that needed trimming before a ride. Grant's experience includes ranch cowboying and professional saddle bronc riding. Bill Moyers, holding the horse's head, is also no green hand around livestock. There was a time when Bill earned part of his living breaking horses in Colorado.

DECEMBER 1969



• The top western artists got that way by paying close attention to the smallest detail. When Tom Ryan spotted this old antler along the trail, he stopped to pick it up. Chances are it will end up in his studio and if he ever has occasion to paint a buck, he'll have an example of what the horns look like.



• Bob Lee, who is also chairman of the New Mexico Racing Commission, on Bud Crump. The horse is owned by Richard Harris and was color champion one year in the American Paint Horse Association.



• A pipe and camera equipment seemed to be the trademark of Byron Wolfe while on the ride.



• Richard Harris, host for the ride, Tom Ryan, president of the Cowboy Artists, and Bill Moyers, who did a good part of the legwork in getting the ride organized.



SECOND ANNUAL EXHIBITION

# COWBOY ARTISTS OF AMERICA

MAY 27 . . . through . . . SEPTEMBER 9, 1967

oils - watercolors - wood sculpture - bronzes



at the

NATIONAL COWBOY HALL OF FAME  
AND WESTERN HERITAGE CENTER

on top Persimmon Hill . . . . . Oklahoma City



O. M. MOSIER  
Chairman of Art Committee

DEAN KRAKEL  
Managing Director

JAMES BOREN  
Art Director



# COWBOY ARTISTS OF AMERICA

SECOND ANNUAL EXHIBITION

MAY 15 - THROUGH SEPTEMBER 2, 1971

at the National Cowboy Hall of Fame and Western Heritage Center

Oklahoma City, Oklahoma

Admission Free

Hours: 10:00 a.m. - 5:00 p.m.

NATIONAL COWBOY HALL OF FAME

AND WESTERN HERITAGE CENTER

Oklahoma City, Oklahoma

Admission Free

Hours: 10:00 a.m. - 5:00 p.m.

JAMES BORN

Art Director



DEAN KRACKEL

Marketing Director



# COWBOY ARTISTS OF AMERICA

COWBOY HALL OF FAME  
1700 N.E. 63RD ST., OKLAHOMA CITY, OKLAHOMA 73111



# COWBOY ARTISTS OF AMERICA

## 1970-71 OFFICERS

Gordon Snidow, President  
William Moyers, Vice-President  
George Marks, Sec. Treasurer

## DIRECTORS

Tom Ryan  
J.N. Swanson

## MEMBERSHIP

Joe Beeler  
James Boren  
John Clymer  
Darol Dickenson  
Charlie Dye  
Nick Eggenhofer  
Fred Fallows  
Nicholas Firfires  
John Hampton  
Fred Harman  
Wayne Hunt  
Harry Jackson  
Ned Jacob  
Harvey Johnson  
John Kittelson  
Bob Lougheed  
Brownell McGrew  
Robert Meyers  
Frank Polk  
Jim Reynolds  
Bob Scriver  
U. Grant Speed  
Shorty Shope  
Donald Teague  
Melvin Warren  
Byron Wolfe



  
**COWBOY ARTISTS OF AMERICA**

1937 OFFICERS  
 Gordon Seaton, President  
 William Meyer, Vice President  
 George Smith, Sec. Treasurer

**DIRECTORS**  
 Tom Ryan  
 J. M. Swanson

**MEMBERSHIP**  
 Joe Beiler  
 James Boren  
 James Brown  
 George Davidson  
 Charles Day  
 Nick Egan  
 Fred Egan  
 Richard F. Egan  
 John Hampton  
 Fred Hamner  
 Wayne Hunt  
 Harry Jackson  
 Ned Jasso  
 Harry Johnson  
 John Johnson  
 Bob Johnson  
 Robert Johnson  
 Frank Johnson  
 Jim Johnson  
 Bob Johnson  
 U. C. Johnson  
 Donald Johnson  
 Nelson Johnson  
 John Johnson





# COWBOY ARTISTS of AMERICA®

SIGN UP FOR OUR E-NEWSLETTER!

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[CURRENT OFFICERS](#)

[PAST OFFICERS](#)

[ACTIVE](#)

[EMERITUS](#)

[DECEASED](#)

[HONORARY](#)

[BECOMING A MEMBER](#)

## *Becoming a Member*

**Membership is by invitation only.** A member of the Cowboy Artists of America may identify and refer a candidate to the full membership for consideration. Recommendations for membership are based on the original purposes and goals of the organization: "Educational; to investigate, discuss, perpetuate and publish, through art, painting, drawing and sculpting; the authentic facts and color relative to the historic, social, political, economic and religious background of the American West; to, wherever possible, preserve a record of the cultural background and evolution of the American Western Region, as it was then and is now; to hold an annual art exhibit; to help inform and educate the public about the true Western heritage and to encourage and promote the collection and preservation thereof; to conduct an annual Trail Ride, or Rendezvous, to recreate and rekindle, as near as possible, the spirit of the old American West; and, to promote all corollary activities thereto. We strive to achieve these goals in the tradition of Remington and Russell."

Knowledge of the organization, its history and the work of CAA members past and present is invaluable to the artists that aspire to become members. There are many resources that provide information on the history and culture of the organization and there are numerous books about the lives and art of CAA members.



# COWBOY ARTISTS of AMERICA®

SIGN UP FOR OUR E-NEWSLETTER!

HOME OBJECTIVES HISTORY MEMBERS ANNUAL SHOW TRAIL RIDE NEWS & EVENTS MERCHANDISE CONTACT

## CURRENT OFFICERS

## PAST OFFICERS

## ACTIVE

Wayne Baize  
 Tom Browning  
 Gary Carter  
 John Coleman  
 Tim Cox  
 Loren Entz  
 Bruce Greene  
 Martin Grelle  
 David Halbach  
 John Brent Jarvis  
 Oreland Joe  
 T.D. Kelsey  
 Paul Moore  
 Bill Nebeker  
 Gary Niblett  
 Jim Norton  
 Bill Owen  
 Dave Powell  
 Clark Kelley Price  
 Jason Rich  
 R.S. Riddick  
 Jason Scull

## EMERITUS

## DECEASED

## HONORARY

## BECOMING A MEMBER

## Active Members

### WAYNE BAIZE



#### Member Info

CAA Member since 1995  
 Born: December 18, 1943

#### Education

Self-taught

#### Contact

Website  
 HCR 74 Box 53  
 Ft. Davis, TX 79734

Wayne Baize depicts the contemporary cowboy and gives honor to the cowboy way of life. He received the Western Artist of the Year Award from the Academy of Western Artists in 2000 and in 2004 he won the American Cowboy Culture Award for Western Art. He was awarded the CA Silver Medal for Drawing in 1997.

Being a member of the CAA has been the highest honor of his professional career. He was elected to membership in 1995 and served as vice president and director prior to becoming president of the organization in 2006–2007.

His work is shown at Midland Gallery in Midland, Texas, and Trailside Galleries in Jackson, Wyoming, and Scottsdale, Arizona.

Wayne and his wife, Ellen, live on their small ranch outside of Fort Davis, Texas, and raise registered Hereford cattle.

**Declaration**

**Section 8: Declaration of Use in Commerce**

*Unless the owner has specifically claimed excusable nonuse, the mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.*

**Section 9: Application for Renewal**

*The registrant requests that the registration be renewed for the goods and/or services identified above.*

The undersigned being hereby warned that willful false statements and the like 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 this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and 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 Section**

Signature: Tim Cox  
Date: 7/3/12  
Signatory's Name: Tim Cox  
Signatory's Position: President

**NOTE TO APPLICANT:** When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page must include both the signature information and the boilerplate declaration language. Do not include the entire application, but do ensure that the boilerplate declaration language actually appears; a signature by itself will not be acceptable. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the one complete page can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.

**ROUTING SHEET TO POST REGISTRATION (PRU)**

**Registration Number:** 0926589



**Serial Number:** 72365423



**RAM Sale Number:** 9789

**RAM Accounting Date:** 20120103

**Total Fees:** \$500

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20120103	\$100	1	1	\$100
Application for Renewal (§9)	7201	20120103	\$400	1	1	\$400

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

**Transaction Date:** 20120103

