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

Proceeding	92052197
Party	Plaintiff Terri Yenko Gould, Executor
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Date	04/22/2011
Attachments	Declaration of Quam (draft) 2.pdf (3 pages)(101971 bytes)

DECLARATION OF LESTER QUAM

(Unsigned draft of April 20, 2011)

My name is Lester Quam and I reside in Chicago, Illinois. I am an attorney, and also the owner of two original YENKO high-performance automobiles and a long-time member and supporter of the Yenko Sportscar Club. I am personally familiar with the facts set forth in this Declaration.

In October of 2009 I was asked by Terri Yenko Gould, as Executor of Don Yenko's estate, to investigate the apparent misappropriation of the Yenko name and trademarks by an aftermarket auto parts supplier named Steve Leonard, and his company General Marketing Capital, Inc. In the course of my investigation I discovered that Mr. Leonard had announced that he was introducing a “new” YENKO Camaro at the 2009 SEMA show in Las Vegas, Nevada. I personally attended that show and saw the subject automobile, as pictured in the photos below.



As is apparent from the photos, the subject automobile bore numerous indicia of apparent sponsorship or approval by Don Yenko's estate, including the name YENKO, the Yenko crest, and the symbol “sYc”, which is known to the automotive community as standing for “Yenka Sports Cars” or “Yenka Super Car”. I therefore immediately contacted Ms. Yenka Gould and

asked her about it. She confirmed that she had never been asked nor had she ever authorized or approved Mr. Leonard's adoption and use of the Yenko name and trademarks in this manner.

When I looked further into the matter and determined that Mr. Leonard had caused several press releases to be issued to the automotive press, claiming to have “purchased” the rights to use the Yenko name and marks. My investigation turned up several instances of these false claims, as shown in the following exhibits submitted with Ms. Yenko Gould's Declaration:

8. GMCI press release (from Chevy High Performance Magazine Internet blog) *“Yenko Muscle Car Legend Set To Return”*; *“Jeff Leonard is the man behind. General Marketing Capital Incorporated (GMCI), which currently has ownership of the Yenko trademark...”* (Discovery Production No. 32)
9. GMCI press release: *“Official 2010 Yenko Camaro Prototype Debuts at SEMA”* (11/3/2009) (Discovery Production No. 35)
10. GMCI press release: *“Westminster, Calif. – (October 14, 2009) As the 45th Anniversary of the Yenko legacy draws near, General Marketing Capital Incorporated (GMCI) announced today its ownership of the classic trademark”* (Discovery Production No. 36)
11. GMCI press release (from Autoblog) *“Yenko brand brought back to life”* (11/03/2009) (Discovery Production No. 26)
12. GMCI press release (from AutoGuide) *“GMCI has just announced that it has purchased the Yenko name and brand”* (Discovery Production No. 27)
13. Camaro Forum (Internet thread) comments on GMCI's announcement of its *“ownership of the classic trademark”* (Oct 2009) (Discovery Production No. 37)
14. GMCI press release (from Sports Car Market (2009), Jeff Leonard's claim of *“officially licensed Yenko products”* (Discovery Production No. 10)

I am also personally familiar with the continuing popularity and interest in Yenko automobiles from my many years of following the collector hobby, and from my own experiences with the Yenko Sportscar Club, its events and publications. This is further shown by the number of trade publications and Internet chat rooms which picked up and repeated Mr. Leonard's claim to be the “owner” of the Yenko name and marks, as exemplified by the exhibits listed above. It is also shown by the numerous scale models of Yenko automobiles which have

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been put on the market, including those made by, or purportedly licensed by, the prior owner of the trademark registration for “toy cars” which is at issue in this cancellation proceeding.

From my personal knowledge and experience in the field of high-performance automobiles, and particularly vehicles with high collector value because of their heritage and history, it is my opinion that the unauthorized appropriation and use of the Yenko name and marks by Mr. Leonard and his companies will have the natural and probable effect of diluting their value, causing confusion in the automotive marketplace as to source, and cause financial injury to the Estate of Don Yenko and his heirs.

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: _____

Date: _____