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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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Submission	Testimony For Plaintiff
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Date	08/10/2011
Attachments	Lester Quam 7-10-2011.pdf (60 pages)(3068920 bytes)

OFFERED BY PLAINTIFF

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

TERRI YENKO GOULD,)
Executor,)
)
Petitioner,)
)
vs.)
)
SUPERCAR COLLECTIBLES,)
LIMITED,)
)
Defendant.)

Cancellation
92052197

ORIGINAL

The deposition of LESTER QUAM, called by
Petitioner for examination, taken pursuant to the
Federal Rules of Civil Procedure for the United States
District Courts pertaining to the taking of
depositions, taken before DEBRA MUTH HASS, a Notary
Public within and for the County of Cook, State of
Illinois, and a Certified Shorthand Reporter of said
state, taken at 3240 West Irving Park Road, Chicago,
Illinois 60618, on Monday, July 18, 2011 at 10:00 AM
CST.

1 APPEARANCES:

2

3

GEORGE E. BULLWINKEL
425 Woodside Avenue
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5 630-214-3210, by:
MR. GEORGE E. BULLWINKEL
6 (geb@bullwinkel.com),

7

appeared on behalf of the Petitioner;

8

9

STOUT, UXA, BUYAN & MULLINS, LLP
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949-450-1764, facsimile, by:
12 MR. ROBERT D. BUYAN,

11

12

13

appeared via telephone on behalf of the
Respondent.

14

15

16

REPORTED BY:

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DEBRA MUTH HASS, CSR, RPR.
Illinois Certified Shorthand Reporter
License No. 84-1299
18 Registered Professional Reporter

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I N D E X

WITNESSEXAMINATION

LESTER QUAM

Direct Examination by Mr. Bullwinkel	4
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E X H I B I T S

<u>PETITIONER'S DEPOSITION EXHIBITS</u>	<u>FIRST REFERRED TO</u>
(Not attached hereto)	

No. 36	7
Nos. 8-14	9
Nos. 18-19	18

RESPONDENT'S EXHIBITS

Nos. 1, 2 and 3	8
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1 (WHEREUPON, the witness was duly sworn.)

2 LESTER QUAM,

3 called as a witness herein, having been first duly

4 sworn, was examined and testified under oath as

5 follows:

6 DIRECT EXAMINATION

7 BY MR. BULLWINKEL:

8 Q. I am going to ask you some background

9 questions and show you some exhibits and try to take

10:18AM 10 you through this as quickly as we can.

11 State your full name and where you live
12 today.

13 A. Lester Quam. I live in Las Vegas,
14 Nevada; 9229 White Tail.

15 Q. What is your trade or business?

16 A. I am in the restaurant business
17 primarily.

18 Q. Are you also a licensed attorney?

19 A. Correct.

10:19AM 20 Q. In what states?

21 A. Nevada, Colorado, Illinois and Florida.

22 Q. Going back to your experience with
23 automobiles -- by the way, how old are you, sir?

1 A. Fifty-three.

2 Q. When in your life did you pick up an
3 interest in high-performance automobiles?

4 A. Very young, as a child, and then as I
5 worked in the gas station in high school.

6 Q. Did you acquire one or more
7 high-performance automobiles during that -- during
8 your career?

9 A. Oh, yes.

10:19AM

10 Q. In particular, did you pick up an
11 interest in Yenko automobiles?

12 A. Yes, I did in the mid 1980's.

13 Q. And how did that start and what is the
14 status of your interest today?

15 A. It started out as they were trying to
16 determine if in fact 427 Chevrolet engines were ever
17 installed in Camaros in dealers; and at that factory
18 there was a lot of rumors but not any concrete
19 information, and that led to finally records being
20 released, collected, came to the determination that
21 these cars existed and then when I could finally afford
22 a couple of them, I bought a few of them a few years
23 ago.

10:20AM

1 Q. Today, do you own any original Yenko
2 automobiles?

3 A. 1968 Yenko Camaro and a 1969 Yenko
4 Camaro.

5 Q. Have you been associated with the Yenko
6 Sports Car Club?

7 A. I had been a member for four or
8 five years now; six years maybe.

9 Q. Are you acquainted with Tom Clary, the
10 president of the club.
10:20AM

11 A. Yes.

12 Q. And lastly, are you acquainted with or
13 do you know Terri Yenko Gould?

14 A. I know her.

15 Q. I am going to take you through some of
16 the things that were in your Declaration which I know
17 there are objections to, but let me ask you the
18 questions.

19 In October of 2009, did you get a
20 request from Terri Yenko Gould to take any action with
21 regard to the cars that were being displayed at the
22 SEMA show in Las Vegas?
10:21AM

23 A. I believe after attending the show as a

1 resident of Vegas, I went to the show and then after
2 seeing the cars and hearing the information, I
3 contacted Terri and asked her if she was aware of it or
4 supporting it or behind it or any information she had
5 on it.

6 Q. What exactly did you see when you went
7 to the show?

8 A. My first recollection was a black and
9 silver 2010 Chevrolet Camaro with Yenko badging and
10 stripes on it and other, if I recall, modifications to
11 the engine and chassis.

12 Q. Did you take any photographs?

13 A. I did.

14 Q. For the purpose of identifying the
15 photographs, I am going to mark this your former
16 declaration as P36, I believe it is.

17 MR. BUYAN: We object to admissibility
18 of the Declaration on grounds that there has been no
19 stipulation for filing of trial testimony in affidavit
20 form and the Board has ordered this document stricken
21 from the record already.

22 MR. BULLWINKEL: Understood.

23 BY MR. BULLWINKEL:

1 Q. Will you look at P and the photographs
2 on it?

3 A. These are photographs that I took at the
4 2009 SEMA show of the silver and black Camaro with the
5 Yenko badging, and other Yenko memorabilia attached to
6 the car.

7 Q. Do they truly and accurately represent
8 what you saw at that time and place?

9 A. They do.

10:23AM 10 Q. After you saw that car at the SEMA show,
11 then tell us again what you did.

12 A. Contacted Terri Yenko Gould and spoke to
13 her. She asked me to send a letter to Mr. Leonard
14 asking him to stop what he was doing with these
15 particular cars.

16 Q. I seem to have misplaced -- oh, here it
17 is -- Mr. Buyan has marked certain documents as
18 Respondent's Exhibits 1 and 2. Let me ask you if you
19 recognize -- actually three, 1, 2 and 3; do you
20 recognize those documents (tendered)?

10:23AM

21 A. Correct. Respondent's Exhibit No. 1 was
22 a letter sent by my law associate Steven
23 Venit to Mr. Leonard -- actually to Mr. Vigil from SEMA

1 letting him know that the Yenke family was not
2 supporting this and not behind this car.

3 Respondent's Exhibit No. 2 was from
4 Mr. Virgil responding to our Complaint.

5 Respondent's Exhibit 3 was the letter
6 sent to Mr. Leonard, again, letting him know that we
7 represented Terri Yenke Gould and she would like him to
8 stop using the Yenke name in building this car.

9 Q. And after you sent those letters, was
10 the matter resolved with the company that was making
11 that car?

12 A. No.

13 Q. I am going now to just hand you a group
14 of exhibits that have been premarked as 8 through 14
15 and ask you to go through those and tell me if you can
16 recognize them. Here they are. (Tendered)?

17 A. Exhibit P8 is documents that have been
18 printed from the internet from different car web sites
19 advertising -- one purports to have a '68 Yenke Camaro
20 owned by Mr. Leonard and indicates that the brand has
21 been revived.

22 MR. BUYAN: We will object to Exhibit 8
23 on grounds of lack of authentication.

1 BY MR. BULLWINKEL:

2 Q. Tell me, Mr. Quam, if you saw each of
3 those on or about the time they appeared on the
4 internet or shortly thereafter?

5 A. They appeared on the internet on or
6 about PM November 2009 and this is exactly what I was
7 looking at on the internet at that time.

8 MR. BULLWINKEL: And again we are not
9 introducing for testimony truth of what's stated in
10 them but merely for the fact that they appeared.

10:26AM

11 BY MR. BULLWINKEL:

12 Q. Can you go to the next one?

13 A. They put me on notice that there was --
14 what was going on in the industry.

15 Petitioner's Exhibit Number 9 is another
16 document talking about Mr. Leonard, General Marketing
17 Capital, Inc. and a 2010 Yenko prototype built on a
18 Camaro SS platform. I have seen this both on internet
19 and also in Auto Week Magazine and a couple other trade
20 publications this exact press release.

10:26AM

21 Q. Which one is next?

22 A. That's Petitioner's Exhibit Number 9.

23 MR. BUYAN: We object to Exhibit 9 on

1 grounds of lack of authentication.

2 BY THE WITNESS:

3 A. Petitioner's Exhibit 10 is another press
4 release discussing General Marketing and Capital, Inc.
5 with a '68 Yenko Camaro purportedly owned by Jeff
6 Leonard talking about the brand still kicking around --
7 the Yenko brand 45 years later. That's Petitioner's
8 Exhibit Number 10.

9 MR. BUYAN: Object to Exhibit 10 on
10 grounds of lack of authentication.

10:27AM

11 BY THE WITNESS:

12 A. There is another press release again
13 purporting to be originated from General Marketing
14 Capital, Inc. talking about 45th Anniversary the Yenko
15 name is alive and well --

16 MR. BUYAN: Excuse me, what exhibit are
17 we referring to now?

18 THE WITNESS: Still talking about
19 Petitioner's Exhibit Number 10.

10:28AM

20 MR. BUYAN: So we are still on No. 10?

21 THE WITNESS: Yes, sir.

22 MR. BUYAN: Thank you.

23 BY THE WITNESS:

1 A. Talking about the 45th Anniversary of
2 the Yenko name is "Recaptures Yenko magic" and goes on
3 to discuss again that this particular car that's at the
4 SEMA show and again if I remember reading these both on
5 the internet trade publications such as Auto Week and
6 moving on now to Petitioner's Exhibit Number 11, again
7 this is -- this was seen on the internet and in trade
8 publications, "Yenko brand brought back to life. 2010
9 Chevrolet Camaro" and again Jeff Leonard's name and
10 GMCI, Inc. mentioned in this particular press release.

11 MR. BUYAN: We object to Exhibit 11 on
12 grounds of lack of authentication.

13 BY THE WITNESS:

14 A. No. 11 also refers to the car at the
15 SEMA show.

16 Petitioner's Exhibit Number 12 is again
17 a picture of a '68 Yenko Camaro owned by GMCI and Jeff
18 Leonard discussing the Yenko brand being reborn. Comes
19 off an internet website known as AutoGuide.com. And I
20 remember seeing that as well on the internet.

21 Petitioner's Exhibit 13 --

22 MR. BUYAN: We object to Petitioner's
23 Exhibit 12 on grounds of lack of authentication.

1 BY THE WITNESS:

2 A. Petitioner's Exhibit 13 comes from the
3 internet website Camaro5 and again it's a press release
4 from GMCI, Jeff Leonard talking about the Yenko brand
5 being reborn. I remember reading this on this Fifth
6 Generation Camaro website and this fairly and
7 accurately reflects what was on the website upon my
8 reading it.

9 MR. BUYAN: Object to 13 on grounds of
10 lack of authentication.

10:30AM

11 BY THE WITNESS:

12 A. Petitioner's Exhibit 14 is another press
13 release; pretty much recapitulation of the previous
14 GMCI documents -- actually doesn't talk about the Yenko
15 brand that I can -- I don't recall this one.

16 MR. BULLWINKEL: All right. We will go
17 on to the next one.

18 MR. BUYAN: Object to Exhibit 14 on
19 grounds of lack of authentication.

10:30AM

20 BY MR. BULLWINKEL:

21 Q. Okay. And now, I don't think there is a
22 need to mark this, but has your attention been drawn to
23 a newspaper article from yesterday's New York Times

1 that refers to the Yenko brand?

2 A. It has.

3 Q. Can you just describe briefly what the
4 article is and how it refers to it?

5 A. This is a -- in my hand is a New York
6 Times newspaper from the automobile section dated
7 Sunday, July 17, 2011, discusses a collector named
8 Dennis Auba who indicates the next car that he will be
9 collecting is a Chevrolet Vega Yenko that he is looking
10 for a Yenko copy automobile.

10:31AM

11 Q. And as collector yourself, what does
12 that indicate to you about the viability of the Yenko
13 name in today's automotive market?

14 A. The name is still very viable and active
15 --

16 MR. BUYAN: Objection to the question on
17 grounds of it elicits an expert opinion from Mr. Quam.

18 BY MR. BULLWINKEL:

19 Q. Now, Mr. Quam, are you aware that Mr.
20 Leonard's company, GMCI, has published a catalog in
21 which various Yenko products or parts are listed?

10:32AM

22 A. I am.

23 Q. And I am going to hand a copy to you,

1 not to be marked, but just to tell you -- ask you is
2 that a catalog that you have seen before?

3 A. It is a catalog I have seen before from
4 Classic Industries and there are several items with the
5 Yenko name on them in here for sale.

6 Q. In the index page, can you take a look
7 at the back and tell me how many pages it indicates
8 have Yenko brand products?

9 A. Sure. Pages 34, 35, Page 45, 49, 52 and
10 54.

10:33AM

11 MR. BUYAN: Objection, we only have two
12 pages of this exhibit.

13 MR. BULLWINKEL: Mr. Quam is simply
14 looking at the index. What you can do, Les, is just
15 tell me how many in terms of total number of references
16 are there on that page.

17 BY THE WITNESS:

18 A. Eighteen.

10:33AM

19 MR. BUYAN: We are going to object to
20 this exhibit in that it hasn't been provided to us in
21 its entirety. The copy that we have consists of two
22 pages, one is a cover page of a catalog that's
23 partially cut off, and the second is a single page from

1 what appears to be the index of a catalog, and it's
2 partially obliterated by a Post-It note and that's all
3 we have.

4 MR. BULLWINKEL: All right. Your
5 objection is noted.

6 BY MR. BULLWINKEL:

7 Q. Les, speaking from your own personal
8 experience and as an individual, would you be
9 interested in buying a Yenke brand new automobile from
10 Jeff Leonard or his company?

10:34AM

11 A. No.

12 Q. Why not?

13 MR. BUYAN: I am going to interpose an
14 objection to the question on the grounds that it calls
15 for an expert opinion.

16 BY MR. BULLWINKEL:

17 Q. The question is from your own background
18 and experience and as the owner of two Yenke
19 automobiles, would you be interested in buying such a
20 car? What was your answer?

10:34AM

21 A. No.

22 Q. And why not?

23 A. It's not a Yenke automobile.

1 MR. BUYAN: We couldn't understand the
2 witnesses answer.

3 THE WITNESS: I am sorry. It's not a
4 Yenko automobile. It's just a car with Yenko badging.

5 BY MR. BULLWINKEL:

6 Q. And in your personal experience, what
7 does it do to the value of your Yenko automobiles?

8 A. Diminishes the value of my automobiles.

9 Q. Do you have an example from your own
10 10:35AM experience of how the manufacturer of new versions of
11 older cars diminishes those values?

12 A. Well, the manufacturer without the
13 authorization of the original manufacturer's permission
14 is what I am referring to --

15 MR. BUYAN: We are not able to
16 understand the witnesses answer.

17 THE WITNESS: Okay. I will speak up.

18 Your question -- do you want to repeat
19 the question?

10:35AM 20 BY MR. BULLWINKEL:

21 Q. Again, from your own personal knowledge
22 and observation, how does the manufacturer of branded
23 automobiles bearing the name of a formerly famous

1 person effect the value of automobiles today?

2 MR. BUYAN: I will interpose an
3 objection. It calls for an expert opinion.

4 BY THE WITNESS:

5 A. From my experience from watching these
6 types of automobiles for the last 35 years, Carol
7 Shelby, a manufacturer of classic automobiles in the
8 '60s had his cars essentially branded, like in this
9 particular fashion as Cobras, several different
10 companies did it over the years and it's pretty much
11 diminished the value of his cars for decades now. And
12 it causes an enormous amount of confusion as to what's
13 a real Shelby and what's a real Cobra and what's not a
14 real Cobra, and that problem still exists for Carol
15 Shelby today.

16 MR. BULLWINKEL: I have no further
17 questions on direct. Excuse me, I have to go back one
18 more.

19 BY MR. BULLWINKEL:

20 Q. Les, would you take a look at
21 Petitioner'S Exhibits 18 and 19 and tell me if those
22 represent anything that you saw at a car show in
23 Chicago in December of 2009?

1 A. Petitioner's Exhibit 18 is -- are
2 pictures of Yenko vehicles taken at the Muscle Car
3 Corvette Nationals in November of 2009 in Chicago.
4 They are '70 Nova, '69 Chevelle, all these Yenko's, '69
5 Yenko Camaro and another '69 Yenko model modified.
6 Another Yenko Camaro '69 and a modified dragster with
7 the Yenko name on it. I recognize all the cars that
8 were at the show. I am one of the owners of a
9 Chevelle.

10:38AM

10 Q. Petitioner's Exhibit 19 are pictures of
11 model cars, 1/18 scale taken at the automobile
12 memorabilia section of the November 2009 Muscle Car and
13 Corvette National Show in Chicago in Rosemont,
14 Illinois, they all bear Yenko badging and have the
15 Yenko name on them.

16 As you were there at the show, do these
17 pictures truly and accurately represent what they
18 purport to show?

19 A. Yes.

10:38AM

20 MR. BULLWINKEL: Now, I have finished on
21 direct.

22

23

CROSS EXAMINATION

1

2 BY MR. BUYAN:

3 Q. Okay.

4 Mr. Quam, how many collectible cars have
5 you owned in your life?

6 A. In total?

7 Q. In total, yes, sir.

8 A. Over all the years, probably over 50.

9 Q. And did I understand correctly -- we

10:39AM

10 were having trouble understanding portions of your
11 testimony; it was a little garbled over the phone
12 lines. When I asked for some clarification, did I
13 understand you to say that you are a part owner of the
14 SEMA show?15 A. No, part owner of the Muscle Car and
16 Corvette Nationals in Rosemont, Illinois every
17 November. The photos that I just talked about in
18 Petitioner's Exhibits 18 and 19 were from the Chicago
19 show, not SEMA, sir.

10:39AM

20 Q. Okay.

21 And what is the entity that puts on that
22 show?

23 A. It's a limited liability company myself

1 and eight other collectors put on in Chicago every
2 year. It's a car show, memorabilia show. And it is
3 called the Muscle Car and Corvette Nationals.

4 Q. And how many years has the show been
5 presented?

6 A. We purchased the show from the previous
7 company that decided not to continue on when it was
8 just called the Corvette something, and for two years
9 under the Muscle Car and Corvette Nationals, before
10 10:40AM that it was the -- I forgot the name. The Corvette --
11 I forgot the name. A Corvette-centered show without
12 muscle cars. That's been in there for about 25,
13 20 years.

14 Q. How long have you been involved with it?

15 A. Two years.

16 Q. You said two years?

17 A. Yes, sir.

18 Q. Thank you. Who did you buy it from?

19 A. We didn't buy it. What had happened is
20 10:40AM the company stopped -- had expressed no intention --
21 it was a year-to-year lease that they leased, and put
22 on the show. They discontinued the show. We then
23 created our own show which was an offshoot of the

1 original show. We didn't actually buy -- I we didn't
2 buy anything, formed an LLC and leased the space.

3 Q. Okay.

4 You testified that you presently own
5 two, a 1968 and a 1969 Yenko Camaro; have you owned any
6 other Yenko cars in your life?

7 A. No, sir.

8 Q. Did you restore either of those cars
9 yourself?

10:41AM 10 A. No.

11 Q. They were fully restored when you
12 purchased them?

13 A. Let me clarify. The '69 is unrestored.
14 The paint is still original. I had the undercarriage
15 removed from the body and detailed and painted and
16 cleaned up. That's a partial restoration I guess you
17 could say.

18 Q. The 1968 is fully restored?

19 A. Correct. That was restored when I
10:42AM 20 purchased it.

21 Q. Okay.

22 How many years have you been a member of
23 the Yenko club that Mr. Clary operates?

1 A. I actually became a member about five or
2 six years ago, but I have been familiar with the site
3 and the show for about 10, 11 years.

4 Q. When did you first meet Terri Yenke
5 Gould?

6 A. When have I met her?

7 Q. When did you first meet her?

8 A. I have never met her. I have only
9 talked with her on the telephone.

10:42AM 10 Q. When did you first speak with her?

11 A. It would have been on or about the date
12 of that SEMA show.

13 Q. So prior to that, you had not had any
14 direct conversation with her?

15 A. Not with Terri Yenke Gould, but I had
16 met her sister previously.

17 Q. Okay. Had you had any written
18 correspondence with Terri Yenke Gould prior to that
19 time?

10:43AM 20 A. No, sir.

21 Q. When you first viewed my client's booth
22 at the 2009 SEMA show, was the show already open or was
23 it a day prior to the opening of the show?

1 A. I don't remember. I am sorry. I don't
2 remember when I saw -- I don't know. If I gave you an
3 answer it would be a guess.

4 Q. Did you have access to the show prior to
5 its opening to the public?

6 A. I don't remember. To the public? No, I
7 don't think so. But I don't remember.

8 Q. Do you subscribe to any magazines or
9 periodicals that relate to muscle cars?

10:44AM

10 A. Yes.

11 Q. Which ones?

12 A. Auto Week, Muscle Car Review, Motor
13 Trend, Road & Track, Car and Driver, Hemmings; at least
14 15.

15 Q. What was the one you named after Car &
16 Driver?

17 A. Hemmings; Hemmings Classic. There is a
18 -- honestly, I can't remember them all to be honest,
19 but it's over ten, between 10 and 15.

10:44AM

20 Q. So you are pretty well read in the field
21 of muscle cars?

22 A. Yes.

23 Q. Now you testified that you wouldn't want

1 to own a car like the one my client displayed at the
2 2009 SEMA show because it's not actually a Yenko
3 automobile?

4 A. Correct.

5 Q. Did you have any difficulty recognizing
6 the fact that in your mind this was not a Yenko
7 automobile?

10:45AM

8 A. Yes. I was -- I didn't know if Terri
9 or Lynn Yenko were behind this. It was -- no, there
10 was no way for me to know if the family was behind it
11 or not.

12 Q. Okay.

13 At the time that you had your law
14 associate send the letter to the SEMA Show in 2009, did
15 you have any knowledge as to whether the Yenko Estate
16 had previously taken measures to enforce its --
17 whatever trademark rights it may have had in the Yenko
18 name?

19 A. Before I sent the letter?

10:46AM

20 Q. Yes.

21 A. Before we -- I would have talked to --
22 yes -- well, my understanding is after talking to
23 Terri, that -- and I believe Lynn at the same day,

1 that they were under the impression that they were
2 protected.

3 Q. They explained to you they were under
4 the impression that they were protected?

5 A. If I recall, and again I don't remember
6 which one of the two sisters mentioned it, they were
7 under the impression that someone -- Tom Clary knows
8 the guy's name, but they were under the impression that
9 someone from the Estate was in charge of authorizing
10 the SYC Yenko Club that Tom Clary operates and
11 everybody else --

12 Q. Could that have been John Conley?

13 A. It could have been but I am not sure. I
14 haven't -- I would have to -- I don't remember. I
15 think so, but there was someone they believed was
16 taking care of all this, and they believed Tom Clary
17 was operating with their permission and anybody using
18 the Yenko name was operating with their permission and
19 they were completely unaware of, at that time, of all
20 of the products being sold in the GMCI catalog -- not
21 the classic marketing catalog, they were unaware that
22 there was a Yenko car and a movie and that it was
23 referred to as a Yenko. They were completely unaware

1 of the scale models that were being sold as far as I
2 recall.

3 Q. Have you attended any of the super car
4 reunions?

5 A. Yes.

6 Q. Do you recall which ones you attended?

7 A. About half a dozen, probably on and off
8 every year.

9 Q. Were you at the first one?

10 10:48AM A. No, no, sir.

11 Q. Have you been at any Yenko reunions
12 where there were -- or any super car reunions where
13 there were diecast Yenko models available as
14 commemorative items?

15 A. Yes.

16 Q. Do you recall which years those were?

17 A. I missed -- that would have been 2009

18 and '10 and I guess what you are asking was there
19 diecast models previously, and I guess the answer is

20 10:48AM that I don't remember. I don't remember. You are

21 asking me if I remember seeing diecast models at shows

22 in the early three years with Yenko emblems on them,

23 honestly, I don't remember. I didn't own a Yenko, so I

1 didn't care.

2 Q. Did you see die-cast models available
3 generally in the marketplace?

4 A. Of the Yenko's?

5 Q. Yes, prior to those shows.

6 A. I don't remember. I don't remember. I
7 know I didn't own one and I probably own 100 or 150 of
8 them.

9 Q. You own 150 die-cast models?

10 10:49AM A. Thereabouts, yes, depending on which
11 ones my kids haven't broken.

12 Q. Now, you are aware, are you not, that
13 Tom Clary owns a 2010 Camaro with Yenko striping,
14 badging and the word "Yenko" on it?

15 A. Yes, I am.

16 Q. Do you consider that to be a Yenko
17 automobile?

18 A. Nope. And he does not as far as I know
19 have the permission of the Yenko's for that badging.

20 10:50AM Q. Let me take a moment here and confer
21 with my client and we may be finished and may have a
22 few more questions.

23 THE WITNESS: If you want me to

1 elaborate on that Camaro for your own knowledge,
2 recently I received an e-mail about four, five,
3 six months ago where Terri Yenke first learned -- Terri
4 Yenke Gould learned of that Camaro you referred to, the
5 yellow one with the badge and she was furious --

6 BY MR. BUYAN:

7 Q. You are speaking of the one that Tom
8 Clary built?

9 A. Yes, there is a yellow -- I am not sure
10 if he or his son owns, it was at the SYC Super Car
11 Reunion show, and I haven't been there in a couple
12 years -- probably 2010 I guess or 2009.

13 MR. BUYAN: Let us take a short break.
14 We are going to leave the phone line open.

15 MR. BULLWINKEL: That's good.

16 MR. BUYAN: Step out in the hall and we
17 will be right back.

18 (WHEREUPON, a recess was taken.)

19 BY MR. BUYAN:

10:53AM 20 Q. We are finished. Thank you.

21 THE WITNESS: You are very welcome.

22 FURTHER DEPONENT SAITH NOT.

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

TERRI YENKO GOULD,)	
Executor,)	
)	
Petitioner,)	
)	
vs.)	Cancellation
)	92052197
SUPERCAR COLLECTIBLES,)	
LIMITED,)	
)	
Defendant.)	

I hereby certify that I have read the foregoing transcript of my deposition given at the time and place aforesaid, consisting of Pages 1 to 29, inclusive, and I do subscribe and make oath that the same is a true, correct and complete transcript of my deposition so given as aforesaid, and includes changes, if any, so made by me.

No Number of Errata Sheets Attached

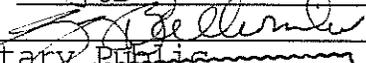


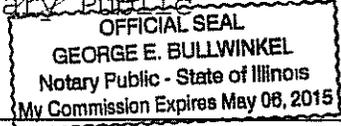
7/30/11

LESTER QUAM

Date

SUBSCRIBED AND SWORN TO
before me this 30th day
of July 2011.


Notary Public



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ERRATA SHEET

I hereby make the following changes to my deposition:

PAGE LINE

CHANGE: _____

REASON: _____

LESTER QUAM

DATE

Correction Sheet Page ____ of ____

1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF COOK)

3

4 I, DEBRA MUTH HASS, a Notary Public
5 within and for the County of Cook, State of Illinois,
6 and a Certified Shorthand Reporter of said state, do
7 hereby certify:

8 That, previous to the commencement of
9 the examination of the witness, LESTER QUAM, he was
10 first duly sworn to testify the truth, the whole truth
11 and nothing but the truth in the cause aforesaid before
12 the taking of the deposition;

13 That, the testimony was reduced to
14 writing in the presence of said witness by means of
15 machine shorthand and afterwards transcribed into
16 typewriting via computer-aided transcription under my
17 personal direction; and that the foregoing constitutes
18 a true and correct record of the testimony given and
19 the proceedings had;

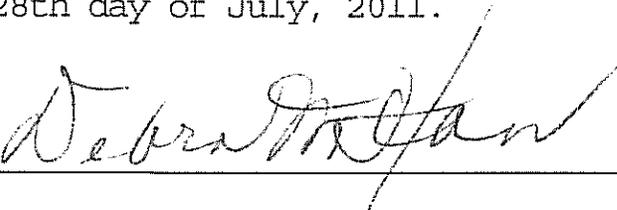
20 That, the said deposition was taken
21 before me at the time and place specified;

22 That, I am not a relative or employee or
23 attorney or counsel, nor a relative or employee of such

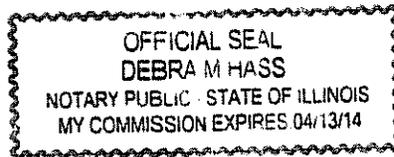
1 attorney or counsel for any of the parties hereto; nor
2 interested directly or indirectly in the outcome of
3 this action.

4 I further certify that my certificate
5 annexed hereto applies to the original transcript and
6 copies thereof, signed and certified under my hand
7 only. I assume no responsibility for the accuracy of
8 any reproduced copies not made under my control or
9 direction.

10 IN WITNESS WHEREOF, I do hereunto set my
11 hand and affix my seal of office at Northbrook,
12 Illinois, this 28th day of July, 2011.

13 
14 _____

15 DEBRA MUTH HASS, CSR, RPR.
16 Notary Public, Cook County, IL
17 My commission expires 4/13/14.
18 Illinois Certified Shorthand Reporter
19 License No. 84-1299
20 Registered Professional Reporter



22
23

1 DEBRA HASS & ASSOCIATES
2 Certified Court & Deposition Reporters
3 4121 Rutgers Lane
4 Northbrook, Illinois 60062-2911
5 (847) 564-5575 Phone ~ (847) 564-5666 Facsimile

6 July 29, 2011

7 Mr. Lester Quam
8 9229 White Tail
9 Las Vegas, Nevada

10 Dear Mr. Quam:

11 Re: Yenko v Supercar Collectibles
12 Your deposition taken July 18, 2011

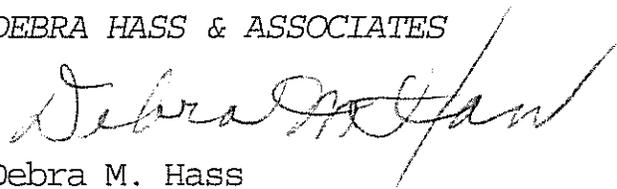
13 It is our understanding that you will arrange for the
14 review of the above-entitled transcript by the witness.
15 Accordingly, we are enclosing errata sheets and the
16 original signature page with your copy of the
17 deposition transcript.

18 Please note that Amended Rule 207(a) of the Illinois
19 Supreme Court provides that depositions may be used
20 fully as if signed should they remain unsigned for more
21 than 28 days after having been made available to the
22 deponent. We, therefore, would appreciate your
23 handling this matter within the 28-day limit.

Please return the executed signature page and errata
sheets, if any, to the above address.

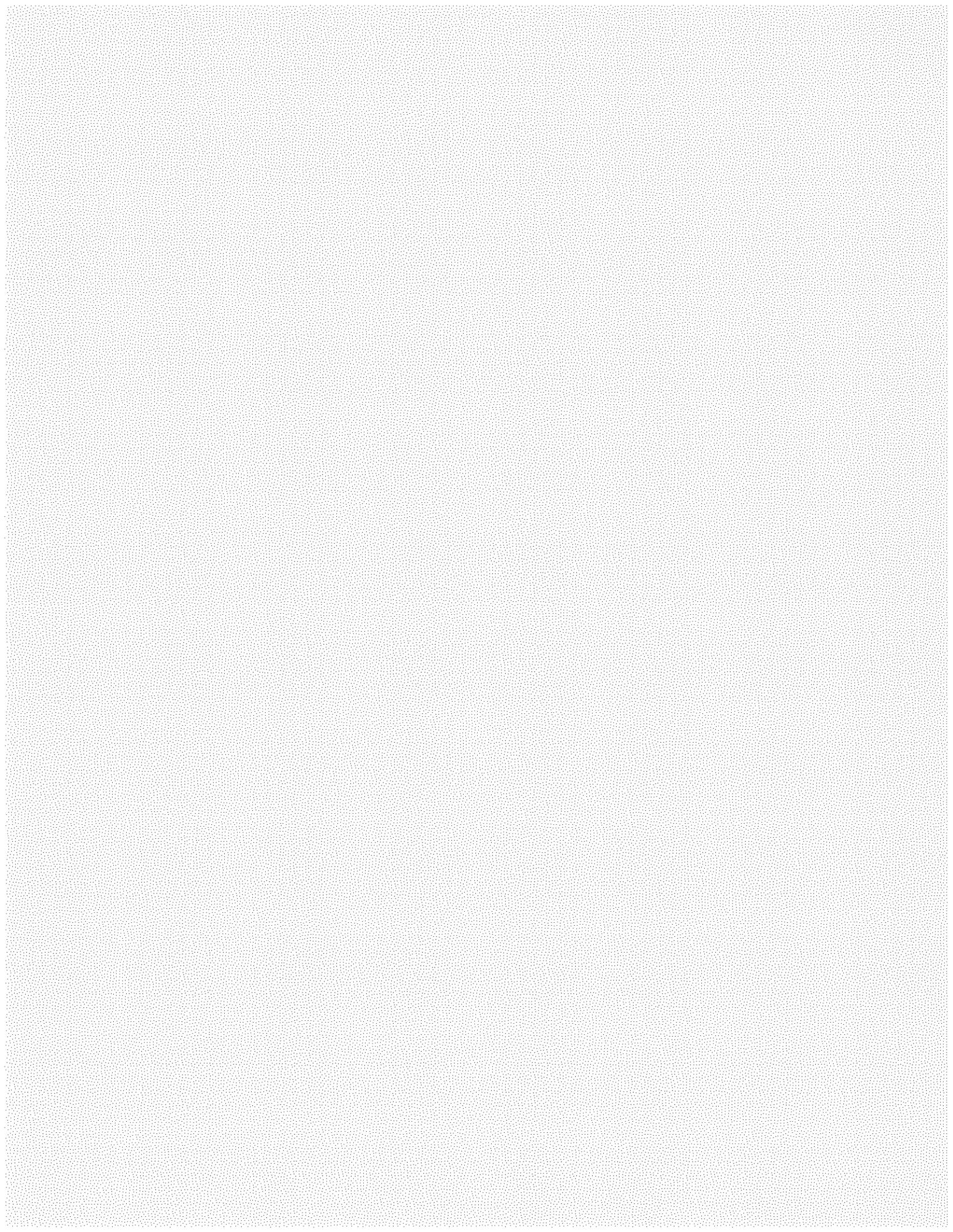
Sincerely,

DEBRA HASS & ASSOCIATES


Debra M. Hass

enclosures: Transcript, signature page, errata
sheet(s)

ccs: Attorneys of Record



Yenko Muscle Car Legend Set For Return



By Viknesh Vijayenthiran
 Author
 October 18th 2009

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Yenko Chevrolet Camaro

Enlarge Photo

As Camaro fans get ready to celebrate the 40th anniversary of the legendary 1969 Yenko Camaro this year, a new start-up that hopes to revive the famous muscle car brand name is brewing. Muscle-car enthusiast and owner of an original 1968 Yenko Camaro, Jeff Leonard is putting his marketing firm to work on re-establishing the Yenko name and possibly launch a range of custom cars.

Leonard is the man behind General Marketing Capital Incorporated (GMCi), which currently has ownership of the Yenko trademark. In an official announcement, Leonard revealed plans to build several whole cars together with a limited production vehicle manufacturer, as well as release a new Yenko product line.

May the Best Car Win

Camaro vs the Competition. Come See the Comparison Here.

The 2010 Acura RL

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GMCi will also launch a brand-new online home for the Yenko brand in the upcoming weeks, where owners and enthusiasts can find information about upcoming cars and products, access historical information about the brand, register to be a part of the site's forums and much more.

Originally, the 1960s era Yenko was a special order vehicle, available only through Don Yenko Chevrolet in Canonsburg, Pennsylvania. Don Yenko used the Central Office Production Order (COPO) program, a program GM used for fleet vehicles like police cars, taxi cabs, etc. to special order the most powerful vehicles available.

If GMCi's project proves successful, expect to see new Yenko products based around the latest 2010 Chevrolet Camaro, and possibly the Corvette as well

[Chevy High Performance Magazine]

Tags: Modified, Camaro, Muscle car, Yenko, GMCi
 Posted in: Chevrolet, News

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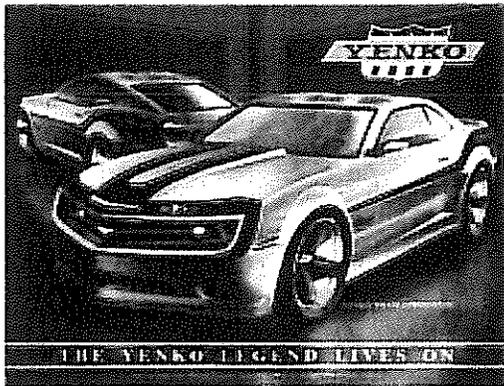
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Official 2010 Yenko Camaro Prototype Debuts at SEMA

P-09



General Marketing Capital Inc. (GMCI) is presenting its official 2010 Yenko Camaro prototype to the public Nov. 3-6 at the SEMA Show.

The official 2010 Yenko Prototype, which began its life on a 2010 Camaro SS platform, will be showcased in the OER booth #23795, according to a press release. The company will present the modern Yenko almost 44 years to the day that Don Yenko's Corvair Corsa was officially recognized as a Class D Production Competition Car by the SCCA.

The new Camaro underwent several significant upgrades including modification to a Phase I Yenko Camaro Supercar. Preliminary

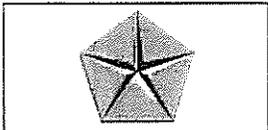
highlights and specifications include a high-performance 600-hp supercharged and intercooled LS-based engine, Tremec six-speed manual high-performance transmission, Hurst short-throw shifter, six-piston big brake package and Magnaflow high-flow cat-back exhaust system.

Plans call for three phases to be available. The Phase I prototype is designed to maintain the retro appeal for Yenko enthusiasts while including significant performance upgrades. Phase II and III cars will have higher-output engines and increased suspension and handling upgrades.

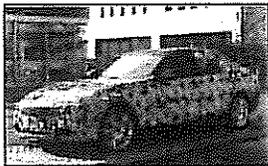
Additional Yenko branded upgrades to the prototype include the Yenko stripe package, official emblems and badging, retro-styled 22-inch Yenko billet aluminum wheels, Yenko leather interior package featuring Yenko Super Car (sYc) embroidered headrests, Yenko/SC sill plates, Yenko/SC embroidered floor mats and more.



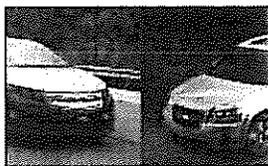
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Yenko brand still kicking 45 years later, new vehicles coming?

by [Jonny Lieberman](#) (RSS feed) on Oct 15th 2009 at 4:56PM



1968 Yenko Super Camaro - Click above for high-res image gallery

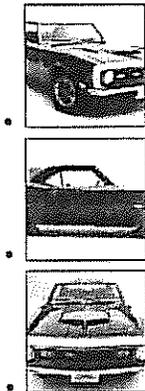
This post represents something of a dilemma for us. On the one hand, we could tell you about General Marketing Capital Incorporated (GMCI) owner Jeff Leonard and how he's just taken control of the Yenko name and brand. But on the other, we could ask only that you stare at the above image (and those in the gallery) for five minutes in absolute reverential silence. Do you really care that Leonard will more likely than not be

bringing new Yenko products to market? Sure, a 2010 Yenko Super Camaro would be sweeter than cookie dough ice cream, but hey... look up.

Additionally, we could explain how almost forty-five years ago Don Yenko gamed GM's COPO (Central Office Production Order) program to build his first factory hot rod, the Yenko Stinger Corvaire, but we just cannot take our eyes off of the gorgeous blue 1968 Yenko Camaro with the 427 motor and M-21 four-speed manual. Because really, besides the Stinger Corvaire, have you ever seen anything hotter? Really? What?

And what would a 2010 Yenko consist of anyhow? Well, the Yenko formula was simply to put the best performance parts possible under the skin of a given car. Meaning we're talking about a LS9 powered Camaro with carbon ceramic brakes and magnetic-rheological shocks. Actually, that sounds pretty good. The question, then, really is whether or not Mr. Leonard will be able to make new Yenkos as blisteringly desirable to people in 2055 as Don Yenko's products are to us today at the end of 2009. Any bets? Full press release [after the jump](#).

Gallery: 1968 Yenko Super Camaro



[Source: General Marketing Capital Incorporated]

PRESS RELEASE

ON IT'S 45th ANNIVERSARY - THE YENKO NAME IS ALIVE AND WELL

Avid Car Collector and Yenko Enthusiast Recaptures Yenko Magic with Possible New Yenko Models, Fresh Product Lines

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 and its plans to revitalize the brand.

To jump start this effort, Yenko owner, enthusiast and GMCI CEO Jeff Leonard, is consulting with several notable limited production vehicle companies in the automotive industry on possible new Yenko project cars as well as upcoming Yenko product lines.

GMCI will also launch a brand-new online home for the Yenko brand in the upcoming weeks, where owners and

enthusiasts can find information about upcoming cars and products, access historical information about the brand, register to be a part of the site's forums and much more.

"The muscle car era has made a huge comeback this year and we expect this trend to grow," said Leonard. "The Yenko name is very much a part of that magnificent history and we plan to resurge its magic and its historical significance. Through GMCI's efforts, Don Yenko's name will be kept alive with the highest degree of integrity and respect."

Growing up in Detroit in the shadow of the famous Woodward Avenue during the muscle era heyday, Leonard always had a keen interest in Detroit muscle culture. As a muscle car enthusiast and owner of an original 1968 Yenko Camaro, Leonard shares the enthusiasm and excitement of many towards owning a unique piece of Yenko history.

Originally, the 60s era Yenko car was a special order vehicle, available only through Don Yenko Chevrolet in Canonsburg, PA. Don Yenko used the Central Office Production Order (COPO) program, a program GM used for fleet vehicles like police cars, taxi cabs, etc. to special order the most powerful vehicles available.

Yenko modified his first vehicle, the Chevrolet Corvair, in 1965 for the Sports Car Club of America racing team. Yenko later went on to build the Yenko Super Camaro, Yenko Deuce, Yenko Chevelle, Yenko Super Nova, Yenko Vega Stinger and the Yenko Camaro Turbo Z among the fastest SCCA racing cars ever produced.

###

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P-11

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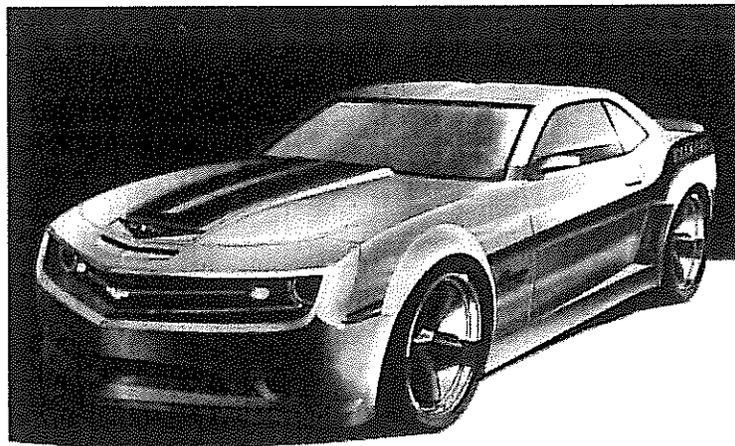
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Yenko brand brought back to life, 2010 Chevrolet Camaro to be first project

By [Andrey](#) on Nov 3, 2009 in [Chevrolet](#), [Tuning](#)

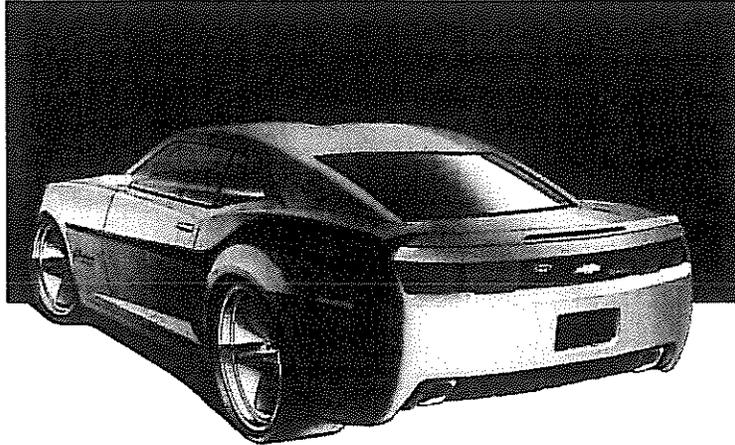


For all our readers who aren't from the United States, a brief history lesson on the great heritage that the **Yenko** brand brought to the tuning and aftermarket scene is needed. Founded in the late 1960s, the brand became a hallmark of exclusivity and handled mostly Chevrolet models, in a similar way to how Shelby deals with Ford vehicles.

But the last few years haven't been so kind with the historic brand, as its owners were forced to sell it to GMCI (General Marketing Capital Inc.), which promised to get it back on its feet. And that it will certainly do, as it has just announced that it will debut its first new project, based on the **2010 Chevrolet Camaro** at this week's

SEMA Show, which is taking place in Las Vegas.

The Phase I edition will use the SS edition of the Camaro, powered by a V8 engine, on which they will add a supercharger, reportedly taking output to a massive 600 HP, a Hurst short-throw shifter, bigger brakes and a special Magnaflo exhaust system. Of course, in order to follow the Yenko tradition, various badges and logos will be applied wherever possible.



GMCI also added that a Phase II and III editions will follow during next year, hopefully with bigger engines like the LS7.

Source: [Autoblog](#)

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Post tags : [Chevrolet](#), [chevrolet-camaro](#), [gmci](#), [Tuning](#), [yenko](#)

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Report: Yenko Brand Reborn With New Models on the Way

- 2 Comments By Colum Wood, Friday October 2009 , As: american cars, domestic cars, don yenko, General Marketing Capital Incorporated, gmci, jeff leonard, Modified American, modified camaros, modified chevys, muscle cars, pony cars, SPORTS CARS, yenko camaro, yenko chevrolet

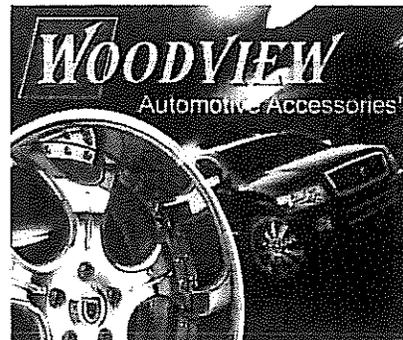


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Most Popular News

No Doubt you've never heard of General Marketing Capital Incorporated (GMCI), but if you're a lover of classic American muscle, or modern American muscle, you're about to become more familiar with the company. The reason? GMCI has just announced that it has purchased the Yenko name and brand and has announced plans to bring it back from the dead – which is good timing considering the tremendous popularity of the new Camaro.

The Yenko name has become synonymous with performance ever since Don Yenko, owner of Yenko Chevrolet, first dropped a Corvette 427 cu.-in. V8 under the hood of a Camaro back in 1967.

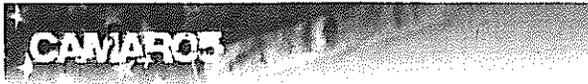
"The muscle car era has made a huge comeback this year and we expect this trend to grow," said company owner Jeff Leonard. "The Yenko name is very much a part of that magnificent history and we plan to resurge its magic and its historical significance. Through GMCI's efforts, Don Yenko's name will be kept alive with the highest degree of integrity and respect."

Normally we might worry about someone buying a good name like the Yenko one and running it into the ground with scissor doors and neon lights, but Leonard seems to have the right approach and is a genuine enthusiast as well as a business man. He even owned an original '68 Yenko Camaro.

We'll have to wait and see what GMCI has planned, but we're hoping for some nice ZR1 goodies!

Official release after the jump:

> read full story



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POST REPLY

10-23-2009, 09:43 PM Thread Tools #1

garagelologic
It's slow...



Drives: 2010 Shelby GT500
Join Date: Jul 2008
Location: Tennessee
Posts: 958

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Yenko Revived?

<http://www.autoquote.com/auto-news/2...html#more-8440>

Quote:

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Shelby GT500: Not since Mr. Ed has a horse spoken so clearly.

Last edited by garageologic: 10-23-2009 at 10:04 PM.



10-23-2009, 10:08 PM

#2

Zabo

I was ***** from Cam5 :D



Drives: his mom's car for now.
Join Date: Sep 2008
Location: Kalamazoo, MI
Posts: 3,794

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10-23-2009, 10:25 PM

#3

Eh.. still no way in hell I'll be able to afford one. ;_;

Friggin win though, either way.

[My Cache of Zany Projects](#)

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Mr. Brownstone



Drives: 2004 F-250 Diesel Super Crew
Join Date: Jul 2009
Location: Maryville, TN
Posts: 141



08/23/09

10-23-2009, 11:52 PM

#4

Sir Nuke

Master of All Things



Drives: '10' Camaro RS, '08' Caddy STS
Join Date: Jul 2009
Location: South Texas
Posts: 1,248



08/23/09

10-24-2009, 12:16 AM

#5

garagelogic

It's slow...



Drives: 2010 Shelby GT500
Join Date: Jul 2008
Location: Tennessee
Posts: 958

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08/23/09

How is this even remotely considered a Yenko? Just because a guy who owns a very popular "Classic" Camaro aftermarket supplier out of California is a Yenko enthusiast wants to build these cars, does that make them a Yenko. Guess what, I'm a Yenko enthusiast. If I build a camaro, would that make it a Yenko?

Come on Folks, Yenko died in 1987 with Don Yenko. If you fall victim to a marketing scheme, then that's on you.

as brownstone CORRECTLY stated.....if Don Yenko didn't build it, its not a Yenko.....someone is just using his name to put some parts together, thus its NOT a real Yenko.

2LT/RS, Automatic, Polished Wheels, Arctic White Rally Stripes

NKNQD0

1100, ordered (07/16/09), 1000, Order accepted by GM (07/17/09), 3000, Order accepted by production control (07/18/09), 5000, Order scheduled for production TPW 8-17-09 (08/10/09), 1400, Order broadcast (08/18/09), 3000, Order produced (2G1FC1EV8A9139417) (08/22/09), 4000, Available to ship (08/26/09), 4200, Shipped (08/31/09), 5000, Delivered to the dealer (09/11/09), 6000, Delivered to the OWNER!!! (09/13/09).

I agree. Just buying the rights to the name and sticking it on some special edition Camaro will never make that car a real Yenko.

Shelby GT500: Not since Mr. Ed has a horse spoken so clearly.

Honda Film: Mobility 2088

Honda asks great thinkers about the future of mobility. Watch here.
www.honda.com

General Motors Parts

General Motors at Edmunds.com Info On Parts & Prices.
www.GeneralMotors.Edmunds.com

Black Friday GM Car Sale

Cometing Dealers Offer Top Deals At Black Friday Prices for New GMs
GM.CarBuyingDiscounts.com/deals

Custom Pontiac Grills →

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GM Woes Won't Disrupt Pontiac Parts Supplies

Noted Catalog Supplier Classic Industries Receiving Numerous Calls from Worried Hobbyists



HUNTINGTON BEACH, CALIFORNIA (April 28, 2009) – While auto enthusiasts lament the problems within GM and most recently, the loss of Pontiac, Classic Industries, the leader in GM restoration parts and accessories, has assured customers that the demise of one of GM's most popular brands will have no affect on its supply of Classic GM, GMC or Pontiac Firebird restoration parts.

Since rumors of GM's most recent Pontiac division closure became public, Classic Industries has received countless calls and emails from worried customers expressing concern regarding the future supply of parts for collectible GM and GMC vehicles, including the iconic Firebird muscle car. Classic Industries' call center personnel are now reassuring hobbyists that there is no need to worry and that the company will continue reproducing and distributing original GM parts and accessories.

"This is a sad day for General Motors and for Pontiac," said Classic Industries CEO, Jeff Leonard. "But GM's decision will have no affect on our supply of classic GM and Pontiac parts. Nearly all of our GM-licensed restoration parts are sourced outside GM. Firebird fans need not worry. There will be no interruption of Pontiac restoration parts made and marketed by Classic Industries."

Classic Industries offers a wide-range of GM-licensed parts and accessories for Chevrolet Camaro, Impala and

Nova, plus Pontiac Firebird and GM pickup models from the 1940's through 2008. The CI Pontiac Firebird catalog, for example, boasts more than 900 pages. All Classic Industries parts meet or exceed OEM-specifications.

The closure of Pontiac has also raised the possibility that Classic Industries could also gain access to original GM tooling. While this is a possibility in any restructuring, Leonard said, he hoped that GM would retain use of the tooling, as well as the employees that operated them. It is after all, Leonard noted, "a legendary American brand."

Over the years, most Detroit OEMs, including GM and Pontiac, have outsourced many - if not all - older restoration parts.

Classic Industries is the recognized leader in GM restoration for classic Camaro, Firebird, Nova, Impala and GM pickup trucks from the 1940's through the 2008 year range. With 30 years of experience, Classic Industries is the largest distributor of reproduction and original GM parts and accessories in the world. In addition, Classic Industries also offers many popular brands GM enthusiasts rely on, such as OER, Air Ride, B&M, Chris Alston's Chassisworks, Edelbrock, officially licensed Yenko products and many more. Visit Classic Industries on the web at www.classicindustries.com for more.

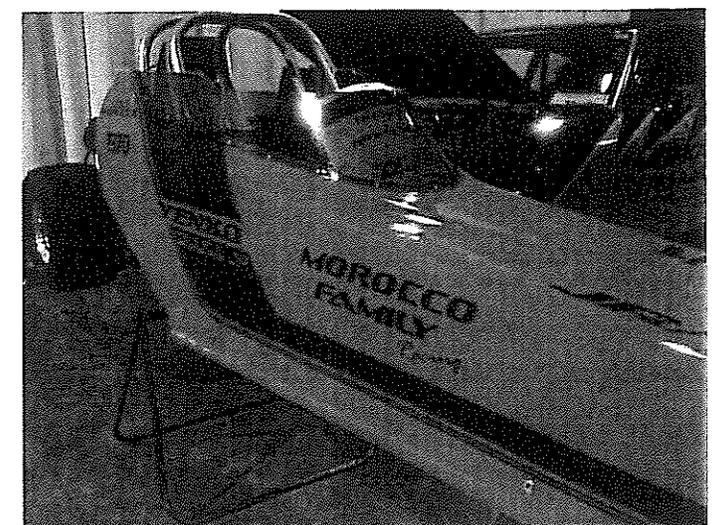
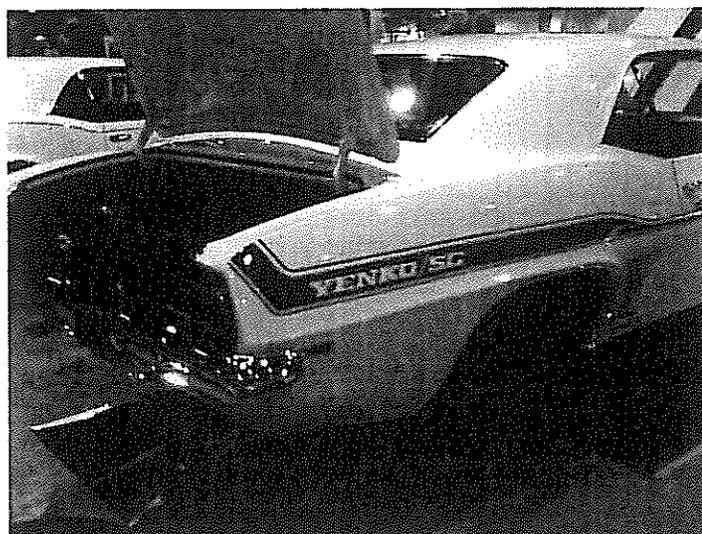
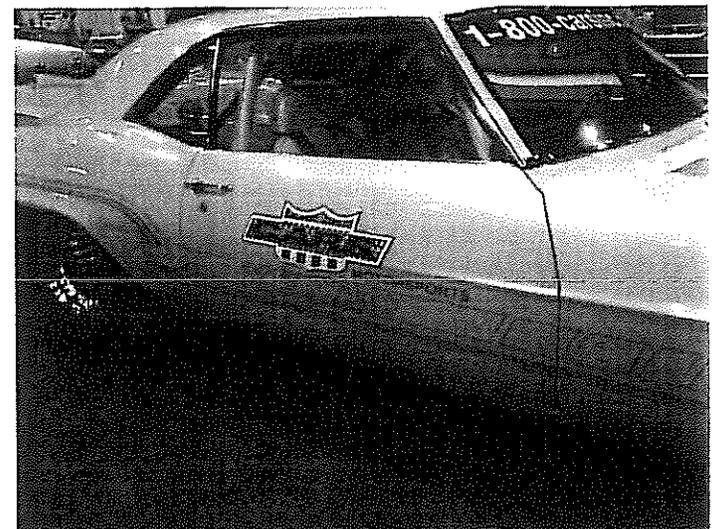
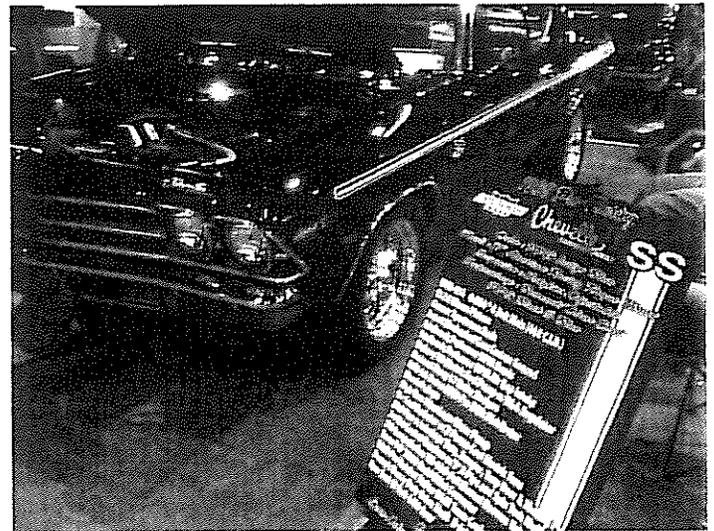
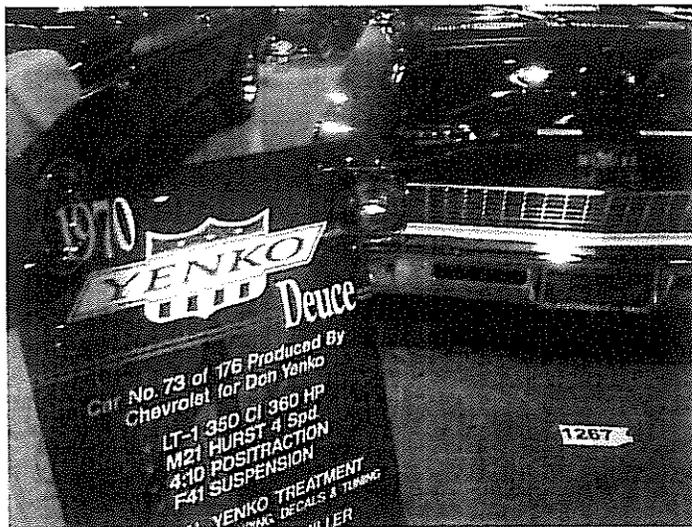
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YENKO Cars At November 2009 Chicago Show



YENKO Model Cars At November 2009 Chicago Show P-19



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

Re Cancellation 92052197

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: _____

LAW OFFICE OF STEVEN L. VENIT

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R-01

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- Reply to Las Vegas
 Reply to Chicago
 No Reply Necessary

Via Facsimile & Regular Mail: (702) 943-3748

October 30, 2009

Gary Vigil
SEMA
P.O. Box 4910
Diamond Bar, CA 91765-0910

Re: The Estate of Donald Yenko
Unauthorized Use of the Yenko Name

Mr. Virgil,

Please be informed that my office has been retained by the heirs of Donald Yenko to immediately stop the use of the name "Yenko" on automobile products and automobiles without the expressed written permission of the heirs of Donald Yenko.

It has come to the attention of the heirs of Donald Yenko that your company will be putting on a show in Las Vegas, Nevada starting on November 3, 2009 with an exhibitor from a company named General Marketing Capital, Inc. from Westminster, California and General Marketing Capital, Inc. intends to show a 2010 Yenko Camaro.

General Marketing Capital, Inc. does not have the permission or authorization to utilize the Yenko name from the heirs of Donald Yenko and the heirs of Donald Yenko have not granted permission to General Marketing Capital, Inc. to utilize the Yenko name or Yenko Symbols to identify the 2010 Camaro.

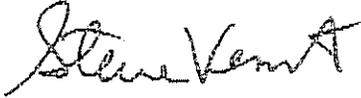
In a separate letter, I will be informing General Marketing Capital, Inc. to cease and desist using the Yenko name to identify their 2010 Yenko Camaro or any and all items manufactured or sold by them in the future.

I would expect your company to comply with both federal and state laws and inform General Marketing Capital, Inc. that they are not allow to show the 2010 Yenko Camaro at your show in Las Vegas, Nevada unless they enter into a licensing agreement to utilize the Yenko name from my client's prior to your show.

Your failure to honor the heirs of Donald Yenko's request contained in this letter will subject your company to possible litigation and possible large monetary fines in both state and/or federal court.

Your prompt attention to this matter is greatly appreciated and if you should have any questions, please do not hesitate to contact my office.

Cordially,



Steven L. Venit

SLV/cm

cc: Jeffery Leonard
General Marketing Capital, Inc.

Hugh Verano

LIONEL SAWYER & COLLINS

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November 3, 2009

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3240 W. Irving Park Road
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R-02

VIA FACSIMILE & U.S. MAIL

Re: Unauthorized Use of the Yenko Name

Dear Mr. Venit:

I represent SEMA Show management regarding intellectual property issues at its annual show. I am writing in response to your letter dated October 30, 2009 regarding the use of the Yenko name on products being displayed by an exhibitor at the SEMA Show. At your request, this response is being sent to your Chicago office.

SEMA's policy regarding intellectual property ("IP") issues at the show can be summed up as follows:

- SEMA will log each complaint.
- SEMA will review the complaint and may perform basic research to evaluate whether the claim has any likelihood of validity.
- If the complaint appears to have any validity, the complaint will be brought to the attention of the exhibitor that is the subject of the complaint.
- SEMA policies regarding IP infringement will be provided to the exhibitor.

File:///C:/Users/Steve/Venit/.../...

RENO OFFICE: 1100 BANK OF AMERICA PLAZA, 50 WEST LIBERTY STREET • RENO, NEVADA 89501 • (775) 780-6666 • FAX (775) 780-8882
CARSON CITY OFFICE: 410 SOUTH CARSON STREET • CARSON CITY, NEVADA 89701 • (775) 851-2118 • FAX (775) 841-2110

LIONEL SAWYER & COLLINS
ATTORNEYS AT LAW

Steven L. Venit, Esq.
November 3, 2009
Page 2

- The exhibitor has the opportunity to remove or cover the product at issue. By removing the product from view, the exhibitor will generally avoid future sanctions regarding exhibiting at the show related to the IP complaint.
- The exhibitor may elect to continue to display the material at issue; however, if the exhibitor is adjudged by a court to have engaged in infringement at the show, then SEMA may take action regarding the exhibitor's status at the show or the exhibitor's ability to participate in future shows.
- SEMA will not provide any IP advice to any complaining party or exhibitor.
- SEMA will not make a determination as to whether any particular product or service constitutes an infringement; that is the domain of the courts.

In compliance with SEMA policies, I have (i) reviewed your letter, (ii) checked the United States Patent and Trademark Office records related to the YENKO mark and (iii) visited the booth that is planning to exhibit the 2010 Chevrolet Camaro bearing the YENKO mark (the "Yenko Camaro"), and provided them with notice of the complaint and an explanation of the relevant SEMA policies.

General Marketing Capital, Inc. ("GMCI") is not exhibiting at the show; however, another exhibitor is displaying GMCI products and they are relying on the federally registered trademarks for YENKO owned by GMCI as a basis for their belief that GMCI has the right to market the YENKO Camaro.

My research of the publicly available information published by the United States Patent and Trademark Office indicates GMCI owns the following mark registrations incorporating the term YENKO:

Mark	Registration Number	Goods/Services
YENKO	3097652	Automobiles and Automotive parts and accessories, namely, wheel caps, spoilers and emblems
YENKO	2314585	Mail order catalogue services featuring parts and accessories for the restoration of classic automobiles; wholesale distributorships featuring parts and accessories for the restoration of classic automobiles
	3585627	Metal parts for motor vehicles, namely, decorative metal automotive emblems, Decals, Glass mugs, Clothing, namely, t-shirts and caps
YENKO	3161668	Clothing and headwear accessories, namely shirts, jackets and caps

*Quam and Venit
Attorneys at Law*

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- Reply to Las Vegas
- Reply to Chicago
- No Reply Necessary

*Lester Quam
Licensed In
Nevada, Florida,
Illinois and
Colorado*

*Steven L. Venit
Licensed In
Nevada, Illinois
and Wisconsin*

Via Regular Mail and Federal Express

November 2, 2009

R-03

Jeffery Leonard
General Marketing Capital, Inc.
14700 Hoover St.
Westminister, CA 92683

Re: Notice of Intention to File Suit for Trademark and Trade Name
Infringement of Yenko Name.

Mr. Leonard,

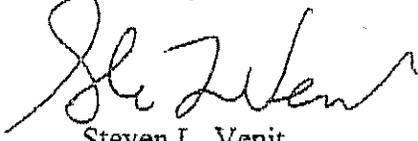
Please be advised that our firm has been retained by Terri Yenko Gould, the daughter of Donald Yenko and the executor of his estate to act immediately to stop the unauthorized use of Donald Yenko's name and his various Yenko trademarks.

Presently, only one entity has a valid written license to use the Yenko name which was granted in 1999 by the Yenko Estate. This license was granted by the Yenko family to maintain the history of Donald Yenko and his work. A license to have an annual national Yenko reunion event was also granted. A website was established with a historical database of Donald Yenko's life and work as well as a licensed national club. To date the club, the Yenko Sports Car Club has almost 10,000 members and the national event has convened every year for over almost ten (10) years and generates national media attention each year.

No other person or entity has been given authorization to use the Yenko name or Yenko trademarks and all are infringing on the common law rights to the Yenko name and various trademarks. Specifically General Marketing Capital, Inc. and you are in blatant violation of the Yenko family's rights by creating an unauthorized version of their father's Yenko Camaro. Furthermore, you or your company appear to have obtained a trade name and trademark license to the Yenko name and Yenko Trademark without the consent or authorization of Yenko Estate which is an infringement on the rights of Donald Yenko's Estate.

The firm has been retained to act immediately to stop the continued violations and misappropriation of the Yenko name and trade marks. Therefore, this letter shall serve as notice that you are to immediately cease and desist from further use of the Yenko name or Yenko Trademark in any and all forms including the sale of cars, equipment, memorabilia or parts. Please direct any and all questions or inquiries to myself or Lester Quam. We will be moving forward to properly register the Yenko name and Yenko Trademark and assisting the Yenko Estate in establishing licensing agreements and recovering monies lost by the recent violations.

Cordially,

A handwritten signature in black ink, appearing to read "Steven L. Venit". The signature is fluid and cursive, with a large initial "S" and "V".

Steven L. Venit

SLV/cm