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

Proceeding	91196016
Party	Plaintiff Carlos Ramirez
Correspondence Address	GORDON E GRAY III GRAY LAW FIRM 4401 NORTH ATLANTIC AVENUE, SUITE 233 LONG BEACH, CA 90807-2218 UNITED STATES geg@grayiplaw.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Gordon E. Gray III
Filer's e-mail	geg@grayiplaw.com
Signature	/Gordon E. Gray III/
Date	04/06/2012
Attachments	First Amended Notice of Opposition 4-6-12.pdf ( 7 pages )(160722 bytes )

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

CARLOS RAMIREZ, an individual, and )	Opposition No. 91196016
MAJESTICS CAR CLUB - SOCAL, )	(consolidated with Opposition No. 91198643)
a club and unincorporated association, )	
)	
Opposers, )	
)	
v. )	Mark: MAJESTICS CAR CLUB and design
)	Serial No. 77/729,569
FREDRICK J. STAVES, an individual, )	Filed: May 5, 2009
)	
)	
Applicant. )	
_____ )	

**FIRST AMENDED NOTICE OF OPPOSITION**

To the Honorable Commissioner for Trademarks:

In the matter of Serial Number 77/729,569 for the design mark MAJESTICS CAR CLUB, filed May 5, 2009 and published for opposition on April 13, 2010 to Applicant, Fredrick J. Staves, an individual, located at P.O. Box 211, Rialto, California 92377; Opposers Carlos Ramirez, an individual located at P.O. Box 3163, Covina, California 91772 and the MAJESTICS CAR CLUB - SOCAL, a club and unincorporated association located at P.O. Box 3471, Whittier, California 90605.

As grounds of opposition, it is alleged that:

1. By the application herein opposed, Applicant seeks to register the design mark MAJESTICS CAR CLUB in connection with “customized printing of company names and logos for promotional and advertising purposes on the goods of others” in International Class 040.

2. The Applicant's application was filed on May 5, 2009 and was published for opposition in the Official Gazette on April 13, 2010.
3. Opposer, Carlos Ramirez (hereinafter "Ramirez") is, and has been since 1977, a member of an organization named, Majestics Car Club. The Majestics Car Club is a club and unincorporated associated. In particular, Ramirez is a member of the Majestics Car Club parent organization referred to as "SoCal" (hereinafter "SoCal").
4. SoCal provides social club services, namely arranging, organizing, and hosting social events, get-togethers, and parties for club members and automobile enthusiasts under the mark "MAJESTICS." SoCal also sells car plaques to its members for display in their cars.
5. SoCal, as the parent organization, supervises and controls a number of MAJESTICS chapters throughout the United States and the World, including but not limited to the chapter in Compton, California.
6. Currently, the Compton chapter (hereinafter "Compton") is attempting to gain control of the Majestics Car Club by, *inter alia*, falsely claiming that it is the parent organization for the Majestics Car Club, opening new unauthorized chapters, and demanding that chapters and their members pay dues to Compton in exchange for the right to use the name MAJESTICS, display Majestics car plaques in members' cars and to hold Majestics events such as car shows, picnics and dances and other social events.
7. Applicant's "intent-to-use" application is part of Compton's scheme to gain control of the MAJESTICS name and to extract money out of the membership of the Majestics Car Club.
8. Ramirez, as a long time member and officer of SoCal, has been licensed and authorized by SoCal to use the MAJESTICS mark and to secure trademark applications for the MAJESTICS

mark for a variety of goods and services including car plaques and arranging, organizing, and hosting social events, get-togethers, and parties for club members and automobile enthusiasts. Ramirez, as a long time member and officer of SoCal, has personally used the MAJESTICS mark in conjunction with selling car plaques and arranging, organizing, and hosting social events, get-togethers, and parties for club members and automobile enthusiasts. Mr. Ramirez is also the record owner of U.S. Trademark Reg. No. 4,109.381 for car accessories, namely, car plaques.

9. If Compton and Applicant succeed in securing control of the MAJESTICS mark through, *inter alia*, registration of the application at issue, both Ramirez and SoCal will be injured by, *inter alia*, Compton and Applicant's scheme to control the Majestics Car Club and to extract dues from Ramirez and SoCal for use of the MAJESTICS mark.

10. As such, Ramirez and SoCal each have standing to oppose the application at issue pursuant to 15 U.S.C. §1063 and *Ritchie v. Simpson*, 170 F.3d 1092, 1095-1096 (Fed. Cir. 1999). Ramirez and SoCal each have a "real interest" in the outcome of the Opposition and each will be injured by the registration.

### **PRIOR USE: OPPOSERS' USE IN COMMERCE PREDATES**

#### **APPLICANT'S ALLEGED USE**

11. An application for the MAJESTICS CAR CLUB design mark, Serial No. 77/729,569, was filed in International Class 040 for use in connection with "customized printing of company names and logos for promotional and advertising purposes on the goods of others" on May 5, 2009. The application is an intent to use application and set forth no date for its use in commerce.

12. Opposers, Ramirez and SoCal, have been using the MAJESTICS mark in commerce continuously since 1977 and 1973 respectively.

13. Opposers, Ramirez and SoCal, have continuously used, advertised and promoted the

MAJESTICS trademark on or in connection with their goods and services since 1977 and 1973 respectively.

14. Applicant has failed to identify a date of alleged first use in commerce prior to May 5, 2009. As such, Opposers are the senior users of the MAJESTICS mark in commerce in the United States. Moreover, Ramirez personally knows Applicant and is aware that Applicant has not provided “customized printing” of any kind under the MAJESTICS mark at any time.

15. Prior use is a ground for opposition of Applicant’s mark pursuant to Section 2(d) of the Lanham Act that indicates that a mark cannot have been previously used by another in connection with goods or services in a way which may cause confusion to consumers.

**APPLICANT’S DESIGN MARK IS CONFUSINGLY SIMILAR TO OPPOSERS’ MARK**

16. Applicant’s mark and Opposers’ use are not in the same International Class. However, the Applicant’s mark *itself* indicates that its use is with a car club, MAJESTICS *CAR CLUB*, and customized printing services are not the typical services provided by a car club.

17. The design mark being used by Applicant is nearly identical to the design mark used by Opposers. Applicant has attempted to copy the mark exactly. A side-by-side comparison of the design marks is as follows:



STAVES



MAJESTICS CAR CLUB (RAMIREZ)

18. The Opposers’ mark so resembles Applicant’s mark as to be likely, when applied to the questionable services provided by the Applicant, to cause confusion. The registration sought by

the Applicant should be refused because it is likely to cause confusion amongst consumers.

**APPLICANT DOES NOT HAVE A *BONA FIDE* INTENT TO USE THE MARK**

19. The Applicant does not have a bona fide intent to use the mark in connection with customized printing services. The mark itself indicates that it is for use with a car club. Car clubs are not typically in the business of providing customized printing services. Applicant had no bona fide intent to use the mark in commerce with the stated services.

20. Applicant has also been incarcerated throughout the pendency of the application at issue and will continue to be incarcerated. Accordingly, Applicant could not have a bona fide intent to use the mark, as he is physically restrained and not capable of using the mark in commerce.

21. Applicant has filed a number of applications to register MAJESTICS-related marks including Ser. Nos. 76592011 and 76668767 for goods such as model cars, calendars, posters, towels, and clothing and he allowed each application to be abandoned.

22. Applicant's serial filing of a number of MAJESTICS-related applications is evidence that Applicant has no bona fide intent to use the MAJESTICS mark in commerce. Applicant is merely attempting to obtain a registration without regard to particular goods or services in furtherance of his scheme to control the Majestics Car Club and extract money from its chapters and members.

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WHEREFORE, Opposers deem that they are and will be damaged by the registration of Serial No. 77/729,569 and they oppose the registration for the MAJESTICS CAR CLUB design mark as it relates to goods in International Class 040 and pray that Applicant's application not be allowed to register.

Dated: April 6, 2012

GRAY LAW FIRM

/Gordon E. Gray III/  
Gordon E. Gray III  
4401 N. Atlantic Ave., Suite 233  
Long Beach, CA 90807  
Telephone: (562) 984-2020  
Facsimile: (562) 984-2019  
Email: geg@grayiplaw.com  
Attorney for Opposers  
CARLOS RAMIREZ AND MAJESTICS CAR  
CLUB - SOCIAL

**CERTIFICATE OF SERVICE**

I hereby certify that on the on April 6, 2012, I served the foregoing FIRST AMENDED NOTICE OF OPPOSITION on the party below by First Class U.S. Mail:

FREDRICK J. STAVES  
Email: [ogpublishing@yahoo.com](mailto:ogpublishing@yahoo.com)  
P.O. Box 211  
Rialto, CA 92376

Dated: April 6, 2012

By:     /Gordon E. Gray III/      
Gordon E. Gray III (SBN 175209)  
[geg@grayiplaw.com](mailto:geg@grayiplaw.com)