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

Proceeding no.	91281101
Party	Plaintiff Graham Bonnet
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE
THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Serial Number 90354977
For the mark ALCATRAZZ
Date filed: Dec. 02, 2020

Graham Bonnet
27660 Haskell Canyon Road, Unit B
Santa Clarita, 91350, California

Opposer

v.

Opposition No. 91281101

James Richard Waldo
14815 Keeler Ave
Midlothian, ILLINOIS UNITED STATES 60445

Opposer

UNITED STATES PATENT AND
TRADEMARK TRIAL AND APPEAL BOARD
PO BOX 1451
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OPPOSER'S MAIN BRIEF IN SUPPORT OF THE OPPOSITION OF
TRADEMARK APPLICATION 90354977

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III. DESCRIPTION OF RECORD

In accordance with Rule 2.128(b) of the Trademark Rules of Practice, Opposer (“Bonnet”) provides the following description of the record:

Opposer Trial Evidence

- (1) 16 TTABVUE (Opposer’s Notice of Reliance): A copy of a copy of FACEBOOK screen shots from December 4 and 7, 2020.
- (2) 17 TTABVUE (Opposer’s Notice of Reliance): A a witness statement from Paul Trueman from January 21, 2022 and a witness statement from Mirai Kawashima.
- (3) 28 TTABVUE (Trial Deposition of GRAHAM BONNET)
- (4) 30 TTABVUE (Trial Deposition of BETH-AMI HEAVENSTONE)

Applicant (“Waldo”) Trial Evidence

- (4) 24 TTABVUE (Applicant’s Notice of Reliance) Records from the Trademark Office in the United Kingdom
- (5) 25 TTABVUE (Applicant’s Notice of Reliance) A relies a copy of the following records from the internet:
 - 1) Graham Bonnet’s Facebook page (Exhibit 12 to the Testimony Declaration of Giles Lavery, a copy of which is submitted herewith)
 - 2) Graham Bonnet’s interview with Metal Express (Exhibit 13 to the Testimony Declaration of Giles Lavery, a copy of which is submitted herewith)
 - 3) A YouTube page containing a 2023 live performance by The Graham Bonnet Band (Exhibit 14 to the Testimony Declaration of Giles Lavery)
 - 4) A “Bandintown” webpage showing tickets for sale to upcoming concert dates by The Graham Bonnet Band (Exhibit 15 to the Testimony Declaration of Giles Lavery)
- (6) 26 TTABVUE (TESTIMONY DECLARATION OF JAMES RICHARD WALDO)
- (7) 27 TTABVUE (TESTIMONY DECLARATION OF GILES LAVERY)

IV. STATEMENT OF THE ISSUES

As grounds for this Opposition, it is alleged that:

The famous vocalist Graham Bonnet (Opposer) with an address of with an address at: 27660 Haskell Canyon Road, Unit B, Santa Clarita, 91350, California., hereby opposes the application filed by James Richard Waldo (“Applicant”) and assigned US Trademark Serial Number 90354977, for the mark ALCATRAZZ and design in International Class 0041.

The Opposer, Graham Bonnet, was the lead singer and front man for the band ALCATRAZZ. The band was formed by Graham Bonnet and his former manager the late Andy Truman in 1982, to capitalize on the previous success of Graham Bonnet. Around the same time Jimmy Waldo (keyboard) and Gary Shea (bass) joined the band.

In 1983 the band Alcatrazz released their first album ‘No Parole for Rock n Roll’ . With the following line up: Graham Bonnet vocals, Yngwie guitar, Jimmy Waldo keyboard, Gary Shea bass, Jan Uvena drums. Graham Bonnet is the only member credited as as song writer in every song with vocals.

On December 2, 2020, the Applicant filed the trademark application, serial number 90354977, in International Class 041 for “Entertainment services, namely, live performances by a musical band; musical recordings; production of sound recording and music sound recordings”. This was done without the permission or consent of the Opposer.

Opposer owns the common law rights to the mark ALCATRAZZ in International Class 041 for “Entertainment services, namely, live performances by a musical band; musical recordings; production of sound recording and music sound recordings” since as least as early as September. 01, 1983.

Opposer has superior priority rights to the ALCATRAZZ mark.

Opposer believes that the Applicant misled the USPTO. This false declaration was made knowingly and with the intent to deceive the USPTO for the purpose of obtaining the Registration.

To protect their rights, the Opposer filed this Opposition on October 7, 2022 based on fraud on the Trademark Office and Likelihood of Confusion.

VII. LAW AND ARGUMENT

A. Opposer has Standing

A “threshold issue in every *inter partes* case is the plaintiff’s standing to challenge a registration.” *Australian Therapeutic Supplies Pty. Ltd. v. Naked TM, LLC*, 2018 TTAB LEXIS 437, *13, 129 U.S.P.Q.2D (BNA) 1027, 1030 (TTAB 2018); *Empresa Cubana Del Tabaco v. Gen. Cigar Co.*, 753 F.3d 1270, 111 USPQ2d 1058, 1062 (Fed.

Cir. 2014); *John W. Carson Found. v. Toilets.com Inc.*, 94 USPQ2d 1942, 1945 (TTAB 2010).

In order to have standing to maintain this action, Petition must have “a ‘real interest’ in the proceeding, and a ‘reasonable basis’ for its belief that it would suffer some kind of damage if the mark is registered.” TBMP 309.03(b). In order to have a “real interest” in the proceeding, plaintiff must have a “‘direct and personal stake’ in the outcome of the proceeding.” *Id.*

Standing is a threshold inquiry directed solely to establish an opposing party’s interest in the proceeding. *Hargo v. Pro Football Inc.*, 30 USPQ2d 1828, 1830 (TTAB 1994).

“The purpose in requiring standing is to prevent litigation where there is not real controversy between the parties, i.e., where a plaintiff is more than a mere intermeddler.” *Id.* In this regard the Board has previously stated

“The continuing pronouncements of the Federal Circuit leave us with the understanding that there is a low threshold for a plaintiff to go from being a mere intermeddler to one with an interest in the proceeding. The Court has stated that an opposer need only show ‘a personal interest in the outcome of the case beyond that of the general public.’ [Citations omitted]. Once this threshold has been crossed the opposer may rely on any ground that negates applicant’s right to the registration sought.” *Estate of Biro v. Bic Corp.*, 18 USPQ.2d 1382, 1385 (TTAB 1991).

A party may establish its standing to cancel by showing that it has a “real interest” in the case, that is, a personal interest in the outcome of the proceeding and a reasonable basis for its belief in damage. *Ritchie v. Simpson*, 50 USPQ2d 1023, 1025 (Fed. Cir. 1999). A real interest in the proceeding and a reasonable belief of damage may be found where plaintiff asserts a claim of likelihood of confusion that is not wholly without merit. *Time Warner Entertainment Co. v. Jones*, 65 USPQ.2d 1650, 1657 (TTAB 2002).

To have standing in this action, the Opposer/Petitioner must have a real interest in this proceeding, and cannot stand in the shoes of a third party. See, *Nettadoz Enters. v. Cintron Bev. Group, LLC*, 2013 TTAB LEXIS 166, *9-10 (TTAB 2013)(“A party cannot gain standing by asserting the rights of unrelated third parties”); *Colony Foods, Inc. v. Sagemark, Ltd.*, 735 F.2d 1336, 222 USPQ 185 (Fed. Cir. 1984)(possible rights of third party does not give plaintiff standing to cancel defendant's registration); See, *Miller v. B & H Foods, Inc.*, 1981 TTAB LEXIS 38, *10, 209 U.S.P.Q. (BNA) 357, 360 (TTAB 1981)(“Here, petitioner is but a minority stockholder in Ruth’s of North Carolina, Inc. Petitioner does not use the mark ‘RUTH’S’ in a commercial enterprise or otherwise possess rights in the mark”).

The Opposer has a real interest in this proceeding as the Opposer, Graham Bonnet, was the lead singer and front man for the band ALCATRAZZ. The band was formed by Graham Bonnet and his former manager the late Andy Truman in 1982, to capitalize on the previous success of Graham Bonnet.

The Applicant, in the testimony of its own witness, Giles Lawery, also seemed to admit that the Opposer, Graham Bonnet had rights to the “ALCATRAZZ” trademark from 1983. In his sworn Declaration, Giles Lawery provided the Alactrazz band basic first recording contract from 1983 and stated it “reflecting the democratic approach to everything from the outset.” 27 TTABVUE 5, paragraph 16 and Exhibit 7.

In an E-mail to BETH-AMI HEAVENSTONE in 2014, Applicant’s own witness Giles Lawery admitted that the “ALCATRAZZ” mark belonged to the Opposer, Graham Bonnett. 30 TTABVUE, Exh. 1.

The Opposer wants to make sure that his rights to use the “ALCATRAZZ” mark are protected and not infringed.

B. Opposer has priority to the mark

This Opposition proceeding over the same set of mark for the same goods there is a claim of likelihood of confusion both parties would have to admit to the likelihood of confusion under the Du Pont factors so the real question is who has priority based on the evidence provided. *In re E. I. DuPont de Nemours & Co.*, 177 U.S.P.Q. 563, 567 (C.C.P.A. 1973)(the “DuPont factors”).

The Opposer, Graham Bonnet, was the lead singer and front man for the band ALCATRAZZ. The band was formed by Graham Bonnet and his former manager the

late Andy Truman in 1982, to capitalize on the previous success of Graham Bonnet.

Around the same time Jimmy Waldo (keyboard) and Gary Shea (bass) joined the band.

In 1983 they released their first album 'No Parole for Rock n Roll' . With the following line up: Graham Bonnet vocals, Yngwie guitar, Jimmy Waldo keyboard, Gary Shea bass, Jan Uvena drums. Graham Bonnet is the only member credited as as song writer in every song with vocals.

Since 1983, the Opposer has been using the "ALCATRAZZ" mark in commerce for Entertainment services, namely, live performances by a musical band; musical recordings; production of sound recording and music sound recordings. 28 TTABVUE 7:18-8:5

Opposer has been using the "ALCATRAZZ" mark since 1983 with album sales and promotions. 28 TTABVUE 7:18-8:5. The Opposer has continued to use the "ALCATRAZZ" mark through performing, promotion and recording. The Opposer was the prominent member in the promotions of the Band. With some of the promotions either have Graham Bonnet with Alcatrazz or featuring Graham Bonnet. 28 TTABVUE Exh. 1-5 and 11.

In 2022, an Alcatrazz bootleg box set volume II was released with the Opposer and the original line up of the band. 28 TTABVUE 26:10-26:24, Exh 6.

Opposer was the lead singer for the Alcatraz Album “Born Innocent.” 28 TTABVUE Exh 7. This was released the same year that the Applicant filed for their registration.

The Opposer was the lead singer for Disturbing the Peace and No Parole from Rock 'n' Roll with No Parole from Rock 'n' Roll rereleased with new material in 2011 and 2015. 28 TTABVUE Exh. 8 and 9. This music still being offered and played.

The Opposer was the main song writer for many of the albums and songs performed by Alcatraz the band. 28 TTABVUE 30:17-31:21, Exh. 10

When a search for Graham Bonnet is done, Alcatraz album and merchandise turns up in the search. This signifies that “Alcatraz” has acquired secondary meaning for Graham Bonnet and Graham Bonnet has acquired good will for the “ALCATRAZZ” mark. 28 TTABVUE 33:25-35:19, Exh 12.

Graham Bonnet is the consistent member of touring live performances. 28 TTABVUE 33:25-35:19, Exh 12

The Opposer never abandoned or intended to abandon the “ALCATRAZZ” mark. 28 TTABVUE 36:6-37:7, Exh. 13, 16 TTABVUE.

The Opposer plans on using the “ALCATRAZZ” mark in the future, including writing songs for the band and lining up potential band members. 28 TTABVUE 44:25-48:8, 16 TTABVUE

The association of “ALCATRAZZ” and the Opposer is shown in promotional material for the album “No Parole from Rock N Roll” such as an Alcatrazz t-shirt that says established 1983 Graham Bonnet. 30 TTABVUE, Exh. 2, BETH-AMI

HEAVENSTONE stated: *“This was a T-shirt. I have one of every piece of merch that was ever designed and manufactured for Graham Bonnet Band and Alcatrazz, which would have been by our former manager Giles's design. And I love it because -- well, I love this classic Jack Daniels bottle design. But I really love that he said "Established 1983, Graham Bonnet."* 30 TTABVUE 6:10-6:17.

The Applicant, in the testimony of its own witness, Giles Lawery, also seemed to admit that the Opposer, Graham Bonnet had rights to the “ALCATRAZZ” trademark from 1983. In his sworn Declaration, Giles Lawery provided the Alactrazz band basic first recording contract from 1983 and stated it “reflecting the democratic approach to everything from the outset.” 27 TTABVUE 5, paragraph 16 and Exhibit 7.

In an E-mail to BETH-AMI HEAVENSTONE in 2014, Giles Lawery admitted that the “ALCATRAZZ” mark belonged to the Opposer, Graham Bonnett. 30 TTABVUE, Exh. 1.

BETH-AMI HEAVENSTONE was asked how would you describe Graham's relationship to Alcatrazz? She stated, "He is Alcatrazz. Graham is Alcatrazz. He is the -- he's been the only consistent writer on every song on every album. He's the face of Alcatrazz in that if you look at the live albums that were released, it's always a picture of Graham and the guitar player. He is Alcatrazz." 30 TTABVUE 7:17-7:25.

Opposer has established its priority and continuous use from 1983.

The Applicant has not provided any evidence to support their claim of date of first use of 1983 of September 01, 1983. The Applicant has not provided any evidence of continuous use since September 01, 1983. The Applicant has not provided any statements of continuous use since September 01, 1983. The Applicant did say that the band broke up in 1987 but did not state any use until March of 2017. 26 TTABVUE para. 5 and para. 6.

Furthermore, Applicant's own witness basically admitted that Applicant did not have priority and rights to the mark. In his sworn Declaration, Giles Lawery stated "Gary Shea was central to the use of the Alcatrazz name. We had considered it necessary to seek Gary's permission to use it as he named the band and designed the logo." 27 TTABVUE 3, paragraph 9. This is an admission from the Applicant that they considered Gary Shea to be the trademark owner not James Richard Waldo. If James Richard Waldo had to seek Gary's permission, he didn't own the rights or goodwill to the

“ALCATRAZZ’ mark. Applicant has not provided any proof of getting “Gary’s permission.”

Based on the facts and law, the Opposer has priority to the mark.

C. Fraud on the Trademark Office

The Applicant or its agent signed the following declaration in their application:

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. §1051(b), §1126(d), and/or §1126(e):

The signatory believes that the applicant is entitled to use the mark in commerce.

The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and

To the best of the signatory’s knowledge and belief, the facts recited in the application are accurate.

To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.

To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.

The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

The Applicant, in applying for the Mark was required to affirmatively read, check off, and swear that “[t]he signatory believes that the applicant is the owner of the trademark/service mark sought to be registered”; and “[t]o the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.”

The Applicant's sworn declarations are demonstrably false. This false declaration appears to have been made knowingly and with the intent to deceive the USPTO for the purpose of obtaining the Registration.

Applicant's sworn declaration was knowingly false, made with the intent to deceive the USPTO and was material to the USPTO's decision to issue the Registration. As a result, the Registration is invalid because it was procured through fraud on the USPTO.

The Applicant had actual knowledge of the existence of Opposer as the common law owners of the "ALCATRAZZ" mark, and their superior right to use the mark in the substantially identical form as found in Applicant's application. The Applicant knew, or had no reasonable basis to believe otherwise, that its registration would cause confusion with Opposers' common law mark.

Applicant's own witness basically admitted that they gave fraudulent declarations on the trademark application. In his sworn Declaration, Giles Lawery stated "*Gary Shea was central to the use of the Alcatrazz name. We had considered it necessary to seek Gary's permission to use it as he named the band and designed the logo.*" 27 TTABVUE 3, paragraph 9. This is an admission from the Applicant that they considered Gary Shea to be the trademark owner not James Richard Waldo. If James Richard Waldo had to seek Gary's permission, he didn't own the rights or goodwill to the "ALCATRAZZ" mark. Applicant has not provided any proof of getting "*Gary's permission.*" The Opposer, Graham Bonnet, believes that he has the rights to the "ALCATRAZZ" mark.

Giles Lawery, also seemed to admit that the Opposer, Graham Bonnet had rights to the "ALCATRAZZ" trademark. In his sworn Declaration, Giles Lawery provided the Alactrazz band basic first recording contract from 1983 and stated it "reflecting the

democratic approach to everything from the outset.” 27 TTABVUE 5, paragraph 16 and Exhibit 7.

The Applicant also state that the Applicant’s first date of use was September 01, 1983. The Applicant has not provided any evidence of continuous use since September 01, 1983. The Applicant has not provided any statements of continuous use since September 01, 1983. The Applicant did say that the band broke up in 1987 but did not state any use until March of 2017. 26 TTABVUE para. 5 and para. 6. Claiming a fraudulent date would be a fraud on the trademark office.

In failing to disclose these facts, Applicant obtained approval to which it was not entitled.

The Applicant’s specimen of use in their application for US Serial Number 90354977 does not show use for Entertainment services, namely, live performances by a musical band; musical recordings; production of sound recording and music sound recordings. It is a shirt with ALCATRAZZ written on the front of it. Normally, this type of specimen of use is rejected by the trademark office as logos on shirts are not valid specimens of use and this specimen is for goods not services.

D. Applicant appears to believe it is not the owner of the mark

Again, Applicant’s own witness basically admitted that the Applicant is not the owner of the mark. In his sworn Declaration, Giles Lawery stated “Gary Shea was central to the

use of the Alcatraz name. We had considered it necessary to seek Gary’s permission to use it as he named the band and designed the logo.” 27 TTABVUE 3, paragraph 9. This is an admission from the Applicant that they considered Gary Shea to be the trademark owner not James Richard Waldo. If James Richard Waldo had to seek Gary’s permission, he didn’t own the rights or goodwill to the “ALCATRAZZ” mark. Applicant has not provided evidence of a transfer of ownership of the mark from Gary Shea to Applicant.

VI. CONCLUSION

The Applicant’s own witness confirms that the Applicant is not the owner of the “ALCATRAZZ” trademark and that the Opposer has rights to the trademark.

Based on the law and the facts, the opposition should be granted as the Opposer has priority to the Mark and the Applicant does not have rights or goodwill to the mark.

WHEREFORE, Applicant prays that the the Opposition be granted.

Respectfully submitted,

September 23, 2024
Date

/jmf/
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing **Opposer's Main Brief** was served on Applicant's Attorney of Record and Correspondence Contact on September 23, 2023 via email addressed to:

[M. DANTON RICHARDSON](#)

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Appendix/STATEMENT OF OBJECTIONS

Opposer’s Objections to Applicant’s Evidence

Evidence	Objection
24 TTABVUE (Applicant’s Notice of Reliance) Records from the Trademark Office in the United Kingdom	Relevancy - Evidence is from United Kingdom and not from the United States so it is not relevant to this proceeding.
26 TTABVUE (TESTIMONY DECLARATION OF JAMES RICHARD WALDO) Paragraph 8	Relevancy - Evidences is an Agreement enforceable in Germany and under German Law and not from the United States so it is not relevant to this proceeding.
26 TTABVUE (TESTIMONY DECLARATION OF JAMES RICHARD WALDO) Paragraph 8	Opinion- Statement that Graham gave up any right is an opinion and not a fact and draws a legal conclusion.
26 TTABVUE (TESTIMONY DECLARATION OF JAMES RICHARD WALDO) Paragraph 9	Hearsay - Statement that Graham privately declaring to others is hearsay.
26 TTABVUE (TESTIMONY DECLARATION OF JAMES RICHARD WALDO) Exhibit 11	Hearsay - Andy Trueman was the son of the manager not the manager of the band.

<p>26 TTABVUE (TESTIMONY DECLARATION OF JAMES RICHARD WALDO) Exhibit 11</p>	<p>Non-admissible - This statement was not signed under oath nor did it state that the witness could testify under oath to the statements made.</p>
<p>26 TTABVUE (TESTIMONY DECLARATION OF JAMES RICHARD WALDO) Paragraph 15 and Exhibit 12</p>	<p>Relevancy - The Graham Bonnet Band is not relevant to this trademark case for the mark <i>ALCATRAZZ</i></p>
<p>26 TTABVUE (TESTIMONY DECLARATION OF JAMES RICHARD WALDO) Paragraph 16 and Exhibit 13</p>	<p>Relevancy - The Graham Bonnet Band is not relevant to this trademark case for the mark <i>ALCATRAZZ</i></p>
<p>26 TTABVUE (TESTIMONY DECLARATION OF JAMES RICHARD WALDO) Paragraph 16 and Exhibit 13</p>	<p>Hearsay - The statement that at approximately 10:35 as well as other statements on what is on the video is hearsay as a certified transcript was not provided or a copy of the video</p>
<p>26 TTABVUE (TESTIMONY DECLARATION OF JAMES RICHARD WALDO) Paragraph 16 and Exhibit 13</p>	<p>Non-admissible - Lack of Foundation. There is no foundation for the state that at approximately 10:35 as well as other statements on what is on the video is hearsay as a certified transcript was not provided or a copy of the video. Without a certified copy there is not way to know the context of</p>

	the statement.
27 TTABVUE (TESTIMONY DECLARATION OF GILES LAVERY) Paragraph 2	Opinion- Statements that Graham gave up any right is an opinion and not a fact and draws a legal conclusion.
27 TTABVUE (TESTIMONY DECLARATION OF GILES LAVERY) Paragraph 5	Opinion- Statement that any success that Graham had was based on Giles Lavery is an opinion.
27 TTABVUE (TESTIMONY DECLARATION OF GILES LAVERY) Paragraph 10 and Exhibit 3.	Non-Admissible- A Party has a duty to enter into evidence that is clear and readable. Exhibit 4 is not legible which is part of the agreement. Since it is not legible it cannot be admitted as the full terms cannot be determined
27 TTABVUE (TESTIMONY DECLARATION OF GILES LAVERY) Paragraph 10 and Exhibit 3.	Relevancy - Evidences is an Agreement enforceable in Germany and under German Law and not from the United States so it is not relevant to this proceeding.
27 TTABVUE (TESTIMONY DECLARATION OF GILES LAVERY) Paragraph 10 and Exhibit 3.	Hearsay- Since Exhibit 4 is not legible Mr. Lavery's testimony to it is hearsay.

<p>27 TTABVUE (TESTIMONY DECLARATION OF GILES LAVERY) Paragraph 10 and Exhibit 4.</p>	<p>Relevancy - Evidences is an Agreement enforcable in Germany and under German Law and not from the United States so it is not relevant to this proceeding.</p>
<p>27 TTABVUE (TESTIMONY DECLARATION OF GILES LAVERY) Paragraph 10 and Exhibit 4.</p>	<p>Non-Admissible- A Party has a duty to enter into evidence that is clear and readable. Exhibit 4 is not legible which is part of the agreement. Since it is not legible it cannot be admitted as the full terms cannot be determined.</p>
<p>27 TTABVUE (TESTIMONY DECLARATION OF GILES LAVERY) Paragraph 10 and Exhibit 4.</p>	<p>Hearsay- Since Exhibit 4 is not legible Mr. Lavery's testimony to it is hearsay.</p>
<p>27 TTABVUE (TESTIMONY DECLARATION OF GILES LAVERY) Paragraph 14 and Exhibit 5.</p>	<p>Relevancy - Evidence is mark from Japan and not from the United States so it is not relevant to this proceeding.</p>
<p>27 TTABVUE (TESTIMONY DECLARATION OF GILES LAVERY) Paragraph 15.</p>	<p>Relevance - Evidences is from United Kingdom and not from the United States so it is not relevant to this proceeding.</p>