

BULKY DOCUMENTS

(Exceeds 100 pages)

Proceeding/Serial No: Cancellation # 92042614

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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.)¹ 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

¹ 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.² 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.

² 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.³ 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

³ 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 1993.⁴ (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

⁴ "[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 mark⁵ 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,

⁵ 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.

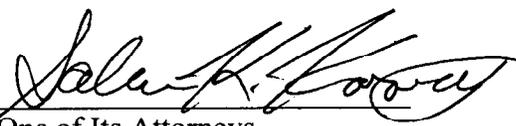
VII. CONCLUSION

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

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.¹ 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

¹ 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"

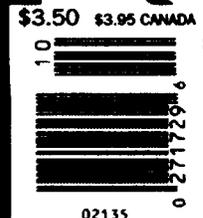
OCTOBER 1994

CLASSIC ROCK SPECIAL!

ROCK
EXCLUSIVE INTERVIEWS WITH KEITH & MICK

THE WHO THE LAST WORD FROM
PETE TOWNSHEND

Slayer



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Handwritten signature
Gibson

Hawaiian
Koa

Australian
Lacewood

African
Mahogany

San Diego IV

San Diego IV

San Diego V



Transparent
Green

Transparent
Purple

Transparent
Red

**5 SONGS
WITH
BASSLINES!**

**PANTERA
"Planet Caravan"**

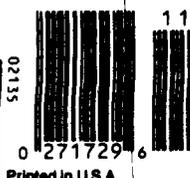
**JANE'S
ADDICTION
"Mountain Song"**

**THE DOORS
"Love Her Madly"**

**JAMES
BROWN
"Sex Machine"**

WORLD

\$3.50 \$3.95 CANADA



Printed in U.S.A.

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In the world of music, there is a saying: "If you can't find the guitar you want, you've got to make it." At Jackson, we've taken this saying to the next level.

Blaze your own trail with a 100-year-old American-made guitar. It's not just a guitar, it's a statement. A statement of your style, your attitude, your passion. It's a guitar that's built to last, and it's a guitar that's built to be loved.

Choose from a variety of styles, from the classic to the modern. Each guitar is hand-crafted by a master luthier, ensuring that every detail is perfect. From the body to the neck, every part is made with the finest materials available.

Why the Jackson guitar is the only guitar you'll ever need. It's a guitar that's built to last, and it's a guitar that's built to be loved. It's a guitar that's built to be played, and it's a guitar that's built to be enjoyed.

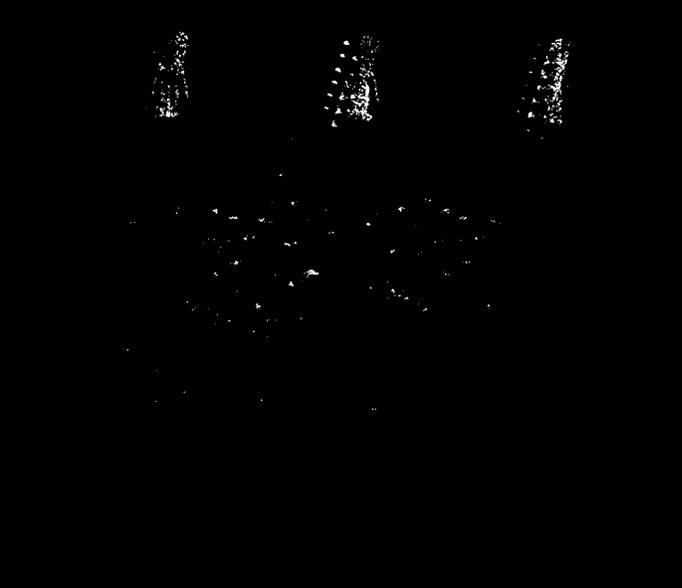
There's nothing else out there like it.



Hawaiian Koa

Sam Dimean

Sam Dimean



Hawaiian Koa

Australian Lacewood

African Mahogany



Transparent Green

Transparent Purple

Transparent Red

REM

QUEENSRYËCHE

WORLD

Dead BOys

The Clash

day **BuzzCocKs**

RELEASE YOUR OWN ALBUM!

ADVICE FROM OFFSPRING • STEVE VAI • FUGAZI • PRIMUS

\$3.50 \$3.96 CANADA
0 271729 6 01
02135
Printed in U.S.A.

It's the only electric guitar that can
 stand up to the most demanding
 conditions. It's the only electric guitar
 that can stand up to the most demanding
 conditions.

Case in point: the Jackson/Charvel
 series. It's the only electric guitar
 that can stand up to the most demanding
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It's the only electric guitar that can
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 conditions.

Case in point: the Jackson/Charvel

Case in point: the Jackson/Charvel

Case in Point

Case in Point



Hawaiian
Koa

Australian
Lacewood

African
Mahogany

Case in Point

Case in Point

Case in Point



Hawaiian
Koa

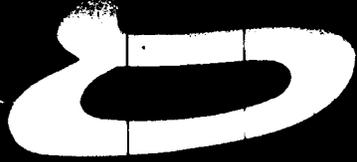
Transparent
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JANUARY 1995

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)

33.95 USA
\$4.95 CAN. • £2.95 U.K. • 31.00FF • 11.00 DM

0 74851 08366 6 01 >

...and a pickup that's been hand-crafted to give you that electric guitar tone that you've always wanted. But it's only yours if you buy it now. Don't miss it.

Play for the first time in 10 years. An American-made Charvel guitar, and you're in a real world. Play a Strat Deluxe from the side of a train or in a field and out for you will be the original Charvel guitar. It's brought after by guitarists and guitar makers.

Charvel Strat Deluxe guitars are the most beautiful thing in the world available. Domestic and imported woods. All Charvel guitars are built using the same techniques for the neck, body and great tone.

Only the highest quality and most respected components are used in Charvel equipment. Charvel built Deluxe guitars are original Floyd Rose bridges, made for excellent performance and stability.

Learn the ups and downs of the price.

Charvel Strat



Hawaiian Koa

Charvel Strat



Transparent Green

Charvel Strat



Transparent Purple

Charvel Strat



Transparent Red

Sam Dennis

Charvel Strat



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 CAN. • £2.75 U.K. • \$1.00FF • 11.00 DM



0 74851 08366 6

of the world's most renowned production facilities to be sure the guitars that go to Jackson are built to last, and to play like a dream.

Play for the best reason: JOY. An original, original Charvel guitar is a joy to play. Play a San Dimas. You'll know it's different. You'll know it's better. You'll know it's yours. You'll know it's yours. You'll know it's yours.

Original San Dimas guitars are constructed with quality materials, available locally and imported from around the world. All San Dimas guitars are built to play. Perhaps. Maybe. Or maybe not. It's up to you. It's up to you. It's up to you.

Play the right way, and the respected components are in a standard equipment. You'll know it's yours. You'll know it's yours. You'll know it's yours.

Play the right way, and the respected

San Dimas

San Dimas I



Hawaiian
Koa

Australian
Lacewood

African
Mahogany

San Dimas II

San Dimas II

San Dimas IV

San Dimas V



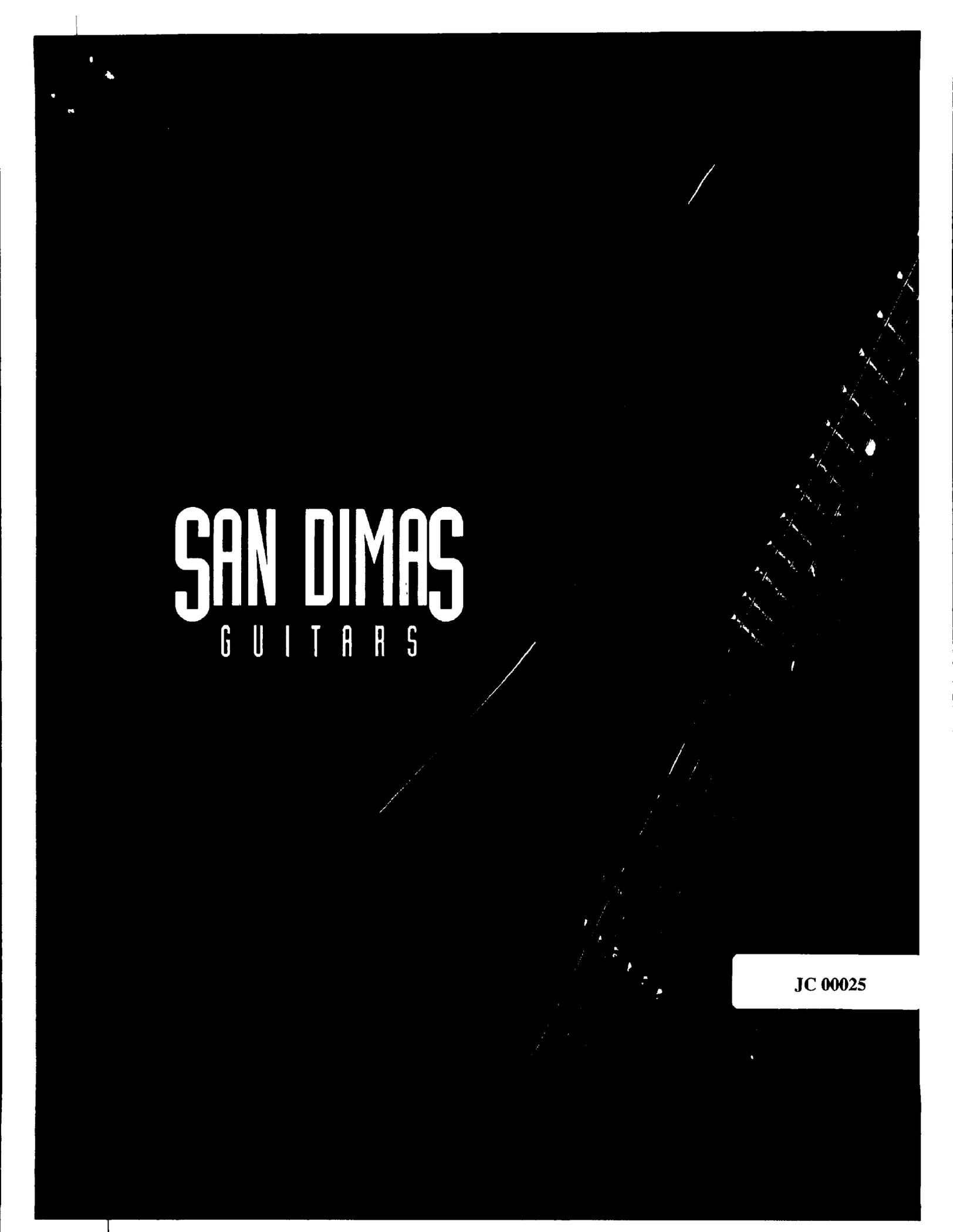
Hawaiian
Koa

Transparent
Green

Transparent
Purple

Transparent
Red

EXHIBIT B



SAN DIMAS
GUITARS

JC 00025



SAN DIMAS I

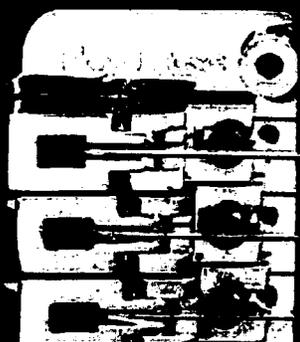
- Rosewood fingerboard
- Birdseye Maple neck
- Gotoh custom tuning gears
- 24 jumbo frets
- Original Floyd Rose bridge
- Bimarzio custom humbucker pickups
- Available in Koa or Mahogany
- Hand-rubbed finish



SAN DIMAS II

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

JC 00026





SAN DIMAS III

- Birdseye Maple neck
- Switch 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

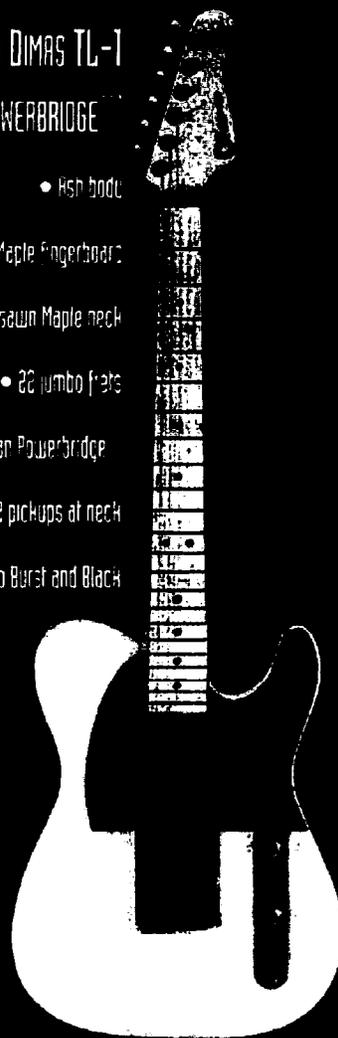
SAN DIMAS TRADITIONAL

- Hardwood or maple fingerboard
- Quarter-sawn Maple neck
- Sperzel locking tuning gears
- Custom steel pulcrum tremolo
- Dimarzio (Vintage) single coil pickups
- Alder body
- Available in Sapphire Blue, Garnet Red, Forest Green, Black and Snow White



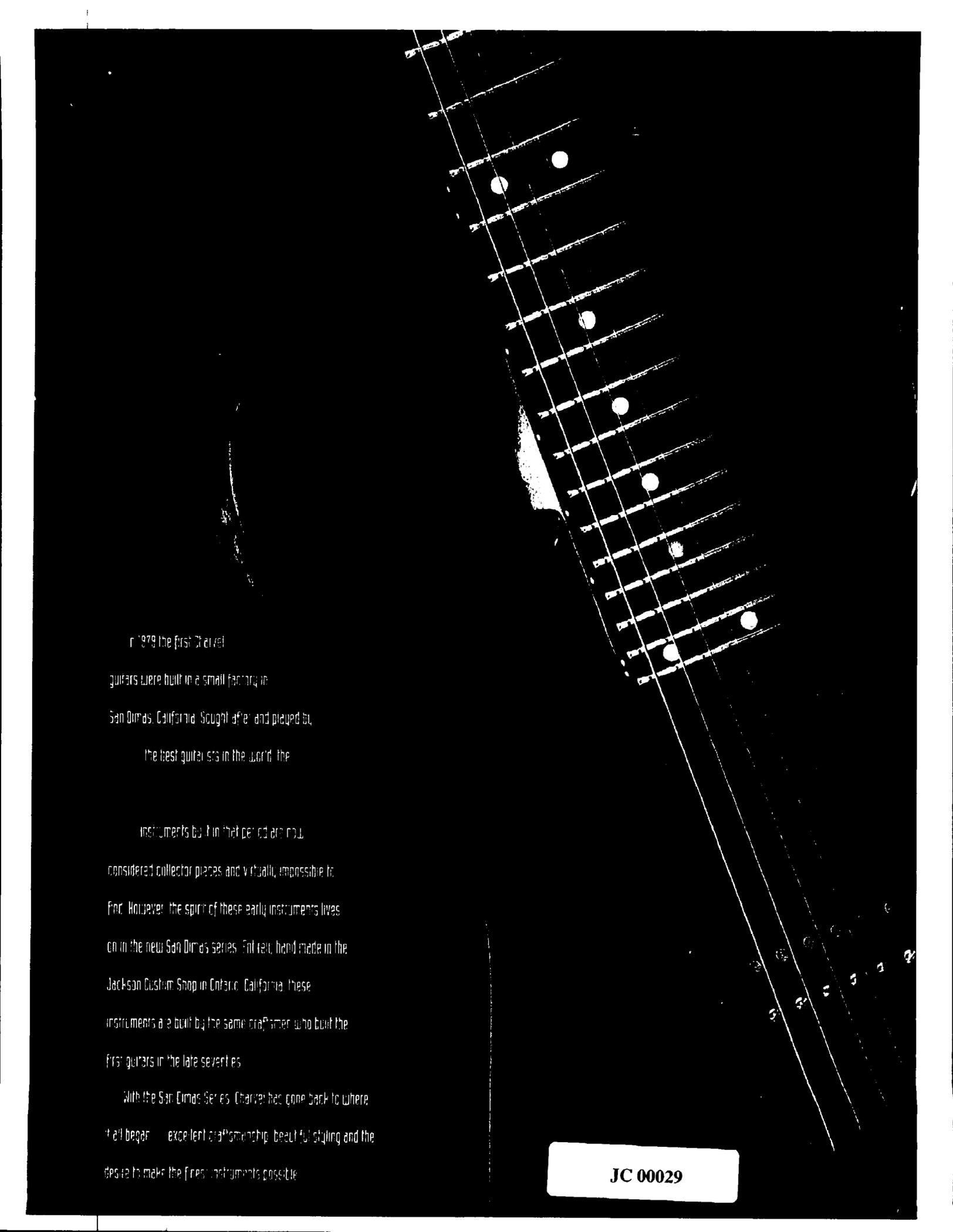
SAN DIMAS TL-1 WITH FISHMAN POWERBRIDGE

- Ash body
- Maple Fingerboard
- Quarter-sawn Maple neck
- 22 jumbo frets
- Wilkinson HT 100 equipped with Fishman Powerbridge
- TJR 10 pickups at bridge, TLF 12 pickups at neck
- Available in Butterscotch, 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 Farina

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

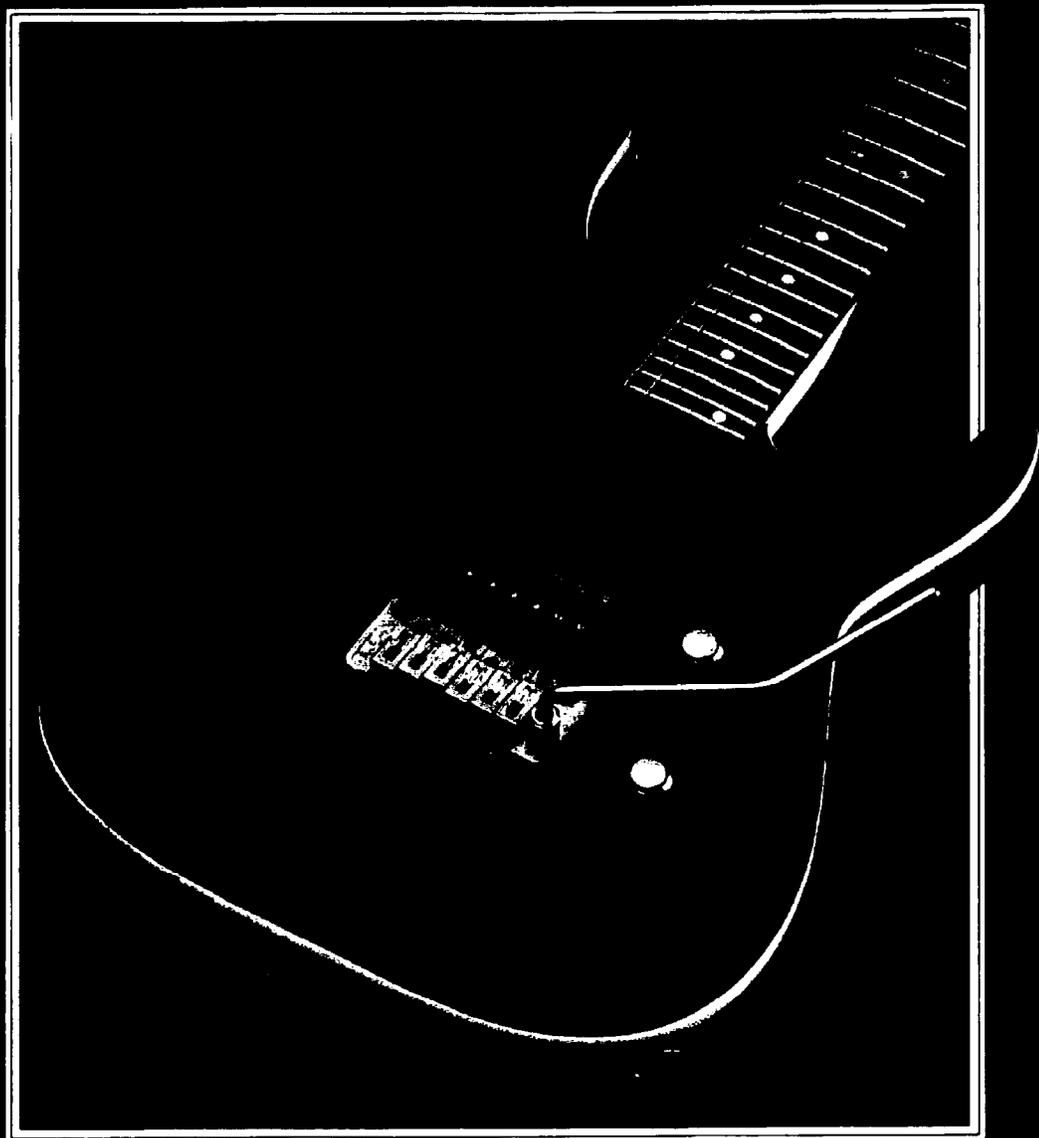


Alex Skolnick photo by Jay Blakesberg

JC 00030



SAN·DIMAS



•GUITARS•

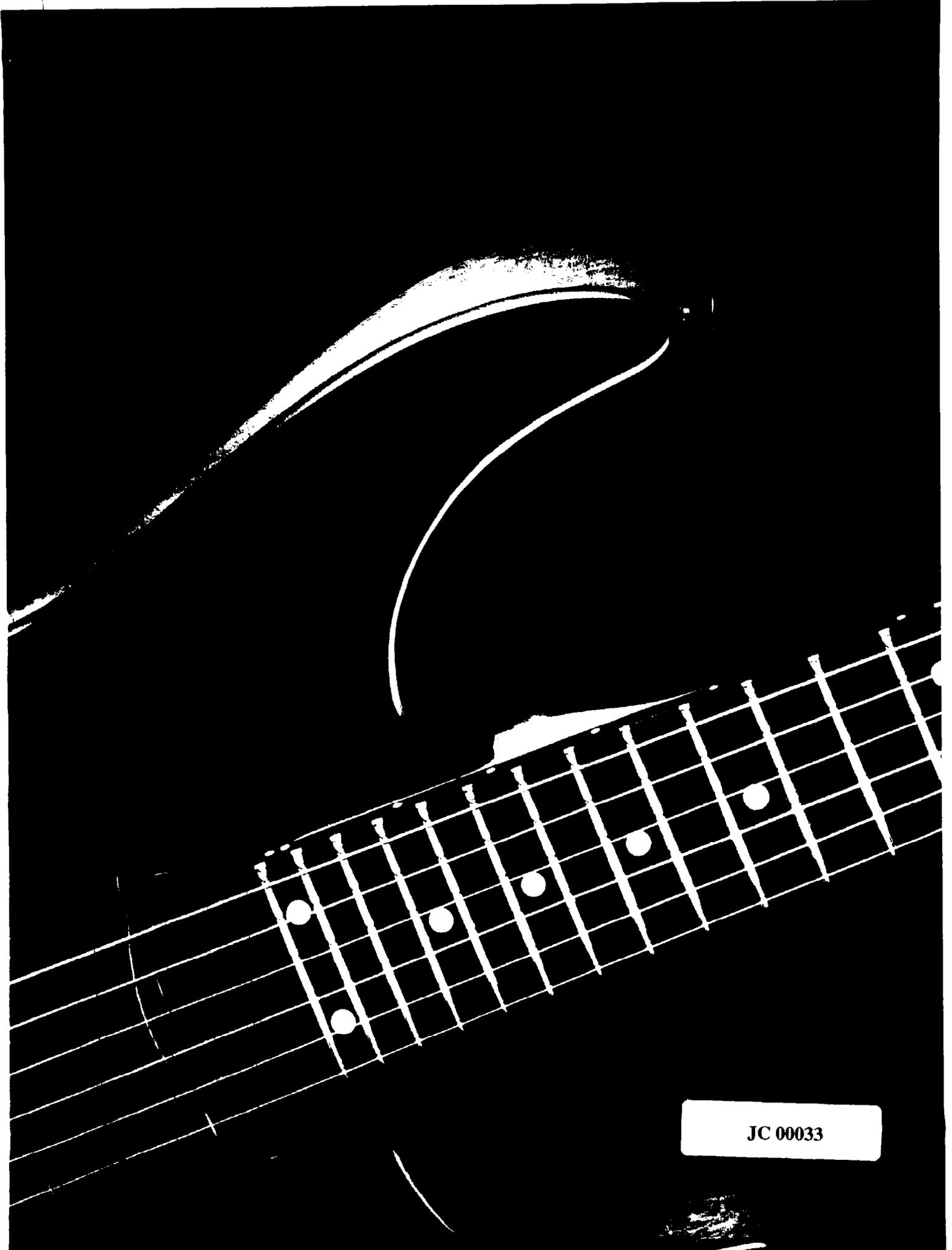
JC 00031

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 those 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.

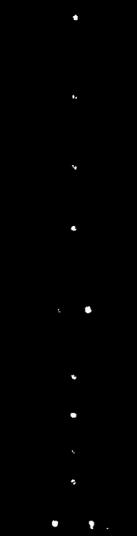
JC 00032



JC 00033



- Brazilian Rosewood
- Brazilian Mahogany
- Brazilian Acacia
- Zebrawood
- Queensland Fig
- Curatara
- Queensland Rosewood
- African Mahogany
- Hawaiian Koa
- Hawaiian Koa

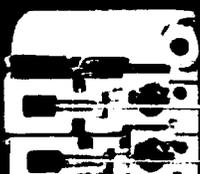


Hawaiian Koa

Australian Lacewood

African Mahogany

JC 00034



- Full body pickup
- Big Dipper
- Custom lightening spots
- 24 frets
- 4-way pickup selector
- Bass bridge
- Diamond dust finish on wood
- Available in any color you desire
- More colors to come

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.



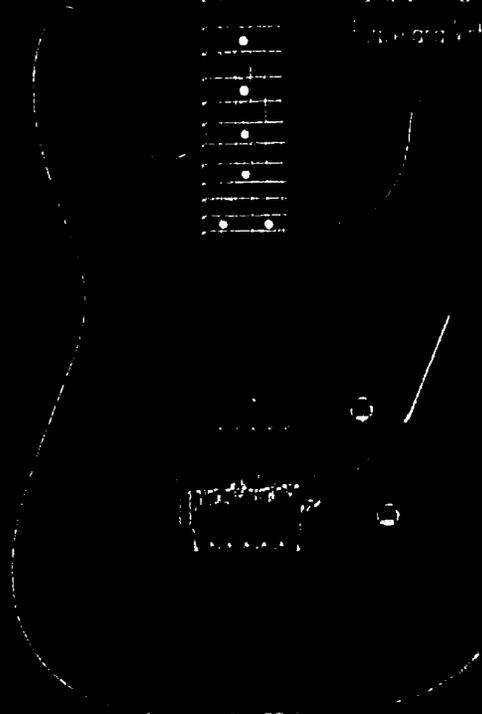
- Fast Fender® fingerboard
- Bridge-Made neck
- Gotoh custom tuning gears
- 24 Jumbo frets
- Original Floyd Rose bridge
- Bigsby® vibrato
- Diamond-Cluster and Fast-Funk single coils and Tone Zone™ humbucker pickup
- Maplegrip™ with Charvel Maple and top
- Available in Transparent Blue, Transparent Red and Vintage Sunburst



2222



- Fast Fender® fingerboard
- Bridge-Made neck
- Gotoh custom tuning gears
- 24 Jumbo frets
- Original Floyd Rose bridge
- Gotoh hardware
- Two Diamond-Cluster Fast-Funk single coils and Tone Zone™ humbucker pickup
- Maplegrip™ with Charvel Maple top and edge binding
- Available in Transparent Red, Transparent Green, Transparent Blue and Vintage Sunburst



JC 00036



- Rosewood fingerboard
- Quarter-sawn Maple neck
- Steeze locking tuners
- 24 Jumbo frets
- Custom steel body tremolo
- Chrome hardware
- D'Angelis "Vintage" single coil pickups
- Alder body
- Available in Signature Blue, Garnet Red, Forest Green, Black and Snow White



- Rosewood fingerboard
- Quarter-sawn Maple neck
- Steeze locking tuners
- 24 Jumbo frets
- Custom steel body tremolo
- Chrome hardware
- D'Angelis "Vintage" single coil pickups
- Alder body
- Available in Signature Blue, Garnet Red, Forest Green, Black and Snow White

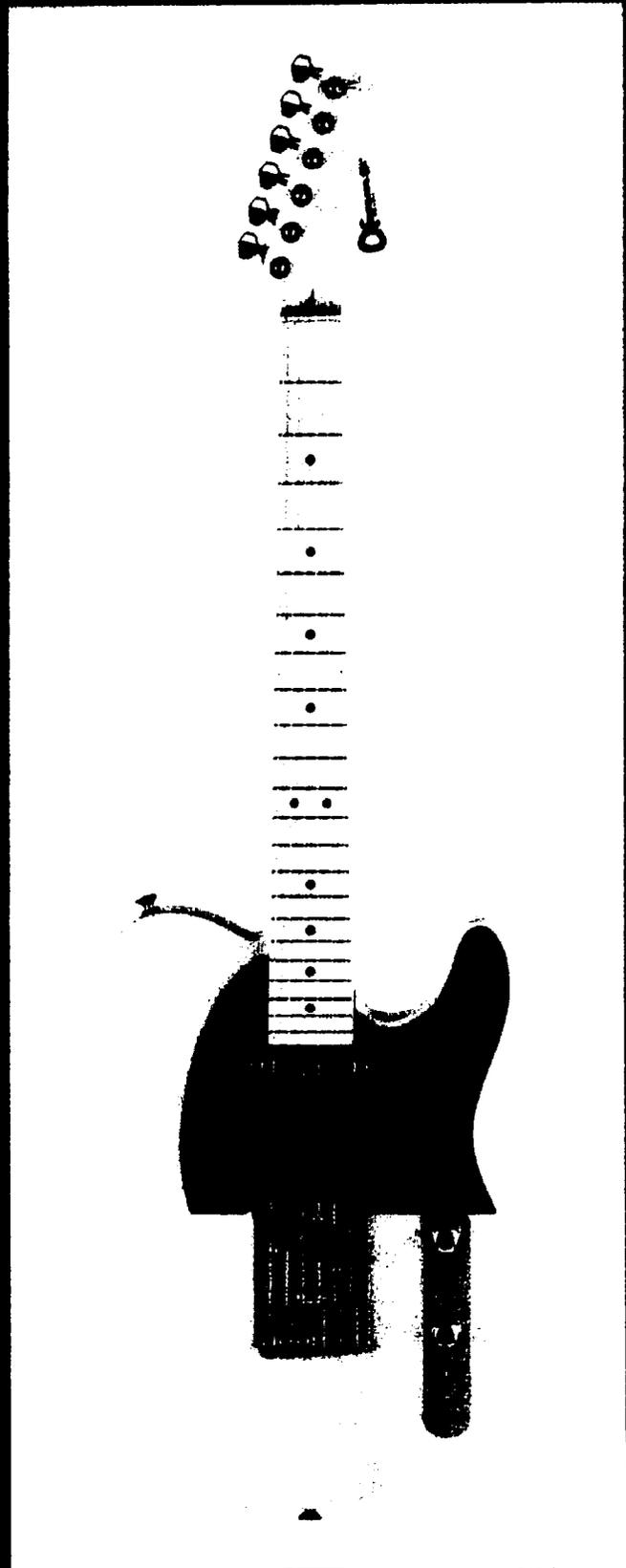


JC 00037

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.

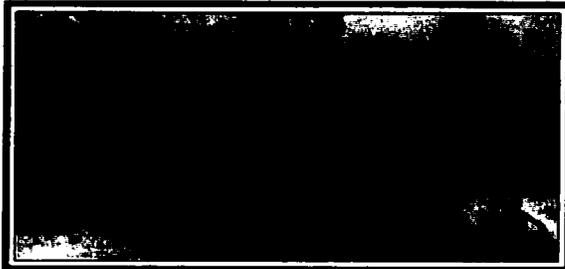
BODY	ASH
NECK	ROSEWOOD / MAPLE
FINGERBOARD	MAPLE
NECK WIDTH	1 11/16 IN. (42.85 MM)
FRETS	22 (STEP 30 WIRE)
BRIDGE	WILKINSON HT 100 EQUIPPED WITH FISHMAN POWERBRIDGE™
PICKUPS	BRIDGE TLE 10, NECK TLE 12
CONTROLS	VOLUME / MUTE III / VOLUME TRANSFORMER / SLOTTED 3 WAY
FINISHES	BUTTERBROWN / TOBACCO BURST, 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

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 Scallop:	\$10.00	Per Fret (specify which Frets to scallop)
Neck & Head		
Binding:	n/c	Black, White, Ivoroid, or none
	\$50.00	Creame, Red, Blue, Yellow, or Green
	\$200.00	Binding over Frets
Neck Backshape:	n/c	Standard (like SL1); Speed Neck (thin like KV2)

PICKUPS

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, Creame
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. _____ 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.

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



2001 PRICE LIST

Jackson[®]
CH **ARVEL**  TM

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 [®] Tring Trem, Floyd Rose [®] , Original Floyd Rose [®] , Floyd II [®] , Kahler [®] Wilkinson [®] 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 [®] style, panel- jack type
Strap Button:	n/c \$50.00	Standard Jackson [®] 17MM Schaller [®] or Dunlop [®]
Tuners:	n/c \$60.00 \$180.00	Gotoh [®] Schaller [®] , Sperzel [®] , Grover [®] LSR [®]
Hardware Color:	n/c	Black Chrome, satin chrome, nickel

CONTROLS

Pickup Route:	n/c	1 HUM, 2 HUM, 1 H1SC, 3 SC, HSH
Bezels:	n/c	Black, gold, chrome, creme
Active Electronics:	\$960.00 \$80.00 CALL CALL	Sustainer System JE1000, JE1200, JE1500, JE2000, JE2500 Bartolini [®] Pre Amps Aguillar [®] Pre Amps
Covered Pickup:	n/c	Yes or No
Pickup Options:	n/c \$120.00 \$60.00 \$600.00 \$600.00	Most Seymour Duncan [®] , Dimarzio [®] , Lawrence [®] , Jackson [®] Seymour Duncan Live Wires [®] EMG [®] Lightwave [®] for bass 4 string Lightwave [®] for bass 5 string
Volume and Tone:	n/c	Specify quantity
Other Knobs:	\$60.00	EMG-EXP [®] , EMG-SPC [®]

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 4710 MERCANTILE DRIVE, FORT WORTH, TEXAS (817)831-9209

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.

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

**2002
PRICE
LIST**

Jackson
GUITARS

DDMSR

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
\$3120 Neck-Thru Bass	\$120 Seven String Guitar	Maple Veneer
\$2880 Bolt-On Guitar	\$265 5 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
	Body Wood:	Body Binding:
	n/c Alder, Poplar, Ash, Basswood, maple	\$60 Per Side-Black, Blue, Cream, Green, Ivoroid, Red, White, Yellow.
Body Description:		Other Body Options:
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
	\$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"
	\$120 Diamonds	Guitar: 24.5", 25.5"
Headstock:	\$120 Rectangle Blocks	\$120 Special Scale Length
n/c Regular or Reversed	\$120 Bow Ties	
	\$240 Iommi Crosses or Iron Crosses	Number of Frets:
Neck Wood:	\$360 Alien Hieroglyphics	n/c Bass: 21
n/c Quartersawn Maple		Guitar: 22 or 24
\$60 Mahogany or Korina	Inlay Option:	\$120 Special
\$120 Koa (Not Figured)	\$60 Upcharge For Abalone	
\$120 Flamed or Birdseye Maple		Fret Wire:
		n/c Small or Jumbo
Neck Wood Option:	Other Inlays:	\$60 Special Order (specify Size)
\$120 One Piece (No Scarf Joint)	\$120 Ebony Sharkfin on Maple Fingerboard	
\$120 Multi Laminated	\$120 Eyeballs	Fret Scallops:
350 31/32" 3/32"	\$120 Name at 12th Fret	\$20 Per Fret
Fingerboard Wood:	\$1100 Abalone Flames	
n/c Maple, Rosewood, Ebony		Neck and Head Binding:
\$50 Pao Ferro, Figured Maple		n/c Black, Ivoroid, White, None
75 Brazilian Rosewood	Nut Width:	\$60 Blue, Cream, Green, Red, Yellow
Inlays (Mother Of Pearl):	n/c Bass: 1 5/8" - 1 9/16"	\$240 Binding Over Frets
n/c None	Guitar: 1 5/8" - 1 11/16"	
n/c Dots	Seven String Guitars: 1 7/8"	Neck Backshape:
\$60 Sharkfin (Regular or Reversed)	\$120 Special Width (Includes Butt Width)	n/c Standard-like SL1 or Speed-like KV2
\$120 Sharkfin (Alternating Zig Zag)		\$120 Special
\$120 Sharkfin (Mirror or Colored)	Butt Width:	
\$120 Piranha Teeth (Offset To Bass Side)	n/c Bass: 2 7/16"	
	Guitar: 2 1/4"	
	Seven String Guitars: 2 9/16"	

JACKSON

CUSTOM SHOP PRICES

Bare 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*

\$60

Recessed:

n/c Standard Tremolo Recess
 \$60 Special

Nut:

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

Jack Location:

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

Jack Type:

n/c Oval Plate, Strat Style,
 Panel Type

Strap Button:

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

Turners:

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

Hardware Color:

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

Knobs:

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

Pickguard:

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

Rear Control:

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

Battery Cavity:

n/c None, 9 Volt or 18 Volt

Engraved Truss Rod Cover:

\$60 Specify Initials

CONTROLS

Pickup Route:

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

Bezels:

n/c Black, Chrome, Cream, Gold

Active Electronics:

\$960 Jackson Sustainer System
 \$80 JE1000, JE1200, JE1500,
 JE2000 (bass), JE2500 (bass)
 Call Bartolini® Preamp
 Call Aguillar® Preamp

\$60

Duncan Forestorm GEO-1

Covered Pickup:

n/c Yes or No

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

Volume And Tone:

n/c Specify Quantity

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

Other Switches:

\$60 EMG-DMSK®
 \$60 On/Off Kill Button

JACKSON

CUSTOM SHOP PRICES

Finishes

n/c	Solid Finishes Solid Colors
n/c	Solid Finishes Solid Colors
n/c	Solid Finishes Solid Colors
\$60	Painted Glass
\$150	Bene Dess Swirl
\$180	Coral Sea
\$180	Aldrich Finish
\$360	Interference Finish
\$360	Metalflake

Graphics

\$150	Lightning Sky
\$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	Bengal Tiger (Front and Back)
\$420	Snakeskin (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
\$960	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

\$18 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

*USA Flag
Confederate Flag } \$400 ea*

\$300 Diamond Plate \$850 July '09

120 Mirror Headstock

*Tye Dye 1750 (wedding F, B, S, R, S)
1050 (bolt on) (wedding)*

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 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 _____

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

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 _____		

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 _____ P.O. # _____

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 GNDCOM BILL 20
TRACKING# 1Z9933640343511659
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

ST. COMPLETION DATE October '00 WGT 12.70 960263

NAME Los Music
ADDRESS 1045 Airline Rd
CITY/ST/ZIP Corpus Christi, TX 78412
PHONE (Bolt) 993 7303
FAX (Sam & call) (30)

MO. CUST. # 506626
ORDER DATE 4-10-00
PGT
SPEAKING WITH Ray
TERMS Diaz 13

RETAIL 2750 - DISCOUNT _____ WHOLE 1375 TAX _____

BODY

Neck thru or Bolt on Bolt on Description Strat
Body Wood Ash (Pembly) Body Binding no
Scalloped Head no Scalloped Horn no Other _____

2400 20
channel
maple
pickups

NECK

Neck Description San Dimas Red/Reverse Head Regular
Neck/Centiblock Wood Maple Fingerboard 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 pullback yes Nut Floyd
Jack Location end Jack Type oval Strap Button std
Tuners Gotoh Parts Color Black Knobs dom 2
Pickguard no Rear Control Strat Battery Cavity no
Other _____

100 PR

CONTROLS

Pickup Route 1 hum Active Electronics no Bezels Black Covered Pickup no
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 _____
Placement of Controls _____

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
CASE 100922 (SEB)

250 20

JC 0393

CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER

Law Office 115

571-272-9194

EXHIBIT 6



United States Patent and Trademark Office

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TESS was last updated on Sat Sep 17 04:12:50 EDT 2005

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Dictionary](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#) Please logout when you are done to release system resources allocated for you.**Record 1 out of 1**[TARR Status](#) [ASSIGN Status](#) [TDR Status](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)**Typed Drawing**

Word Mark	THE PROFESSIONAL PORTFOLIO
Goods and Services	IC 009. US 038. G & S: COMPUTER PROGRAMS FOR USE IN THE FIELD OF FINANCIAL MANAGEMENT. FIRST USE: 19831222. FIRST USE IN COMMERCE: 19831222
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73497199
Filing Date	August 30, 1984
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	April 30, 1985
Registration Number	1347405
Registration Date	July 9, 1985
Owner	(REGISTRANT) ADVENT SOFTWARE, INC. CORPORATION CALIFORNIA 510 THIRD ST. SAN FRANCISCO CALIFORNIA 94107
Assignment Recorded	ASSIGNMENT RECORDED
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PORTFOLIO" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Live/Dead Indicator	LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [Browse Dictionary](#) [SEARCH OG](#) [TOP](#) [HELP](#)

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2005-09-19 14:29:06 ET

Serial Number: 73497199 Assignment Information

Registration Number: 1347405 Assignment Information

Mark (words only): THE PROFESSIONAL PORTFOLIO

Standard Character claim: No

Current Status: Registered.

Date of Status: 1991-04-06

Filing Date: 1984-08-30

Transformed into a National Application: No

Registration Date: 1985-07-09

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 1991-03-04

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. ADVENT SOFTWARE, INC.

Address:

ADVENT SOFTWARE, INC.
510 THIRD ST.
SAN FRANCISCO, CA 94107
United States

Legal Entity Type: Corporation

State or Country of Incorporation: California

GOODS AND/OR SERVICES

International Class: 009

COMPUTER PROGRAMS FOR USE IN THE FIELD OF FINANCIAL MANAGEMENT

First Use Date: 1983-12-22

First Use in Commerce Date: 1983-12-22

Basis: 1(a)

ADDITIONAL INFORMATION

Disclaimer: "PORTFOLIO"

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

- 1991-04-06 - Cancellation terminated for Proceeding
 - 1990-11-23 - Section 8 (6-year) accepted & Section 15 acknowledged
 - 1990-09-20 - Section 8 (6-year) and Section 15 Filed
 - 1989-08-30 - Cancellation dismissed for Proceeding
 - 1988-05-23 - Cancellation Instituted No. 999999
 - 1985-07-09 - Registered - Principal Register
 - 1985-04-30 - Published for opposition
 - 1985-03-29 - Notice of publication
 - 1985-02-19 - Approved for Pub - Principal Register (Initial exam)
 - 1985-02-14 - Non-final action mailed
-

CORRESPONDENCE INFORMATION

Correspondent

SUSAN L. HELLER
PILLSBURY, MADISON & SUTRO
P.O. BOX 7880
SAN FRANCISCO, CA 94120

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

Date: 01/16/99

Sheet: 1/2

Customer Name: [Illegible]
Address: [Illegible]
City: [Illegible] State: [Illegible] Zip: [Illegible]
Phone: [Illegible] Fax: [Illegible]
Salesperson: [Illegible]

IMC 1508250

Payment Terms: [Illegible] Sales Rep: [Illegible] Cust. PO: [Illegible]

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

Serial: 951448

JC 0399

CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER

Sales Tax: [Illegible]
Freight: [Illegible]

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: 909-390-8997

Sales Order 05-11798 98193

Ship to: [Redacted]
B.O.#:
Ship Name:
Full name: [Redacted]

7500 Historic [Redacted]

7500 Historic [Redacted]
Suite 260

IMC #506751

Payment Terms

Sales Rep. [Redacted]

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

Sales Order

06 16799

16 16799

76079

16799

Ship To: [illegible]

50% B. ONTARIO

100% [illegible]

IMC #506751

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

Serial: 960233

JC 0395

CONFIDENTIAL SUBJECT
TO PROTECTIVE ORDER

THANK YOU!

Sales Tax

00

Jackson / Charvel, Inc.

Division of Akai Musical Instrument Corp.

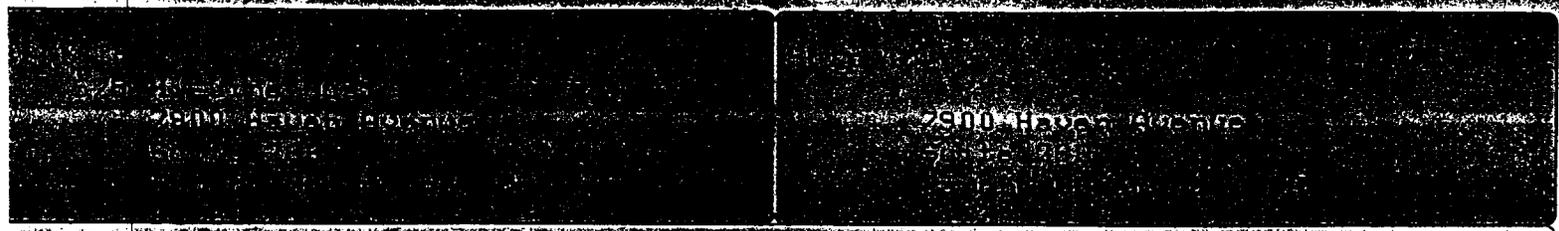
1452 E. Airport Drive Suite B

Ontario, CA 91761 U.S.A.

909-390-8994 FAX: 909-390-8997

NOV 18 1999
Sales Order: 01118797 25902

Ship to: ONYX 5011
P.O. Box ONYX 5011
Santa Ana, CA



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, 5GB IMC-12 JJ/SURF/TRAD	54.0000	108.00

JC 0397

CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER

THANK YOU

Sales: 00

EXHIBIT 2

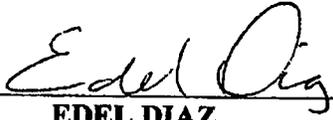
3. During my tenure at Jackson/Charvel, I have always equated the SAN DIMAS brand with the CHARVEL line of production and custom-made guitars made in Jackson/Charvel's custom shop. Jackson/Charvel's marketing/sales strategy has been consistent with this approach.

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

**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 MARK VAN VLEET

Mark Van Vleet, pursuant to 28 U.S.C. Section 1746, declares as follows:

1. My name is Mark Van Vleet, 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 Corporate Secretary and General Counsel of Fender Musical Instruments Corporation ("FMIC") and Jackson/Charvel Manufacturing, Inc. ("JCMI").¹ I participated in the negotiation of and drafting associated with JCMI's purchase of certain assets of Akai Musical Instrument Corporation's ("AMIC") Jackson/Charvel division,² which included its electric guitar and bass product lines and intellectual property. JCMI consummated its purchase of certain assets from Jackson/Charvel on October 25, 2002, pursuant to the terms of a Purchase and Sales Agreement between JCMI and AMIC. As part of the transaction, AMIC assigned Jackson/Charvel's intellectual property rights, including its "entire right title and interest in the common law rights, goodwill or other rights to trademarks and tradenames used by AKAI

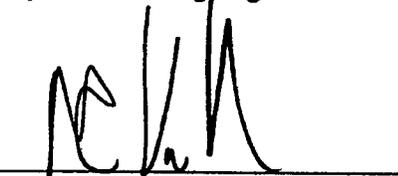
¹ JCMI is a wholly owned subsidiary of FMIC.

² Upon information and belief, prior to being a division of AMIC, Jackson/Charvel was owned by International Music Company ("IMC"). For ease of reference, JCMI and all of its predecessors in interest are referred to herein as "Jackson/Charvel."

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 25th, 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

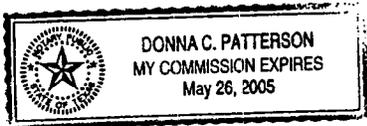


EXHIBIT 4

**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 JOHN WALKER

John Walker, pursuant to 28 U.S.C. Section 1746, declares as follows:

1. My name is John Walker, 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 Marketing Manager for Jackson/Charvel Manufacturing, Inc. ("JCMI"). My primary responsibilities include brand management, product development, artist relations, marketing, advertising and promotions, and pricing for the JACKSON and CHARVEL product lines. I also monitor the sales figures for JCMI's guitars. I started working at JCMI in May 2003.

3. When I started working at JCMI, Donald Wade, the former Marketing Manager for JCMI, had already proposed selling a Jackson/Charvel "25th Anniversary" SAN DIMAS guitar to celebrate the inaugural sale of a Jackson/Charvel¹ guitar in 1979. Accordingly, a "25th Anniversary" SAN DIMAS guitar was already in the planning stages when I joined

¹ Throughout my Declaration, JCMI and all of its predecessors in interest, which include companies such as International Music Company ("IMC") and Akai Musical Instruments Corporation ("AMIC"), are referred as "Jackson/Charvel" for ease of reference.

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.

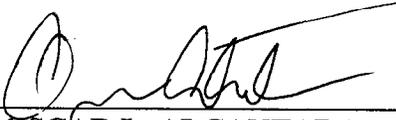
Oscar L. Alcantara, Esq., pursuant to 28 U.S.C. Section 1746, declares as follows:

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 JCFI'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. Karotki, 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 1072 (Rev. 4/2000)
OMB Control No. 5031-9009 (Exp. 08-31-2004)

Trademark/Service Mark Application, Principal Register, with Declaratio

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

To the Commissioner for Trademarks:

MARK: SAN 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) a 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. Karottki, 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



FILING DATE:

2003/10/11

SERIAL NUMBER:

78/312464



TRADEMARK APPLICATION

FEE RECORD SHEET

RAM SALE NUMBER: 436

RAM ACCOUNTING DATE: 20031014

Description	Fee Code	Fee Amount	Number Of Classes	Total Fees Paid
New App	7001	335	1	335

EXHIBIT B

To: Jackson/Charvel Manufacturing, Inc. (tmapps@goldbergkohn.com)
Subject: TRADEMARK APPLICATION NO. 78312464 - SAN DIMAS - 1719502
Sent: 4/30/04 1:30:27 PM
Sent As: ECom115
Attachments: Attachment - 1
Attachment - 2
Attachment - 3

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/312464

APPLICANT: Jackson/Charvel Manufacturing, Inc.

CORRESPONDENT ADDRESS:

Oscar Alcantara
Goldberg Kohn
Suite 3700
55 East Monroe
Chicago, IL 60603

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

MARK: SAN DIMAS

CORRESPONDENT'S REFERENCE/DOCKET NO: 1719502

CORRESPONDENT EMAIL ADDRESS:

tmapps@goldbergkohn.com

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.

Serial Number 78/312464

The assigned examining attorney has reviewed the referenced application and determined the following.

Section 2(d) - Likelihood of Confusion Refusal

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d), because the applicant's mark, when used on or in connection with the identified goods/services, so resembles the mark in U.S. Registration No. 2772766 as to be likely to cause confusion, to cause mistake, or to deceive. TMEP §§1207.01 *et seq.* See the enclosed registration.

The examining attorney must analyze each case in two steps to determine whether there is a likelihood of confusion. First, the examining attorney must look at the marks themselves for similarities in appearance, sound, connotation and commercial impression. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). Second, the examining attorney must compare the goods or services to determine if they are related or if the activities surrounding their marketing are such that confusion as to origin is likely. *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re International Telephone and Telegraph Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Products Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978). TMEP §§1207.01 *et seq.*

In this case, the marks are highly similar and the goods are identical. Purchasers encountering both marks in the marketplace would likely mistakenly believe that SAN DIMAS electric guitars and SAN DIMAS GUITARS THE CALIFORNIA GUITAR COMPANIES' guitars emanated from the same source. Since source confusion is likely, registration must be refused under Trademark Act Section 2(d).

2(e)(2) - Geographically Descriptive Refusal

The examining attorney refuses registration on the Principal Register because the mark is primarily geographically descriptive of the applicant's goods. Trademark Act Section 2(e)(2), 15 U.S.C. §1052(e)(2); TMEP §§1210.01(a) and 1210.04(b).

The primary significance of the term "SAN DIMAS" is geographic, and applicant's goods come from the geographical place named in the mark. Please see the attached internet evidence. Therefore, a public association of the goods/services with the place is presumed. *In re JT Tobacconists*, 59 USPQ2d 1080 (TTAB 2001); *In re U.S. Cargo, Inc.*, 49 USPQ2d 1702 (TTAB 1998); *In re Carolina Apparel*, 48 USPQ2d 1542 (TTAB 1998); *In re Chalk's International Airlines Inc.*, 21 USPQ2d 1637 (TTAB 1991); *In re California Pizza Kitchen*, 10 USPQ2d 1704 (TTAB 1989); *In re Handler Fenton Westerns, Inc.*, 214 USPQ 848 (TTAB 1982). TMEP §1210.04(b).

If the primary significance of a mark is to indicate a geographic location which is neither obscure nor remote and the applicant's goods are manufactured or produced in the location indicated, then the public is likely to believe that the geographic term identifies the place from which the goods originate. See *In re Nantucket Allserve, Inc.*, 28 USPQ2d 1144 (TTAB 1993). The applicant must indicate specifically whether the goods will be manufactured or produced in, or will have any other connection with, the geographic location named in the mark. 37 C.F.R. §2.61(b); TMEP §1210.03.

If the applicant has any questions, please contact the undersigned.

/Janice L. McMorrow/
Examining Attorney

Law Office 115
703/308-9115 x 170

How to respond to this Office Action:

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

To check the status of your application at any time, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov/>

For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.

Print: Apr 30, 2004

78190509

DESIGN MARK

Serial Number

78190509

Status

CANCELLATION PENDING

Word Mark

SAN DIMAS GUITARS THE CALIFORNIA GUITAR COMPANY

Standard Character Mark

No

Registration Number

2772766

Date Registered

2003/10/07

Type of Mark

TRADEMARK

Register

SUPPLEMENTAL

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner

Prins, Lloyd A. INDIVIDUAL UNITED STATES 2323 Via Saldivar Glendale
CALIFORNIA 91208

Goods/Services

Class Status -- ACTIVE. IC 015. US 002 021 036. G & S: MUSICAL
INSTRUMENTS, NAMELY ELECTRIC GUITARS AND ELECTRIC BASSES. First Use:
2002/10/24. First Use In Commerce: 2002/10/24.

Disclaimer Statement

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "GUITARS" and "GUITAR
COMPANY" APART FROM THE MARK AS SHOWN.

Filing Date

2002/12/03

Amended Register Date

2003/06/19

Examining Attorney

BEVERLY, JOSETTE

San Dimas
Guitars

The California Guitar Company

EXHIBIT C

To: Jackson/Charvel Manufacturing, Inc. (tmapps@goldbergkohn.com)
Subject: TRADEMARK APPLICATION NO. 78312464 - SAN DIMAS - 1719502
Sent: 4/12/2005 1:08:01 PM
Sent As: ECOM115@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/312464

APPLICANT: Jackson/Charvel Manufacturing, Inc.

78312464

CORRESPONDENT ADDRESS:

Oscar Alcantara
Goldberg Kohn
Suite 3700
55 East Monroe
Chicago, IL 60603

RETURN ADDRESS:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

If no fees are enclosed, the address should include the words
"Box Responses - No Fee."

MARK: SAN DIMAS

CORRESPONDENT'S REFERENCE/DOCKET NO: 1719502

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:
tmapps@goldbergkohn.com

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

Serial Number 78/312464

NOTICE OF SUSPENSION

The examining attorney acknowledges receipt of applicant's communication filed November 1, 2004. While all refusals are maintained, at the applicant's request ction on this application is suspended pending the disposition of:

- Cancellation No(s). **92042614**

If the applicant is a party to the above proceeding, the applicant should advise the Examining Attorney of the outcome of the proceeding when it is terminated.

NOTICE: FEE CHANGE

Effective January 31, 2005 and pursuant to the Consolidated Appropriations Act, 2005, Pub. L. 108-447, the following are the fees that will be charged for filing a trademark application:

(1) \$325 per international class if filed electronically using the Trademark Electronic Application System (TEAS);
or

(2) \$375 per international class if filed on paper

These fees will be charged not only when a new application is filed, but also when payments are made to add classes to an existing application. If such payments are submitted with a TEAS response, the fee will be \$325 per class, and if such payments are made with a paper response, the fee will be \$375 per class.

The new fee requirements will apply to any fees filed on or after January 31, 2005.

NOTICE: TRADEMARK OPERATION RELOCATION

The Trademark Operation has relocated to Alexandria, Virginia. Effective October 4, 2004, all Trademark-related paper mail (except documents sent to the Assignment Services Division for recordation, certain documents filed under the Madrid Protocol, and requests for copies of trademark documents) must be sent to:

**Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451**

Applicants, attorneys and other Trademark customers are strongly encouraged to correspond with the USPTO online via the Trademark Electronic Application System (TEAS), at <http://www.uspto.gov/teas/index.html>.

Janice L. McMorrow

/JLM/

Trademark Examining Attorney