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

Proceeding	92057839
Party	Defendant Kris Kaszuba
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Attachments	Reply to P's Response to Motion To Dismiss Coyote Cancellation 92057839 Feb 6 2014.pdf(402991 bytes) Griffin Jury Verdict Feb 5 2014.pdf(1268831 bytes)

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

Bruce Griffin, Plaintiff)
v.) **Cancellation Proceeding**
Kris Kaszuba, Defendant / Respondent) **No. 92057839**

**RESPONDENT’S REPLY TO PETITIONER’S RESPONSE TO
MOTION TO DISMISS THE CANCELLATION PETITION**

Re: COYOTE Trademark, Serial No. 78566406, Registration No. 3379325

BACKGROUND and INTRODUCTION

Respondent is replying to Petitioner’s Response to Respondent’s MOTION TO DISMISS the CANCELLATION PETITION for his trademark COYOTE Registration No. 3379325 which was registered on Feb. 05, 2008. Respondent does not agree with the Petitioner’s Response.

MEMORANDUM OF POINTS & AUTHORITIES

Petitioner’s RESPONSE does not comply with TBMP and the U.S. Trademark Act due to the three following points.

Firstly, Petitioner’s Response is not dated, thus not in compliance with TBMP and the U.S. Trademark Act.

Secondly, Petitioner’s Response, “Certificate of Service” is not dated and was not mailed as “certified” mail.

Thirdly, Petitioner’s Response does not contain a Memorandum of Points and Authorities and

is not in compliance with TBMP and the U.S. Trademark Act, 37 CFR § 2.119.

Therefore the Petitioner's Response is not valid and should not be entered or considered.

Bruce Griffin, the Petitioner has no standing to submit a cancellation petition.

Petitioner has no standing to maintain a cancellation petition.

Petitioner has submitted a fraudulent trademark application with his Coyote Engines, with a First Use Anywhere Date of "at least as early as 11/00/1990 and First Use In Commerce Date of "at least as early as 11/00/1990.

Attached as an Exhibit in Respondent's Motion to Dismiss is the Order of Judge Barbara Lynn, U.S. District Court, Northern District of Texas dated March 13, 2013, Case No. 3:11-CV-1046M wherein Bruce Griffin was a Defendant against The Tranman, Inc et al.

The ORDER and findings of Judge Lynn state as follows:

"Plaintiffs contend that, shortly before his termination (2011), Griffin and Defendant Craig Fenderson ("Fenderson") began their own automotive repair business called Coyote Engines and Transmissions ("Coyote Engines") and created the website www.coyoteengines.com for the purpose of promoting their new business. Griffin also allegedly began promoting Coyote Engines to Plaintiffs' clients and business partners while using Plaintiffs' truck."

Petitioner, Bruce Griffin has committed fraud on the USPTO and has no standing to submit a Cancellation Petition.

Bruce Griffin does not solely own 100% of Coyote Engines.

Petitioner has a very recent partner as of 2011 being Craig Fenderson who is a co-owner of Coyote Engines.

With full knowledge of the above fraudulent dates and statements, the Petitioner's Attorney has no standing or right to represent the Petitioner before the TTAB or the USPTO as per the Professional Rules of Conduct.

The Oregon Code of Professional Responsibilities as approved by the Oregon Supreme Court

state as follows:

DR 1-102 Misconduct; Responsibility for Acts of Others

(A) It is professional misconduct for a lawyer to:

- (1) Violate these disciplinary rules, knowingly assist or induce another to do so, or do so through the acts of another;
- (2) Commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness or fitness to practice law;
- (3) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;
- (4) Engage in conduct that is prejudicial to the administration of justice;

It appears that Plaintiff's Attorney is not in conformity with DR 1-102 (A) (3) AND (4).

Plaintiff's Attorney should withdraw as required by the Oregon Code DR 2-110 (B) "Mandatory withdrawal".

A lawyer representing a client before a tribunal, with its permission if required by its rules, shall withdraw from employment, and a lawyer representing a client in other matters shall withdraw from employment, if:

- (1) The lawyer knows or it is obvious that the lawyer's client is bringing the legal action, conducting the defense, or asserting a position in the litigation, or is otherwise having steps taken for the client, merely for the purpose of harassing or maliciously injuring any other person.
- (2) The lawyer knows or it is obvious that the lawyer's continued employment will result in violation of a Disciplinary Rule.

Yesterday on February 5, 2014, a U.S District Court Texas jury found the Petitioner, Bruce Griffin & co-defendant GUILTY of Injury to Reputation, Breach of Fiduciary Duty, aiding and abetting Breach of Fiduciary Duty and Conversion against The Tranman, Inc., Bruce Griffin's former employer.

A copy of the Verdict and Judge's Order is attached hereto consisting of 17 pages.

On the cover page of the Jury Verdict, the Defendants are Bruce Griffin and Craig Fenderson d/b/a Coyote Engines and Transmissions.

Each Defendant was found guilty and fined \$287,200 each and jointly fined an additional

\$102,800.

Both Defendants, Griffin and Fenderson are referenced in the Court documents as co-owners of Coyote Engines.

Only one owner "Bruce Griffin" applied to register Coyote Engines as a trademark in 2011 when the two owned and operated Coyote Engines and Transmissions.

Legally, based on this court case and lawsuit and the ownership, Craig Fenderson is a co-owner of their proposed mark. Fenderson has not been included in the Coyote Engines application.

Fenderson as co-Petitioner is absent from the Petitioner's trademark and this Petition.

This is additional evidence and proof that the Petitioner, Bruce Griffin has no standing to submit the Cancellation Petition without his co-owner, Craig Fenderson.

One additional point is that Mr. Luke Brean in his email to Respondent dated December 18, 2013 has admitted that:

"the only reason it (Cancellation) was filed was because your earlier registered mark is blocking my client's current trademark application for Coyote Engines".

This "reason" is not a bona fide reason or good faith reason for submitting a Cancellation Petition.

Furthermore, this may be viewed as an attempt to blackmail the owner of a registered mark with the USPTO. This too is unprofessional and unethical conduct before the TTAB and the USPTO.

The Respondent has shown and the above prima facie evidence proves that the Petitioner has committed a fraud on the USPTO. The above referenced lawsuit, Judge's Order and findings and Jury Verdict are conclusive proof and evidence that:

- 1) The Plaintiff Bruce Griffin did not use or own Coyote Engines in 1990.
- 2) Plaintiff Bruce Griffin and Craig Fenderson formed Coyote Engines in 2011 as per Judge Lynn's findings and Order.

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