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

Proceeding	91186206
Party	Plaintiff General Motors Company
Correspondence Address	CHANILLE CARSWELL BROOKS KUSHMAN PC 1000 TOWN CENTER, 22ND FLOOR SOUTHFIELD, MI 48075 UNITED STATES ccarswell@brookskushman.com, tcunningham@brookskushman.com, lsavage@brookskushman.com, hshovein@brookskushman.com
Submission	Reply in Support of Motion
Filer's Name	Chanille Carswell
Filer's e-mail	ccarswell@brookskushman.com, tcunningham@brookskushman.com, lsavage@brookskushman.com, hshovein@brookskushman.com
Signature	/chanille carswell/
Date	07/28/2011
Attachments	Exhibit O.pdf (3 pages)(56595 bytes) Exhibit P.pdf (3 pages)(76971 bytes)

EXHIBIT O

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

GENERAL MOTORS COMPANY,)
)
 Opposer,)
)
 v.)
)
CALIFORNIA MOTORS LLC,)
)
 Applicant.)

Serial No. 77/362,098

Opposition No. 91186206

**SECOND AFFIDAVIT OF AMY LESHAN IN SUPPORT
OF APPLICANT’S MOTION FOR PARTIAL SUMMARY JUDGMENT**

I, Amy Leshan, state as follows:

1. I am an attorney duly licensed to practice law in the state of Michigan. I am an associate with Brooks Kushman, the attorney of record for the Opposer General Motors Company (“GM”), and I am filing this Affidavit in support of Opposer’s Motion for Partial Summary Judgment (“Opposer’s Motion”). I have personal knowledge of the facts set forth herein and I am competent to testify to the matters stated herein.
2. Attached as Exhibit N to Opposer’s Reply in support of its Motion for Partial Summary Judgment are printouts of the following articles published between 2006-2008, which I accessed on July 28, 2011:

http://articles.cnn.com/2006-07-25/us/paul.commentary_1_electric-car-electric-vehicle-internal-combustion-engine-vehicles?_s=PM:US

http://www.ideasinactiontv.com/tcs_daily/2006/06/who-killed-the-electric-car.html

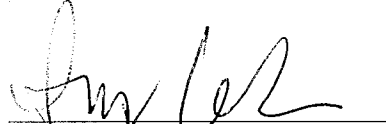
<http://depletedcranium.com/who-killed-the-electric-car-the-laws-of-physics/>

http://www.theregister.co.uk/2008/01/01/woudhuysen_electric_car/

http://www.democracynow.org/2007/4/13/who_killed_the_electric_car_new


These printouts are relevant to show that consumers continue to associate the EV1 mark with GM and its EV1 vehicle.

I declare under penalty of perjury that the foregoing is true and correct.



Amy Leshan
Dated: July 28, 2011

SUBSCRIBED AND SWORN TO before me this 28th day of July 2011.


Notary Public

My Commission expires: 2/24/2014



MICHELLE L. WHITE
Notary Public, State of Michigan
County of Macomb
My Commission Expires Feb. 24, 2014
Office in the County of Oakland

EXHIBIT P

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

GENERAL MOTORS CORPORATION,)	
)	
Opposer,)	
)	
v.)	
)	Opposition No. 91186206
CALIFORNIA MOTORS LLC,)	
)	
Applicant.)	

**GENERAL MOTORS COMPANY'S¹ RESPONSE TO
APPLICANT'S REQUESTS FOR ADMISSIONS**

GENERAL OBJECTIONS

1. General Motors Company (“GM”) objects to the Requests on the basis that, and insofar as, they are overly broad, vague, uncertain, and ambiguous, and subject to varying interpretations. More specifically, GM objects to the Requests on the basis that, and insofar as, they ask GM to admit the truth of certain statements taken out of context from GM’s promotional and marketing materials. Such promotional and marketing materials use language that does not always lend itself to a simple admission or denial in the context of formal discovery, in that the materials are not drafted with the legal precision that is necessary in the discovery context, and in that the language used is inherently contextual.

¹Opposer General Motors Corporation (now known as Motors Liquidation Corporation) assigned all relevant IP assets in this case to General Motors Company. General Motors Company filed a Motion to Substitute General Motors Company as the plaintiff in this case with the Trademark Trial and Appeal Board on August 10, 2009. General Motors Company has all discovery relevant to this case and is thus responding to these discovery requests. Where Applicant’s requests identify “Opposer” or “GM,” General Motors Company has assumed that they refer to both General Motors Corporation and the assignee to the relevant IP assets, General Motors Company and has responded accordingly.

today. Indeed, this is one of the reasons that GM decided to produce an Extended Range Electric Vehicle in 2010.

18. Opposer has not marketed nor promoted its previously registered EV1 mark in any calendar year since 2004.

Response: Denied. The EV1 is promoted as the technological basis for the 2010 Chevrolet VOLT, and has been since at least as early as December 2006. There have been many media and publication references to the EV1 as the technological precursor or enabler to the new VOLT vehicle. A new movie is in production by Chris Paine tentatively titled "Revenge of the Electric Car" which GM understands will showcase the connection of the 1997 EV1 vehicle to the 2010 VOLT. Responsive documents are being produced to support this response.

19. The trade name of the vehicle which Opposer references in its Notice of Opposition, Paragraph 6, which it maintains it will sell by the end of 2010 in the United States, is the Chevrolet Volt.

Response: Admitted.

20. Opposer required that its lessees service Opposer's EV1 vehicles at Saturn service centers.

Response: Admitted.