

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

Carlos Ramirez,  
an individual,

v.

Fredrick Staves,  
an individual.

Fredrick Staves,  
an individual,

v.

Carlos Ramirez,  
an individual.

Opposition No. 9119606(parent)  
and  
Opposition No. 91198643

77.662.861

MOTION FOR LEAVE TO FILE  
AMICUS BRIEF

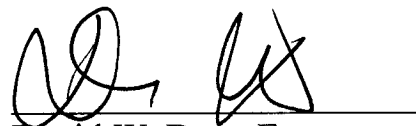
Todd Land, by and through his attorney, David W. Dow hereby files this  
Motion for Leave to File Amicus Brief in support for the Plaintiff, pursuant to rule  
538 of Trademark Trial and Appeal Board's Manual of Procedure.



1 Mr. Land seeks to file this motion, in part, as a matter of right as he is the  
2 Director/President of the Majestic Car Club in Glendale, Arizona. Due to Mr.  
3 Lands position, his support is integral in proving the use of the name "Majestic Car  
4 Club" by Mr. Staves far before Mr. Ramirez' trademark. Any decision by this  
5 Court affects not only Mr. Staves, but also the other fifteen (15) chapters of  
6 Majestic Car Club throughout the world, their directors, Presidents, and Members.  
7 Furthermore, Mr. Staves, who is representing himself, could use Mr. Land's  
8 supporting evidence and aid of legal counsel.  
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12 Therefore, due to Mr. Land's ability to support Mr. Staves, and the fact that  
13 Mr. Land's is directly affected by a negative verdict by the Court, Mr. Land should  
14 be granted leave to file an Amicus Brief in support of the plaintiff.  
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19 Respectfully submitted,

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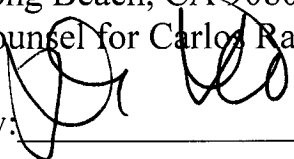
22 David W. Dow, Esq.  
23 3104 E. Camelback Road #281  
24 Phoenix, AZ 85016  
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Original mailed this 17th day of October, 2014 to:

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

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

By:   
\_\_\_\_\_

1 IN THE UNITED STATES PATENT AND TRADETRADEMARK  
2 OFFICE  
3 TRADETRADEMARK TRIAL AND APPEAL BOARD  
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6 Carlos Ramirez,  
7 an individual,

8 v.  
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10 Fredrick Staves,  
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13 Fredrick Staves,  
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15 v.

16 Carlos Ramirez,  
17 an individual.  
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} Opposition No. 91196016(parent)  
} and  
} Opposition No. 91198643

} BRIEF *AMICUS CURIAE* BY TODD  
} LAND IN SUPPORT FOR THE  
} PLAINTIFF FEDERICK STAVES

20 Pursuant to the Trademark Trial and Appeal Board's Manual of Procedure  
21 Rules 538 and 801.04, Todd Land, by and through his attorney, David W. Dow  
22 hereby submits this as amicus curiae in support of Plaintiff Frederick Staves.  
23



1 hand, has been a long serving member of the Majestics Car Club, and his interest  
2 in the club far surpasses that of Mr. Ramirez. The declarations of members of  
3 Majestics (exhibit 3) prove that Mr. Staves has a proprietary interest in the  
4 trademark and Mr. Ramirez does not. Additionally, Mr. Staves has operated as the  
5 Majestics president, and the Compton's Chapter's President, since 1996, where he  
6 used the Majestics name throughout the car community **exclusively** (emphasis  
7 added). He has done this through Majestics commerce, club affiliations, member  
8 activities, membership guidelines and vehicle requirements, club administration,  
9 magazine photo-shoots, etc. As President, Mr. Staves oversees the direction of the  
10 club, and the use of the trademark for club merchandising, publicity, and  
11 community outreach exclusively. Mr. Staves has held this position since 1996.  
12  
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14  
15 Mr. Ramirez, however, has **never** held this position (emphasis added).

16 Mr. Ramirez' first attempt at membership ended in 1981, and he was not  
17 affiliated with Majestics from 1981-2012. Mr. Ramirez attempted to re-affiliate  
18 himself in the club in, or around, 2008, claiming he was a member of the SoCal  
19 Chapter, a chapter that was disbanded in 1989. The SoCal Chapter, however was  
20 revised in 2012 and Mr. Ramirez was voted in as Vice-President. In June 2013, he  
21 was voted-out of his position and kicked out of the club for attempts to use the  
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1 Majestics name without authority and authorization. This proves that Mr. Ramirez  
2 has had no authority to use the Majestics trademark or logo, and therefore has no  
3 right to his current claim. Mr. Ramirez, however, understands that the Majestics  
4 Club, with its international following, could be extremely lucrative, and is trying to  
5 capitalize on the Majestics following and membership for his own personal gain.  
6

## 9 **2. Inability to prove ownership of the Majestics Trademark**

10 This Court held that both Mr. Ramirez and Mr. Staves were unable to prove  
11 their rightful ownership to the Majestics trademark. Although, Mr. Staves has not  
12 directly, and specifically, asserted that he is the owner of the trademark, he has  
13 objectively demonstrated his interests in the trademark through his role in the Club.  
14 Mr. Staves' actions as the President of Majestics are enough to assert he has far  
15 greater interest in the ownership of the trademark than Mr. Ramirez.  
16

17 Mr. Land does not dispute that Mr. Ramirez was once a member of  
18 Majestics, however, he has not been a member since 2013 and has never had  
19 proprietary interest of the Majestics' trademark. Mr. Ramirez' assertion that he  
20 has been using the trademark since 1977 is incorrect because he was not a member  
21 from 1981-2012, and during his membership from 2012-2013 Mr. Ramirez did not  
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23

1 have the authority or approval to use the Majestics trademark in any capacity. As  
2 stated above, the right to use the Majestics name is exclusively held by the  
3 President of the Board, not by any and all members and former members. Mr.  
4 Staves is the only member who has had this power since 1996, previous to that his  
5 predecessors held this right—none of whom was Mr. Ramirez. For that reason,  
6 Mr. Ramirez has no claim to this trademark and has no support to his claim that he  
7 has had a proprietary interest in the trademark since 1977. Mr. Staves, however,  
8 has the foundation and support to prove that he previously had, and currently does,  
9 have a proprietary interest in the Majestics trademark and should be the sole owner  
10 and user of it.

### 11 **3. Majestics as a collective membership trademark.**

12 This Court asserts that because neither party was able to prove ownership or  
13 proprietary interests, the Majestic trademark should be deemed a collective  
14 membership trademark, in which no one member can have ownership of the  
15 trademark. Holding true to this Court's opinion, Mr. Land asserts that Mr.  
16 Ramirez use of the Majestic trademark would be in violation of the regulations of  
17 the collective membership trademark. Mr. Ramirez, although at one time a  
18 member of Majestics, is no longer is affiliated with the club, therefore, Mr.  
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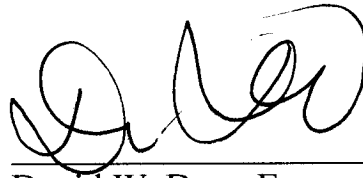


1 Ramirez should have no rights to use the Majestic trademark. The purpose of the  
2 membership trademark is to prevent others from the use of a collective or groups  
3 trademark for use of their own. In this case, Mr. Ramirez is attempting to use the  
4 trademark for specific purpose that that membership trademark was created to  
5 prevent. TMEP §1304 (8th ed. 2011). Allowing Mr. Ramirez to continue to use  
6 the trademark is in direct violation of the collective membership trademark  
7 guidelines and should be disallowed. The only legal use of the Majestics  
8 trademark belongs to Majestics Members **exclusively** (emphasis added).  
9  
10

### 11 **Conclusion**

12 The Court should find that due to Mr. Staves sole use of the Majestics  
13 trademark and his proprietary interest in the trademark, Mr. Staves should be the  
14 sole owner of the Majestics trademark. If, however, the court does not find that  
15 Mr. Staves is the sole owner of the trademark, and its ownership is collective by its  
16 members, then this Court should hold that since Mr. Ramirez is not a member of  
17 the organization, he is not authorized to use the trademark in any regard since the  
18 Majestics trademark should only be held by those who are members of the club.  
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21  
22 Respectfully Submitted  
23



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