

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

_____)
FREDRICK JAMES STAVES)
(CONSOLIDATED WITH OPPOSITION NO. 91196016))
(PRO SE) INDIVIDUAL APPLICANT)
)
	V)
)
CARLOS RAMIREZ)
INDIVIDUAL OPPOSER)
_____)

Opposition No: 91198643
Mark: Majestics Car Club
Serial No: 77729569

*91-196016
aw*

**APPLICANTS RESPONSE TO OPPOSERS OPPOSITION TO MOTION
FOR SUMMARY JUDGEMENT**

1. In response to Opposer Carlos Ramirez opposition to motion for Summary Judgement. Opposer argues that Applicant failed to submit any admissible evidence supporting his motion. The documents in Applicants exhibits are authentic. The magazine articles, the Sunday Driver DVD, the fliers for the picnics and the fictitious business name receipts. As well as the affidavits provided by the Presidents and Vice Presidents of different chapters of the Majestics Car Club.
2. The issue here is if Opposer Carlos Ramirez committed perjury when he stated that he has been an active member of the Majestics Car Club since 1977 and does he have the rights to the Majestics name and logo.

STATEMENT OF FACTS

Who founded the Majestics Car Club and when it was founded is not the issue because none of the founders have applied for or opposed the Applicants registration for the Majestics Car Club designed mark. The issue about the SO. CAL. Chapter of the Majestics are as follows. The So. Cal. chapter of the Majestics disbanded in the late 1980's as well as the Santa Fe chapter. In the early 1990's the only chapters were the Compton chapter, and San Diego chapter and the Phoenix Arizona chapter. Being that the Compton chapter was the eldest of the three the Compton chapter assumed the leadership position.

When Opposer Carlos Ramirez, Wayne Day and Rodrick Robinson or any other witnesses for the Opposer say that the So. Cal. chapter has been together and Carlos Ramirez has



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been the Sergeant of Arms from 1985 until the present they are committing perjury. Opposer can not present any evidence at all that the So. Cal. chapter of the Majestics existed from 1989 to 2007 and he was a member.

For opposer and his witnesses to imply that he has continuously used the Majestics Car Club name and logo since 1977 until now is a false statement.

OPPOSER Carlos Ramirez nor any of the founding members has had any interest or contact with the Majestics Car Club from 1989 to 2007. When Wayne Day was denied the presidency of the Compton chapter of the Majestics Car Club by its members and was told the Applicant would be resuming the presidents role once he was released from prison, then Applicant notified Wayne Day the Applicant had filed for the trademark. Mr. Day encouraged Opposer to file an opposition to Applicants mark.

The So. Cal. chapter of the Majestics Car Club has tried to be revised since 2008 by Wayne Day, Rodrick Robinson and Carlos Ramirez but due to the rules of the Majestics Car Club that states in order to start or restart a chapter of the Majestics Car Club, there has to be five members with five complete cars that pass the Majestics standards. Those rules have not been met, so until they are the So. Cal. chapter of the Majestics are just prospects. Past members are aloud to attend club functions and take photos with club members so by the opposer having photos with members at club functions doesn't mean that he's an active member.

Applicant is the reason that the Majestics Car Club went from (3) chapters to (32) chapters. Opposer can't get one chapter or active member to say he had anything to do with their existence in the Majestics Car Club.

ALL of the photos Opposer has presented as evidence are before 1989 and after 2007 because Opposer had no interest in the Majestics Car Club until Wayne Day encouraged Opposer to oppose Applicants trademark registration.

Opposer states that he has been a member of the Majestics Car Club since 1977. If the affidavits Applicant provided form the Majestics Car Club presidents are false it certainly would be simple for opposer to get a true and correct affidavit from them stating that I presented false affidavits. Opposer chose not to do so because he knows that the affidavits presented be Applicant are true.

Opposer has not provided any affidavits from any active Majestics Car Club members. The affidavits opposer has presented are from non-active ex-members that are trying to reactivate the So. Cal. chapter.

Applicant built the Majestics Car Club up to what it is and was responsible with the help of Angelito Daniel and Darwin Wilson for expanding the club in the USA and abroad Applicant has used the Majestics Car Club name and logo continuously in commerce since 1992 promoting car shows, dances, picnics, and the sale of Majestics Car Club plaques, t- shirts, jackets and caps.

Applicant, joined the Compton chapter of the Majestics Car Club in 1979 when it started, before then Applicant rode with Wayne Day and Kenneth Johnson with the Santa Fe chapter.

Opposer has not named one contribution he has made to the betterment of the Majestics Car Club. Opposer waited until Applicant made the MAJESTICS Car Club a household name in the Lowrider world and extended chapters all over the USA and abroad to try to step in and steal the trademark.

OPPOSER CLAIMS APPLICANT FAILED TO OFFER ANY ADMISSIBLE EVIDENCE IN HIS SUPPORT OF MOTION

There are genuine issues of material fact in Applicants motion for Summary Judgment. Fact (1) the fictitious business name statement. Fact (2) the Affidavits done electronically from the presidents and vice presidents of different chapters of the Majestics Car Club. Fact (3) the magazines with the articles about Applicant being the president of the COMPTON chapter of the Majestics Car club with photos of Applicant and his cars. Fact (4) the DVD documentary "SUNDAY DRIVER" about the Majestics Car Club form 1996 to 2003 approved to be filmed by Applicant in which opposer was no where to be found in the documentary because he was not a member or around at the time.

AFFIDAVITS ARE UNSIGNED, BUT ARE ADMISSIBLE

The seventeen affidavits from fifteen witnesses in support of Applicants motion are admissible and fall under the electronic signature rules, Opposer suppose to know the witnesses that are identified in the affidavits, surely if the affidavits were not valid Opposer could easily ask the witnesses if they really made the affidavits and if they did not he could have gotten a signed affidavit from them stating Applicant forged the affidavits Applicant introduced as evidence in this case.

THE WITNESSES WERE NOT PREVIOUSLY UNDISCLOSED BY APPLICANT AND THEY SHOULDN'T BE EXCLUDED

All of the witnesses were identifiable because all of them are current Majestics Car Club members. Their names, car club chapters and positions in the car club were given. Opposer could have easily contacted them if he wanted to have his lawyer question them. Opposer did`nt want to contact the witnesses because Opposer knew the witnesses affidavits were valid. OPPOSER`S claim that the witnesses were undisclosed is a false statement. Applicant request that the witnesses affidavits be allowed to be used as evidence for Applicant.

ALL OF APPLICANTS DOCUMENTS ARE AUTHENTICATED

By Applicant submitting documents from Los Angeles and San Bernardino Counties with their county stamped seals on them, a document from Rock star video's ,multiple magazine articles and the DVD "SUNDAY DRIVER" documentary about the MAJESTICS Car Club with Applicant presented in the DVD certainly authenticates the documents presented in his motion. By Applicant submitting those documents that bare his name and image they are a declaration or affidavit of their authenticities. These are facts that can't argue.

Opposer nor the so called Social Parent Organization which is false has continuously used the Majestics Car Club mark since 1973 prior to Applicant and the Compton chapter of the Majestics because there is no SOCIAL PARENT ORGANIZATION. Being the Opposer only held the position by his own declaration that he was only the "SERGEANT OF ARMS" there is no way that he could have used the Majestics Car Club name and logo for anything because a "SERGEANT OF ARMS "doesn't have that authority. All a "SERGEANT OF ARMS" does is call meeting to order, make sure there's order within the meetings and make sure everyone stays together when the club rides. PRESIDENTS, VICE PRESIDENTS, SECRETARIES AND TREASURERS are the only club members that have authority to use the Majestics name and logo in commerce or for anything.

By Applicant registering for the fictitious business name statement in LOS ANGELES and SAN BERNARDINO counties shows his intent to use the designed mark. Opposer has made no attempt at all to show any intent to use the Majestics designed mark. Opposer has not shown any evidence that he ever used the Majestics Car Club name or logo in commerce.

The SOCIAL PARENT ORGANIZATION is the Compton chapter who assumed leadership when the So. Cal. chapter disbanded around 1989 or 1990. Opposers response to Applicants motion for summary judgment are full of false statements meant to mislead the Honorable Commissioner and TRADEMARK TRIAL AND APPEAL BOARD. Opposer has nothing to show that he was an active member of the Majestics Car Club from 1989 to 2007.

CONCLUSION

Opposer has presented no documentation to show that he personally has used the designed mark Majestics Car Club name and logo in commerce. A "SERGEANT OF ARMS " does not have that authority. Opposer has presented no genuine issue of material facts. Opposer was away from the club over 17 years with no contact with the Majestics Car Club at all. ALL of the statements made by Opposers witnesses are irrelevant because all they are saying is when the club started, who started the club and when opposer joined. There is no evidence that Opposer used the Majestics name and logo in commerce especially from 1989 to 2007. Opposers witnesses perjured themselves by portraying that the So. Cal. chapter was never abandoned. There is no So. Cal. Parent Organization and Opposer has no evidence nor does he have any kind of documents to support that claim. Opposer has no claim or authority to claim the Majestics Car Clubs name or logo. Nor does he have any support from any of the 32 chapters of the Majestics Car Club. Opposer has not named one thing he has done to contribute to making the club better or a real reason why he should have the Majestics Car Club Trademark. The exhibits in APPLICANTS MOTION FOR SUMMARY JUDGEMENT shows, and proves that he is authorized and has earned the right to have the Majestics Car Club trademark. Applicant is entitled to summary judgment as a matter of law pursuant to F.R.C.P. 56(c).

Wherefore Applicant prays that the Honorable Commissioner and Trademark Trial and Appeal Board renders a Summary Judgment in favor of the Applicant Fredrick James Staves and dismiss Opposers opposition to mark: MAJESTICS CAR CLUB, Serial No. 77729569 and also dismiss Opposers application for mark: MAJESTICS, Serial No. 77662861 and grant Applicants MAJESTICS CAR CLUB, designed mark to be registered.

CERTIFICATE OF SERVICE

CERTIFICATE OF MAILING

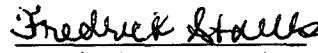
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AND TO:

Gordon E. Gray 3rd
Gray Law Firm
4401 N. Atlantic Ave.
Long Beach, Ca. 90807

Dated August 5, 2011


Fredrick J. Staves (pro se)
P.O. BOX 211
Rialto, Ca. 92377