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

Proceeding	92052197
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Attachments	Declaration of Clary 2.pdf ( 3 pages )(42172 bytes )

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## DECLARATION OF THOMAS CLARY

My name is Thomas Clary and I reside in Alton, Missouri. I am the founder and president of the Yenko Sportscar Club, and am personally familiar with the facts set forth in this Declaration.

I founded the Yenko Sportscar Club in 1998 pursuant to the written permission and license of the Estate of Donald Frank Yenko. Since that time the Club has developed and continues to enjoy a large following of devoted automobile enthusiasts. One of the numerous services which the Club provides to its members and to the automobile collector community is that of keeping updated records of all YENKO automobiles and of their present owners and locations.

The Club also maintains a website at [www.yenko.net](http://www.yenko.net) where its members and other enthusiasts can learn about Don Yenko's history and achievements and keep track of the ownership of the many original YENKO high-performance cars that still remain in existence. The following exhibits, taken from the Club's website, illustrate how strong the YENKO name and brand remain after almost fifty years:

15. Don Yenko personal history (Discovery Production No. 31)
16. Summary history of Yenko automobiles, 1966-1981 (Initial Disclosure Ex. 5, Discovery Production No. 30)
17. Detailed history of Yenko models, years, and production numbers (Initial Disclosure Ex. 4)

The continuing enthusiasm for Yenko automobiles and Yenko-related merchandise is further illustrated by the following photographs taken at a November 2009 high-performance

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auto show in Chicago, Illinois. The first shows a selection of several YENKO automobiles, mostly original, while the second shows a group of scale models (not “toys”) which faithfully reproduce the details of the originals. I believe that at least some of the latter group were made by the former owner of the trademark registration in question, Supercar Collectibles, until that registration was purchased by Jeff Leonard or one his corporations.

19. Photo Group: Original and replica YENKO cars at 11/2009 Chicago Show (Initial Disclosure Ex. 12, Discovery Production No. 28)

20. Photo Group: YENKO Model Cars At November 2009 Chicago Show (Initial Disclosure Ex. 13)

In my position as founder and president of the Club, and as a long-time auto enthusiast, I also try to follow the popular automotive press and keep current on items of current interest. In that respect I have personally observed a strong continuing general interest in YENKO automobiles, as exemplified by the following examples of recent publications:

20. MOTOR TREND CLASSIC magazine, Spring 2010 special edition – cover and eight internal pages of photos and text (Initial Disclosure Ex. 6)

21. POPULAR MECHANICS magazine article reprint, Spring 1997 (Initial Disclosure Ex. 7)

22. ROTTEN TOMATOES Internet movie review, “The Fast And The Furious”, 2009 (Initial Disclosure Ex. 8)

23. THE FAST LANE Internet advertisement for replica Yenko Camaro S/C, Spring 2010 (Initial Disclosure Ex. 9)

24. CAR TECH advertisement for book “YENKO, The Man, The Machines, The Legend”, 2010 (Initial Disclosure Ex. 10)

Finally, and again from my personal knowledge, I can say with authority that there is today a strong and active market in genuine (and even “replica”) YENKO automobiles, often at

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very high prices, as exemplified by the following 2008 Internet advertisement for a supposedly original 1957 YENKO Corvette:

25. Internet ad: 1957 Yenko Wildfire Corvette offered for \$140,000 (2/13/2008)  
(Discovery Production No. 38)

In conclusion, both from my personal knowledge and in my opinion as the founder and long-time president of the Yenko Sportscar Club, the existence of unauthorized sellers of products and services under the YENKO name and marks by individuals such as Jeff Leonard and his companies has caused and is continuing to cause confusion in the automotive trade and among enthusiasts and collectors of vintage American high-performance automobiles and accessories. It is also causing economic harm to the Yenko Estate and heirs by depriving them of their proper right to control and profit from the licensing of Don Yenko's name, marks and reputation.

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. 1001, declares that all statements of his own knowledge hereinabove are true, and all statements made on information and belief are believed to be true.

Signed: /Tom Clary/

Tom Clary

Date: 4-21-2011