

# BULKY DOCUMENTS

(Exceeds 100 pages)

Proceeding/Serial No: Cancellation # 92042614

Filed: 09-19-05

Title: Petitioner's Response in Opp. to

Registrant's Motion for Summary Judgment

Part 1 of 1

September 19, 2005

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UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

TTAB

Re: **Jackson/Charvel Manufacturing, Inc. v. Prins, Lloyd A. —  
Cancellation No. 92042614**

Dear Sir or Madam:

Enclosed please find (i) Petitioner's Response in Opposition to Registrant's Motion for Summary Judgment, (ii) Petitioner's Response to Registrant's Statement of Material Facts not in Dispute, and (iii) Petitioner's Statement of Material Undisputed Facts, filed in connection with the above-referenced matter (Cancellation No. 92042614).

Please contact me if you have any questions.

Very truly yours,



Salvador K. Karottki

SKK.ck  
Enclosures

cc: Lloyd A. Prins  
Oscar L. Alcantara



09-19-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #57

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

In the Matter of Trademark Registration No. 2,772,766	)	
For the Mark SAN DIMAS GUITARS THE	)	
CALIFORNIA GUITAR COMPANY (Design)	)	
Registration Date: October 7, 2003	)	
	)	
JACKSON/CHARVEL MANUFACTURING, INC.,	)	Cancellation No. 92042614
	)	
Petitioner,	)	
	)	
v.	)	
	)	
PRINS, LLOYD A., Registrant-Respondent.	)	

**PETITIONER'S RESPONSE IN OPPOSITION TO  
REGISTRANT'S MOTION FOR SUMMARY JUDGMENT**

Registrant Lloyd A. Prins' motion for summary judgment is without merit and should be denied. In his motion, Prins makes three specious arguments in an attempt to show that Jackson/Charvel Manufacturing, Inc. ("JCMI") "lacks standing" to pursue this Cancellation Proceeding. First, Prins argues that his supplemental registration for the designation SAN DIMAS GUITARS THE CALIFORNIA GUITAR COMPANY in connection with electric guitars is entitled to a statutory presumption of validity and ownership. Second, Prins inaccurately argues that JCMI does not have priority of use, even though JCMI used its SAN DIMAS mark in connection with electric guitars and guitar parts for almost a decade prior to Prins. Third, Prins argues that JCMI's mark is not distinctive despite Prins' failure to show that his own designation is distinctive. All of Prins' arguments are demonstrably false, and his motion for summary judgment should be denied.

**I. STATEMENT OF FACTS**

As early as June 1993, the Jackson/Charvel division of International Music Company ("IMC"), JCMI's predecessor in interest, began using the mark SAN DIMAS in connection with the sale of electric guitars and guitar parts. (*See* Declaration of Donald Wade

[hereinafter "Wade Decl."], attached hereto as Exhibit 1, at ¶ 7.)<sup>1</sup> Jackson/Charvel has continuously offered SAN DIMAS guitars and parts for sale using the SAN DIMAS mark from 1993 to the present. (*See id.*) The SAN DIMAS mark was used on point-of-sale displays in connection with the sale of electric guitars. (*See id.* at ¶ 9.) In addition, Jackson/Charvel used the SAN DIMAS mark in connection with guitar parts in widely distributed catalogs. (*See id.* at ¶ 10.) Jackson/Charvel also devoted a significant amount of advertising resources to its SAN DIMAS guitars. (*See id.* at ¶ 8.) For example, Jackson/Charvel advertised its SAN DIMAS guitars in popular guitar magazines, such as *Guitar World* and *Guitar*, which are widely distributed to consumers of electric guitars across the nation. (*See id.*) One of Jackson/Charvel's bigger product roll-outs and advertising buys was the roll-out of Jackson/Charvel's SAN DIMAS guitars. (*See id.*)

Based in part on its advertising and promotion of the SAN DIMAS mark, Jackson/Charvel sold approximately \$750,000 of SAN DIMAS guitars during the 1990s. (*See id.* at ¶ 11.) Jackson/Charvel continued to offer its SAN DIMAS guitars and guitar parts for sale from 2000 through the present in Jackson/Charvel's custom shop. (*See id.* at ¶¶ 11-12.) During this time, Jackson/Charvel also advertised SAN DIMAS guitars on its custom shop website. (*See id.* at ¶ 11.) Moreover, Jackson/Charvel continued to sell guitar parts through its catalogs—of which approximately 25,000 copies were distributed annually—under the SAN DIMAS mark. (*See id.* at ¶ 10.) From the mid-1990s to the present, consumers consistently called Jackson/Charvel requesting SAN DIMAS guitars. (*See id.* at ¶ 13; Declaration of Edel Diaz [hereinafter "Diaz Decl."], attached hereto as Exhibit 2, at ¶ 4.) Consumers would call Jackson/Charvel during this period and say things like, "I want a SAN DIMAS guitar," or "Can I get a real SAN DIMAS guitar?" (*See Diaz Decl.* at ¶ 4.) The volume of such calls—referencing

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<sup>1</sup> Subsequently, Akai Music Instruments Corporation ("AMIC") purchased the line of products and intellectual property from IMC, and JCMI later purchased the line of products and intellectual property from AMIC. JCMI and all of its predecessors in interest are referred to herein as "Jackson/Charvel" for ease of reference.

"SAN DIMAS guitars," "SAN DIMAS CHARVEL guitars," and/or "CHARVEL SAN DIMAS guitars"—was well over 200 calls annually and often averaged 6 to 12 calls per week. (*See* Wade Decl. at ¶ 13; Diaz Decl. at ¶ 5.)

In October 2002, JCMI purchased certain assets of the Jackson/Charvel product line, along with all of Jackson/Charvel's intellectual property rights. (*See* Declaration of Mark Van Vleet [hereinafter "Van Vleet Decl."], attached hereto as Exhibit 3, at ¶ 2.) In late 2002, Donald Wade, who was then Marketing Manager for Jackson/Charvel, proposed selling a "25th Anniversary" SAN DIMAS guitar. (*See* Wade Decl. at ¶ 15.) The marketing strategy behind using the SAN DIMAS mark with the 25th Anniversary guitar was to capitalize on customers' and the industry's association of the SAN DIMAS mark with Jackson/Charvel. (*See id.*; Declaration of John Walker [hereinafter "Walker Decl."], attached hereto as Exhibit 4, at ¶ 3.) Production on the 25th Anniversary SAN DIMAS guitar began in June 2003, and the guitar was offered for sale at the July 2003 NAMM trade show in Nashville, Tennessee. (*See* Walker Decl. at ¶¶ 3-4.) Jackson/Charvel sold hundreds of thousands of dollars of SAN DIMAS guitars—more than a quarter of a million dollars in sales—in the first 18 months since the July 2003 NAMM trade show. (*See id.* at ¶ 4.) Jackson/Charvel continues to sell the SAN DIMAS guitar and produce custom-model SAN DIMAS guitars. (*See id.* at ¶ 5.)

Prior to JCMI's purchase, Prins had attempted to buy the Jackson/Charvel line from its then owner AMIC. (*See* Wade Decl. at ¶ 6.) At the time, Prins was also a retailer, referred to as a dealer in the musical instruments industry, for Jackson/Charvel and received Jackson/Charvel's price lists/catalogs. (*See id.* at ¶ 10.) Accordingly, Prins was aware of Jackson/Charvel's SAN DIMAS mark and its use in connection with guitars and guitar parts prior to his recent adoption of the SAN DIMAS GUITARS THE CALIFORNIA GUITAR

COMPANY designation. Prins is currently selling guitars in connection with his designation in competition with Jackson/Charvel. (*See* Walker Decl. at ¶ 6.)

On October 11, 2003, JCMI filed a federal trademark application for the mark SAN DIMAS. (*See* Declaration of Oscar L. Alcantara, Esq. [hereinafter "Alcantara Decl."], attached hereto as Exhibit 5, at ¶ 3.) On April 30, 2004, the trademark examining attorney issued a non-final office action, citing Prins' supplemental registration as a potential bar to registration of Jackson/Charvel's SAN DIMAS mark. (*See id.* at ¶ 4.) Proceedings on Jackson/Charvel's SAN DIMAS mark application, U.S. Trademark Serial No. 78/312,464, have been suspended pending the outcome of this Cancellation Proceeding. (*See id.* at ¶ 5.)

## **II. PRINS' MOTION DOES NOT MEET HIS INITIAL BURDEN UNDER THE BOARD'S SUMMARY JUDGMENT STANDARD**

A party moving for summary judgment has the burden of demonstrating the absence of any genuine issue of material fact and that it is entitled to judgment as a matter of law. *See* Fed. R. Civ. P. 56(c). The moving party has the initial burden either to provide evidence negating an essential element of the nonmoving party's case or to show that the evidence on file (such as pleadings, depositions, and admissions) establishes no material issue of fact and that the nonmoving party will not be able to prove an essential element of its case. *See Vivid Technologies, Inc. v. American Science & Engineering, Inc.*, 200 F.3d 795, 807 (Fed. Cir. 1999). Conclusory assertions that the nonmoving party has no evidence are insufficient to meet the moving party's initial burden. *See Celotex Corp. v. Catrett*, 477 U.S. 316, 328 (1986) (White, J., concurring). The moving party "cannot make naked assertions that genuine issues of fact do not exist." *Clancy Systems Int'l, Inc. v. Symbol Technologies, Inc.*, 953 F. Supp. 1170, 1174 (D. Colo. 1997).

In ruling on summary judgment, the Board must view all evidence in a light most favorable to the nonmoving party. *See United States v. Diebold, Inc.*, 369 U.S. 654, 655 (1962);

*SRI Int'l v. Matsushita Elec. Corp. of Am.*, 775 F.2d 1107, 1116 (Fed.Cir.1985) (in banc). Plainly, "[t]he evidence of the nonmovant is to be believed." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986). The Board must resolve all doubts as to whether or not particular factual issues are genuinely in dispute *against* the moving party. See *Flatley v. Trump*, 11 U.S.P.Q.2d 1284, 1287 (T.T.A.B. 1989). Similarly, the Board must draw all inferences from the undisputed facts in favor of the nonmoving party. See *Diebold, Inc.*, 369 U.S. at 655, *SRI Int'l*, 775 F.2d at 1116 (Fed.Cir.1985); *Flatley*, 11 U.S.P.Q.2d at 1287. Accordingly, for the Board to grant summary judgment, it must ensure that there is "no reasonable version of material facts whereby the nonmov[ing party] could prevail." *Vivid Technologies, Inc.*, 200 F.3d at 807.

In this case, Prins does not meet his initial burden of showing that the evidence on file establishes no genuine issue of material fact. Indeed, Prins points to no pleadings, admissions, or discovery responses and provides only irrelevant exhibits with his motion. Prins purports to offer declarations. These declarations, however, are comprised of merely conclusory opinions or argument by Prins.<sup>2</sup> For example, Prins' primary basis for his motion is his own declaration, stating "I am prepared to testify that there is nothing in evidence that supports Petitioner's claim . . . ." This naked assertion that genuine issues of fact do not exist is insufficient.

Prins uses his own opinion about the contents of documents produced by Jackson/Charvel to support the bald conclusion that Jackson/Charvel "lacks standing" to pursue this Cancellation Proceeding. Such conclusions do not meet Prins' initial burden under Rule 56(c) of the Federal Rules of Civil procedure. *Celotex Corp.*, 477 U.S. at 328 (White, J., concurring). For this reason alone, Prins' motion should be denied.

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<sup>2</sup> While Prins' declarations do contain some facts regarding his application to register his SAN DIMAS GUITARS THE CALIFORNIA GUITAR COMPANY designation and JCMi's application for the mark SAN DIMAS, these facts are beside the point and do not bear on genuine issues of material fact or establish the absence thereof.

### III. JACKSON/CHARVEL HAS STANDING TO PURSUE THIS CANCELLATION PROCEEDING

Prins has argued that Jackson/Charvel "lacks standing" to pursue this Cancellation Proceeding. Prins' assertion is specious. Prins is currently selling guitars in connection with his designation in competition with Jackson/Charvel. (*See* Walker Decl. at ¶ 6.) As a competitor to Prins, Jackson/Charvel clearly has an interest in the outcome of this proceeding and has standing. *See Books on Tape, Inc. v. Booktape Corp.*, 836 F.2d 519, 520 (Fed. Cir. 1987).

Further, the Board's Manual of Procedure ("TBMP") expressly states that a petitioner has standing when its mark has been refused registration based on the respondent's mark. *See* TBMP § 309.03(b), at 300-41 (2d ed., 1st rev. 2004). In this case, Jackson/Charvel received a non-final office action citing Prins' supplemental registration as a potential bar to registration of Jackson/Charvel's SAN DIMAS mark. (*See* Alcantara Decl. at ¶ 4.) Consequently, Jackson/Charvel clearly has standing.<sup>3</sup> *See, e.g., Cerveceria Modelo S.A. de C.V. v. R.B. Marco & Sons Inc.*, 55 U.S.P.Q.2d 1298, 1299-1300 (T.T.A.B. 2000) ("[T]he citation of [respondent's] registration as a bar to the registration of [petitioner's] mark[ ] is sufficient to establish standing [in cancellation a proceeding]."). Because Jackson/Charvel has standing to pursue this Cancellation Proceeding, Prins' motion for summary judgment should be denied.

### IV. PRINS' SUPPLEMENTAL REGISTRATION CARRIES NO PRESUMPTIONS OF VALIDITY, OWNERSHIP, USE, OR PRIORITY

Prins asserts that his supplemental registration, U.S. Suppl. Reg. No. 2,722,766, carries the statutory presumption of validity and that Jackson/Charvel has failed to rebut that "presumption." Prins' registration however, is on the *Supplemental Register*, not the Principal

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<sup>3</sup> Indeed, the Federal Circuit has held that "cancellation of a trademark registration can be sought . . . even by a party with no proprietary rights in the trademark in issue." *International Nutrition Co. v. Horphag Research, Ltd.*, 220 F.3d 1325, 1330 (Fed. Cir. 2000). "[T]he Federal Circuit has emphasized that it is error to state that a § 2(d) opposer or petitioner has no standing [even if] it cannot establish proprietary rights. A competitor has standing because it has an interest in the outcome beyond that of the general public." 3 THOMAS MCCARTHY, MCCARTHY ON TRADEMARKS AND UNFAIR COMPETITION § 20:7, at 20-19 (2005) [hereinafter "MCCARTHY"]

Register. Unlike marks on the Principal Register, "[i]t is overwhelmingly agreed that a Supplemental Register registration is evidence of nothing more than the fact that the registration issued on the date printed thereon. It is entitled to *no presumptions* of validity, ownership, use or priority." *In re Federated Department Stores Inc.*, 3 U.S.P.Q.2d 1541, 1543 (T.T.A.B. 1987) (emphasis added) (citations omitted); *see also In re Medical Disposables Co.*, 25 U.S.P.Q.2d 1801, 1805 (T.T.A.B. 1993) ("[A] registration issued on the Supplemental Register is not entitled to the presumptions of Section 7(b) of the [Lanham Act]. It does not constitute prima facie evidence of registrant's ownership of the mark, or of its exclusive right to use the mark in commerce."); *Nabisco, Inc. v. George Weston Ltd.*, 179 U.S.P.Q. 503, 510 n.4 (T.T.A.B. 1973) (same); *Aloe Crème Laboratories, Inc. v. Bonne Bell, Inc.*, 168 U.S.P.Q. 246, 247 (T.T.A.B. 1970) (same). Accordingly, Prins' supplemental registration "is not prima facie evidence of anything . . . ." *In re Medical Disposables Co.*, 25 U.S.P.Q.2d at 1805 (emphasis added). Prins' argument that Jackson/Charvel has somehow failed to rebut a presumption that does not even exist must, therefore, fail.

## **V. JACKSON/CHARVEL HAS PRIORITY OVER PRINS**

Prins next argues that Jackson/Charvel "lacks standing" to pursue this Cancellation Proceeding because he has priority over Jackson/Charvel. To the contrary, the evidence referred to in Prins' motion demonstrates Jackson/Charvel's prior use of the SAN DIMAS mark and Jackson/Charvel's priority of rights in the disputed mark.

### **A. Jackson/Charvel Has Prior Trademark Rights in the SAN DIMAS Mark**

Jackson/Charvel's SAN DIMAS mark has priority of trademark use over Prins. As early as June 1993, Jackson/Charvel began using the mark SAN DIMAS in connection with the sale of electric guitars and guitar parts and soon began using the mark in a manner sufficient to confer trademark rights. (*See Wade Decl.* at ¶¶ 7 & 9.) Since then, Jackson/Charvel has

continuously offered SAN DIMAS guitars and guitar parts for sale and continuously used the SAN DIMAS mark from 1993 to the present. (*See id.* at ¶ 7 & 10-12.) Jackson/Charvel sold approximately \$750,000 of SAN DIMAS guitars during the 1990s. (*See id.* at ¶ 11.) Jackson/Charvel continued to offer its SAN DIMAS guitars and parts for sale from 2000 through the present in Jackson/Charvel's custom shop. (*See id.* at ¶¶ 11-12.)

Prins contends that none of the numerous materials bearing the SAN DIMAS mark produced by Jackson/Charvel were technically affixed to Jackson/Charvel's SAN DIMAS guitars when they were sold. Based on this assumption, Prins contends that none of these materials could be used as proper trademark specimens if Jackson/Charvel had earlier sought federal registration of the SAN DIMAS mark in the 1990s. Controlling case law contradicts Prins' unsubstantiated contention. Point-of-sale displays or window displays are proper trademark specimens and have been treated as such throughout the time period relevant to this dispute. *See In re Marriott Corp.*, 459 F.2d 525, 527 (C.C.P.A. 1972); *Lands' End Inc. v. Manbeck*, 797 F. Supp. 511, 513-14 (E.D. Va. 1992). The SAN DIMAS mark was used on point-of-sale displays in connection with sales of electric guitars. (*See Wade Decl.* at ¶ 9 & Exhibit C thereto.) These point-of-sale displays were laminated and used by retailers in direct association with the sale of Jackson/Charvel electric guitars. (*See id.* at ¶ 9.) Customers at a guitar shop could view the laminated display near the counter or in close proximity to a SAN DIMAS guitar hanging on the wall at a Jackson/Charvel dealer's music store. (*See id.*) As Jackson/Charvel's point-of-sale displays evidence, the names of Jackson/Charvel's guitars were "SAN DIMAS I," "SAN DIMAS II," "SAN DIMAS III," "SAN DIMAS IV," and "SAN DIMAS V." (*See id.*) It is, therefore, not surprising that customers, artists, and guitar industry participants, as well as sales staff, referred to certain Jackson/Charvel guitars as "SAN DIMAS

guitars" or "CHARVEL SAN DIMAS guitars" throughout the 1990s and 2000s. (*See id.* at ¶¶ 13-14; Diaz Decl. at ¶¶ 4-5.)

**B. Jackson/Charvel's Advertising, Promotional, and Other Materials Confer Priority to Petitioner for Purposes of This Cancellation Proceeding**

In addition to the point-of-sale displays discussed above, Jackson/Charvel's advertising materials and catalogs bearing the SAN DIMAS mark support Jackson/Charvel's priority over Prins' use of the disputed mark. Prins concedes that Jackson/Charvel used the SAN DIMAS mark on advertising. In fact, over the years, Jackson/Charvel advertised the SAN DIMAS mark widely in the industry and to consumers of electric guitars, through brochures and in popular magazines like *Guitar World* and *Guitar*. (*See* Wade Decl. at ¶ 8.) Jackson/Charvel devoted a significant amount of advertising resources to its SAN DIMAS guitars. (*See id.*) In addition, Jackson/Charvel used the SAN DIMAS mark in widely distributed catalogs in connection with guitar parts. (*See id.* at ¶ 10.)

Prins wrongly believes that such widespread advertising use does not grant priority for purposes of a cancellation proceeding. Use of a term in advertising or as a style or model designation—referred to as "use analogous to trademark use"—is sufficient to preclude registration of that term to a subsequent trademark user. *See, e.g., Knickerbocker Toy Co., Inc. v. Faultless Starch Co.*, 467 F.2d 501, 508 (C.C.P.A. 1972) (petitioner in an *inter partes* proceeding "may rely on advertising and promotional use of a term or slogan and grade-or-model-mark use of a word to establish superior rights over a subsequent trademark user of the term, slogan, or word" (citations omitted)); *see also Shalom Children's Wear, Inc. v. In-Wear A/S*, 26 U.S.P.Q.2d 1516, 1519 (T.T.A.B. 1993); *Diebold, Inc. v. Multra-Guard, Inc.*, 189 U.S.P.Q. 119, 123-4 (T.T.A.B. 1975) ("It is an established rule that rights can accrue from use 'analogous to trademark use.'"); *Sears, Roebuck & Co. v. Mannington Mills, Inc.*, 138 U.S.P.Q. 261, 262 (T.T.A.B. 1963) ("Sears prior and continuous use of 'VINYLTHRIFT' in its catalogs and

newspaper advertisements constitutes use at least analogous to trademark use serving to indicate origin thereof in Sears and creates rights therein sufficient to preclude the registration by a subsequent user of the same or a similar mark for like or closely related goods."); *Lever Bros. Co. v. Nobio Products, Inc.*, 103 F.2d 917, 919 (C.C.P.A. 1939); 3 MCCARTHY § 20:7, at 20-18 (A petitioner "may establish priority under § 2(d) merely by proving prior use of the term in any manner 'analogous to a trademark use.>"). "[S]uch use has consistently been held sufficient use to establish priority of rights as against subsequent users of the same or similar marks." *Shalom Children's Wear, Inc.*, 26 U.S.P.Q.2d at 1519.

In this case, Jackson/Charvel used the term "SAN DIMAS" in connection with promotional advertising, on its custom shop website, and in product catalogs available to Jackson/Charvel's customers throughout the 1990s and 2000s. (*See* Wade Decl. at ¶¶ 8 & 10-12.) Moreover, Jackson/Charvel's customers and sales staff have consistently used "SAN DIMAS" as a model-mark for Jackson/Charvel electric guitars and/or guitar parts since at least 1993.<sup>4</sup> (*See id.* at ¶¶ 13-14; Diaz Decl. at ¶¶ 4-5.) Accordingly, Jackson/Charvel's advertising and promotional use of the SAN DIMAS mark alone confers priority over Prins for purposes of this Cancellation Proceeding.

### **C. The Federal Circuit Has Rejected Prins' Circular Standing Argument**

Prins' argument that Jackson/Charvel lacks standing is convoluted and conflates the standing inquiry with the merits of the action. Prins' naked and incorrect assertion that he has priority does not deprive Jackson/Charvel of *standing*. Standing should not be confused with the merits of the case. *See Books on Tape, Inc.*, 836 F.2d at 520. On summary judgment, the Board should not determine the merits of the case but merely whether genuine issues of material fact

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<sup>4</sup> "[P]ublic use by others inures to the claimant's benefit and . . . public use can reasonably be deemed use 'by' that party in the sense of a use on its behalf . . . . Prior public identification of petitioner with the [mark] . . . from use analogous to [trademark] usage is sufficient ground for cancellation." *National Cable Television Assoc., Inc. v. American Cinema Editors, Inc.*, 937 F.2d 1572, 1577-8 (Fed. Cir. 1991).

exist. See *Litton Industries, Inc. v. Litronix, Inc.*, 577 F.2d 709 (C.C.P.A. 1978) ("On a motion for summary judgment, it is not for the [Board] to try issues of fact; it can only determine whether there are such issues."); *Shalom Children's Wear, Inc.*, 26 U.S.P.Q.2d at 1518. As discussed above, genuine issues of material fact exist concerning priority, given that Jackson/Charvel was using the SAN DIMAS mark for almost a decade before Prins recently adopted his designation.

Prins cites four cases for his argument that his priority claims impact Jackson/Charvel's standing to bring this action. None of those cases involved a summary judgment determination, and all of the cases occurred after a full hearing on the merits. One case (*Teter, Inc. v. Rheem Mfg. Co.*, 334 F.2d 784 (7th Cir. 1964)) did not involve standing at all; and one case (*Cunningham v. Laser Golf Corp.*, 222 F.3d 943 (Fed. Cir. 2000)) supports Jackson/Charvel's position. The remaining two cases (*Era Corp. v. Electronic Realty Assoc., Inc.*, 211 U.S.P.Q. 734 (T.T.A.B. 1981) and *Prince Dog & Cat Food Co. v. Central Nebraska Packing Co.*, 305 F.2d 904 (C.C.P.A. 1962)) were decided prior to the Federal Circuit's clarification that the standing inquiry is separate from merits questions like priority. See, e.g., *Books on Tape, Inc.*, 836 F.2d at 520. Moreover, the *Prince Dog & Cat Food Co.* opinion "does not accurately reflect the liberal standing requirements embodied in more recent case law." See *Mears v. Montgomery*, No. 02 Civ. 0407BSJMHD, 2004 WL 964093, at \*14 (S.D.N.Y. May 5, 2004) (unpublished); see also 3 MCCARTHY § 20:46, at 20-93 ("As the requirements for standing to oppose [registered marks] have been liberalized, so also the criteria for standing to cancel have become less strict."). Indeed, as the *Laser Golf Co.* case cited by Prins states, "Standing requires only that the party seeking cancellation believe that it is likely to be damaged by the registration. A belief in likely damage can be shown by establishing a direct commercial interest." 222 F.3d

at 945 (citations omitted). As noted above, Jackson/Charvel has standing, among other things, by virtue of its status as a competitor. Prins' analysis is deeply flawed and should be disregarded.

**VI. THERE IS NO REQUIREMENT FOR JACKSON/CHARVEL TO SHOW DISTINCTIVENESS TO CANCEL PRINS' SUPPLEMENTAL REGISTRATION; NONETHELESS, JACKSON/CHARVEL'S MARK IS DISTINCTIVE**

Prins' final attempt to argue that Jackson/Charvel lacks standing to pursue this Cancellation Proceeding somehow concerns the distinctiveness of Jackson/Charvel's SAN DIMAS mark. Prins states that Jackson/Charvel "has failed to plead or demonstrate the distinctiveness of its mark" and that, accordingly, Prins is entitled to summary judgment. The Federal Circuit rejected Prins' argument in a case with the same procedural setting as this Cancellation Proceeding. *See Books on Tape, Inc. v. Booktape Corp.*, 836 F.2d at 520. Although Jackson/Charvel has pled and can provide evidence substantiating the distinctiveness of its SAN DIMAS mark, distinctiveness is *not* required to cancel a supplemental registration, such as Prins'. *See* 3 MCCARTHY § 19:37, at 19-132 ("Because registration on the Supplemental Register implies that secondary meaning cannot be shown, a prior user can cancel a Supplemental Registration.").

In *Books on Tape, Inc. v. Booktape Corp.*, the Federal Circuit addressed the issue of whether a petitioner needed to prove distinctiveness in order to cancel a supplemental registration. The Federal Circuit stated that distinctiveness was not required; rather, chronological priority was all that was needed:

The statute does not require the anomalous result that a junior user is entitled to keep its Supplemental Registration for a descriptive term in which it has not established secondary meaning (as evidenced by registration on the Supplemental Register) because a *prior* user cannot show secondary meaning in that term either.

*Books on Tape, Inc.*, 836 F.2d at 520. As the owner of a supplemental registration has not shown distinctiveness of its mark<sup>5</sup> in order to gain its registration, a prior user of the same or similar term should not have to show distinctiveness in order to prevail in a cancellation proceeding. In this case, Prins acquired his supplemental registration after he received a rejection from the trademark examining attorney based on geographic descriptiveness and agreed to move his designation to the Supplemental Register. By definition, Prins did not show distinctiveness for his mark. Accordingly, Jackson/Charvel need not show distinctiveness to cancel Prins' mark—only priority of trademark use or use analogous to trademark use.

Prins cites to *Otto Roth & Co., Inc. v. Universal Foods Corporation*, 640 F.2d 1317 (C.C.P.A. 1981), and *Towers v. Advent Software, Inc.*, 913 F.2d 942 (Fed. Cir. 1990), in support of his position that Jackson/Charvel must prove distinctiveness. These opinions are distinguishable and do not alter the controlling precedent of *Books on Tape*. In the *Books on Tape* opinion, the Federal Circuit easily distinguished *Otto Roth*, which dealt with a registration on the Principal Register not the Supplemental Register:

The *Otto Roth* opposer sought to prevent the applicant's registration of an arbitrary mark on the *Principal Register* on the basis of prior use of a *descriptive* phrase. One who had proprietary rights in a mark was being attacked by a party who had established no rights in a mark . . . . In contrast, this case concerns a registration for a *descriptive* term on the *Supplemental Register*. The registrant here has as yet no proprietary rights . . . .

*Books on Tape, Inc.*, 836 F.2d at 520. The *Towers* opinion is distinguishable on the same grounds as *Otto Roth*—namely, it concerned an attempt by the user of an unregistered descriptive phrase (THE PROFESSIONAL PORTFOLIO SYSTEM) to cancel a registration on the Principal Register. (See U.S. Reg. No. 1,347,405, attached hereto as Exhibit 6.) The *Towers* case involved the same procedural setting as *Otto Roth*. Both the *Towers* and *Otto Roth* cases,

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<sup>5</sup> Strictly speaking, a word registered on the Supplemental Register is not a "mark." See 3 MCCARTHY § 19:37, at 19-131. By definition, it is not registrable on the Principal Register and is only "capable" of someday becoming a "mark" upon the acquisition of secondary meaning. See *id.*

however, are distinguishable from the controlling precedent of *Books on Tape* concerning cancellation proceedings for supplemental registrations of descriptive terms. Based on the Federal Circuit's opinion in *Books on Tape*, Prins' motion should be denied.

Moreover, even though Jackson/Charvel is not required to prove distinctiveness of its SAN DIMAS mark, contrary to Prins' assertions, Jackson/Charvel did plead distinctiveness in its petition for cancellation. Jackson/Charvel's petition states:

Based upon, *inter alia*, Jackson/Charvel's and its Predecessor's extensive use and promotion of the SAN DIMAS trademark with respect to electric guitars in interstate commerce, the SAN DIMAS mark has *acquired goodwill and public recognition* among relevant consumers, the industry, and the purchasing public.

(Petition for Cancellation at ¶ 5 (emphasis added).) Indeed, Jackson/Charvel's length of use, its sales, and the amount of advertising dollars spent on promoting the SAN DIMAS mark all indicate that Jackson/Charvel's mark has acquired distinctiveness in the guitar marketplace. *See* 2 MCCARTHY § 15:30, at 15-47 to -48 (listing the length of use, amount of sales, and amount and manner of advertising among the factors evidencing acquired distinctiveness).

Jackson/Charvel has used the SAN DIMAS mark in connection with electric guitars and guitar parts for over a decade. (*See* Wade Decl. at ¶ 7 & 12.) During that time, Jackson/Charvel has devoted a significant amount of advertising resources to its SAN DIMAS mark. (*See id.* at ¶ 8.) For example, Jackson/Charvel advertised its SAN DIMAS guitars in popular guitar magazines, such as *Guitar World* and *Guitar*, which are widely distributed to consumers of electric guitars across the nation. (*See id.*) Indeed, one of Jackson/Charvel's bigger product roll-outs and advertising buys was the roll-out of Jackson/Charvel's SAN DIMAS guitars. (*See id.*) Based in part on its advertising and promotion of the SAN DIMAS mark, Jackson/Charvel sold approximately \$750,000 of SAN DIMAS guitars during the 1990s and continues to sell SAN DIMAS guitars to this day. (*See id.* at ¶¶ 7 & 12.)

The distinctiveness of Jackson/Charvel's SAN DIMAS mark is further evidenced by its consumer recognition in the guitar marketplace. Consumers and guitar industry participants frequently refer to Jackson/Charvel's guitars as "SAN DIMAS guitars," "SAN DIMAS CHARVEL guitars," and/or "CHARVEL SAN DIMAS guitars" and have done so for years. (See *id.* at ¶¶ 13-14; Diaz Decl. at ¶¶ 4-5.) Consumers have consistently called Jackson/Charvel requesting SAN DIMAS guitars from the mid-1990s to the present. (See Diaz Decl. at ¶¶ 4-5.) Consumers would call Jackson/Charvel during this period and say things like, "I want a SAN DIMAS guitar," or "Can I get a real SAN DIMAS guitar?" (See *id.* at ¶ 4.) The volume of such calls was well over 200 calls annually and often averaged 6 to 12 calls per week. (See Wade Decl. at ¶ 13; Diaz Decl. at ¶ 5.)

Unlike Prins' recently adopted designation, which is not distinctive and could only be registered on the Supplemental Register, Jackson/Charvel's SAN DIMAS mark is distinctive and well-known based, *inter alia*, on its length of use in the marketplace, Jackson/Charvel's advertising and promotion of the mark, Jackson/Charvel's sales of SAN DIMAS guitars, and the widespread public use of the mark by Jackson/Charvel's customers and the guitar industry.

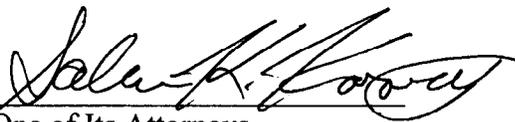
## VII. CONCLUSION

Based on the foregoing, the Board should deny Prins' motion.

DATED: September 19, 2000

Respectfully submitted,

JACKSON/CHARVEL MANUFACTURING, INC.

By   
One of Its Attorneys

Oscar L. Alcantara  
Salvador K. Karotki  
GOLDBERG, KOHN, BELL, BLACK,  
ROSENBLUM & MORITZ, LTD.  
55 East Monroe Street, Suite 3700  
Chicago, Illinois 60603  
(312) 201-4000

# **EXHIBIT 1**

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

In the Matter of Trademark Registration No. 2,772,766	)	
For the Mark SAN DIMAS GUITARS THE	)	
CALIFORNIA GUITAR COMPANY (Design)	)	
Registration Date: October 7, 2003	)	
	)	
JACKSON/CHARVEL MANUFACTURING, INC.,	)	Cancellation No. 92042614
	)	
Petitioner,	)	
	)	
v.	)	
	)	
PRINS, LLOYD A., Registrant-Respondent.	)	

**DECLARATION OF DONALD WADE**

Donald Wade, pursuant to 28 U.S.C. Section 1746, declares as follows:

1. My name is Donald Wade, and I have personal knowledge of the matters set forth in this Declaration and could and would testify competently thereto if called as a witness.

2. I am the former Vice President of the Jackson/Charvel division of Akai Musical Instruments Corporation ("AMIC") and, previously, International Music Company ("IMC"). I have been involved in the guitar manufacturing industry since approximately 1970 and began my employment at IMC, which was based in Fort Worth, Texas, in 1978. At the end of 1984, IMC purchased Jackson/Charvel, Inc., which then became a division of IMC. In 1985, I began working for the Jackson/Charvel division of IMC and was employed in a variety of capacities. Marketing and promotions was among my responsibilities.

3. In approximately February 1996, I became Vice President of the Jackson/Charvel division of IMC. In my capacity as Vice President of Jackson/Charvel, I had duties concerning product development and design, artist relations, advertising and promotions,

and marketing. I was also the liason to Jackson/Charvel's factories and supervised its sales department.

4. In approximately 1997, Akai Musical Instruments Corporation ("AMIC") purchased IMC and its Jackson/Charvel division, including its line of guitar products and marks. I remained Vice President of the Jackson/Charvel division, with the same duties and responsibilities, during the period when AMIC owned the division. In October 2002, Jackson/Charvel Manufacturing, Inc. ("JCMI"), a subsidiary of Fender Musical Instruments Corporation ("FMIC"), purchased various assets of the Jackson/Charvel division of AMIC, including its line of guitar products and marks.<sup>1</sup> In October 2002, I took the position of Marketing Manager for JCMI. My duties as Marketing Manager for JCMI continued to be product development and design, artist relations, advertising and promotions, and marketing. In mid-2003, I started in my current position as Marketing Manager for Guild, Benedetto, and Rodriguez, other guitar lines owned by FMIC.

5. Based on my various positions at Jackson/Charvel since 1985, including my role as Vice President, I have knowledge of the guitars sold, the brands used, and the marketing strategy employed by Jackson/Charvel since at least 1985 to mid-2003.

6. Prior to JCMI's purchase of various assets of Jackson/Charvel in October 2002, Lloyd Prins ("Prins") had attempted to buy the Jackson/Charvel line of products from its then owner AMIC.

7. As early as June 1993, Jackson/Charvel began using the mark SAN DIMAS in connection with the sale of electric guitars and parts, specifically guitar necks. Jackson/Charvel exhibited the SAN DIMAS guitar at the Winter NAMM trade show in 1994. Some of the hallmark features of Jackson/Charvel's SAN DIMAS guitars are the "hot rod" style

---

<sup>1</sup> Throughout my Declaration, JCMI and all of its predecessors in interest are referred as "Jackson/Charvel" for ease of reference.

of the guitar, a body made of exotic wood, and a specifically shaped bolt-on guitar neck. Jackson/Charvel has continuously offered SAN DIMAS guitars and parts for sale using the SAN DIMAS mark from 1993 to the present.

8. Jackson/Charvel devoted a significant amount of advertising resources to its SAN DIMAS mark and spent tens of thousands of dollars advertising its SAN DIMAS guitars in print media. One of Jackson/Charvel's bigger product roll-outs and advertising buys for any guitar in the CHARVEL line was the roll-out of Jackson/Charvel's SAN DIMAS guitars. For example, Jackson/Charvel advertised its SAN DIMAS guitars in popular guitar magazines, such as *Guitar World* and *Guitar*, which are widely distributed to consumers of electric guitars across the nation. True and accurate copies of illustrative advertisements from *Guitar World* and *Guitar* magazines are attached hereto as Group Exhibit A. Jackson/Charvel also advertised in promotional brochures provided to its retailers and customers. Jackson/Charvel distributed approximately 8,000 to 10,000 copies of these promotional brochures to its customers and retailers annually. True and accurate copies of two example SAN DIMAS guitar brochures are attached as Group Exhibit B.

9. The SAN DIMAS mark was also used on point-of-sale displays in connection with the sale of electric guitars. A true and accurate copy of a point-of-sale display prominently featuring the SAN DIMAS mark used in connection with the sale of electric guitars is attached hereto as Exhibit C. Such point-of-sale displays were laminated and used by retailers in direct association with the sale of Jackson/Charvel's SAN DIMAS guitars. Customers at a guitar shop could view the laminated display near the counter or in close proximity to a SAN DIMAS guitar hanging on the wall at a Jackson/Charvel retailer's music store. As the attached point-of-sale display shows, certain of Jackson/Charvel's guitars were named "SAN DIMAS I," "SAN DIMAS II," "SAN DIMAS III," "SAN DIMAS IV," and "SAN DIMAS V."

10. In addition, Jackson/Charvel used the SAN DIMAS mark in catalogs in connection with guitar parts, specifically bolt-on necks. Retailers and customers could and did order guitars with SAN DIMAS guitar necks by using the order forms in the back of these catalogs. True and accurate copies of illustrative catalogs from 2000, 2001, and 2002 that offer for sale SAN DIMAS guitar necks are attached hereto as Group Exhibit D. Approximately 25,000 catalogs a year were sent to Jackson/Charvel's retailers and customers. Customers would and did order SAN DIMAS guitar necks as part of a custom-model guitar. A true and accurate copy of an illustrative customer order form containing a request for a SAN DIMAS guitar neck from 2001 is attached hereto as Exhibit E. During this time period, Prins was a retailer, referred to as a dealer in the musical instruments industry, for Jackson/Charvel and received Jackson/Charvel's price lists/catalogs.

11. Jackson/Charvel sold approximately \$750,000 of SAN DIMAS guitars during the 1990s. True and accurate copies of customer invoices showing illustrative sales of SAN DIMAS guitars during the 1990s are attached as Group Exhibit F. Jackson/Charvel continued to offer its SAN DIMAS guitars and parts for sale from 2000 through the present in Jackson/Charvel's custom shop. During approximately this same time period, Jackson/Charvel also advertised SAN DIMAS guitars on its custom shop website, which contained pictures of custom-made SAN DIMAS guitars made in Jackson/Charvel's custom shop. Jackson/Charvel's custom shop is the longest continuously operating guitar custom shop in the United States.

12. From 1993 through the present, a consumer has always been able to buy a SAN DIMAS guitar in Jackson/Charvel's custom shop. Regardless of the consumer preferences of the marketplace in any given year, Jackson/Charvel has continuously offered for sale SAN DIMAS guitars and guitar necks in its custom shop.

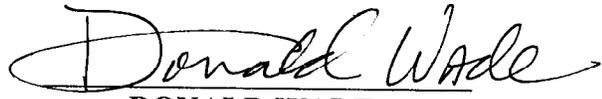
13. From at least the mid-1990s to 2003, consumers and guitar dealers consistently called Jackson/Charvel about SAN DIMAS guitars. Jackson/Charvel received well over 200 customer calls annually referencing SAN DIMAS guitars. I also recall reviewing numerous letters from retailers and/or customers referring to "SAN DIMAS guitars" or "CHARVEL SAN DIMAS guitars" from 1993 through 2003.

14. In my former positions at Jackson/Charvel, including as its Vice President, I interacted with artists, consumers, and guitar industry participants. Based on my experience, artists, consumers, and guitar industry participants frequently refer to Jackson/Charvel's guitars as "SAN DIMAS guitars" or "CHARVEL SAN DIMAS guitars" and have done so for years. For example, I recall having a conversation with Phil Collen, who is a founding member of the rock band Def Leppard, in approximately late 2000 where Mr. Collen and I discussed his potential purchase of a SAN DIMAS guitar.

15. In late 2002, I proposed selling a "25th Anniversary" SAN DIMAS guitar to celebrate the inaugural sale of a Jackson/Charvel guitar in 1979. The marketing strategy behind using the SAN DIMAS mark with the 25th Anniversary guitar was to capitalize on customers' and the industry's association of the SAN DIMAS mark with Jackson/Charvel. After multiple meetings in 2002 and early 2003 with various JCMI employees, including JCMI's current Marketing Manager John Walker, JCMI began offering for sale the 25th Anniversary SAN DIMAS guitar in mid-2003.

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

Executed on September 19, 2005.

  
**DONALD WADE**

# **EXHIBIT A**

**4 SONGS  
WITH  
BASSLINES!**

"Far Behind"

"Wild Night"

"Interstate  
Love Song"

"Rock and Roll,  
Hoochie Koo"

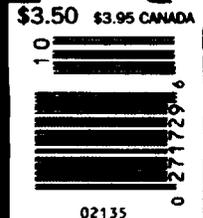
OCTOBER 1994

**CLASSIC ROCK SPECIAL!**

**ROCK ON!**  
**EXCLUSIVE INTERVIEWS WITH KEITH & MICK**

**THE WHO THE LAST WORD FROM  
PETE TOWNSHEND**

**Slayer**



**DIER**

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Chris Flynn  
Kochold, NJ

**ONS**

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*Handwritten signature: Chris Flynn*



Hawaiian  
Koa

Australian  
Lacewood

African  
Mahogany

Car. Edition III

Car. Edition IV

Car. Edition V



Hawaiian  
Koa

Transparent  
Green

Transparent  
Purple

Transparent  
Red

**5 SONGS  
WITH  
BASSLINES!**

**PANTERA  
"Planet Caravan"**

**JANE'S  
ADDICTION  
"Mountain Song"**

**THE DOORS  
"Love Her Madly"**

**JAMES  
BROWN  
"Sex Machine"**

# WORLD

\$3.50 \$3.95 CANADA



Printed in U.S.A.

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is the only guitar in the world that has been designed to be played in any position. It's the only guitar that can be played in any position. It's the only guitar that can be played in any position.

More than 20 years ago, the first American-made electric guitar was designed to be played in any position. It's the only guitar that can be played in any position. It's the only guitar that can be played in any position.

It's the only guitar in the world that has been designed to be played in any position. It's the only guitar that can be played in any position. It's the only guitar that can be played in any position.

It's the only guitar in the world that has been designed to be played in any position. It's the only guitar that can be played in any position. It's the only guitar that can be played in any position.

It's the only guitar in the world that has been designed to be played in any position.

It's the only guitar in the world that has been designed to be played in any position.



Hawaiian Koa

# Sam Dimeola

Lead Guitarist



Hawaiian Koa

Australian Lacewood

African Mahogany

It's the only guitar in the world that has been designed to be played in any position.

It's the only guitar in the world that has been designed to be played in any position.

It's the only guitar in the world that has been designed to be played in any position.



Transparent Green

Transparent Purple

Transparent Red

REM

QUEENSRÿCHE

WORLD

Dead BOys

The Clash

day BuzzCocKs

**RELEASE YOUR OWN ALBUM!**

ADVICE FROM OFFSPRING • STEVE VAI • FUGAZI • PRIMUS



It's the only 17-point, ultrasonic precision  
 alignment of the neck to the body that you  
 can't get anywhere else. It's the only  
 bridge that's built to stay  
 there, even with time.

That's why the best players in the world  
 are using the only 17-point ultrasonic precision  
 alignment system in the world. It's the only  
 bridge that's built to stay there, even with  
 time. It's the only bridge that's built to  
 stay there, even with time.

That's why the best players in the world  
 are using the only 17-point ultrasonic precision  
 alignment system in the world. It's the only  
 bridge that's built to stay there, even with  
 time. It's the only bridge that's built to  
 stay there, even with time.

Only the highest quality, and well-respected  
 equipment, can be used to build the best  
 equipment. That's why the Jackson/Charvel  
 guitars are built to stay there, even with  
 time. It's the only bridge that's built to  
 stay there, even with time.

That's why the best players in the world

# Sam Derriso

Sam Derriso



Hawaiian  
Koa

Australian  
Lacewood

African  
Mahogany

That's why the best players in the world

Sam Derriso II

Sam Derriso IV

Sam Derriso V



Hawaiian  
Koa

Transparent  
Green

Transparent  
Purple

Transparent  
Red

JANUARY 1995

FOR THE PRACTICING MUSICIAN



**TRENT  
REZNOR**

**ERIC  
CLAPTON**

**JIMMY  
PAGE** *in*

# HOW TO SCORE

THE STARRING ROLE OF GUITAR IN MOVIES & TV

*featuring*

**STEVE VAI MARK KNOPFLER**

**ROBBIE ROBERTSON**

*with*

**20 CLASSIC TV RIFFS TRANSCRIBED!**

*also* transcriptions (including all bass lines):

**Bang And Blame R.E.M. • Theme from BATMAN**

**Train Of Consequences MEGADETH • All I Wanna Do SHERYL CROW**

**Hoochie Coochie Man ERIC CLAPTON (with vintage Bluesbreakers solos)**

\$3.95 USA  
\$4.95 CAN. • £2.50 U.K. • 39.00FF • 11.00 DM

0 74851 08366 6

...the body of the guitar is constructed from a solid piece of wood, which is then finished with a clear lacquer. But when you play the guitar, the response is...

Here, for the first time in 10 years, American-made Charvel guitars are now again available. Play a San Dimas and you'll know it's a great guitar. And you'll find out for yourself why an American guitar is the only one that offers you the best of both worlds.

Charvel San Dimas guitars are made in America using only the finest available domestic and imported woods. All San Dimas guitars are built using the same 12-point fretting system, which has been used by many of the world's great luthiers.

Only the highest quality materials, selected for their strength, stability, and sound, are used in Charvel guitars. Custom-built Charvel pickups and original Floyd Rose vibrato systems ensure top performance and tone.

Learn the advantages of the price.

San Dimas II



Hawaiian Koa

San Dimas III



Transparent Green

San Dimas IV



Transparent Purple

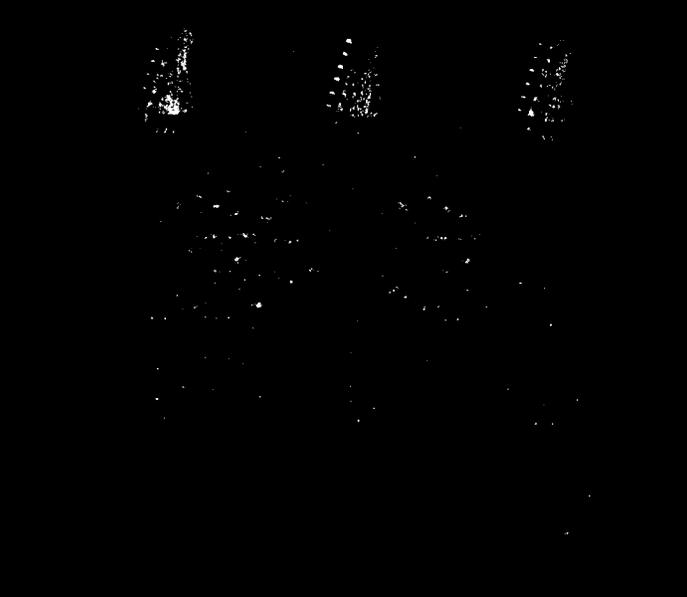
San Dimas V



Transparent Red

# San Dimas

Electric Guitars



Hawaiian Koa

Australian Lacewood

African Mahogany

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FEBRUARY 1995



VAN HALEN

PAGE

BETTENCOURT

VAI

transcriptions (including all bass lines):

LED ZEPPELIN Friends • THE BEATLES Norwegian Wood  
HOOTIE & THE BLOWFISH Hold My Hand • DANZIG Dominion  
CORROSION OF CONFORMITY Albatross

\$3.95 USA  
\$4.95 CANL • £2.75 U.K. • 21.90FF • 11.00 DM



with a depth of research and production that offers the best of the world's top guitar body materials. But you can't find any other guitar like this.

Now, for the first time in 30 years, an entire line of top-quality guitars is available. Play a San Dimas guitar, and you'll understand why you've always wanted to own one. It's made by hand and selected by hand.

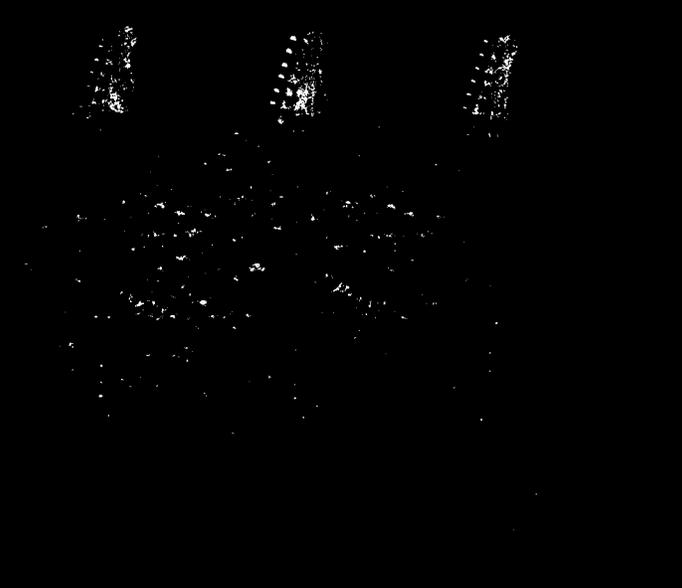
Carved by hand, a guitar case is guaranteed to be among the best made, able to protect and preserve your guitar. All San Dimas guitars are built using Berkeley Maple for the neck construction, better than any other wood for strength and stability.

Despite their size, they are also respected for their ability to hold a standard equipment. Customized to fit your playing style, and designed to hold up to the most rigorous use, they are a true investment in value.

Don't miss your chance to play!

# San Dimas

San Dimas I



Hawaiian Koa

Australian Lacewood

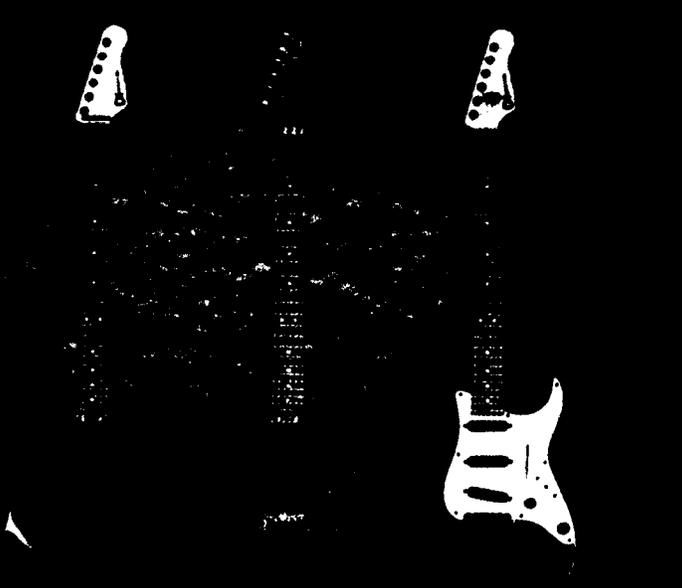
African Mahogany

San Dimas II

San Dimas II

San Dimas IV

San Dimas V



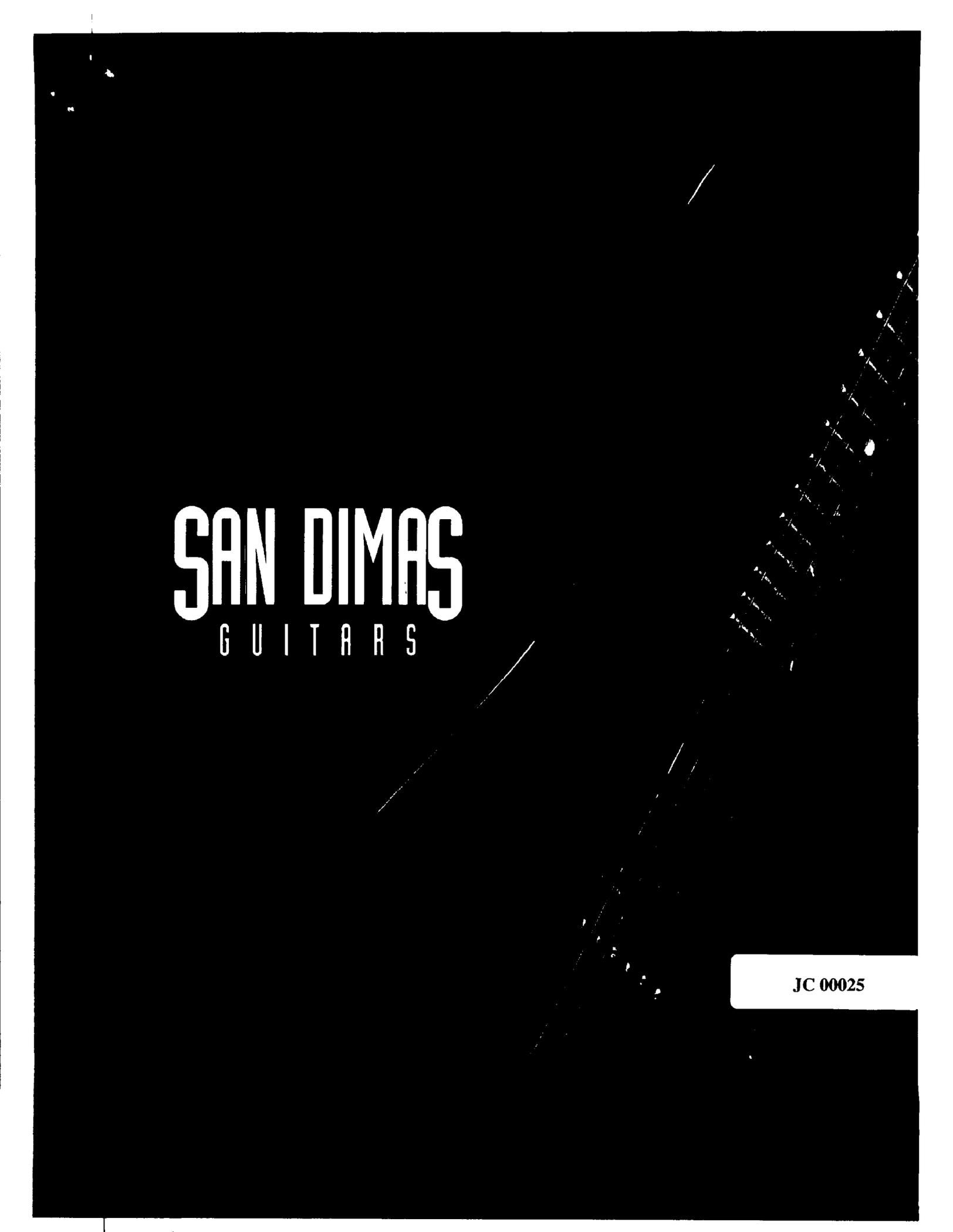
Hawaiian Koa

Transparent Green

Transparent Purple

Transparent Red

# **EXHIBIT B**



# SAN DIMAS

GUITARS

JC 00025



## SAN DIMAS I

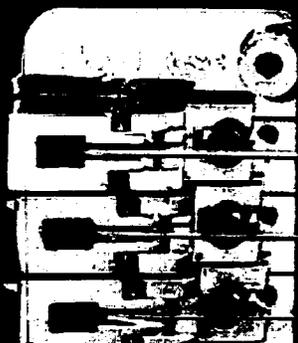
- Rosewood fingerboard
- Birdseye Maple neck
- Gretsch custom tuning gears
- 24 jumbo frets
- Original Floyd Rose bridge
- Dimarzio custom humbucker pickups
- Available in Koa or Mahogany
- Hand-rubbed finish



## SAN DIMAS II

- Rosewood fingerboard
- Birdseye Maple neck
- Sperzel locking tuning gears
- 24 jumbo frets
- Wilkinson VS 100 tremolo
- Black hardware
- Dimarzio custom humbucker pickups
- Available in Koa or Mahogany
- Hand-rubbed finish

JC 00026





## SAN DIMAS III

- Birdseye Maple neck
- Setback custom tuning gears
- 24 jumbo frets
- Original Floyd Rose bridge
- Black hardware
- Dimarzio Chopper and Fast Track single coil and Tone Zone humbucker pickups
- Mahogany body with quilted maple drop top
- Available in Transparent Red, Transparent Green, Transparent Purple and Vintage Sunburst

## SAN DIMAS III W

- Rosewood fingerboard
- Birdseye Maple neck
- Sperzel locking tuning gears
- Wilkinson VS 100 tremolo
- Dimarzio Chopper and Fast Track single coil and Tone Zone humbucker pickups
- Mahogany body with flamed maple drop top
- Available in Transparent Red, Transparent Green, Transparent Purple and Vintage Sunburst



JC 00027

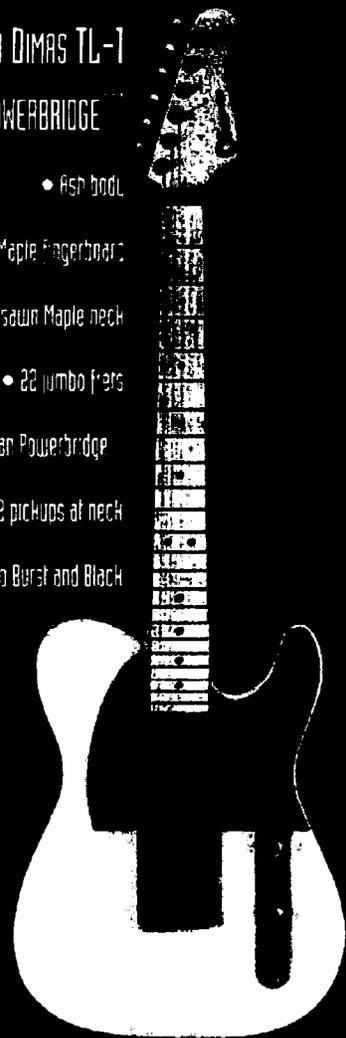
## SAN DIMAS TRADITIONAL

- Rosewood or maple fingerboard
- Quartersawn Maple neck
- Nipertel locking tuning gears
- Custom steel pulcrum tremolo
- Dimarzio (Vintage) single coil pickups
- Flder body
- Available in Sapphire Blue, Garnet Red, Forest Green, Black and Snow White



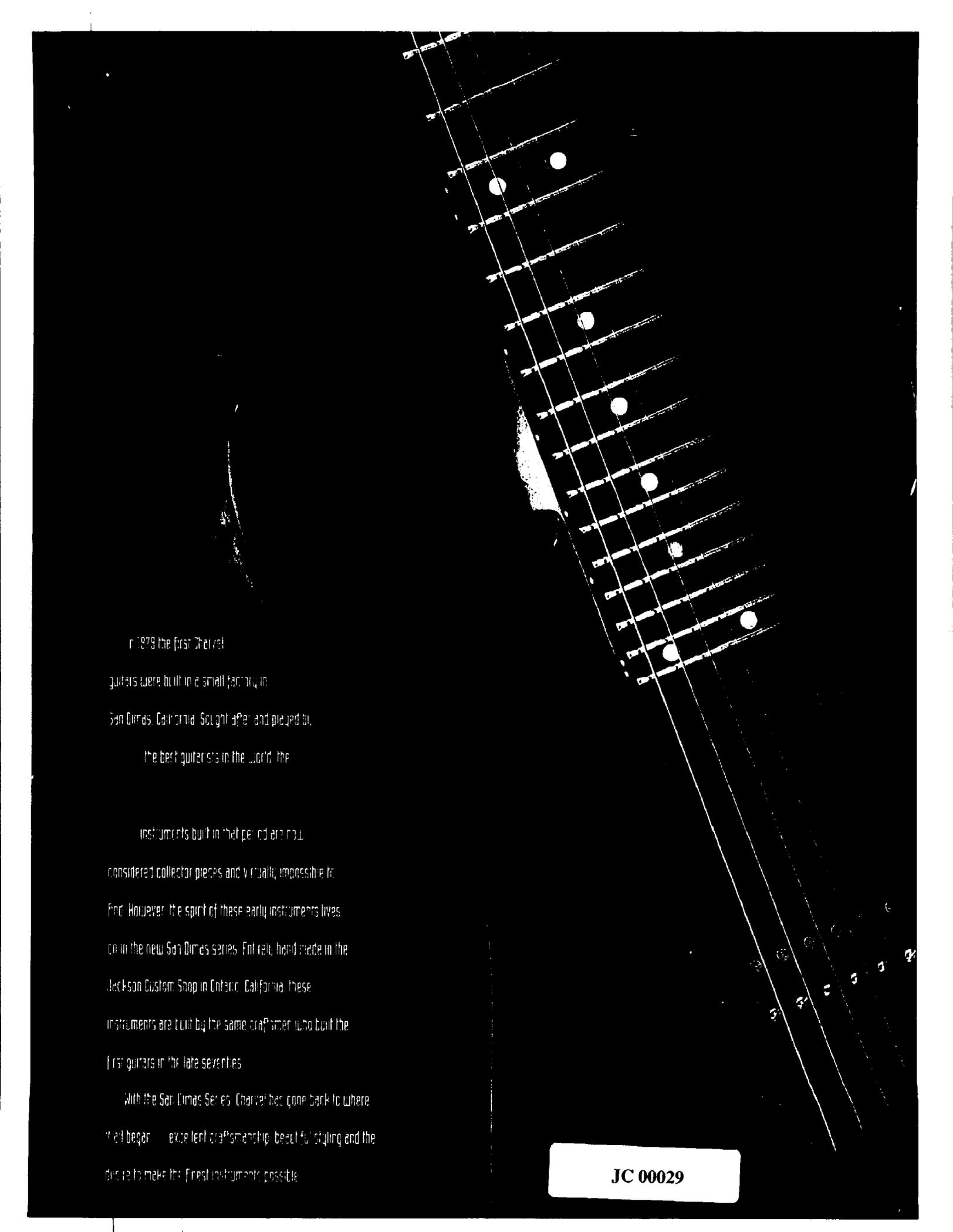
## SAN DIMAS TL-1 WITH FISHMAN POWERBRIDGE

- Ash body
- Maple fingerboard
- Quartersawn Maple neck
- 22 jumbo frets
- Wilkinson HT 100 equipped with Fishman Powerbridge
- TLR 10 pickups at bridge, TLF 12 pickups at neck
- Available in Bulter Scotch, Tobacco Burst and Black



The Fishman Powerbridge™ is a Wilkinson HT 100 tailpiece equipped with solid steel, bridge-mounted piezos. This bridge allows the blending of acoustic tone into the guitar's regular electric tone. Using a Y-cable, the two signals can be merged to achieve a perfect blend, or either signal can be chosen exclusively. The best results are achieved using a regular guitar amp for the magnetic pickups and running the piezo signal through a PA system.

JC 00028



In 1979 the first Charvel  
guitars were built in a small factory in  
San Dimas, California. Sought after and played by  
the best guitarists in the world, the

instruments built in that period are now  
considered collector pieces and virtually impossible to  
find. However, the spirit of these early instruments lives  
on in the new San Dimas series. Entirely hand made in the  
Jackson Custom Shop in Ontario, California, these  
instruments are built by the same craftsman who built the  
first guitars in the late seventies.

With the San Dimas Series, Charvel has gone back to where  
it all began... excellent craftsmanship, beautiful styling and the  
desire to make the finest instruments possible.

JC 00029



Billy Perry photo by Frank Ferraro

Charvel  
San Dimas guitars  
are a part of  
Billy Perry and  
Alex Skolnick's sound.

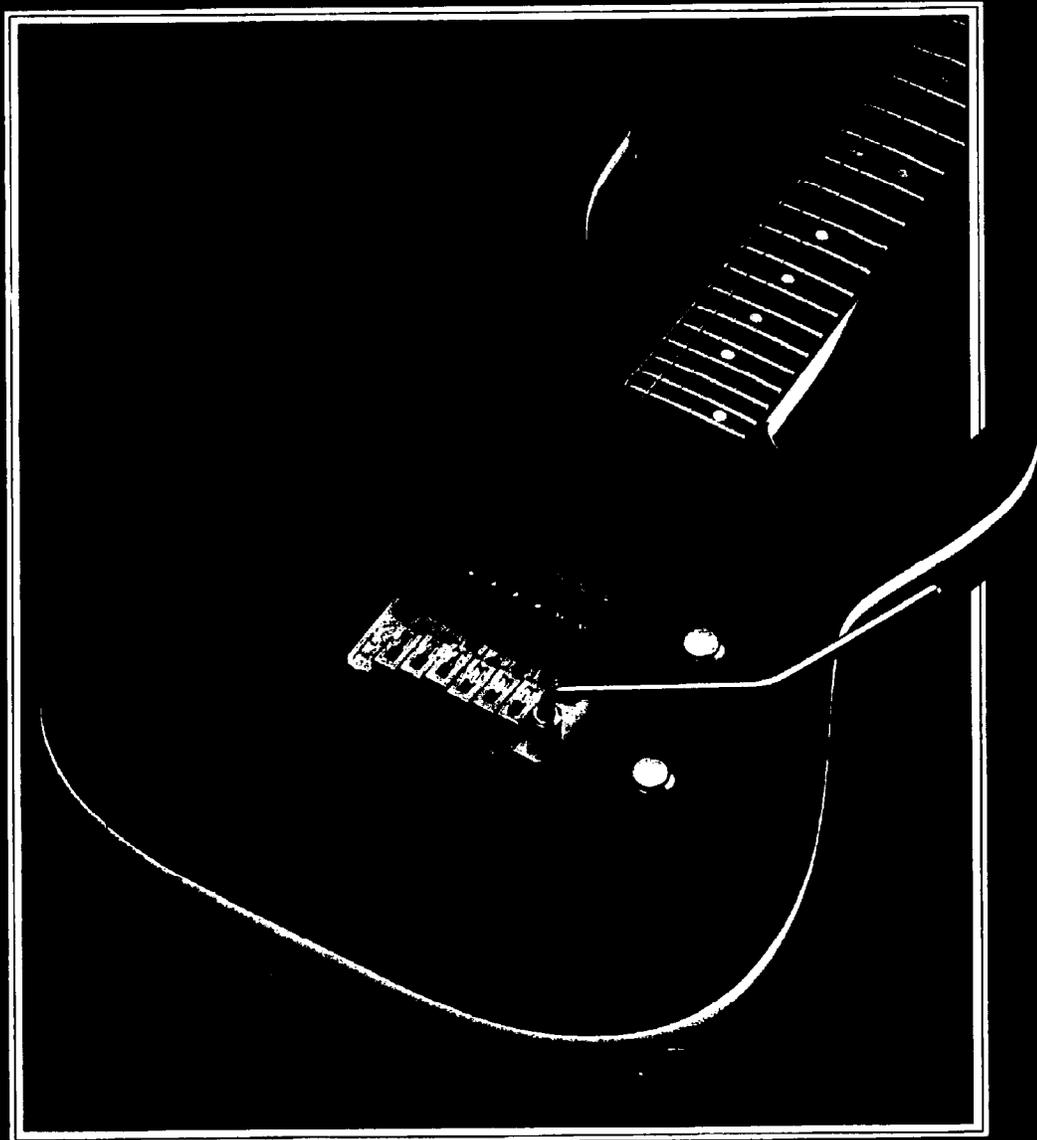


Alex Skolnick photo by Jay Blakesberg

JC 00030



SAN·DIMAS



•GUITARS•

JC 00031

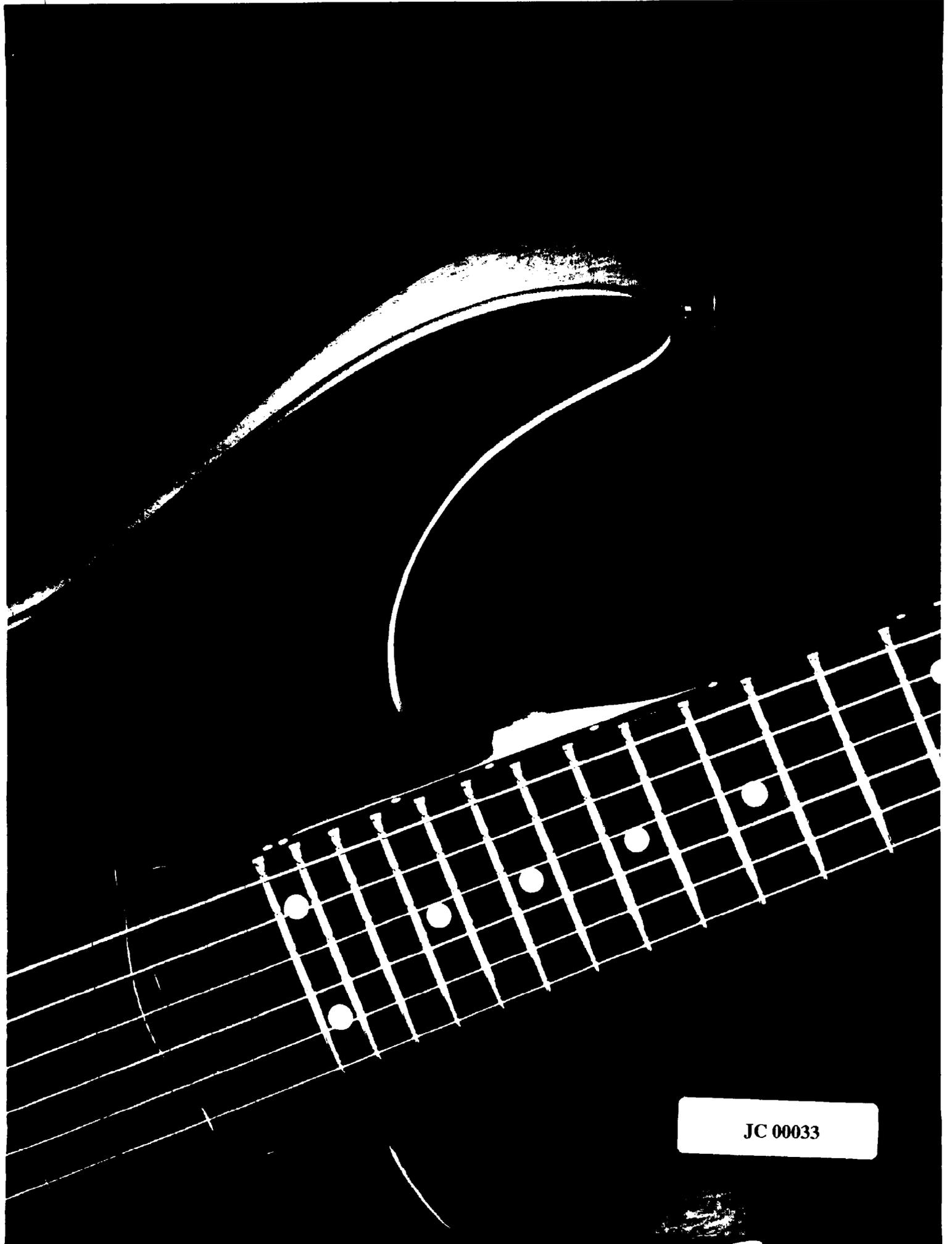
2011 2012

In 1979 the first Charvel guitars were built in a small factory in San Dimas, California. Sought after and played by the best guitarists in the world, the instruments built in that period are now considered collector pieces and virtually impossible to find. However, the spirit of these early instruments lives on in the new San Dimas series. Entirely hand made in the Jackson Custom Shop in Ontario, California, these instruments are built by the same craftsmen who built the first guitars in the late seventies.

With the San Dimas Series Charvel has gone back to where it all began... excellent craftsmanship, beautiful styling and the desire to make the finest instruments possible.

JC 00032





JC 00033



- Faded mahogany
- Brazilian rosewood
- Semi-hollow body
- Zebrawood
- Dual humbuckers
- Grover tuners
- Onyx tortoise shell pickguard
- Available in the following finishes:
- Natural
- Hard shell lacquer



Hawaiian Koa

Australian Lacewood

African Mahogany

JC 00034



- Full body wiring
- Maple top
- Tremolo bridge system
- 24 frets
- Available in 3 colors
- 5 string pickup
- Direct mounting on the body
- Available in 3 colors
- Maple
- Hand finished in USA

Hawaiian Koa

*The original tooling and neck templates were located and used exclusively for the construction of the San Dimas Series.*

JC 00035



Charvel was the first company to offer Floyd Rose tremolo bridges as a factory installed option.



- Fast Fenn Fingerscrape
- Brazilian Maple neck
- Gotoh custom tuning gears
- 24 Jumbo frets
- Original Floyd Rose bridge
- Bigsby vibrato
- Diamond Cluster and Fast Track single coil and Tone Zone humbucker pickups
- Mandolin body with Ontario Maple and ash
- Available in Transparent Blue, Transparent Green, Transparent Purple and Vintage Sunburst



- Fast Fenn Fingerscrape
- Brazilian Maple neck
- Gotoh custom tuning gears
- 24 Jumbo frets
- Original Floyd Rose bridge
- Gotoh hardware
- Two Diamond Fast Track single coil and Tone Zone humbucker pickups
- Brazilian with Ontario Maple top and edge binding
- Available in Transparent Red, Transparent Green, Transparent Purple and Vintage Sunburst



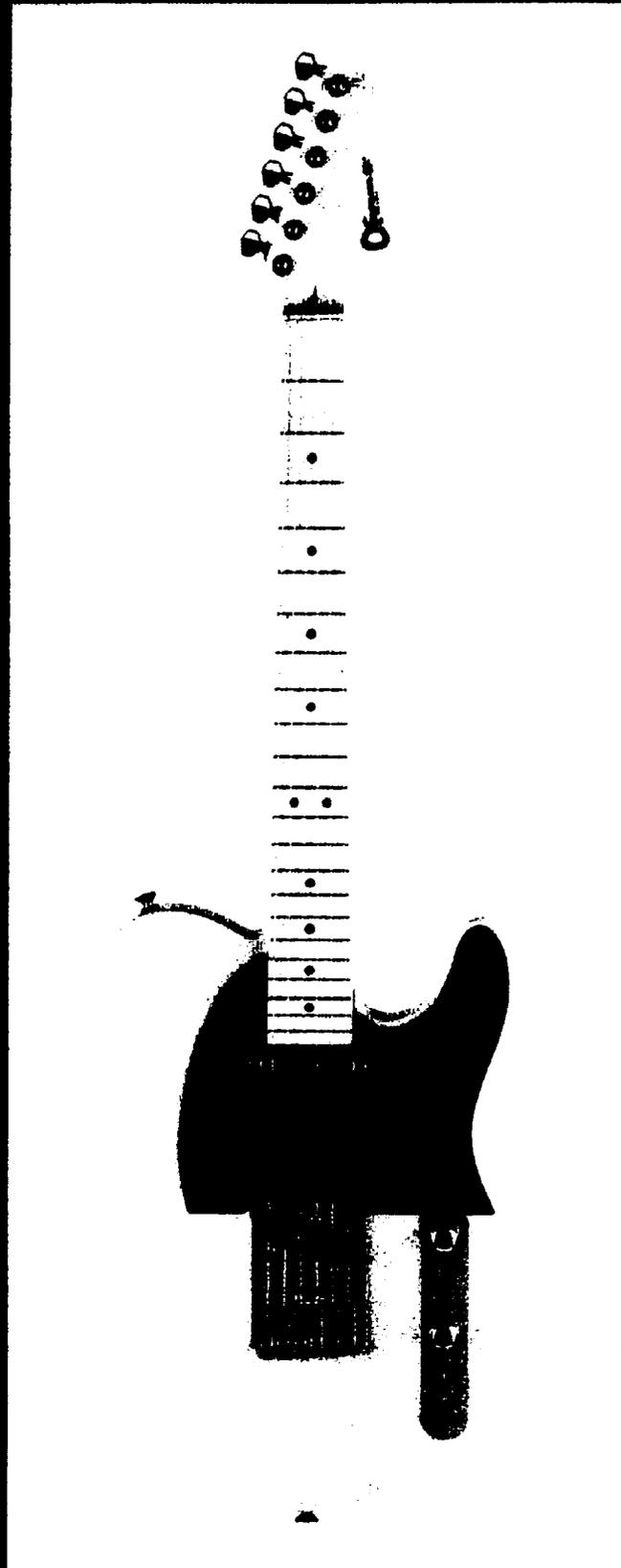
JC 00036



# NEW PRODUCT

The Fishman Powerbridge™ is a Wilkinson HT 100 tailpiece equipped with solid steel bridge mounted piezos. This bridge allows the blending of acoustic tone into the guitar's regular electric tone. Using a Y-cable, the two signals can be merged to achieve a perfect blend or either signal can be chosen exclusively. The best results are achieved using a regular guitar amp for the magnetic pickups and running the piezo signal through a PA system.

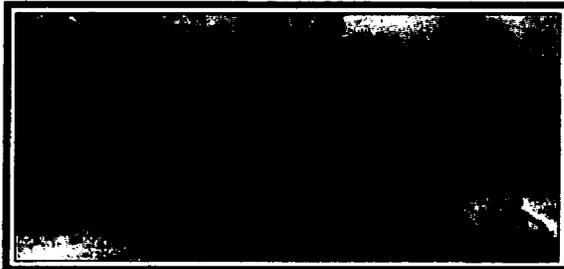
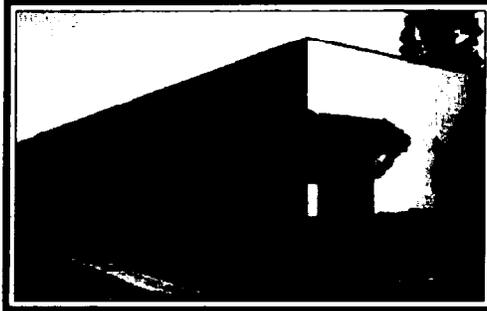
BODY	ASH
NECK	ROLOTTON / MAPLE
FINGERBOARD	MAPLE
NUT WIDTH	1 11/16 IN. 42.85 MM
FRETS	22 (ST6230 WIRE)
BRIDGE	WILKINSON HT 100 EQUIPPED WITH FISHMAN POWERBRIDGE™
PICKUPS	BRIDGE TLE 101, NECK TLE 12
CONTROLS	VOLUME MAF 111 / VOLUME TRANSDUCER / SLOTTED 3 WAY
FINISHES	BUTTER PEARL / TOBACCO BURST / BLACK



JC 00024

# SAN·DIMAS HISTORY

The original factory in San Dimas, California, where the first fully constructed Charvels were built. Over a seven year period the factory continually expanded until finally in 1986 it moved to a new facility in Ontario, California.



The current Charvel-Jackson factory and custom shop in Ontario. Names printed in bold indicate the original employees of Charvel.

FRONT ROW (kneeling) Left to Right: **Tim Wilson, Mike Occhiato, David Arambula, Dan Lawrence, Ryan Crampton, Mike Shannon, Pat McGarry and Pablo Santana.**

BACK ROW (Standing) Left to Right: Sandy Westergren, Andy Page, Sam Velasco, John Routledge, **Juan Rodriguez,** Tonio Gonzales, Felipe Muro, **Manny Ledesma** and Greg Burnett.



JC 00038

# **EXHIBIT C**

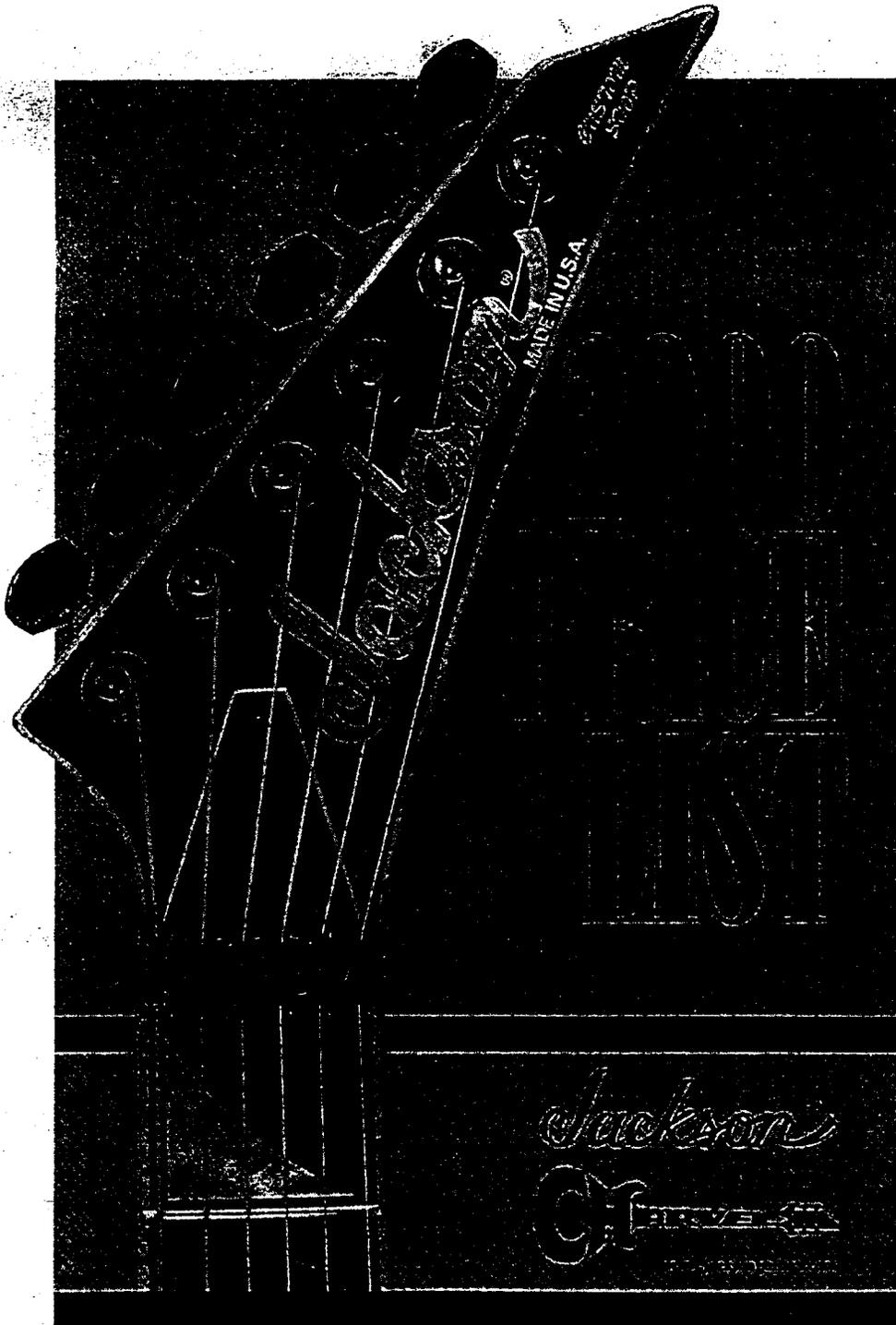
AS ADVERTISED IN

# GUITAR WORLD

JC 00039

*John D'Amico*

# **EXHIBIT D**



EFFECTIVE JANUARY 1, 2000

JC 00040

# JACKSON

## CUSTOM SHOP PRICES

BODY	
Neck-thru or Bolt-on:	\$2,850.00 Neck-thru Guitar \$2,600.00 Neck-thru Bass \$2,400.00 Bolt-on Neck Guitar \$2,300.00 Bolt-on Neck Bass \$3,600.00 Bolt-on Doubleneck \$4,350.00 Neck-thru Doubleneck
Body Description:	n/c Concert Bass, Death Angel, Dinky Strat, Explorer, Firebird, Jackson Junior, Kelly, King V, Rhoads, Roswell Rhoads, Roswell Star, Soloist, Star, Strat, Surfcaster, Telly, Warrior, Xtreme Rhoads, Y2KV \$200.00 Any Custom Shape
Options:	n/c Left Handed \$100.00 Seven String \$220.00 5-string Bass
Body Wood:	n/c Alder, Poplar, Ash, Basswood \$50.00 Mahogany, Korina, Lacewood \$150.00 Koa (not figured) \$500.00 Solid-figured Maple (Flame or Quilt)
Options:	n/c None \$100.00 Flame or Quilted Maple Veneer \$150.00 Flame or Quilted Maple 1/8" thick \$250.00 Flame or Quilted Maple 3/4" thick (for archtops)
Body Binding:	\$50.00 Per Side - Black, Ivoroid, Creme, White, Red, Blue, Yellow, or Green
Other Body Options:	\$150.00 Carved Top (e.g. Archtop or Roswell) \$200.00 Mirror Top n/c Scalloped Heel or Horn

*Strat, Tele are registered trademarks of Fender Musical Instrument. Firebird, Explorer are registered trademarks of Gibson Musical Instrument.*

NECK	
Neck Description:	n/c Jackson or San Dimas style neck
Regular or Reversed:	n/c
Neck Wood:	n/c Quartersawn Maple \$50.00 Mahogany or Korina \$100.00 Koa (not figured) \$100.00 Flamed or Birdseye Maple
Neck Wood Option:	\$100.00 One-piece (no scarf joint) \$100.00 Multi-laminate
Fingerboard Wood:	n/c Maple, Ebony, Rosewood
Inlays (Mother of Pearl):	n/c No Inlay n/c Dots \$50.00 Sharkfin (regular or reversed) \$100.00 Sharkfin (alternating "zigzag") \$100.00 Sharkfins (mirror or colored) \$100.00 Crop Circles \$100.00 Diamonds \$100.00 Rectangle Blocks \$100.00 Bow Ties \$200.00 Iron Crosses or Iommi Crosses \$300.00 Disrupter
Option:	\$50.00 Upcharge for Abalone
Other Inlays:	\$100.00 Ebony Sharkfin on Maple \$900.00 Abalone Flames \$100.00 Eyeballs \$100.00 Name at 12th Fret
Nut Width:	n/c Bass: 1-9/16, 1-5/8; Guitar: 1-5/8, 1-11/16, 1-3/4; Seven string: 1-7/8
Butt Width:	n/c Bass: 2-7/16; Guitar: 2-1/4; Seven string: 2-9/16
Scale Length:	n/c Guitar: 24-3/4, 25-1/2; Bass: 34"

# JACKSON

## CUSTOM SHOP PRICES

### NECK & HEAD

Number of Frets:	n/c	Guitar: 21, 22, 24; Bass: 21
Fret Wire:	n/c	Small (like KV2) or Jumbo (like SL1)
	\$50.00	Special Order Wire (specify Dunlop number)
Fret Scallops:	\$10.00	Per Fret (specify which Frets to scallop)
<b>Neck &amp; Head</b>		
Binding:	n/c	Black, White, Ivoroid, or none
	\$50.00	Creme, Red, Blue, Yellow, or Green
	\$200.00	Binding over Frets
Neck Backshape:	n/c	Standard (like SL1); Speed Neck (thin like KV2)

### BODIES

Bridges:	n/c	Tune-a-matic Bridge
	\$100.00	Seven-string trem, Floyd Rose, Original Floyd, Floyd II, or Kahler
Recessed:	n/c	Yes or No
Nut:	n/c	Locking or non-locking (phenolic, graphite, or bone)
Jack Location:	n/c	Side of guitar or on top of face
Jack Type:	n/c	Oval plate, strat-style plate, or panel-jack type
Strap Button:	n/c	Standard Jackson 17mm button
	\$40.00	Schaller locking or Dunlop flush mount
Tuners:	n/c	Gotoh Keys
	\$50.00	Schaller, Sperzel, or Grovers
	\$150.00	LSR

Hardware Color:	n/c	Black, Chrome, Satin Chrome, Nickel
	\$100.00	Gold Plated
Knobs:	n/c	Metal dome, plastic top hat, plastic speed knob or chicken head
Pickguard:	n/c	Rhoads-style (on Rhoads or King V only)
	\$50.00	Strat-style
Rear Control:	n/c	"Yes" when Pickguard is "No"
Batter Cavity:	n/c	None, 9-volt, or 18-volt system
Engraved Truss Rod Cover	\$50.00	Specify Initials

### CONTROLS

Pickup Route:	n/c	1 hum, 2 hum, 1H1SC, 1H2SC, 3SC
Bezels:	n/c	Black, Gold, Chrome, Creme
Active Electronics:	\$800.00	Sustainer System
	\$65.00	JE1000, JE1200, or JE1500 Pre-Amps
		Bartolini Pre-Amps (call for pricing)
		Aguilar® Pre-Amps (call for pricing)
Covered Pickup:	n/c	Yes or No
Pickup Options:	n/c	Any Duncan®, DiMarzio®, Lawrence®, or Jackson® Pickups
	\$100.00	Duncan Live Wire System
	\$50.00	EMG® Pickups
Volume and Tone:	n/c	Specify quantity
Other Knobs:	\$50.00	EMG-EXP®, EMG-SPC®

# JACKSON

## CUSTOM SHOP PRICES

Pickup Selector:	n/c	Gibson® Toggle, Strat® 5-way, Tele® 3-way, On-Off Minis
	\$50.00	Jackson Special 5-way
Other Switches:	\$50.00	EMG-DMSK
	\$50.00	On-Off Kill Button
Solid Finishes:	n/c	Solid color, Metallic colors, Satin finish colors
Specialty Finishes:	n/c	Transparent color or Sunburst
	\$50.00	Pearl
	\$125.00	Eerie Dess
	\$150.00	Coral Sea or Aldrich finish
	\$300.00	Interference finish
	\$300.00	Metalflake
Graphics:	\$125.00	Lightning Sky
(all graphics are front only unless otherwise listed)	\$125.00	Blood Splatter (front and back)
	\$175.00	Painted Bevels or Pinstripes (front and back)
	\$175.00	Spider Web
	\$175.00	Bullseye
	\$200.00	Black and White Dragon
	\$250.00	Hot Rod Flames
	\$250.00	Sunset Sky
	\$250.00	Black & Yellow Random Stripes
	\$300.00	Blue or Red Ghost Flames
	\$325.00	Interference Flames
	\$350.00	Bengal Tiger (front and back)
	\$350.00	Snakeskin (front and back)
	\$350.00	Rising Sun
	\$400.00	Rising Sun with letters
	\$400.00	Pile O' Skulls
	\$400.00	Polka Dots (front and back)
	\$400.00	Adrenalize
	\$450.00	Colored Dragon (early '90s)

\$600.00	Ratt Swords
\$600.00	Cemetery Scene
\$600.00	Bloody Skull with Cards and Guns
\$600.00	Bikini Beach
\$900.00	Jigsaw (early '90s)
\$900.00	Camouflage (front and back)
\$1100.00	1/2" Checkerboard (front and back)
\$1100.00	Red Dragon
\$1200.00	Hellrasier
\$1500.00	Geiger Alien

Oil or painted Neck: n/c

Painted Pickups: \$75.00

Headstock color:	n/c	Black (standard)
	n/c	Match body color
	\$75.00	Custom block lettering under logo

Logo Type: n/c Jackson or Charvel

Logo Color:	n/c	Pearl or Abalone (Jackson only)
	n/c	White or Black
	\$50.00	Custom color (over black only)

Case:	n/c	Any SKB
	\$100.00	Any G&G case

# JACKSON

## CUSTOM GUITAR ORDER FORM

w/o # \_\_\_\_\_

**PLEASE COMPLETE THE FORM BELOW AND TAKE TO YOUR JACKSON GUITAR DEALER TO PLACE YOUR ORDER.**

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone ( \_\_\_\_\_ ) \_\_\_\_\_ Fax ( \_\_\_\_\_ ) \_\_\_\_\_

Order Date \_\_\_\_\_ P.O.# \_\_\_\_\_

Estimated Completion Date \_\_\_\_\_ Terms \_\_\_\_\_

Dealer/Store Name \_\_\_\_\_

AMIC Customer # \_\_\_\_\_ JC # \_\_\_\_\_

Retail \$ \_\_\_\_\_ Disc. \_\_\_\_\_ Whslc. \_\_\_\_\_ Tax \_\_\_\_\_

**Note:** *Custom guitars take 4 to 12 months for delivery. All custom guitar prices include a SKB case. Hard shell cases are extra. Please call for a quote.*

Ordering a custom instrument is a life-long dream for most guitarists. With Jackson Guitars, you can get the instrument that you have always dreamed of and know that it will live up to your expectations.

Our custom shop in Ontario, California, has been creating custom guitars longer than any other factory in America and many of the original staff are still with us to this day. Building a custom instrument by hand takes a considerable amount of time, so please keep this in mind when you place your order. Typical construction times can be as long as 30 weeks.

Good things are worth waiting for, so please be patient with us after you place your order. We give a "Limited Lifetime Warranty" with our custom shop guitars and in order to do this we must be allowed the time to build your instrument properly. Please contact an authorized Jackson Guitar dealer to place your order today.

[www.JacksonGuitars.com](http://www.JacksonGuitars.com)



# 2001 PRICE LIST

Jackson®  
CH **ARVEL**™

EFFECTIVE JANUARY 18, 2001

JC 00050

# JACKSON

ALL PRICES SHOWN IN U.S. DOLLARS

## CUSTOM SHOP PRICES

### BODY

	\$3420.00	Neck-thru Guitar
	\$3120.00	Neck-thru Bass
	\$2880.00	Bolt-on Guitar
	\$2760.00	Bolt-on Bass
	\$4320.00	Bolt-on Doubleneck
	\$5220.00	Neck-thru Doubleneck
Body Description:	n/c	Concert Bass, Death Angel, Dinky Strat, Explorer, Firebird, Jackson Junior, Kelly, King V, Rhoads, Roswell Rhoads, Roswell Star, Soloist Star, Strat, Surfcaster, Telly, Warrior, Xtreme Rhoads, Y2KV
	\$240.00	Any Custom Shape
Options:	n/c	Left Handed
	\$120.00	Seven String
	\$265.00	5 String Bass
	\$300.00	12 String Guitar
Body Wood:	n/c	Alder, Poplar, Ash, Basswood
	\$60.00	Mahogany, Korina, Lacewood
	\$250.00	KOA (Not Figured)
	\$950.00	Solid-figured Maple (Flame or Quilt) Subject to Availability
Options:	\$120.00	Flame or Quilted Maple Veneer
	\$180.00	Flame or Quilted Maple 1/8" Thick
	\$300.00	Flame or Quilted Maple Top 3/4" Thick
Body Binding:	\$60.00	Per Side-Black, Ivoroid, Creme, White, Red, Blue, Yellow, Green
Other Body Options:	\$180.00	Carved Top (Archtop or Roswell)
	\$300.00	Carved Top (Original Phil Collen)
	\$240.00	Mirror Top
	n/c	Scalloped Heel or Horn

### NECK

Neck Description:	n/c	Jackson or San Dimas Style
Regular or Reversed		
Headstock:	n/c	
Neck Wood:	n/c	Quartersawn Maple
	\$60.00	Mahogany or Korina
	\$120.00	KOA (Not Figured)
	\$120.00	Flamed or Birdseye Maple
Neckwood Option:	\$120.00	One-piece (no scarf joint)
	\$120.00	Multi-laminate
Fingerboard Wood:	n/c	Maple, Rosewood, Ebony
	\$50.00	PAO Ferro
Inlays (Mother of Pearl):	n/c	None
	n/c	Dots
	\$60.00	Sharkfin (regular or reversed)
	\$120.00	Sharkfin (alternating zig zag)
	\$120.00	Sharkfins (mirrored or colored)
	\$120.00	Piranah Teeth (Mother of Pearl)
	\$120.00	Crop Circles
	\$120.00	Diamonds
	\$120.00	Rectangle Blocks
	\$120.00	Bow Ties
	\$240.00	Iron Crosses or Iommi Crosses
	\$360.00	Alien Hieroglyphics
Inlay Options:	\$60.00	Upcharge for Abalone
Other Inlays:	\$120.00	Ebony Sharkfin on Maple
	\$1100.00	Abalone Flames
	\$120.00	Eyeballs
	\$120.00	Name at 12th Fret
Nut Width:	n/c	Bass: 1 9/16, 1 5/8, 1 11/16
		Seven String: 1 7/8
Butt Width:	n/c	Bass: 2 7/16 Guitar: 2 1/4
		Seven String 2 9/16

# JACKSON

ALL PRICES SHOWN IN U.S. DOLLARS

## CUSTOM SHOP PRICES

Scale Length:	n/c	Bass: 34" Guitar: 24 3/4", 25 1/2"
Number of Frets:	n/c	Bass: 21 Guitar 22, 24
Fret Wire:	n/c \$60.00	Small or Jumbo Special Order Wire (specify size)
Fret Scallops:	\$20.00	Fret Scallops per Fret
Neck & Head Binding:	n/c \$60.00 \$240.00	Black, White, Ivoroid, or None Creme, Red, Blue, Yellow, Green Binding over Frets
Neck Backshape:	n/c	Standard (Like SL1) or Speed (Like KV2)

Knobs:	\$120.00 n/c	Gold Plated Metal dome, plastic top hat, plastic speed knob, chicken head
Pickguard:	n/c \$60.00	Rhoads style (on Rhoads or King V only) Strat style
Rear Control:	n/c	"Yes" when pickguard is "No"
Battery Cavity:	n/c	None, 9 volt, 18 volt
Engraved Truss Rod Cover:	\$60.00	Specify initials

## PARTS

Bridges:	n/c \$180.00 \$120.00 \$50.00	Tune-a-matic Floyd Rose Pro <sup>®</sup> Tring Trem, Floyd Rose <sup>®</sup> , Original Floyd Rose <sup>®</sup> , Floyd II <sup>®</sup> , Kahler <sup>®</sup> Wilkinson <sup>®</sup> or Vintage Tremolo
Recessed:	n/c	
Nut:	n/c	Locking or non-locking (phen- lic, graphite, bone)
Jack Location:	n/c	Side of guitar or on top
Jack Type:	n/c	Oval plate, strat <sup>®</sup> style, panel- jack type
Strap Button:	n/c \$50.00	Standard Jackson <sup>®</sup> 17MM Schaller <sup>®</sup> or Dunlop <sup>®</sup>
Tuners:	n/c \$60.00 \$180.00	Gotoh <sup>®</sup> Schaller <sup>®</sup> , Sperzel <sup>®</sup> , Grover <sup>®</sup> LSR <sup>®</sup>
Hardware Color:	n/c	Black Chrome, satin chrome, nickel

## CONTROLS

Pickup Route:	n/c	1 HUM, 2 HUM, 1 HISC, 3 SC, HSH
Bezels:	n/c	Black, gold, chrome, creme
Active Electronics:	\$960.00 \$80.00	Sustainer System JE1000, JE1200, JE1500, JE2000, JE2500
	CALL CALL	Bartolini <sup>®</sup> Pre Amps Aguillar <sup>®</sup> Pre Amps
Covered Pickup:	n/c	Yes or No
Pickup Options:	n/c \$120.00 \$60.00 \$600.00 \$600.00	Most Seymour Duncan <sup>®</sup> , Dimarzio <sup>®</sup> , Lawrence <sup>®</sup> , Jackson <sup>®</sup> Seymour Duncan Live Wires <sup>®</sup> EMG <sup>®</sup> Lightwave <sup>®</sup> for bass 4 string Lightwave <sup>®</sup> for bass 5 string
Volume and Tone:	n/c	Specify quantity
Other Knobs:	\$60.00	EMG-EXP <sup>®</sup> , EMG-SPC <sup>®</sup>

# JACKSON

ALL PRICES SHOWN IN U.S. DOLLARS

## CUSTOM SHOP PRICES

Pickup Selector:	n/c	Gibson® Toggle, Strat® 5-way, Tele® 3-way, On-Off Minis
	\$60.00	Jackson® Special 5-way
Other Switches:	\$60.00	EMG-DMSK®
	\$60.00	On-Off Kill Switch

## FINISHES

Solid Finishes	n/c	Solid color, Metallic colors, Satin finishes
Speciality Finishes	n/c	Transparent or Sunburst
	\$60.00	Pearl
	\$150.00	Eerie Dess Swirl
	\$180.00	Coral Sea or Aldrich Finish
	\$360.00	Interference Finish
	\$360.00	Metalflake
Graphics:	\$150.00	Lightning Sky
	\$150.00	Blood Splatter (front and back)
	\$210.00	Painted Bevels or Pinstripes (front and back)
	\$210.00	Spider Web
	\$210.00	Bullseye
	\$240.00	Black and White Dragon
	\$300.00	Hot Rod Flames
	\$300.00	Sunset Sky
	\$300.00	Black and Yellow Random Stripes
	\$360.00	Blue, Black, or Red Ghost Flames
	\$390.00	Interference Flames
	\$420.00	Bengal Tiger (front and back)
	\$420.00	Snakeskin (front and back)
	\$420.00	Rising Sun
	\$480.00	Rising Sun with letters
	\$480.00	Pile O' Skulls
	\$480.00	Polka Dots (front and back)
	\$480.00	Adrenalize
	\$540.00	Colored Dragon (early 80's)
	\$720.00	Ratt Swords
	\$720.00	Cemetery Scene
	\$720.00	Bloody Skull with Cards and

	Guns
\$720.00	Bikini Beach
\$1080.00	Jigsaw (early 90's)
\$1080.00	Camouflage (front and back)
\$1320.00	1/2" Checkerboard (front and back)
\$1320.00	Red Dragon
\$1440.00	Hellraiser®
\$1800.00	Geiger Alien

Oil or painted Neck: n/c

Painted Pickups: \$90.00

Headstock color:	n/c	Black
	n/c	Match body color
	\$90.00	Custom block lettering under logo

Logo Type: n/c Jackson or Charvel

Logo Color:	n/c	Pearl or Abalone (Jackson only)
	n/c	White or Black
	\$90.00	Custom color

Case:	n/c	Any SKB case
	\$120.00	Any G&G case

IT'S ALL ABOUT

Jackson

KV4

SL4

SL3

RR5

JC 00059

FOUR NEW NECK-THRU BODY CREATIONS FOR YOUR SOUL

WWW.JACKSONGUITARS.COM

THE JACKSON GUITAR COMPANY 410 MERCANTILE DRIVE, FORT WORTH, TEXAS (817)831-9203

# JACKSON

## CUSTOM GUITAR ORDER FORM

w/o # \_\_\_\_\_

**PLEASE COMPLETE THE FORM BELOW AND TAKE IT TO YOUR JACKSON GUITAR DEALER TO PLACE YOUR ORDER.**

**BODY** Neck-thru or Bolt-on \_\_\_\_\_ Description \_\_\_\_\_  
Body Wood \_\_\_\_\_ Body Binding \_\_\_\_\_  
Scalloped Heel \_\_\_\_\_ Scalloped Horn \_\_\_\_\_  
Other \_\_\_\_\_

**NECK** Neck Description \_\_\_\_\_ Reg./Reverse Headstock \_\_\_\_\_  
Neck/Centerblock Wood \_\_\_\_\_ Fingerboard Wood \_\_\_\_\_  
Inlay \_\_\_\_\_ Nut Width \_\_\_\_\_ Butt Width \_\_\_\_\_ Scale Length \_\_\_\_\_  
# of Frets \_\_\_\_\_ Fret Wire \_\_\_\_\_ Fret Scallop \_\_\_\_\_  
Neck Binding \_\_\_\_\_ Head Binding \_\_\_\_\_  
Neck Backshape \_\_\_\_\_ Other \_\_\_\_\_

**PARTS** Bridge \_\_\_\_\_ Recessed/Pullback \_\_\_\_\_ Nut \_\_\_\_\_  
Jack Location \_\_\_\_\_ Jack Type \_\_\_\_\_ Strap Button \_\_\_\_\_  
Tuners \_\_\_\_\_ Parts Color \_\_\_\_\_ Knobs \_\_\_\_\_  
Pickguard \_\_\_\_\_ Rear Control \_\_\_\_\_ Battery Cavity \_\_\_\_\_  
Other \_\_\_\_\_

**CONTROLS** Pickup Route \_\_\_\_\_ Active Electronics \_\_\_\_\_  
Bezels \_\_\_\_\_ Covered Pickup \_\_\_\_\_ Bridge Pickup \_\_\_\_\_  
Middle Pickup \_\_\_\_\_ Neck Pickup \_\_\_\_\_  
Volume \_\_\_\_\_ Tone \_\_\_\_\_ Other Knobs \_\_\_\_\_  
Pickup Selector \_\_\_\_\_ Position 1 \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_ 4 \_\_\_\_\_ 5 \_\_\_\_\_  
Other Switches \_\_\_\_\_  
Placement Instructions \_\_\_\_\_

**FINISH** Color \_\_\_\_\_  
Oiled Neck or Painted Neck \_\_\_\_\_ Painted Pickups \_\_\_\_\_  
Artwork or Color Sample \_\_\_\_\_  
Headstock Color \_\_\_\_\_ Logo Type \_\_\_\_\_  
Logo Color \_\_\_\_\_ Other \_\_\_\_\_  
Case \_\_\_\_\_

JC 00060

# JACKSON

## CUSTOM GUITAR ORDER FORM

w/o # \_\_\_\_\_

**PLEASE COMPLETE THE FORM BELOW AND TAKE IT TO YOUR JACKSON GUITAR DEALER TO PLACE YOUR ORDER.**

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone ( \_\_\_\_\_ ) \_\_\_\_\_ Fax ( \_\_\_\_\_ ) \_\_\_\_\_

Order Date \_\_\_\_\_ P.O. # \_\_\_\_\_

Estimated Completion Date \_\_\_\_\_ Terms \_\_\_\_\_

Dealer/Store Name \_\_\_\_\_

AMIC Customer # \_\_\_\_\_ JC # \_\_\_\_\_

Retail \$ \_\_\_\_\_ Disc. \_\_\_\_\_ Whsle. \_\_\_\_\_ Tax \_\_\_\_\_

**Note:** *Custom guitars take 4 to 12 months for delivery. All custom guitar prices include a SKB case. Hard shell cases are extra. Please call for a quote.*

Ordering a custom instrument is a life-long dream for most guitarists. With Jackson Guitars, you can get the instrument that you have always dreamed of and know that it will live up to your expectations.

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Good things are worth waiting for, so please be patient with us after you place your order. We give a "Limited Lifetime Warranty" with our custom shop guitars and in order to do this we must be allowed the time to build your instrument properly. Please contact an authorized Jackson Guitar dealer to place your order today.

*Jackson Electric Guitars Corp.*

*Jackson*  
MADE IN U.S.A.

# 2002 PRICE LIST

*Jackson*  
guitars

EDMSTC

EFFECTIVE JANUARY 17, 2002

JC 00062

Fingerboard Radius 12" to 6"

# JACKSON

## CUSTOM SHOP PRICES

### BODY

Body	Options:	Options:
\$3420 Neck-Thru Guitar	n/c Left Hand	\$120 Flame or Quilted
\$30120 Neck-Thru Bass	\$120 Seven String Guitar	Maple Veneer
\$2880 Bolt-On Guitar	\$265 7 String Bass	\$180 Flame or Quilted
\$2760 Bolt-On Bass	\$300 12 String Guitar	Maple 1/8" Thick Top
\$4320 Bolt-On Double Neck		\$300 Flame or Quilted
\$5220 Neck-Thru Double Neck		Maple 3/4" Thick Top
	<b>Body Wood:</b>	<b>Body Binding:</b>
	n/c Alder, Poplar, Ash, Basswood, maple	\$60 Per Side-Black, Blue, Cream, Green, Ivoroid, Red, White, Yellow.
<b>Body Description:</b>		<b>Other Body Options:</b>
n/c Concert Bass, Death Angel, Dinky Strat, Explorer, Firebird, Jackson Junior, Kelly King V, Original Phil Collen, Rhoads, Roswell, Rhoads, Solos, Stars, Strat, Surfcaster, Telly, Warrior, Xtreme Rhoads	\$60 Mahogany, Korina, Lacewood	\$180 Carved Top-Archtop or Roswell Rhoads
\$240 Any Custom Shape	\$250 KOA (Not Figured)	\$300 Carved Top-original Phil Collen
	\$950 Solid Figured Maple (Subject to Availability)	\$240 Mirror Top
	75 Walnut	n/c Scalloped Heel or Horn
	120 Bubinga	
	120 Padouak	
	350 Hard Maple (1 pc)	

### NECK

Neck Description:	Inlays (Mother Of Pearl) cont'd:	Scale Length:
n/c Jackson or San Dimas Style	200 Imparid \$120 Crop Circles	n/c Bass: 34"
<b>Headstock:</b>	\$120 Diamonds	Guitar: 24.5", 25.5"
n/c Regular or Reversed	\$120 Rectangle Blocks	\$120 Special Scale Length
<b>Neck Wood:</b>	\$120 Bow Ties	<b>Number of Frets:</b>
n/c Quartersawn Maple	\$240 Iommi Crosses or Iron Crosses	n/c Bass: 21
\$60 Mahogany or Korina	\$360 Alien Hieroglyphics	Guitar: 22 or 24
\$120 Koa (Not Figured)	<b>Inlay Option:</b>	\$120 Special
\$120 Flamed or Birdseye Maple	\$60 Upcharge For Abalone	<b>Fret Wire:</b>
<b>Neck Wood Option:</b>	<b>Other Inlays:</b>	n/c Small or Jumbo
\$120 One Piece (No Scarf Joint)	\$120 Ebony Sharkfin on Maple Fingerboard	\$60 Special Order (specify Size)
\$120 Multi Laminated	\$120 Eyeballs	<b>Fret Scallops:</b>
350 31" Body 3pc	\$120 Name at 12th Fret	\$20 Per Fret
<b>Fingerboard Wood:</b>	\$1100 Abalone Flames	<b>Neck and Head Binding:</b>
n/c Maple, Rosewood, Ebony		n/c Black, Ivoroid, White, None
\$50 Pao Ferro, Figured Maple	<b>Nut Width:</b>	\$60 Blue, Cream, Green, Red, Yellow
875 Brazilian Rosewood	n/c Bass: 1 5/8" - 1 9/16"	\$240 Binding Over Frets
<b>Inlays (Mother Of Pearl):</b>	Guitar: 1 5/8" - 1 11/16"	<b>Neck Backshape:</b>
n/c None	Seven String Guitars: 1 7/8"	n/c Standard-like SL1 or Speed-like KV2
n/c Dots	\$120 Special Width (Includes Butt Width)	\$120 Special
\$60 Sharkfin (Regular or Reversed)	<b>Butt Width:</b>	
\$120 Sharkfin (Alternating Zig Zag)	n/c Bass: 2 7/16"	
\$120 Sharkfin (Mirrored or Colored)	Guitar: 2 1/4"	
\$120 Piranha Teeth (Offset To Bass Side)	Seven String Guitars: 2 9/16"	

# JACKSON

## CUSTOM SHOP PRICES

*Baras X-bridge (tremolo) w/control-X blend \$200*

### PARTS

#### Bridges:

n/c Tune-a-matic  
 \$180 Floyd Rose® Pro  
 \$120 Seven String Tremolo Floyd  
 Rose® Original Floyd® Rose  
 Floyd II, Kahler  
 \$50 Wilkinson® or Vintage Style  
 Tremolo *GE104B*

#### Jack Type:

n/c Oval Plate, Strat Style,  
 Panel Type

#### Strap Button:

n/c Standard Jackson 17mm  
 \$50 Dunlop® or Schaller®

#### Knobs:

n/c Metal Dome, Plastic Top  
 Hat, Plastic Speed Knob,  
 Chicken Head  
 \$20 Skulls  
 Call Special

#### Recessed:

n/c Standard Tremolo Recess  
 \$60 Special

#### Turners:

n/c Gotoh®  
 \$60 Schaller, Sperzel® or Grover®  
 \$180 LSR®  
 Call Other

#### Pickguard:

n/c Rhoads Style (on Rhoads  
 or King V Only)  
 \$15 \$60 Strat Style

#### Nut:

n/c Locking or Non-locking  
 (Phenolic, Graphite or Bone)

#### Hardware Color:

n/c Black, Chrome, Satin  
 Chrome, Nickel  
 \$120 Gold Plated  
 Call Special

#### Rear Control:

n/c "Yes" When Pickguard Is "No"

#### Jack Location:

n/c Side of Body or Top  
 \$60 Special

#### Battery Cavity:

n/c None, 9 Volt or 18 Volt

#### Engraved Truss Rod Cover:

\$60 Special Initials

## CONTROLS

#### Pickup Route:

n/c 1 HUM, 2HUM, 1HUM 1SC,  
 3SC, HSH  
 Call Special

#### Covered Pickup:

n/c Yes or No

#### Volume And Tone:

n/c Specify Quantity

#### Bezels:

n/c Black, Chrome, Cream, Gold

#### Pickup Options:

n/c Most Seymour Duncan®,  
 Dimarzio®, Bill Lawrence®  
 or Jackson  
 \$120 Seymour Duncan Live Wires®  
 \$60 EMG®  
~~\$600 Lightwave® For 4 String Bass~~  
~~\$600 Lightwave® For 5 String Bass~~  
 Call Other

#### Other Knobs:

\$60 EMG-EXP®, EMG-SPC®

#### Pickup Selector:

n/c Gibson® Style Toggle,  
 Strat 5-way, Tele® 3 Way,  
 On/Off Minis  
 \$60 Jackson Special 5 Way

#### Active Electronics:

\$960 Jackson Sustainer System  
 \$80 JE1000, JE1200, JE1500,  
 JE2000 (bass), JE2500 (bass)

#### Other Switches:

Call Bartolini® Preamp  
 Call Aguillar® Preamp  
 \$60 EMG-DMSK®  
 \$60 On/Off Kill Button

\$60 *Duncan Firestorm GEO-1*

# JACKSON

## CUSTOM SHOP PRICES

### Finishes

n/c	Light Finish - Solid Colors
n/c	Painted - Solid Colors
n/c	Painted - Sunburst
\$60	Painted - Sunburst
\$150	Beige Dess. Swirl
\$180	Coral Sea
\$180	Aldrich Finish
\$360	Interference Finish
\$360	Metalflake

### Graphics

\$150	Lightning Strips
\$150	Blood Splatter (Front and Back)
\$210	Painted Bevels (Front and Back)
\$210	Painted Pinstripes (Front and Back)
\$210	Bullseye
\$210	Spider Web
\$240	Black And White Dragon
\$300	Hot Rod Flames
\$360	Blue Ghost Flames
\$360	Black Ghost Flames

### Graphics cont'd:

\$360	Green Ghost Flames
\$360	Red Ghost Flames
\$390	Interference Flames
\$420	Beige Tiger (Front and Back)
\$420	Snake Skin (Front and Back)
\$420	Rising Sun
\$420	Rising Sun With Letters
\$480	Pile O' Skulls
\$480	Polka Dots (Front and Back)
\$480	Adrenalize
\$540	Colored Dragon (early 80's)
\$720	Swords (early 80's)
\$720	Cemetery Scene
\$720	Bloody Skull With Cards and Guns
<del>\$960</del>	Bikini Beach
\$1080	Jigsaw (early 80's)
\$1080	Camouflage (Front and Back)
\$1320	Checkerboard (Front and Back)
\$1320	Red Dragon
\$1440	Hellraiser*
\$1600	Tribal Flames (Front and Back)
\$1800	Geiger* Alien

### Oil or Painted Neck:

n/c

### Painted Pickups:

\$90 All Pickups

### Headstock Color:

n/c Black  
 n/c Match Body Color  
 \$90 Custom Block Lettering Under Logo

*sig on head \$450-*

### Logo Color:

n/c Pearl or Abalone  
 n/c White or Black  
 \$90 Custom Color

### Case:

n/c Any SKB\*  
~~\$120~~ Any G&G Case  
 150 Most

*\$400 Shattered Glass*

*\$240 Cracked mirror*

*\$300 Diamond Plate*

*USA Flag  
 Confederate Flag > \$400 ea*

*\$850 July '04*

*120 Mirror Headstock*

*Tye Dye 1750 (wedding F.B.S.R.S) + neck  
 1050 (bolt-on)*

# JACKSON

## CUSTOM GUITAR ORDER FORM

Please complete the form below and take it to your Jackson guitar dealer to place your order.

w/o# \_\_\_\_\_

Neck thru or Bolt-on _____	Description _____
Body Wood _____	Body _____
Scalloped Heel _____	Scalloped Horn _____
Other _____	

NECK

Neck Description _____	Reg./Reverse Headstock _____
Neck/Centerblock Wood _____	Fingerboard Wood _____
Inlay _____ Nut Width _____	Butt Width _____ Scale Length _____
# of Frets _____ Fret Wire _____	Fret Scalloped _____
Neck Binding _____	Head Binding _____
Neck Backshape _____	Other _____

BRIDGE

Bridge _____	Recessed/Pullback _____	Nut _____
Jack Location _____	Jack Type _____	Strap Button _____
Tuners _____	Parts Color _____	Knobs _____
Pickguard _____	Rear Control _____	Battery Cavity _____
Other _____		

CONTROLS

Pickup Route _____	Active Electronics _____	
Bezels _____	Covered Pickup _____	Bridge Pickup _____
Middle Pickup _____	Neck Pickup _____	
Volume _____	Tone _____	Other Knobs _____
Pickup _____	Position 1 _____ 2 _____ 3 _____ 4 _____ 5 _____	
Other Switches _____		
Placement Instructions _____		

FINISH

Color _____	
Oiled Neck or Painted Neck _____	Painted Pickups _____
Artwork or Color Sample _____	
Headstock Color _____	Logo Type _____
Logo Color _____	Other _____
Case _____	

Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone (\_\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_\_) \_\_\_\_\_  
Order Date \_\_\_\_\_ PO # \_\_\_\_\_

**Note:** Custom guitars take 4 to 12 months for delivery. All custom guitar prices include a SKB case. Hard shell cases are extra. Please call for a quote.  
Ordering a custom instrument is a life-long dream for most guitarists. With Jackson Guitars, you can get the instrument that you have always dreamed of and know that it will live up to your expectations.  
Our custom shop in Ontario, California, has made custom guitars longer than any other factory in America and many of the original staff are still with us to this day. Building a custom instrument by hand takes a considerable amount of time, so please keep this in mind when you place your order. Typical construction time can be as long as 30 weeks.  
Good things are worth waiting for, so please be patient with us after you place your order. We give a "Limited Lifetime Warranty" with our custom shop guitars and in order to do this we must be allowed the time to build your instrument properly. Please contact an authorized Jackson Guitar dealer to place your order today.

# **EXHIBIT E**

# Jackson Guitars

4452 Airport Drive  
Ontario, Calif. USA 91761  
jksngtr@primenet.com 909-390-8994 (tel) 909-390-8997(fax)

Invoice#: 77607

Date: 3/27/01

Sold To:  
506626 Los Music Center

Ship To:  
1045 AIRLINE RD.  
CORPUS CHRISTI, TX 78412

S/N#960263 W.O#1270

ProdCode	Part#	Description	QtySold	U/M	Price	Ext
1	101	CST 1270	1	EA	1375.00	1375.00
2	101	05-JCC922	1	EA	0.00	0.00
Sub Total					\$1,375.00	

993364 MAR 27, 2001 ACT 20.0  
SERVICE GND COM BILL 20  
TRACKING# 129933640343511659  
REF 1: CST 1270 STRAT W/BLK&YELLOW STRIPES  
REF 2: SN#960263

IV \$1,375.00  
PUB SVC CHG \$9.37 #PK 1  
IV \$4.55 COD \$0.00  
DC \$0.00 RS \$0.00  
AH \$0.00 SD \$0.00  
HNDL \$0.00 SP \$0.00  
NTFY \$0.00 HZMT \$0.00  
PUB/NET CHG \$13.92 \$13.92

Sales Tax 0.00

Freight: 13.92

Invoice Total: \$1,388.92

JC 0392

Tuesday, March 27, 2001

CONFIDENTIAL SUBJECT  
TO PROTECTIVE ORDER

Jackson GUITAR CORP. ORDER FORM

ST. COMPLETION DATE October '00

WGT 12.70

960263

NAME Los Music  
ADDRESS 1045 Airline Rd  
CITY/ST/ZIP Corpus Christi, TX 78412  
PHONE (661) 943 7303  
FAX (Same as call) \*

INSTRUMENT 506626  
ORDER DATE 4-10-00  
P.O.# \_\_\_\_\_  
SPEAKING WITH Ray  
FAX Diaz 13

RETAIL 2750 - DISCOUNT \_\_\_\_\_ WHOLESALE 1375 TAX# \_\_\_\_\_

**BODY**

Neck thru or Bolt on Bolt on Description Strat  
Body Wood Ash (Punk) Body Binding no  
Scallop Heel no Scallop Horn no Other \_\_\_\_\_

2400 20  
channel  
maple  
pieces

**NECK**

Neck Description San Dimas Reg/Reverse Head Regular  
Neck/Cen. block Wood Maple Fingboard Wood maple Inlay Black dots  
Nut Width 1 7/8 Butt Width 2 1/4 Scale Length 25 1/2  
# of Frets 24 Fret Wire jumbo Fret Scallop no  
Neck Binding no Head Binding no Neck Back Shape 750-810  
Other \_\_\_\_\_

**PARTS**

Bridge Floyd Rose (Recess) Fullback yes Nut Floyd  
Jack Location end Jack Type oval Strap Button std  
Tuning Gottlieb Parts Color Black Knobs Edome  
Pickguard no Hair Control Strat Battery Cavity no  
Other \_\_\_\_\_

100 PR

**CONTROLS**

Pickup Route 1 hum Active Electronics no Bezels Black Covered Pickup unc  
Bridge Pickup DP-100 F Middle Pickup no Neck Pickup no  
Volume 1 Tone 0 Other Knobs none  
Pickup Selector \_\_\_\_\_ Positions 1 \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_ 4 \_\_\_\_\_ 5 \_\_\_\_\_  
Other Switches \_\_\_\_\_  
Elemental Functions \_\_\_\_\_

**FINISH**

Color Black w/ yellow stripes  
Oiled Neck or Painted Neck Oiled Painted Pickups no Artwork or Color Sample no  
Headstock Color Black Logo Type channel Logo Color gold  
SANDWICHES  
CASE 10922 (S&B)

250

JC 0393

CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER

# **EXHIBIT F**

# Jackson®/Charvel®, Inc.

A Division of International Music Corporation

4452 E. Airport Drive Suite B  
Ontario, CA 91761 USA  
909-390-8994 FAX: 909-390-8997

Sales Order

016/09/98

98042

IMC 150625

Payment Terms: Net 30 Days      Sales Rep: [illegible]      Cust. PO: [illegible]

Line	Qty	Part Number	Description	Price	Value
1	1	SAN DIM TRAD R/SW	SAN DIMAS TRADITIONAL RSWD/SNOW WHITE	400.0000	400.00
			Ser # 951448		
2	1	05-JCC921	CASE, SKB IMC-11 SOLOIST/DINKY	54.0000	54.00

JC 0399

CONFIDENTIAL SUBJECT  
TO PROTECTIVE ORDER

Sales Tax: 0.00  
Freight: 0.00



# Jackson/Charvel, Inc.

A Division of International Music Corporation

1452 E. Airport Drive Suite B

Ontario, CA 91761 U.S.A.

909-390-3994 FAX 909-390-3997

Sales Order

05/11/98

98091

Ship to: [Redacted]

In C/O:

Ship to:

Bill to:

29001 Horton Blvd

San Dimas

CA 91773

29001 Horton Blvd

San Dimas

CA 91773

IMC 1506251

Payment Terms

Sales Rep

Cust PO

Line	Qty	Part Number	Description	Price	Value
1	1	SAN-DIMAS II MAH	SAN DIMAS II MAHOGANY WILKINSON BRIDGE	485.0000	
			Ser#: 960024		
2	1	05-JCC921	CASE, SKB IMC-11 SOLOIST/DINKY	54.0000	

JC 0401

CONFIDENTIAL SUBJECT  
TO PROTECTIVE ORDER

Copyright



# Jackson/Charvel, Inc.

A Division of Akai Musical Instrument Corp.

4452 E. Airport Drive Suite B  
Ontario, CA 91761 U.S.A.  
909-390-8994 FAX: 909-390-8997

INVOICE 006 16799 76079  
Sales Order 016 16798 48405

Ship to: Bill Ball  
P.O. Box  
ONTARIO

IMC #506251

Line	Qty	Part Number	Description	Unit Price	Value
1	1	SD PG1 BLK	SAN DIMAS PG1 BLACK	400.0000	400.00
2	1	05-JCC922	CASE SKB IMC-12-JJ/SURE/TRAD	54.0000	54.00

JC 0395

CONFIDENTIAL SUBJECT  
TO PROTECTIVE ORDER

THANK YOU!!!



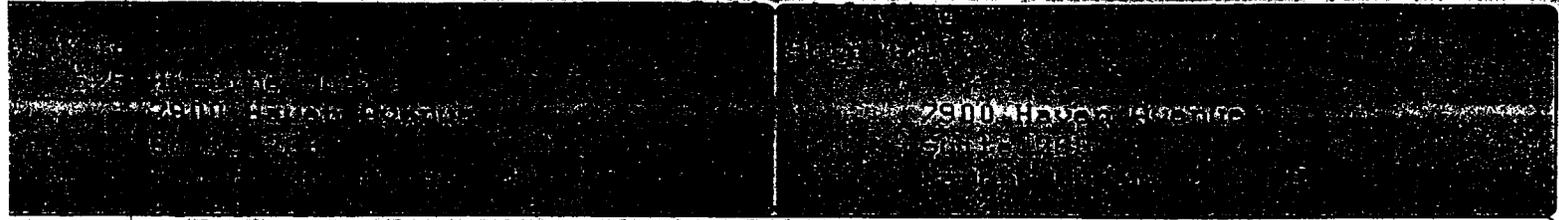
**Jackson / Charvel, Inc.**

A Division of Akai Musical Instrument Corp.

1452 E. Airport Drive Suite B  
 Ontario, CA 91761 U.S.A.  
 909-390-8994 FAX: 909-390-8997

Ship Via: AIRMAIL  
 B.O.#: ONTARIO, CALIF.  
 Stamp: 10/31

NO. 001017      DATE: 10/29/97      TIME: 15:02  
 Sales Order:      INVOICE:      08:29



IMC 4506751

Payment Terms:      Sales Rep:      Cust. PO:

Line	Qty	Part Number	Description	Price	Value
1	1	SD PG1 FR	SAN DIMAS PG1 FERRARI RED Ser#: 960232	400.0000	400.00
2	1	SD PG1 CBL	SAN DIMAS PG1 COBALT BLUE Ser#: 960228	400.0000	400.00
3	2	05-JCC922	CASE, SKB IMC-12 JJ/SURF/TRAD	54.0000	108.00

JC 0397

CONFIDENTIAL SUBJECT  
 TO PROTECTIVE ORDER

THANK YOU

Sale: 100.00



# **EXHIBIT 2**

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

In the Matter of Trademark Registration No. 2,772,766	)	
For the Mark SAN DIMAS GUITARS THE	)	
CALIFORNIA GUITAR COMPANY (Design)	)	
Registration Date: October 7, 2003	)	
	)	
JACKSON/CHARVEL MANUFACTURING, INC.,	)	Cancellation No. 92042614
	)	
Petitioner,	)	
	)	
v.	)	
	)	
PRINS, LLOYD A., Registrant-Respondent.	)	

**DECLARATION OF EDEL DIAZ**

Edel Diaz, pursuant to 28 U.S.C. Section 1746, declares as follows:

1. My name is Edel Diaz, and I have personal knowledge of the matters set forth in this Declaration and could and would testify competently thereto if called as a witness.
  
2. I am currently a District Sales Manager, Specialty Sales, for Jackson/Charvel Manufacturing, Inc. ("JCMI"). My responsibilities include supervising and managing sales staff, as well as interacting with customers and retailers. I began work as a customer services representative in mid-1996 at JCMI's predecessor, International Music Company ("IMC").<sup>1</sup> Between 1996 and 1998, I worked in Jackson/Charvel's customer service department and interacted and/or supervised the interaction with Jackson/Charvel's customers and retailers. In December 1998, I became District Sales Manager for Jackson/Charvel, which was a sales management position that is substantially similar to my current position. From July 2001 to October 2002, I was Assistant National Sales Coordinator for Jackson/Charvel, and this position also involved sales management, supervision, and coordination.

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<sup>1</sup> Jackson/Charvel was a division of IMC in the mid-1990s. Subsequently, Akai Musical Instruments Corporation ("AMIC") purchased IMC and its Jackson/Charvel division. In October 2002, JCMI, my current employer and a subsidiary of Fender Musical Instruments Corporation ("FMIC"), purchased various assets of the Jackson/Charvel product line from AMIC. Throughout my Declaration, JCMI and all of its predecessors in interest are referred as "Jackson/Charvel" for ease of reference.

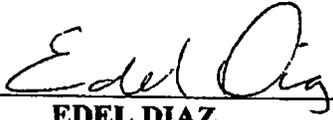
3. During my tenure at Jackson/Charvel, I have always equated the SAN DIMAS brand with the CHARVEL line of production and custom-made guitars made in Jackson/Charvel's custom shop. Jackson/Charvel's marketing/sales strategy has been consistent with this approach.

4. In my experience, Jackson/Charvel's customers consistently use the term "SAN DIMAS" with reference to Jackson/Charvel guitars. From mid-1996 to the present, consumers consistently called Jackson/Charvel requesting SAN DIMAS guitars and/or parts. Consumers would call Jackson/Charvel during this period and say things like, "I want a SAN DIMAS guitar" or "Can I get a real SAN DIMAS guitar?" There was no extended period of time when Jackson/Charvel did not receive such calls or communications from customers.

5. When I was a customer services representative, I would receive approximately 6 to 12 customer calls per week referencing "SAN DIMAS guitars," "SAN DIMAS CHARVEL guitars," and/or "CHARVEL SAN DIMAS guitars."

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

Executed on September 19, 2005.

  
\_\_\_\_\_  
**EDEL DIAZ**

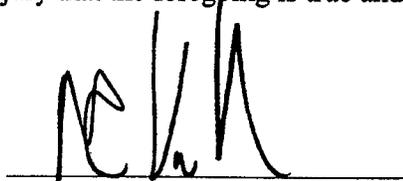
# **EXHIBIT 3**



Musical Instrument Corporation in its Jackson/Charvel Division," to JCMI on October 25, 2005. A true and accurate copy of AMIC's Assignment is attached hereto as Exhibit A. Accordingly, JCMI is the successor in interest to AMIC's Jackson/Charvel division and owns all of the intellectual property rights associated with Jackson/Charvel's guitar and bass products. Obtaining these intellectual property rights was an important factor in JCMI's decision to enter into the Purchase Agreement.

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

Executed on September 19, 2005.



MARK VAN VLEET

# **EXHIBIT A**

ASSIGNMENT

STATE OF TEXAS §  
COUNTY OF TARRANT §

KNOW ALL PERSONS BY THESE PRESENTS:

THAT AKAI Musical Instrument Corporation, a Texas corporation ("Assignor"), in consideration of the payment of the sum of ten dollars (\$10.00) and other good and valuable consideration, the receipt of which is acknowledged, does hereby sell, transfer and assign to Jackson/Charvel Manufacturing, Inc., a Delaware corporation ("Buyer"), the entire right, title and interest in the common law rights, goodwill or other rights to trademarks and tradenames used by AKAI Musical Instrument Corporation in its Jackson/Charvel Guitar Division.

This Assignment is made on an AS IS, WHERE IS with ALL FAULTS basis. Assignor disclaims any warranty, express or implied, including, but not limited to, any warranty of merchantability or fitness for a particular purpose.

IN WITNESS WHEREOF, this Assignment is executed on October 25, 2002.

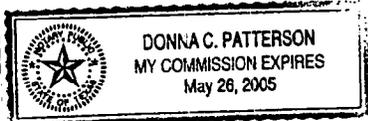
AKAIMUSICAL INSTRUMENT CORPORATION

By: William T. Moore  
William T. Moore, President

STATE OF TEXAS §  
COUNTY OF TARRANT §

On this 25 day of October, 2002, personally appeared William T. Moore, to me known and known to me to be the president of AKAI Musical Instrument Corporation, the assignor above named, and acknowledged that he executed the foregoing Assignment on behalf of said assignor and pursuant to the authority duly received.

Donna C. Patterson  
Notary Public, State of Texas



# **EXHIBIT 4**



JCMI. The marketing strategy behind using the SAN DIMAS mark with the 25th Anniversary guitar was to capitalize on customers' and the industry's association of the SAN DIMAS mark with Jackson/Charvel. Upon my taking over management of the brand, Jackson/Charvel began production of the "25th Anniversary" SAN DIMAS guitar in its Ontario, California, facility in June 2003.

4. Jackson/Charvel's 25th Anniversary SAN DIMAS guitar was offered for sale at the July 2003 NAMM musical instruments trade show in Nashville, Tennessee. Since the roll-out of that guitar and as long as I have been Marketing Manager at JCMI, Jackson/Charvel has been continuously selling SAN DIMAS guitars. Jackson/Charvel sold hundreds of thousands of dollars of SAN DIMAS guitars—more than a quarter of a million dollars in sales—in the first 18 months since the July 2003 NAMM trade show. During my tenure at JCMI, SAN DIMAS guitars have been successful products and have commanded a sales price to dealers of approximately \$1,000 to \$2,000. Consumers pay a retail sales price for SAN DIMAS guitars ranging from approximately \$1,700 to \$4,000. These high retail sales prices reflect the historically custom-made nature of Jackson/Charvel's SAN DIMAS guitars.

5. Jackson/Charvel continues to sell SAN DIMAS guitars and continues to produce custom-model SAN DIMAS guitars.

6. As Jackson/Charvel's Marketing Manager, I am also aware of Jackson/Charvel's competitors. Lloyd Prins has recently begun selling electric guitars in competition with Jackson/Charvel.

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

Executed on September 19, 2005.

  
\_\_\_\_\_  
**JOHN WALKER**

# **EXHIBIT 5**

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

In the Matter of Trademark Registration No. 2,772,766	)	
For the Mark SAN DIMAS GUITARS THE	)	
CALIFORNIA GUITAR COMPANY (Design)	)	
Registration Date: October 7, 2003	)	
	)	
JACKSON/CHARVEL MANUFACTURING, INC.,	)	Cancellation No. 92042614
	)	
Petitioner,	)	
	)	
v.	)	
	)	
PRINS, LLOYD A., Registrant-Respondent.	)	

**DECLARATION OF OSCAR L. ALCANTARA, ESQ.**

Oscar L. Alcantara, Esq., pursuant to 28 U.S.C. Section 1746, declares as follows:

1. My name is Oscar L. Alcantara, and I have personal knowledge of the matters set forth in this Declaration and could and would testify competently thereto if called as a witness.
2. I am outside trademark counsel for Jackson/Charvel Manufacturing, Inc. ("JCMI").
3. On October 11, 2003, on behalf of JCMI, I filed a federal trademark application for the mark SAN DIMAS. A true and accurate copy of U.S. Trademark Application Ser. No. 78/312,464 is attached hereto as Exhibit A.
4. On April 30, 2004, the trademark examining attorney issued a non-final office action, citing Lloyd A. Prins' supplemental registration, U.S. Reg. No. 2,772,766, as a potential bar to registration of JCMI's SAN DIMAS mark. I received this non-final office action from the United States Patent and Trademark Office. A true and accurate copy of the April 30, 2004, Office Action issued by Examining Attorney Janice L. McMorrow is attached hereto as Exhibit B.

5. On April 12, 2005, the trademark examining attorney issued a suspension letter concerning *ex parte* prosecution of JCMI's SAN DIMAS mark. I received this suspension letter from the United States Patent and Trademark Office. A true and accurate copy of Examining Attorney Janice L. McMorrow's April 12, 2005, suspension letter is attached hereto as Exhibit C. Accordingly, proceedings on Jackson/Charvel's SAN DIMAS mark application, US Trademark Serial No. 78/312,464, have been suspended pending the outcome of this Cancellation Proceeding.

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

Executed on September 19, 2005.

  
\_\_\_\_\_  
OSCAR L. ALCANTARA

# **EXHIBIT A**

## Trademark/Service Mark Application, Principal Register, with Declaration

Serial Number: 78312464

Filing Date: 10/11/2003

The table below presents the data as entered.

MARK	SAN DIMAS
OWNER	
NAME	Jackson/Charvel Manufacturing, Inc.
INTERNAL ADDRESS	Suite 100
STREET	8860 E. Chaparral Road
CITY	Scottsdale
STATE	AZ
ZIP/POSTAL CODE	85250
COUNTRY	USA
EMAIL	tmapps@goldbergkohn.com
AUTHORIZED EMAIL COMMUNICATION	Yes
LEGAL ENTITY	
TYPE	CORPORATION
STATE/COUNTRY OF INCORPORATION	Delaware
ATTORNEY	
NAME	Oscar Alcantara
FIRM NAME	Goldberg Kohn
INTERNAL ADDRESS	Suite 3700
STREET	55 East Monroe
CITY	Chicago
STATE	IL
ZIP/POSTAL CODE	60603
COUNTRY	USA
PHONE	312-201-3977
FAX	312-863-7477

EMAIL	tmapps@goldbergkohn.com
AUTHORIZED EMAIL COMMUNICATION	Yes
ATTORNEY DOCKET NUMBER	1719502
OTHER APPOINTED ATTORNEY(S)	William C. Meyers, Frederick H. Cohen, Salvator K. Karottki, Michael K. Hendershot, Sanjay Sharma
CORRESPONDENCE	
NAME	Oscar Alcantara
FIRM NAME	Goldberg Kohn
INTERNAL ADDRESS	Suite 3700
STREET	55 East Monroe
CITY	Chicago
STATE	IL
ZIP/POSTAL CODE	60603
COUNTRY	USA
PHONE	312-201-3977
FAX	312-863-7477
EMAIL	tmapps@goldbergkohn.com
AUTHORIZED EMAIL COMMUNICATION	Yes
GOODS AND/OR SERVICES	
INTERNATIONAL CLASS	015
DESCRIPTION TEXT	Electric Guitars
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	06/22/1993
FIRST USE IN COMMERCE DATE	06/22/1993
SPECIMEN FILE NAME(S)	\\tlers\EXPORT7\IMAGEOUT7\783\124\78312464\xml1\APP0002.JPG
SPECIMEN DESCRIPTION	a jpg file showing the Mark on a hang-tag affixed to one of Applicant's electric guitars
SIGNATURE INFORMATION	
SIGNATURE	/Oscar Alcantara/
SIGNATURE DATE	10/11/2003
SIGNATORY NAME	Oscar Alcantara
SIGNATORY POSITION	Counsel
PAYMENT	

NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	335
TOTAL AMOUNT	335
RAM SALE NUMBER	436
RAM ACCOUNTING DATE	10/14/2003
FILING INFORMATION	
SUBMIT DATE	Sat Oct 11 02:13:39 EDT 2003
TEAS STAMP	USPTO/BAS-122483722- 20031011021339174545 -78312464-200f2efd7d e5f5a82d0383892991bf 804c-CC-436-20031011 021006205472

PTO Form 1-78 (Rev. 4-20-99)  
 ONR Control #6731-0099 (Exp. 08-31-2003)

## Trademark/Service Mark Application, Principal Register, with Declaratio

**Serial Number: 78312464**  
**Filing Date: 10/11/2003**

**To the Commissioner for Trademarks:**

**MARK: \$AN DIMAS**

The applicant, Jackson/Charvel Manufacturing, Inc., a corporation of Delaware, residing at Suite 100, 8860 E. Chaparral Road, Scottsdale, AZ USA 85250, requests registration of the trademark/service mark shown on the drawing page 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.

The applicant, or the applicant's related company or licensee, is using the mark in commerce, and lists below the dates of use by the applicant, or the applicant's related company, licensee, or predecessor in interest, of the mark on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

International Class 015: Electric Guitars

In International Class 015: the mark was first used at least as early as 06/22/1993, and first used in commerce at least as early as 06/22/1993, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* 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) jpg file showing the Mark on a hang-tag affixed to one of Applicant's electric guitars.

Specimen - 1

The applicant, hereby appoints Oscar Alcantara and William C. Meyers, Frederick H. Cohen, Salvator K. Karotki, Michael K. Hendershot, Sanjay Sharma of Goldberg Kohn, Suite 3700, 55 East Monroe, Chicago, IL USA 60603 to submit this application on behalf of the applicant.

A fee payment in the amount of \$335 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: /Oscar Alcantara/ Date: 10/11/2003

Signatory's Name: Oscar Alcantara

Signatory's Position: Counsel

Mailing Address:

Oscar Alcantara  
Suite 3700  
55 East Monroe  
Chicago, IL 60603

RAM Sale Number: 436

RAM Accounting Date: 10/14/2003

Serial Number: 78312464

Internet Transmission Date: Sat Oct 11 02:13:39 EDT 2003

TEAS Stamp:

USPTO/BAS-122483722-20031011021339174545-78312464-200f2efd7de5f5a82d0383892991bf804c-CC-436-20031011021006205472

