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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
Correspondence Address	George E. Bullwinkel 425 Woodside Avenue Hinsdale, IL 60521 UNITED STATES geb@bullwinkel.com
Submission	Testimony For Plaintiff
Filer's Name	George E. Bullwinkel
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Signature	/George E. Bullwinkel/
Date	04/22/2011
Attachments	INDEX OF PETITIONER'S EXHIBITS.pdf (3 pages)(89814 bytes) 01. Estate - Will of Donald F. Yenke.pdf (1 page)(374150 bytes) 02. Estate - Adjudication and decree.pdf (1 page)(534851 bytes)

INDEX OF TESTIMONIAL EXHIBITS

A. Testimonial Declaration of Terri Yenke Gould

1. Last will and testament of Donald Frank Yenke (Initial Disclosure Ex. 1, Discovery Production No. 6)
2. Adjudication and decree, No. 63-87-0349, PA Court of Common Pleas (1994) (Discovery Production No. 3)
3. Letters of administration, No. 63-87-0349, 4/7/1989 (Discovery Production No. 4)
4. Certificate of grant of letters of administration, 10/8/2010 (Discovery Production No. 5)
5. YENKO general history (Initial Disclosure Ex. 3)
6. Letter of permission (license) dated January 26, 1998 from the agent of the Estate of Donald Frank Yenke to the Yenke Sportscar Club of Alton, Missouri (Initial Disclosure Ex. 2).
7. Photo: former Yenke Chevrolet dealership, Cannonsburg, PA (abandoned) 3/19/2008 (Discovery Production No. 29)

B. Testimonial Declaration of Lester Quam

8. GMCI press release (from Chevy High Performance Magazine Internet blog) "*Yenke Muscle Car Legend Set To Return*", "*Jeff Leonard is the man behind. General Marketing Capital Incorporated (GMCI), which currently has ownership of the Yenke trademark...*" (Discovery Production No. 32)
9. GMCI press release: "*Official 2010 Yenke 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 Yenke 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) "*Yenke 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 Yenke 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)

C. Testimonial Declaration of Thomas Clary

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)
18. Photo Group: Original and replica YENKO cars at 11/2009 Chicago Show (Initial Disclosure Ex. 12, Discovery Production No. 28)
19. Photo Group: YENKO Model Cars At November 2009 Chicago Show (Initial Disclosure Ex. 13)
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)
25. Internet ad: 1957 Yenko Wildfire Corvette offered for \$140,000 (2/13/2008) (Discovery Production No. 38)

B. Testimonial Declaration of George E. Bullwinkel

26. Cease-and-desist letter to Supercar Collectibles (respondent's predecessor in interest) (12/11/2009) (Initial Disclosure Ex. 16; Discovery Production No. 18)

27. Photo: Revell “69 Camaro Yenko/SC 427 Coupe” model car (Discovery Production No. 13)
28. Letter, attorney Bullwinkel to Revell, Inc., February 12, 2010 (Initial Disclosure Ex. 15)
29. Revell attorney's letter claiming its scale model cars are licensed under YENKO mark, 3/9/2010 (Discovery Production No. 14)
30. Assignment of Reg. 2049857 by Supercar Collectible [sic] to General Marketing Capital, Inc. (9/9/2010) (Discovery Production No. 21)
31. Summary of YENKO and sYc trademark registrations and applications, 12/9/2009, updated to 4/19/2011 (Discovery Production No. 39, updated)
32. U.S. Trademark Act, §14 (15 U.S.C. § 1064, highlighted) (Discovery Production No. 17)
33. California Civil Code §3344, §990 (Right of Publicity) (Initial Disclosure Ex. 18, Discovery Production No. 15)
34. Pennsylvania statute, Ch. 83, § 8316 (Right of Publicity) (Initial Disclosure Ex. 17, Discovery Production No. 16)

LAST WILL AND TESTAMENT

OF

DONALD F. YENKO

I, DONALD F. YENKO, of Peters Township, Washington County, Pennsylvania, do make this my Will, hereby revoking any and all Wills at any time heretofore made by me.

FIRST: I direct that the expenses of my last illness and funeral be paid out of my estate as soon as may be convenient after my death.

SECOND: I give so much of my tangible personal property to my children, LYNN HOPE ROBERTS and TERRI LEE YENKO, as they each may select. Any unselected items shall be sold and the proceeds distributed as part of the rest of my estate.

THIRD: I give, devise and bequeath all the rest, residue and remainder of my estate to MARTHA YENKO, as Trustee, to hold in trust for my children, LYNN HOPE ROBERTS and TERRI LEE YENKO, or such of them as survive me; provided, however, that the share of any child of mine shall be retained in a separate Trust as follows:

(A) The Trustee shall hold the principal of each Trust and shall pay the net income therefrom in monthly installments to said child, such payments to continue until said child attains the age of thirty-five (35) years. Further, during the period of time that the income from the Trust or Trusts is being so distributed, the Trustee is authorized to pay and distribute to or for the benefit of said child so much of the principal from each Trust - to its exhaustion - as the Trustee, in her complete discretion, deems advisable for said child's comfort,

In the Court of Common Pleas of Washington County,
Pennsylvania Orphans' Court Division

ESTATE OF

DONALD F. YENKO a/k/a DON

YENKO a/k/a DON F. YENKO,

DECEASED.

No. 63-87-0349

In the matter of the Supplemental

Account of TERRI YENKO-GOULD,

Administratrix D.B.N.C.T.A.

ADJUDICATION AND DECREE

COPY

And now _____, 19 94, this matter having come on for hearing, audit and distribution and testimony taken; upon due consideration thereof, the balance for distribution in the hands of the Accountant is determined to be \$ _____ and the account is accordingly confirmed; and it is ordered, adjudged and decreed that the said balance be paid out by the Accountant in accordance with the schedule of distribution hereto attached and made a part hereof, unless exceptions hereto, be filed sec. reg. or an appeal taken herefrom sec. leg.

SCHEDULE OF DISTRIBUTION

Supplemental		
Balance per /account		\$ 242,988.10
Interest and other Income	5,134.87	
Gain on Conversion of Assets	420,577.25	
Disbursements	(95,099.48)	
Personal Property (distribution & loss)	(13,000.00)	
Balance as per Supplemental Petition Sur Audit		\$ 588,671.09
Attorney JOHN W. LATELLA, ESQUIRE		
To: LATELLA & NERONE (Legal fees and expenses)	8,298.50	
To: TERRI YENKO-GOULD, Administratrix D.B.N.C.T.A. (Distribution suspended for future Estate obligations)	14,000.00	
To: LYNN YENKO SHELTON, Residuary Legatee	283,186.30	
To: TERRI YENKO-GOULD, Residuary Legatee	283,186.29	\$ 588,671.09

Any interest earned on Estate bank account subsequent to the Supplemental Petition Sur Audit shall be distributed in equal shares to: LYNN YENKO SHELTON and TERRI YENKO-GOULD.