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

Proceeding	92052197
Party	Defendant Supercar Collectibles Limited
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of United States Trademark Registration No. 2,049,847

Terri Yenko Gould, Executor)	
)	Cancellation No.:92052197
Petitioner,)	
)	
vs.)	
)	
General Marketing Capital, Inc./Supercar)	
Collectables Limited)	
)	
Respondents.)	
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RESPONDENTS' OBJECTIONS AND MOTION TO RE-SRIKE

Respondents respectfully request that all expert testimony and testimonial declarations filed by Petitioner in violation of the Board's order of June 17, 2011 (Paper No. 40) be stricken and not considered by the Board.

Previously Stricken Testimonial Declarations Re-Filed by Petitioner

In its June 17, 2011 Order, the board granted Respondents' motion to strike four (4) testimonial declarations and accompanying exhibits that had been improperly filed by Petitioner without stipulation from Respondents. The Board also re-opened the testimony period to allow Petitioner to take proper testimonial depositions.

During the testimonial depositions, Petitioner referenced and/or introduced as "exhibits" the previously-stricken testimonial declarations. This was done over Respondent's objections. These

improper testimonial declarations were re-filed by Petitioner along with the new testimonial deposition transcripts and Respondents hereby request that these improper testimonial declarations be, one again, stricken from the record.

In the Teri Yenko Gould deposition, her previously stricken declaration was not numbered as an exhibit but was nonetheless filed as an attachment to the deposition transcript.

In the deposition of Tom Clary his previously-stricken testimonial declaration was marked as filed as "Petitioner's Exhibit No. 26" (see page 6 of the Clary deposition transcript).

In the deposition of Lester Quam a previously-stricken declaration was marked and filed as Petitioner's Exhibit 36 (see page 10 of the Bullwinkel deposition transcript).

These testimonial declarations were re-filled by Petitioner in violation of the Board's prior order granting Respondents' motion to strike. Calling them "exhibits" doesn't make them admissible. It is hereby requested that they be, once again, stricken.

Expert Testimony Filed in Violation of Board's Order

The Board's June 17, 2011 order also precluded Petitioner from introducing any expert opinion testimony because Petitioner failed to serve the required pretrial expert disclosure. During the testimonial depositions taken after the Board's June 17, 2011 order, Petitioner elicited expert opinion testimony on several occasions over the objections of Respondents. Respondents hereby request that such expert opinion testimony be stricken from the deposition transcripts prior to consideration of the testimony by the Board. The locations of the objected-to expert testimony is summarized in the table attached to this paper.

Further briefing on these objections is not seen to be necessary or required by the rules of practice, but will be promptly provided if requested by the Board.

December 30, 2011

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Appendix A--Expert Opinion Objections

Witness	Ref. to Expert Opinion	Quotes
Tom Clary	P10L14	“Q. What does that indicate to you, as a long time auto enthusiast, about the continuing interest of the public in Yenko and its automobiles?”
	P10L18	“MR. BUYAN: Objection to the question on the grounds that it illicit an expert opinion”
	P17L8	“So Tom, from your personal knowledge, your personal experience, not as an expert in any kind of marketing. In your opinion, have you observed an active market and interest in Yenko automobiles at the present time?”
	P17L13	“A. Yes. MR. BUYAN: Objection to the question on the grounds that it requires an expert opinion from Mr. Clary.”
	P17L17	“Q. Again, Tom, in your personal experience what kind of prices do genuine Yenko automobiles bring on the open market today? Give us an example, perhaps.”
	P17L21	“MR. BUYAN: Objection to the question on grounds that it requires an expert opinion from Mr. Clary.”
Lester Quam	P14L11	“Q. And as collector

		<p>yourself, what does that indicate to you about the viability of the Yenko name in today's automotive market.</p> <p>A. The name is still very viable and active –“</p>
	P14L16	<p>“MR. BUYAN: Objection to the question on grounds of it elicits an expert opinion from Mr. Quam.”</p>
	P16L7	<p>“Q. Les, speaking from your own personal experience and as an individual, would you be interested in buying a Yenko brand new automobile from Jeff Leonard or his company?</p> <p>A. No.</p> <p>Q. Why not?”</p>
	P16L13	<p>“MR. BUYAN: I am going to interpose an objection to the question on the grounds that it calls for an expert opinion.”</p>
	P17L21	<p>“Q. Again, from your own personal knowledge and observation, how does the manufacturer of branded automobiles bearing the name of a formerly famous person effect the value of automobiles today?”</p>
	P18L2	<p>“MR BUYAN: I will interpose an objection. It calls for an expert opinion.”</p>

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing RESPONDENTS' OBJECTIONS AND MOTION TO RE-STRIKE has been served on George E. Bullwinkel, Esq. by mailing said copy on March 30, 2012, via first Class Mail, postage prepaid to:

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