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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
Correspondence Address	KRIS KASZUBA 2683 VIA DE LA VALLE, SUITE G-Z46 DEL MAR, CA 92014-1961 UNITED STATES kris@vip9.com, kris@CoyoteCar.com, kris002@vip9.com
Submission	Other Motions/Papers
Filer's Name	Kris Kaszuba
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Signature	/kk/
Date	05/07/2014
Attachments	New Evidence Motion To Dismiss for Coyote Cancellation Number 92057839.pdf(360658 bytes) Final Judgment re Bruce Griffin Judge Barbara Lynn March 18 2014.pdf(301128 bytes) POS D's NEW Evidence Motion To Dismiss May 7 2014.pdf(264932 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

**NEW EVIDENCE TO SUPPORT DEFENDANT'S
MOTION TO DISMISS THE CANCELLATION PETITION**

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

Kris Kaszuba, Defendant submits the following new evidence to the TTAB for the Tribunal's review and consideration.

Attached is the Final Judgment of Judge Barbara Lynn, U.S. District Court, Northern District of Texas dated March 18, 2014, Case No. 3:11-CV-1046M wherein Bruce Griffin and Craig Fenderson dba was as "Coyote Engines and Transmissions" Defendants against The OLM Inc dba as The Transmission Shop.

The business name "Coyote Engines and Transmissions" is referenced below the Defendant's Name on the front cover page.

Bruce Griffin and Craig Fenderson, each were found Guilty of the following:

1. Injury to reputation on 4 counts
2. Exemplary damages for conduct of \$172,800
3. Breach of fiduciary duty \$22,050
4. Damages for Conversion \$2,000
5. Damages for Conversion 2nd count \$4,000
6. Griffin & Fenderson registered, trafficked and used a domain name confusingly similar to Plaintiff's mark, The Transmission Shop

7. Compensatory damages for use of domain name \$14,400
8. It is ordered that Plaintiff recover from Griffin and Fenderson \$117,500
9. It is ordered that Plaintiff recover from Griffin \$198,850

This Judge's Final Judgment supports Kris Kaszuba's Motion To Dismiss the Cancellation Petition for the reasons of lack of standing, fraud and the fraudulent application submitted by Bruce Griffin to the USPTO for his proposed mark, Coyote Engines.

Bruce Griffin has no right to submit to the USPTO his proposed mark since his partner Craig Fenderson is a partner in their jointly owned business Coyote Engines.

There is substantial evidence that Bruce Griffin, plaintiff and owner of Coyote Engines has submitted and signed false and fraudulent dates of First Use(s) of 11/00/1990 in his application with the USPTO. And this was made under penalty of perjury.

The Final Judgment against Bruce Griffin and Craig Henderson speaks volumes about the unprofessionalism of the Plaintiff and the lack of credibility, lack of honesty and lack of truth.

CONCLUSION:

Kris Kaszuba has submitted this Motion To Dismiss the Cancellation Petition for the reasons of no standing, fraud and the fraudulent application submitted by Bruce Griffin to the USPTO. Bruce Griffin's application stated under penalty of perjury that his First Use Date(s) were 11/00/1990.

WHEREFORE, Registrant prays that the Cancellation be dismissed with prejudice.

Dated this 7th day of May, 2014 at Del Mar, California

/kk/ Signed by electronic signature

Kris Kaszuba
2683 VIA DE LA VALLE, # G-246
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NEW EVIDENCE for MOTION TO DISMISS THE CANCELLATION PETITION

amount of \$28,800.00. In response to Question 2(a), the jury found that Plaintiff is entitled to compensatory damages for injury to reputation sustained in the past for the second defamatory statement in the amount of \$14,400.00. In response to Question 3(a), the jury found that Plaintiff is entitled to compensatory damages for injury to reputation sustained in the past for the third defamatory statement in the amount of \$28,800.00. In response to Question 4(a), the jury found that Plaintiff is entitled to compensatory damages for injury to reputation sustained in the past for the fourth defamatory statement in the amount of \$14,400.00.

In response to Question 5, the jury found that Plaintiff is entitled to exemplary damages for the conduct described in Questions 1-4 against Defendant Griffin in the amount of \$260,200.00. Statutory caps limit the amount of said exemplary damages to \$172,800.

In response to Question 6, the jury found that Plaintiff is entitled to exemplary damages for the conduct described in Questions 1-4 against Defendant Fenderson in the amount of \$260,200.00. Statutory caps limit the amount of said exemplary damages to \$172,800.

In response to Question 7, the jury found that Plaintiff is entitled to exemplary damages against Defendant Griffin for Defendant Griffin's breach of fiduciary duty in the amount of \$22,050.00.

In response to Question 8, the jury found that Plaintiff is entitled to exemplary damages against Defendant Fenderson for Defendant Fenderson's aiding and abetting breach of fiduciary duty in the amount of \$22,050.00.

In response to Question 9, the jury found that Plaintiff is entitled to compensatory damages for Defendants' conversion in the amount of \$2,000.00.

In response to Question 10, the jury found that Plaintiff is entitled to exemplary damages against Defendant Griffin for conversion in the amount of \$5,000.00. Statutory caps limit the



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