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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	04/22/2011
Attachments	Declaration of Yenko-Gould 2.pdf (5 pages)(50469 bytes)

TERRI YENKO GOULD

My name is Terri Yenke Gould, and I currently reside in Encino, California. I am one of Donald Frank Yenke's two daughters. I grew up in southwestern Pennsylvania in the 1960s and 70s where my dad worked at his Chevy dealership in Canonsburg. In this modest dealership, my father pursued an interest that later became a phenomenon; producing specially modified YENKO high-performance cars. One of my earliest memories of his cars was from an advertising campaign with the slogan, "The Stinger is coming," which referred to his modified Corvair "Stinger." This was my father's first foray into modifying cars, but he didn't stop there. He began his now famous COPO Camaro program in 1968 and continued on to produce various modified Chevrolets.

After my Dad's untimely death in an airplane crash in March, 1987, my family had the task of untangling my father's business entities. I became executor of his estate (the "Estate"). I was then and am now the sole legal representative of the Estate for all purposes. True and correct copies of his will and related documents appointing me as Executor of his estate are attached to this Declaration, as follows:

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)

During the years prior to his death, my father's YENKO and sYc branded high-performance automobiles brought him a great deal of attention. His reputation as a high-performance car constructor grew steadily even after his death. The popularity of his cars increased and collectors began to see the value of these precious cars, which made our family extremely proud to see his work held in such high regard. One recent Internet-published article summarizes those years quite accurately, and is attached hereto as an exhibit:

5. YENKO general history (Initial Disclosure Ex. 3)

From time to time after Dad's death I was approached by various persons requesting permission or "my blessing" to use the YENKO name and trademarks, including his distinctive shield logo and the logo "sYc" (standing for YENKO SPORTS CARS or YENKO SUPER CAR). We had many people hoping to profit from my father's death, some even claiming to be close friends with my father. I have refused every such request. Our family felt that any such venture would undermine the integrity of my father's work. I knew that my father would never stand for someone else claiming to "own" his intellectual property and profit from his hard work.

Neither, the Estate, nor I as executor have ever granted permission or license to others to utilize the name and mark YENKO or its associated symbols for commercial purposes.

The only permission to which I ever consented was in January 1998 to permit Tom Clary to use the Yenke name in connection with the formation and operation of the Yenke Sportscar Club, a not-for profit organization dedicated to maintaining my father's memory and reputation by helping to preserve the automobiles which he created and which still bear his name. A true and correct copy of that permission document is attached as:

Re Cancellation 92052197

6. Letter of permission (license) dated January 26, 1998 from the agent of the Estate of Donald Frank Yenko to the Yenko Sportsscar Club of Alton, Missouri (Initial Disclosure Ex. 2).

After my father's death, the high-performance automobile business that bore his name was never sold or transferred to any successor. The building that housed his original dealership, Yenko Chevrolet, was repurposed and eventually sold. The site was later abandoned. A true and correct photo of the abandoned former Yenko Chevrolet premises is attached as:

7. Photo: former Yenko Chevrolet dealership, Cannonsburg, PA (abandoned) 3/19/2008 (Discovery Production No. 29)

Since then, no person or entity (other than the Yenko Sportsscar Club) has been given any right or license or permission to use the YENKO name, logo, or sYc symbol for any purpose whatever.

In about November of 2009, Mr. Lester Quam, an attorney and member of the Yenko Sportsscar Club, who is also the owner of an actual vintage YENKO high-performance automobile, brought to my attention the fact that an individual named Steve Leonard, owner of the respondent General Marketing Capital, Inc., was telling the automotive press that he would be introducing a supposedly authorized "*Yenko Camaro*" automobile at the 2009 Specialty Car Manufacturers Association show in Las Vegas, Nevada.

Through Mr. Quam I also learned that Mr. Leonard was claiming "*ownership*" of the "*YENKO brand*", that he had "*purchased the name and brand*", and that was now "*officially licensed*" to make and sell his own 2010 version of the original YENKO Camaro. All of this was absolutely false. True and correct copies of the news releases and Internet articles which were brought to my attention at that time and thereafter are attached hereto as:

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)

At that time I asked Mr. Quam to help me find legal counsel to advise me and take whatever steps were required to stop Mr. Leonard and GMCI from falsely claiming to be the rightful owner of my father's name, symbols and heritage for his own commercial purposes. As a result, steps were taken which led to the filing of this petition to cancel the registration by an individual named James R. Sullivan in 1997 of YENKO for “toy cars”. I have since learned that these “toys” were in fact faithful replicas of my father's unique high-performance automobiles, and obviously intended to profit from my father’s name and reputation.

Since the filing of this petition to cancel, I have been informed by counsel that prior to his November 2009 announcement of his intention to introduce a supposedly “licensed” YENKO

Re Cancellation 92052197

Camaro, Mr. Leonard had for several years been methodically registering, through his companies, other YENKO marks for various items of YENKO branded automotive merchandise. I also learned that last year in late 2010 he sought out and purchased from their owners two other YENKO-related trademark registration (including the one in issue in this case) even though he had no right or authority to do so.

It is my opinion, as the Executor of my father's estate and the person having the primary responsibility to preserve and protect his name and reputation as one of the most famous names in American sports car constructors, that Mr. Leonard's calculated program of acquiring nominal ownership of numerous trademark registrations of the YENKO name and related symbols will, unless stopped, necessarily result in those registered marks being used so as to misrepresent the source of the goods or services as being somehow authorized or sanctioned by the Estate of Donald Frank Yenke, when in fact they are not.

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 her own knowledge hereinabove are true, and all statements made on information and belief are believed to be true.

Signed: /Terri Yenke-Gould/

Terri Yenke-Gould

Date: 4/21/11