

ESTTA Tracking number: **ESTTA739637**

Filing date: **04/12/2016**

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

Proceeding	92057241
Party	Plaintiff Daniel M. Goodman
Correspondence Address	SAWNIE R ALDREDDE PO BOX 120713 NASHVILLE, TN 37212 UNITED STATES trip@aldredgelaw.com
Submission	Testimony For Plaintiff
Filer's Name	Sawnie R. Aldredge
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Signature	/Sawnie R AAldredge/
Date	04/12/2016
Attachments	Notice of Filing and Declaration of Daniel M. Goodman.pdf(73312 bytes) Goodman Notice of Reliance Los Super Seven album liner notes.pdf(1741186 bytes)

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

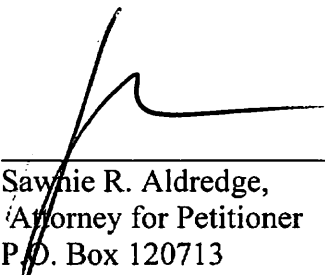
Petitioner: Daniel M. Goodman c/o P.O. Box 120713, Nashville, Tennessee
37212

Registrant: Steven Berlin, Suite 224, 3439 N.E. Sandy Blvd. Portland,
Oregon 97232.

Proceeding Number 92057241

PETITIONER'S NOTICE OF FILING

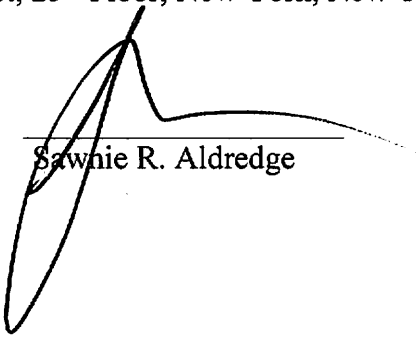
COMES the Petitioner Daniel M. Goodman and files this Declaration in Rebuttal to the
Declaration of Registrant Steve Berlin dated February 27, 2016.



Sawhie R. Aldredge,
Attorney for Petitioner
P.O. Box 120713
Nashville, Tennessee 37212
615-385-4437
trip@aldredgelaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Filing has been sent by email and regular U.S. mail, postage prepaid to Thomas G. Carulli, Esq. attorney for Steve Berlin at Kaplan, Massamillo & Andres, 70 East 55th Street, 25th Floor, New York, New York 10022, this the 12th day of April, 2016.



Sawnie R. Aldredge

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

Petitioner: Daniel M. Goodman c/o P.O. Box 120713, Nashville, Tennessee
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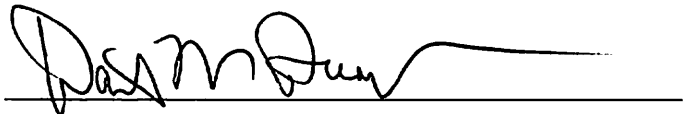
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DECLARATION OF DANIEL M. GOODMAN

Steve Berlin's wife did not come up with the name "Los Super Seven". Upon information and belief, Louie Perez suggested the name "Los Super Seven". As for the original jam session at South by Southwest, Paula Batson and I hosted the event at least once before Los Lobos ever participated. Many of the other musicians I worked with professionally participated in these informal sessions including Rick Trevino and Joe Ely.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and accurate.

Executed on April 18, 2016.

A handwritten signature in black ink, appearing to read 'Dan M. Goodman', is written over a horizontal line.

Daniel M. Goodman

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

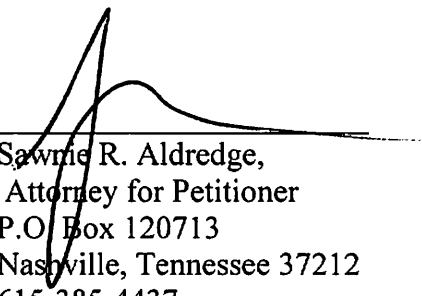
Petitioner: Daniel M. Goodman c/o P.O. Box 120713, Nashville, Tennessee
37212

Registrant: Steven Berlin, Suite 224, 3439 N.E. Sandy Blvd. Portland,
Oregon 97232.

Proceeding Number 92057241

PETITIONER'S NOTICE OF RELIANCE

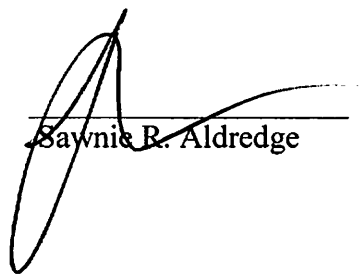
COMES the Petitioner Daniel M. Goodman pursuant to TMBP 704.08(b) and CFR Sec. 2.122(e) and files his Notice of Reliance upon the attached liner notes from the album "Los Super Seven" (RCA RADV67689-2.). These liner notes are relevant because they rebut Registrant's declaration that Petitioner was retained by RCA Records "solely to perform administrative and fiscal services with respect to the recording" of the first Los Super Seven album. The liner notes also rebut Registrant's declaration that Petitioner was not involved in the performance at South By Southwest which led to the decision to record the first "Los Super Seven" album.



Sawnie R. Aldredge,
Attorney for Petitioner
P.O. Box 120713
Nashville, Tennessee 37212
615-385-4437
trip@aldredgelaw.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Reliance has been sent by email and regular U.S. mail, postage prepaid to Thomas G. Carulli, Esq. attorney for Steve Berlin at Kaplan, Massamillo & Andres, 70 East 55th Street, 25th Floor, New York, New York 10022, this the 12th day of April, 2016.



Sawnie R. Aldredge



LOS SUPER SEVEN is a Mexican-American all-star band whose album offers a magical journey

into the roots of Mexican music, gathering together musicians of different generations, genres and styles in a rare and wonderful sense of musical and cultural harmony. It features **DAVID HIDALGO** and **CÉSAR ROSAS** of Los Lobos, Tex-Mex music legends **FREDDY FENDER** and **FLACO JIMENEZ**, Texas country rocker **JOE ELY**, country star **RICK TREVINO**, Tejano music veteran **RUBÉN RAMOS**, surprise guests like **DOUG BRAHM** and such top Texas musicians as bajo sexto player **MAX BACA**, accordionist **JOEL GUZMAN** and the mariachi group **CAMPANAS DE AMÉRICA**. It is an experience of rediscovery and renewal for many of the musicians involved.

They take traditional Mexican songs — along with an American folk song of solidarity, Woody Guthrie's "Deportee" — and revive these roots through their considerable talents and love for the music. As the influence and impact of the Mexican-American community grow within the culture of the United States and the world, this album returns to the musical wellspring of Chicano music in a delightful and infectious celebration of its deepest and strongest roots.

Recorded in Austin, Texas in April, 1998.

The album was the brainchild of artist manager Dan Goodman, who produced a

show of Tex-Mex music at the 1997 South

By Southwest. This intimate acoustic show

at Austin's famous Las Manitas cafe

featured artists like Texas Tornados Doug

Shim and Augie Meyers. Joe Ely, Rick

Trevino and Rosie Flores. It reflected

Goodman's growing fascination with

border music and its Tex-Mex offshoots.

The resounding success of the event prompted Goodman's imagination. Shortly thereafter,

he began exploring the notion of enlisting some acclaimed artists to record traditional

Mexican music in a laid-back setting without commercial pressures. Goodman explains

Steve Berlin was great for this project.

With that, he created a perfect studio vibe

Everybody was relaxed and ideas were

free-flowing. The result was great music

made for all of the right reasons.



Goodman began contacting the artists involved, and even spent a week in San Antonio combing the record stores for traditional Mexican music to suggest for the project. Then he convened the gathering of players at Austin's Cedar Creek Recording Studio for a unique set of sessions in the world of modern recording.

The coolest thing about it was that everybody tuned into the "Crash Test Dummies" right away," says Steve Berlin, the saxophone and keyboard player with Los Lobos who produced this album (and has also done production work with Los Lobos, The Tragically Hip, Sherri Jackson, Crash Test Dummies, Faith No More, Dave Navarro and a host of other acts). They all just jumped in and were excited enough about this project, and it made the whole thing so fun and pleasant. Everybody had a great time and it all sounds wonderful."

Although the material content of traditional Mexican songs is not new, the way in which it is presented is new. The songs are now being presented in a way that is more accessible to the general public. The songs are now being presented in a way that is more accessible to the general public. The songs are now being presented in a way that is more accessible to the general public.

For the artists involved, the resulting music touched some deep and rich personal places. One number Fender performs, "Pien's Reminiscencia," is a song by the premier Mexican composer, suggesting a "which

Goodman presented for the project in a version by the Mexican music pioneer Lydia Mendoza. "She was very much one of my idols from back in the 1940s," explains Fender, who as a child first encountered

Mendoza's music on his family's battery-powered radio. "You would hear Lydia Mendoza with her rambunctious 12-string guitar and her strong voice, and she was sort of an earth-mama, a really strong woman."

When Fender listens to a song like that which focuses him more on the memories of his childhood, it reminds him of his mother and how their lives were back in the 1940s, and the way his town was and the people who were there. It touches the cultural aspects of what Mexican-American life was like in the 1930s, '40s and '50s, explains Fender.

His father, one "Un Lunes Por La Mañana" ("One Early Monday Morning"), is one Fender first heard back in the 1940s in his hometown of Mexico. In the early days of his recording career, a friend had told Fender that he should hear this old man who has a little bit of a joint there and played guitar and sang. I went to the place, this white-haired man was sitting there by the table with a guitar. He started plugging on the guitar and singing about one "Early Monday morning," and it was very exciting. And it always reminds me of the song, though I never wrote it down. But when it came to sing, the verses came to me like someone was typing them to me.



The project had a similar cultural and familial effect on Rick Trevino, the country singer and songwriter who is many decades younger than Fender, yet found the music touching his life and soul. "I had never really liked the old Tex-Mex music," explains Trevino, whose father was a Tejano musician who gave up playing to support his family.

"There were nights when I was a child when my father would have a few beers, and then put on Tejano music and play it really loud. And he would start singing really melancholy, so the music had these very sad associations for me."

Trevino had recorded Spanish language versions of his country material, but it was singing with the mariachi band Campanas de México in 1997 that ultimately brought about a change of heart towards Mexican-American music.

"It was just so amazing to sing with them," enthuses Trevino, who began to hear the music of his Tex-Mex heritage in a new light. In fact, after recording with Los Super Seven, he's practically "worn out" his copy

Likewise, Fender feels much the same way about the results from this Chicano and Tex-Mex summit meeting. "Oh man, I love it. It's just about unplugged, you know? All of the songs lean towards that plain, raw, primitive, what-you-see-is-what-you-get music that people used to hear years and years ago, being passed from one generation to the next. Even with the stuff of my own that I do, I maybe listen to it one or two times and then get bored. But this one I've been listening to ever since they sent me a tape. Flaco Jimenez expresses a similar enthusiasm for the project. "It felt like a family reunion," he notes. "It had that feel of jamming, but like a really professional jam. There was no pressure at all, which is hard to do things. On this project, everyone was in harmony. It was like a big fiesta."

That spirit can be
felt on all 13 of the
songs this super
group of musicians
recorded. One can
hear in the grooves
the deep influences
that have informed
the music of most
everyone involved.
From South Texan
musical heroes like
Fender and Jimenez,

to Los Angeles
Los Lobos, to a Texas
Panhhandle-reared
Anglo like Ily. It is
more than a mere
record, but rather a
multi-cultural journey
to the proverbial
borderlands where
different peoples and
musical styles come
together in harmony
— ROB PATTERSON