

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

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5 Carlos Ramirez,  
6 an individual,  
7 v.  
8 Fredrick Staves,  
9 an individual.

10  
11 Fredrick Staves,  
12 an individual,  
13 v.  
14 Carlos Ramirez,  
15 an individual.  
16  
17

} Opposition No. 91196016(parent)  
} and  
} Opposition No. 91198643  
} CONSOLIDATED  
} REPLY TO OPPOSITION TO  
} MOTION TO INTERVENE

18  
19 Todd Land, by and through his attorney, David W. Dow (with a mailing  
20 address of 3104 E. Camelback Road #281 Phoenix, AZ 85016) here by files this  
21 Reply to the Opposition to Motion to Intervene in the above captioned proceeding.  
22  
23



25 03-04-2014

1 As stated in his Motion, Mr. Land seeks to intervene in this action based in  
2 part as a matter of right as he is the Director/President of the Majestics Car Club in  
3 Glendale, Arizona. Contrary to Mr. Ramirez' claim that Mr. Land alleges, without  
4 any documentary or testimonial evidence, that he is the president of the Majestics  
5 Car Club in Arizona, attached as Exhibit A is a printout from the Arizona  
6 Corporation Commission showing him as a Director of the Majestics Car Club-  
7 Glendale, Arizona.  
8  
9

10 As previously stated, the Motion is timely because Mr. Ramirez' attorney  
11 has been sending letters demanding that the card club representatives stop using  
12 the Majestics' symbol. It should be concerning to this Board that somehow Mr.  
13 Ramirez's attorney has denied threats are being made when Exhibit B shows such  
14 a recent threat. Due to the ongoing threats and concerns he has from Exhibit B, the  
15 Motion is timely. Timeliness is based on a totality of the circumstances analysis—  
16 not just a matter of counting days. *U.S. vs. Alcan Aluminum* , 25 F.3d 1174 (3rd  
17 Cir. 1994) at 1181. “[W]here a party takes reasonable steps to protect its interest,  
18 its application should not fail on timeliness grounds.” *Id.* at 1182. Here, given the  
19 relatively recent threats being made and the status of the appeal being stayed but a  
20 pending Motion for Judgment, the Motion to Intervene is timely.  
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1 While Mr. Ramirez claims somehow that there is no authority to allow  
2 intervention, he ignores clear law on the issue. Intervention is permitted and must  
3 meet the following:  
4

5 "(1) the application for intervention is timely; (2) the applicant has a  
6 sufficient interest in the litigation; (3) the interest may be affected or impaired, as a  
7 practical matter by the disposition of the action; and (4) the interest is not  
8 adequately represented by an existing party in the litigation." *In re Community*  
9 *Bank of Northern Virginia*, 418 F.3d 277, 314 (3d Cir. 2005) (quoting *Harris v.*  
10 *Pernsley*, 820 F.2d 592, 596 (3d Cir. 1987)); *Sokaogon Chippewa Cmty. v. Babbitt*,  
11 214 F.3d 941, 949 (7th Cir. 2000).  
12

13  
14 Mr. Ramirez appears to want to cite to rules when it is in his favor and  
15 ignore rules when it is not. He cites to Rule 24, FRCP, RULE 24 related to an  
16 attached pleading. However, as Mr. Land has made clear, Counsel has asked the  
17 Board to advise him as to the requested pleading in this matter due to the fact that  
18 the discovery has been ongoing, he is a third party and the Board has consolidated  
19 two different cases that have different interests and are at somewhat different  
20 stages.  
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1 Finally, Mr. Ramirez states Mr. Land's motion to intervene is unsupported  
2 by evidence supporting intervention. FRCP, Rule 24(a)(2) requires that Mr. Land  
3 show he has "an interest relating to the property or transaction that is the subject  
4 matter of the action, and is so situated that disposing of the action may as a  
5 practical matter impair or impede the movant's ability to protect its interest..." and  
6 that existing parties do not "adequately represent that interest." See FRCP, Rule  
7 24(a)(2).  
8  
9

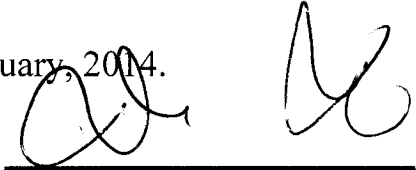
10 Mr. Land has presented a great deal of evidence showing that not only he but  
11 many others are concerned about the attempts by Mr. Ramirez to basically hijack  
12 the car club that has been in existence well before his involvement and the ongoing  
13 threats made to try and impact his interests.  
14

## 15 **CONCLUSION**

16

17 The Opposition seems to show a complete lack of reading the attachments  
18 submitted with the Motion to Intervene in that the Opposition continues to claim  
19 there is no evidence supporting Mr. Land's position. As the Board can see, there is  
20 substantial evidence that can be supported further if Mr. Land is allowed to  
21 intervene and file a position statement on the matter.  
22  
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1 Respectfully submitted this 27th day of February, 2014.



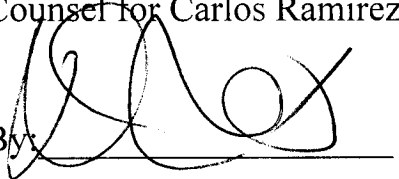
2  
3 David W. Dow, Esq.  
4 3104 E. Camelback Road #281  
5 Phoenix, AZ 85016

6 Original mailed this  
7 27th day of February, 2014 to:

8 US Trademark and Appeal Board  
9 PO Box 1451  
10 Alexandria, VA 22313-1451

11 Gordon Gray III  
12 4401 North Atlantic Avenue Suite 233  
13 Long Beach, CA 90807  
14 Counsel for Carlos Ramirez

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By: 

Arizona Corporation Commission  
State of Arizona Public Access System  
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**Corporate Inquiry**

**File Number:** -1815611-2

**Corp. Name:** MAJESTICS CAR CLUB-GLENDALE, AZ

[Check Corporate Status](#)

**Domestic Address**

3243 E HARVARD ST  
PHOENIX, AZ 85008

**Statutory Agent Information**

**Agent Name:** TODD LAND

**Agent Mailing/Physical Address:**

3243 E HARVARD ST  
PHOENIX, AZ 85008

**Agent Status:** APPOINTED 12/28/2012

**Agent Last Updated:** 01/11/2013

**Additional Corporate Information**

**Corporation Type:** NON-PROFIT

**Incorporation Date:** 12/28/2012

**Domicile:** ARIZONA

**Approval Date:** 01/11/2013

**Business Type:**

**Corporate Life Period:** PERPETUAL

**County:** MARICOPA

**Original Publish Date:**

**Director Information**

TODD LAND  
DIRECTOR

3243 E HARVARD ST  
PHOENIX, AZ 85008

Date of Taking Office: 12/28/2012  
Last Updated: 01/11/2013

ANDRES CARRERA  
DIRECTOR

3243 E HARVARD ST  
PHOENIX, AZ 85008

Date of Taking Office: 12/28/2012  
Last Updated: 01/11/2013

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# GRAY LAW FIRM

Gordon E. Gray III

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e-mail: [gcg@grayiplaw.com](mailto:gcg@grayiplaw.com)

June 17, 2013

## VIA CERTIFIED MAIL

Mr. Rob "Bird" Rice  
1618 Casa Place  
National City, CA

Re: U.S. Trademark Registration No. 4,109,381  
Our Ref. No.: 102.710

Dear Mr. Rice:

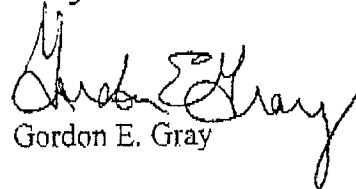
I am intellectual property counsel for Carlos Ramirez and the Majestics Car Club parent organization, hereinafter "SoCal." Mr. Ramirez is the owner of U.S. Trademark Registration No. 4,109,381 for MAJESTICS + design for car plaques. A copy of the registration is attached hereto.

My clients ask that you respect their intellectual property and immediately stop making, using, selling, distributing, offering to sell or advertising any car plaques bearing the MAJESTICS trademark or anything confusingly similar thereto. My clients request that you provide written confirmation that each of you have stopped all infringing activity by July 2, 2013

If you do not stop your infringing activity, my clients are prepared to pursue their legal remedies. If you have any questions, please do not hesitate to contact me.

Very truly yours,

*Gray Law Firm*



Gordon E. Gray

GEG: geg  
Enclosures