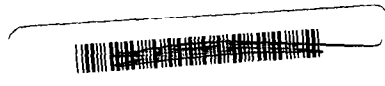


TAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK AND APPEAL BOARD
GUY A. HOFFMANN VS. JOE ALFARO, JR. SER. NO. 78110344
OPPOSITION NO. 91155188
FOR THE MARK: "SUPERFREAKS" FUNKY DISCO REVUE



03-29-2003
U.S. Patent & TMO/TM Mail Rcpt Dt. #30

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NOTICE OF ANSWER TO OPPOSITION

The Previous Applicant (G. Hoffmann) believes his business will continue to be damaged by the Opposer if Full registration of the mark is not approved. Facts within this answer should aid in showing proof of true ownership and of the implied facts and fraudulent misconduct perpetuated habitually by the said Opposer.

1.) **BONA FIDE OFFERING OF GOODS & SERVICES:** Applicant contends that having not only booked almost all shows played by "Superfreaks", being actively involved in the music business for over 20 years, having future disco gigs pending on calender and being the most active musician thru-out his tenure, combined with the basic fact that the genuine origin of the name was established by the said applicant, confirms bona fide offering of goods & services. Several of said pending "Gigs" were performed in spite of the turmoil within the business. No attempt was ever made to fail to disclose Opposer's prior use of mark or of any Positive contributions made while co-operating the band "Superfreaks".

The judge in Small Claims ruled in favor of the Opposer because of no written contract. Furthermore, No judgement of "frivolous or of no merit" was ever placed on this case except by the Opposer. Applicant was actually consoled by the court (not dismissed) and agreed mutually on not wasting any more court time on this date. **This matter is far from frivolous for someone who worked very hard, only to see others unfairly enjoy the efforts so selfishly.** Applicant never harrassed any player or employee.

Furthermore, upon showing up to a neighborhood pub and unknowingly finding said band playing, applicant was surprised by the immediate threats made by Kieth Kessinger (Singer). Comments to the effect of **"Come around my gig & I'll kill Ya"!!! "I'll kick your F-kin' Ass!!!"** were made. Applicant called his attorney upon returning home and was suggested to not press charges at that time. An official report of the threats was made at the time of Small Claims trial and an Armed Bailiff was posted in the courtroom for this very reason. This, after opposer was very uncooperative in mediation. So much so, that he was told by mediators that, **"You aren't going to like what the judge tells you today, buddy" !!!** Sadly, he still won the judgement that day.

2.) **BAD FAITH USE :** Application was not filed in bad faith whatsoever. Applicant contends to use his ideas and productions in continuing Disco Tribute entertainment. Bad faith lies with the opposer doing everything humanly possible to deny applicants vast contributions to playing in and co-operating the "Superfreaks" as a partner with the opposer. Disrupting, defaming, Etc.. is coming, in actuality, from the opposers side. 3.) **PRIOR USE :** OPPOSER did not have prior use of mark on said date of Oct. 15, 1999. Applicant contends that opposer booked said band as "Groove Knights" in an attempt to confuse the public and take a vicious stab at a former partner in a very similar way as presently. Attached pic. shows date in question. Said mark was given birth to much earlier by applicant and used, initially to defuse this negative plagerizing.

4.) **NOT OWNER OF MARK IN QUESTION:** Applicant claims to be official user of mark, having booked over 75% of all gigs (and handling pay), thus controlling nature, quality & rendering of services and payment. This and other facts contained in this answer show basic ownership and right to file.

5.) **FRAUDULENT APPLICATION :** Fraudulence is on the part of the opposer. Band was initially called "Groovie Knights" by opposer, not "Superfreaks" (Applicant's moniker).

6.) **RIGHTS :** Applicant, unbeknownst to opposer, has continued to use his name, "SUPERFREAKS" on several occasions including **"SUMMER SERIES" (BREA PARKS) / "LUCKY LOUNGE" (QUIET CANNON)** and, several private events for previous clients. **CRAZYHORSE** gig was obtained by applicant, not opposer. Only after the unfair forced removal of applicant from said show, business was lost due to bad management by opposer. Applicant is motivated by strong goodwill and reputation built up by "his own" hard work and efforts to make "Superfreaks" the popular band it had become.

PROOF OF THIS COMES IN: a.) Applicant secured 75% to 85% of all work while in tenure.
b.) Applicant performed (as well as traveled) more times then any other performer. This established a regular, recognizable stage persona and the basis for stable quality control during performance. Coincidentally, of over 15 rotating players (& 8 regular members), opposer played, performed and traveled the least of all regulars.

c.) Of all musicians, applicant was sole player to abandon daytime employment, allowing full time to focus on booking and co-managing "Superfreaks". All expences pertaining to booking tasks were handled by applicant including \$150.00 plus monthly Phone bills. Opposer, while having recorded tapes & videos to aid in bookings, did not incur weekly production costs, as did applicant, traveling to pick up and disperse flyers, purchasing weekly fog juice for on-stage effects

and the continual research of future shows. These efforts by applicant resulted in every major playing situation the group was involved in including: "MUSIC CITY" (FOUNTAIN VALLEY), "CRAZYHORSE"(IRVINE), KOOL 93 RADIO PROMO SHOWS (AND ON-AIR SPOTS), OPENING FOR GREATS "ROSE ROYCE", LAKE PERRIS FAIR & FESTIVAL, AND OVER 6 MONTHS OF WEEKNIGHT GIGS AT EXCLUSIVE CLUBS like "SEVILLAS", "CLUB METRO", "SUMO'S SUSHI BISTRO", etc... All club owners and bookers can be contacted to confirm Applicant was agent in charge of affairs for "Superfreaks".

8.) UNFAIR COMPETITION : Applicant contends that it would be unfair competition to allow opposer to continue to receive the benefit of applicants extensive club networking, gig locating and, more importantly, all creative aspects submitted by applicant while performing. This includes the naming of said band & most of its players as well as general comedic formats such as, jokes, gags, audience participation, etc... Note that opposer has had altercations of a similar nature with "Perfect World Entertainment" (his previous employer), allegedly stealing and undermining backing tracks, dance moves and general ideas from them. This is proven by the "name-stab" of "Groovie Knights". Applicant (G.Hoffmann) was originator of name, mainly in steering away from Perfect World's "Boogie Knights" & "Grooveline".

9.) DECEPTIVE TRADE PRACTICES : Applicant contends opposer is attempting to deceive the public by continuing to use mark while providing inadequate /sub-standard services. Proof of this is in the losing of said "Prestige Gigs" at "Crazy horse" and Pala casino from the effects of applicant no longer handling booking and P. R. affairs and the no longer use of many of the original "regular" players incl. "Bootsy Reed" (G. Hoffmann) and other beloved stage characters. This, along with mismanagement amongst opposer's present organization, shows opposer, even with his musical experience, is the one tarnishing the fun and exciting mystique attached to the "Superfreaks".

In Summation, applicant and opposer, (both veteran musicians) came together in late 1999 to start a small "In-House" production company, focusing mainly on '70s & '80s tribute shows. Using each ones strengths (opposers experience w/ top tribute company "Perfect World" & applicants vast booking credentials), a partnership was formed. All fees incurred by applicant for bookings were split with opposer on a weekly basis. No fees incurred by opposer were ever shared on a consistant basis. A "poormans' copyright (bio, video, pix and written statement sent to OWN address) was sent out by applicant in early 2000 , which applicant is presently in possession of. Opposer fully knew this. After 2 years of successful performing, opposer became overly controlling. Without warning,, applicants position of performing (& basic income),as well as weekly "booking agent" fee percentage was "withheld" and contact broke off from band. Opposer continues to use applicants name "Superfreaks" and financial restitution has never been made. I, GUY HOFFMANN,

SUBMIT THAT ALL FACTS HERE WITHIN ARE TRUE & FACTUALLY STATED.

BY


GUY HOFFMANN

DATE

3-26-2003

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

In the matter of trademark application Serial No. 78110344
For the mark "SUPERFREAKS FUNKY DISCO REVUE"
Opposition No. 91155188 Joe J. Alfaro, Jr. v. Guy A. Hoffmann

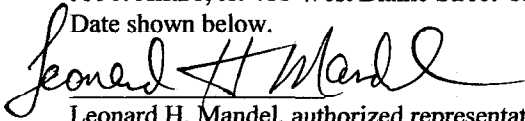
NOTICE OF ANSWER

Filed by Guy A. Hoffmann, Applicant

CERTIFICATE OF MAILING

I hereby certify (1) that this correspondence is being deposited with the United States Postal Service as EXPRESS MAIL in an envelope addressed ~~United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board~~ 2900 Crystal Drive Arlington, Virginia 22202-3513 on the date shown below. And (2) that this correspondence is being deposited with the United States Postal Service as First Class Mail, Certified in an envelope addressed Joe J. Alfaro, Jr. 481 West Blaine Street Riverside, California 92507 on the Date shown below.

COMMISSIONER FOR Trademarks
Box TTA B



Leonard H. Mandel, authorized representative for Guy A. Hoffmann, Applicant

MARCH 29, 2003

Date

GROOVIE-KNIGHTS



Get out your Dad's Polyester & get ready to Boogie Down with the Groovie-Knights Dress to impress in Polyester!!!! We'll be looking for the Dress! For members & their guests only. The Metro Club will be joining forces to dance the 'Knight' away. The cost is only \$8 smackers and you can dress in casual attire.

We start to Boogie on Friday, October 15