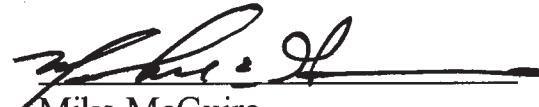


1 I declare under penalty of perjury that the foregoing is true and correct.  
2  
3 Executed on December 10, 2010 in Nashville, Tennessee.  
4  
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6  
7 Mike McGuire  
8 Declarant  
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5 -  
DECLARATION OF MIKE McGUIRE IN SUPPORT OF PLAINTIFF'S PRELIMINARY  
INJUNCTION

# Exhibit 10

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2 Abates@Bates-Bates.com  
3 MICHAEL A. BOSWELL, ESQ. SBN 198994  
4 MBoswell@Bates-Bates.com  
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6 964 DeKalb Avenue, Suite 101  
7 Atlanta, Georgia 30307  
8 Phone (866) 701-0404 and (562) 360-2097  
9 Fax (404) 963-6231

10  
11 Attorneys for  
12 Plaintiff  
13 GIBSON GUITAR CORP.,

14  
15 UNITED STATES DISTRICT COURT  
16 CENTRAL DISTRICT OF CALIFORNIA

17 GIBSON GUITAR CORP., a Delaware ) Case No. CV10-8884 RGK (RZx)  
18 corporation, )  
19 Plaintiff, ) SUPPLEMENTAL DECLARATION  
20 vs. ) OF BRUCE MITCHELL IN SUPPORT  
21 ) OF PLAINTIFF'S REQUEST FOR A  
22 ) PRELIMINARY INJUNCTION  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )  
Defendants, ) Judge: Judge R. Gary Klausner

**DECLARATION OF Bruce Mitchell**

I, Bruce Mitchell, declare as follows:

1. Unless otherwise stated as based upon information and belief, the facts set  
forth in this declaration are personally known to me and I have first knowledge of

1 these facts. If called upon to testify during court of this action, I could, and I would  
2 competently testify thereto under oath. I am over 18 and a party to this action.  
3

4 2. I am a licensed attorney and am the General Counsel for Plaintiff Gibson  
5 Guitar Corp. ("Gibson").

6 3. I have reviewed the Supplemental Declaration of Kim Landsman and  
7 Declaration of Jolyon Dantzig, whereby they asserted that Gibson allowed Heritage  
8 Guitars manufacture a guitar similar to the LES PAUL design. Mr. Landsman fails to  
9 clarify said use; including use of other designs such as the EXPLORER design was  
10 subject to a Settlement Agreement, whereby Gibson's rights are reserved. The details  
11 of this settlement agreement are governed by confidentiality restrictions.  
12

13 4. I have reviewed the Declaration of Jolyon Dantzig, Ex. 3.16 pgs 6-10 and  
14 Ex. 3.17 pgs 1 & 2, whereby he states that, use of the LES PAUL body shapes by  
15 Hamer USA makes the Gibson designs generic, however, he fails to indicate that said  
16 use is governed by a trademark license from Gibson. The details of this license are  
17 governed by confidentiality restrictions.  
18

19 5. In the Declaration of Jolyon Dantzig he points to several third party  
20 guitars, which are allegedly similar to the Gibson Design Marks. Defendant WowWee  
21 has stated that because Gibson has not "policed" its Gibson Design Marks, said design  
22 are now generic. However, this Gibson has policed its mark, previously sending cease  
23 and desist letters and/or instituted proceeding against Dean, ESP, Gretsch, Hamer,  
24

1 Harmony, Heritage, PRS, Samick, and Jay Turser; all of which are named by Mr.  
2 Dantzig.  
3

4 6. In addition to the licenses stated above, Gibson has also licensed its  
5 Gibson Design Marks for toy guitars, which directly compete with the Paper Jamz  
6 guitars, namely Hasbro's Power Gig Guitar, Guitar Hero and the J Reynolds guitar.  
7

8 7. Attached hereto as **Exhibit A**, is a cross section of advertisements of the  
9 Gibson Marks, of which Gibson has spent 100s of millions of dollars in the past few  
10 years, alone.  
11

12 8. Attached hereto as **Exhibit B**, are advertisements and commentaries  
13 found on the Internet whereby consumers and retailers refer to Paper Jamz guitars, as  
14 being based on Gibson's FLYING V®, LES PAUL®, EXPLORER® and S-G®.  
15

16 9. Attached hereto as **Exhibit C** is the Paper Jamz insert included with the  
17 guitars, showing how to play major and minor chords that states “[use] this Paper Jamz  
18 pocket guide to play real guitar chords and create your own songs.”  
19

20 10. Attached hereto as **Exhibit D** is a search result found on the Defendant  
21 Best Buy's website, whereby the search term “electric guitar” brings up both Paper  
22 Jamz guitars and Gibson guitars.  
23

24 11. Attached hereto as **Exhibit E** is are articles and books which discuss the  
25 iconic nature of the Gibson Marks.  
26

12. Gibson has not licensed the Gibson Marks to the Defendants for use on the  
Paper Jamz guitars. The Paper Jamz guitars do not meet the quality standards of  
Gibson.

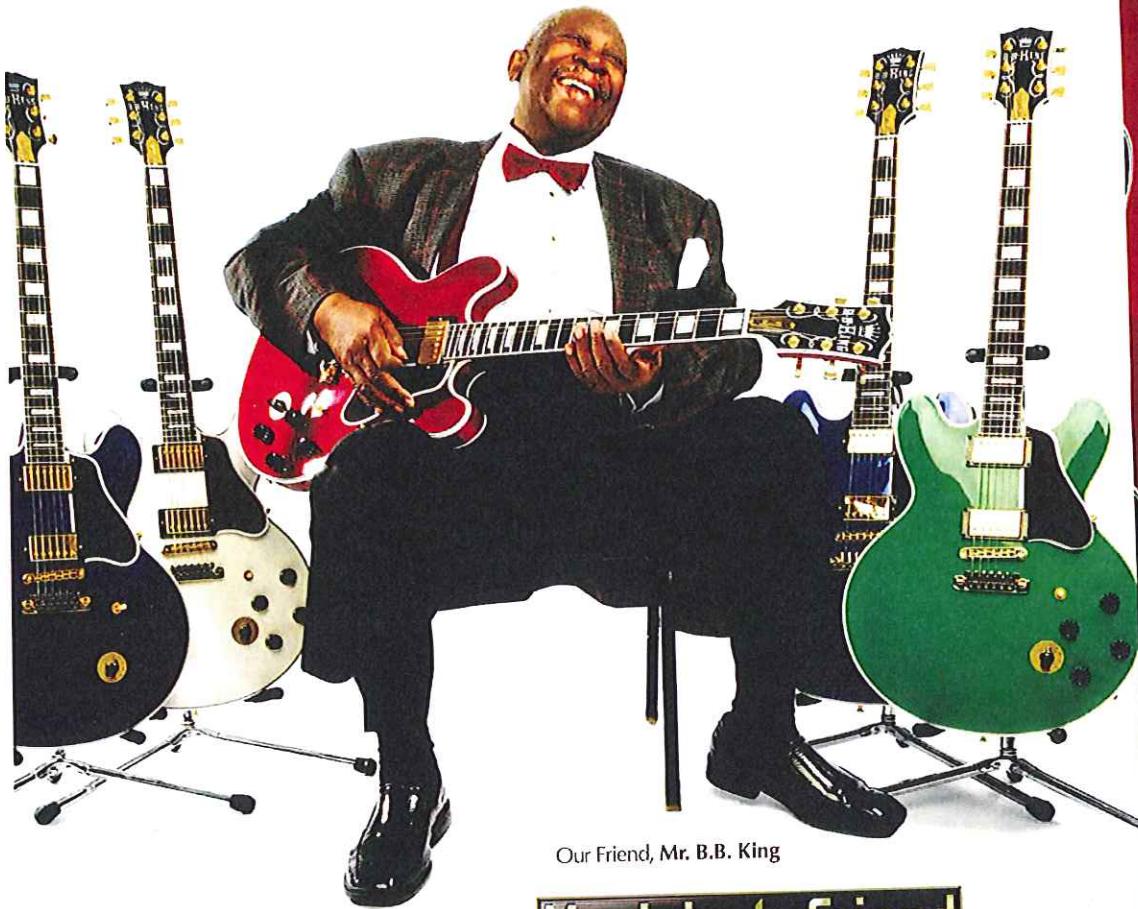
I declare under penalty of perjury under the laws of the United States of America, the State of Tennessee and California that the foregoing is true and correct.

Executed on December 10, 2010 at Nashville Tennessee.

R. M. Mitchell  
Bruce Mitchell, Esq.  
Declarant

# EXHIBIT A

## New Hues For The King Of The Blues.



Our Friend, Mr. B.B. King

**L**ucille just got five new outfits:  
Amethyst, Diamond,  
Ruby, Sapphire, and Emerald.  
Very limited quantities.  
Only at Musician's Friend.

**Gibson**  
Custom

**Musician's Friend**  
PRIVATE RESERVE

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[musiciansfriend.com](http://musiciansfriend.com)

# THE ONE

YOU'LL KNOW IT

AND YOU'LL

► THE GREATEST  
OF THE WORLD'S

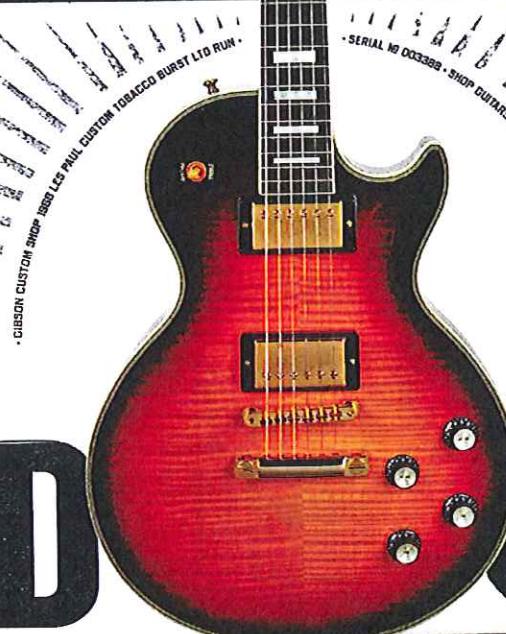
WHEN YOU SEE IT

SEE IT AT

► ONLINE SELECTION  
FINEST GUITARS

FIND THE ONE

► PLATINUM.GUITARCENTER.COM



.com

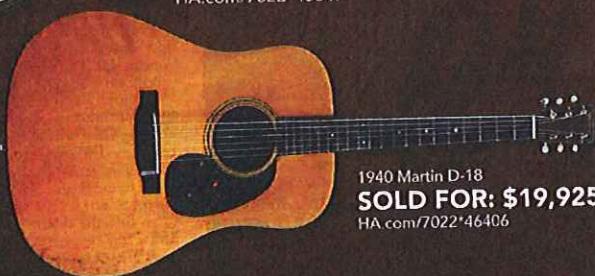
**HERITAGE**  
MUSIC & ENTERTAINMENT AUCTION  
FEBRUARY 19, 2011 | DALLAS | LIVE & ONLINE



1958 Gibson ES 335  
**SOLD FOR: \$23,900**  
HA.com/702246186



1962 Fender Stratocaster  
**SOLD FOR: \$23,900**  
HA.com/702246047



1940 Martin D-18  
**SOLD FOR: \$19,925**  
HA.com/702246406



1965 Gibson Firebird VII  
**SOLD FOR: \$19,120**  
HA.com/702246239



1961 Gibson ES-335  
**SOLD FOR: \$25,095**  
HA.com/702246209

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800-872-6467 ext. 1585  
GarryS@HA.com



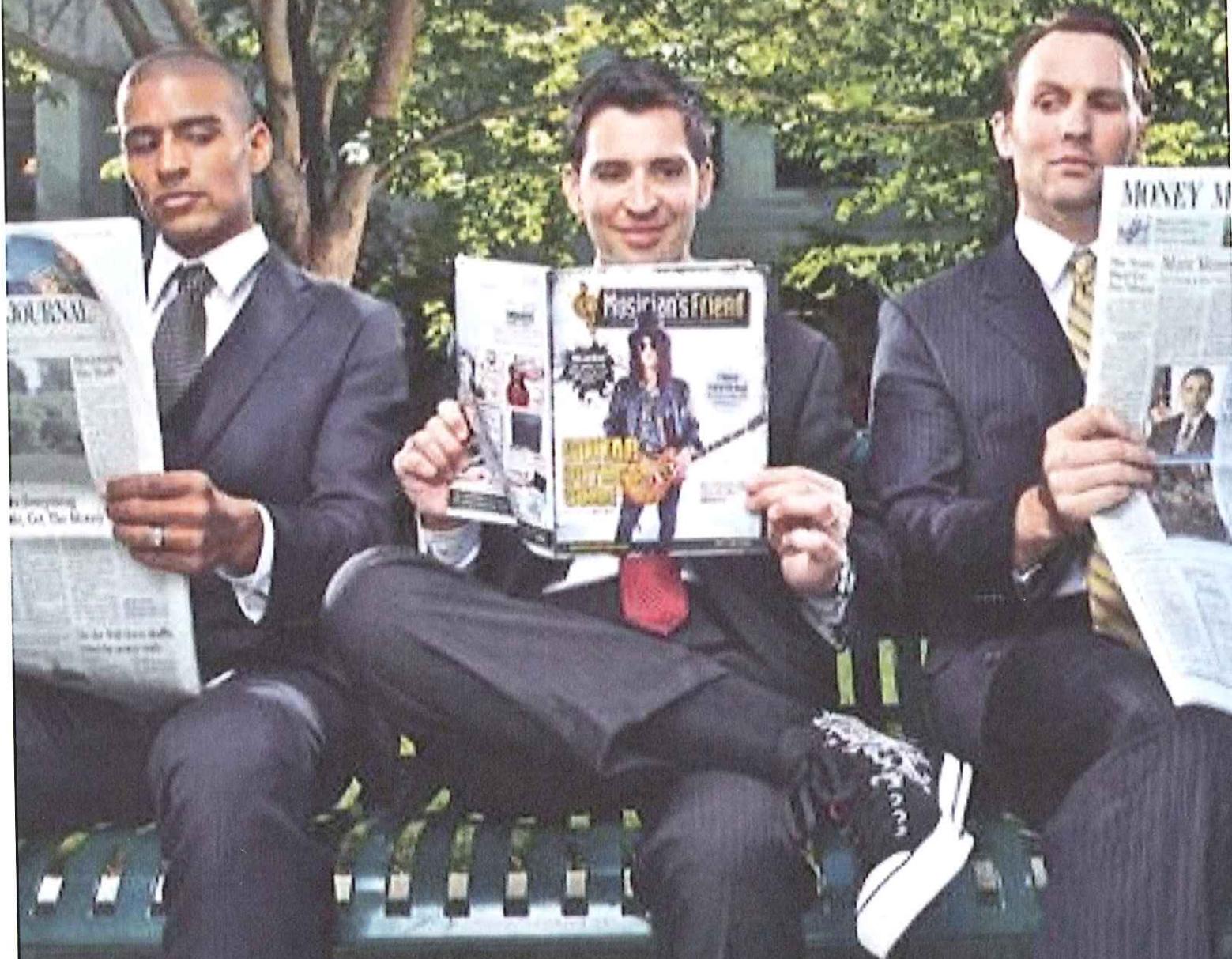
**MIKE GUTIERREZ**  
Consignment Director  
800-872-6467 ext. 1183  
MikeG@HA.com



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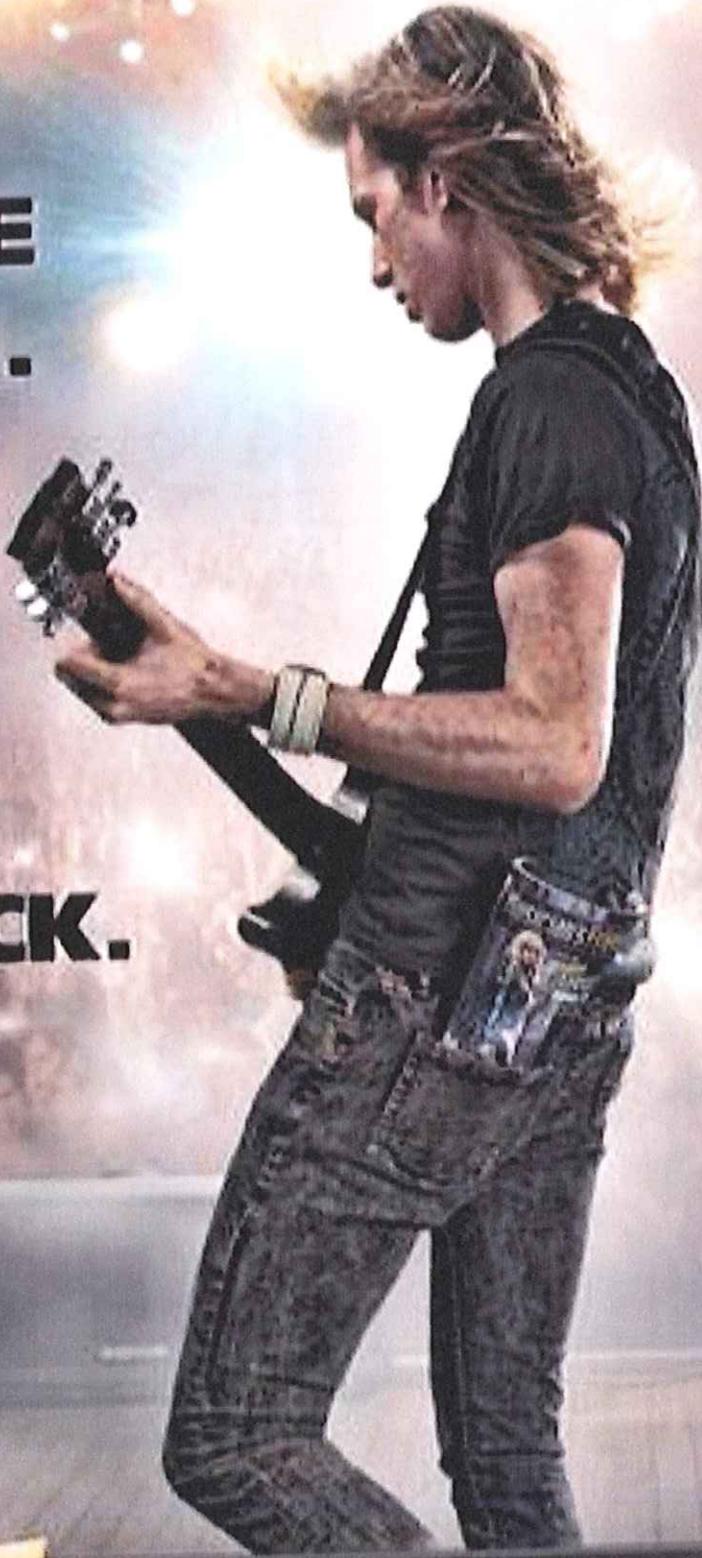
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A DREAM.**

**WE HAVE  
YOUR BACK.**



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and music at [musiciansfriend.com/ourbands](http://musiciansfriend.com/ourbands)



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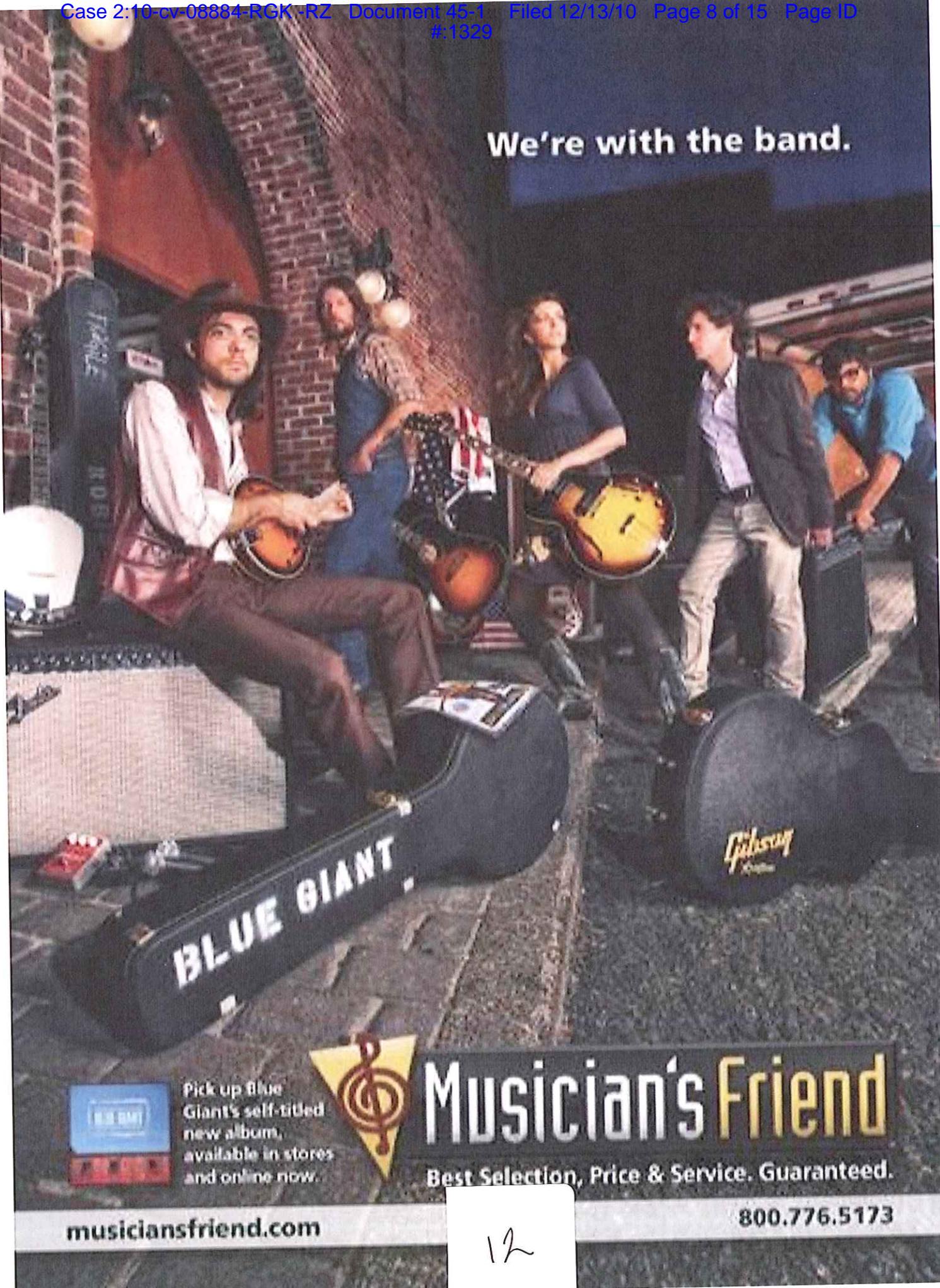


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We're with the band.



A band of six musicians is performing on stage. In the foreground, a man with a beard and a cowboy hat is playing a banjo. Behind him, another man plays a guitar. To the right, a woman plays a guitar, and a man in a suit plays a keyboard. In the background, two more musicians are visible. A large black speaker in the foreground is labeled "BLUE GIANT".

**Blue Giant**

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It's taken over thirty years for Dickey Betts' 1957 Les Paul Goldtop to become the legendary "Redtop." Some of the modifications were carefully calculated works of precision – others were merely inspired tweaks made over the years. They all add up to an amazing guitar.

Now it's available for you to own. The Dickey Betts "Redtop" from the Gibson Custom Shop.



For more information on Dickey Betts, visit [www.dickeybetts.com](http://www.dickeybetts.com)

**Gibson**  
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# Thousands of shows. Millions of miles.



For almost 30 years, Gary Rossington has turned to one guitar to produce the legendary sound that is synonymous with Lynyrd Skynyrd - his beloved Les Paul Standard.

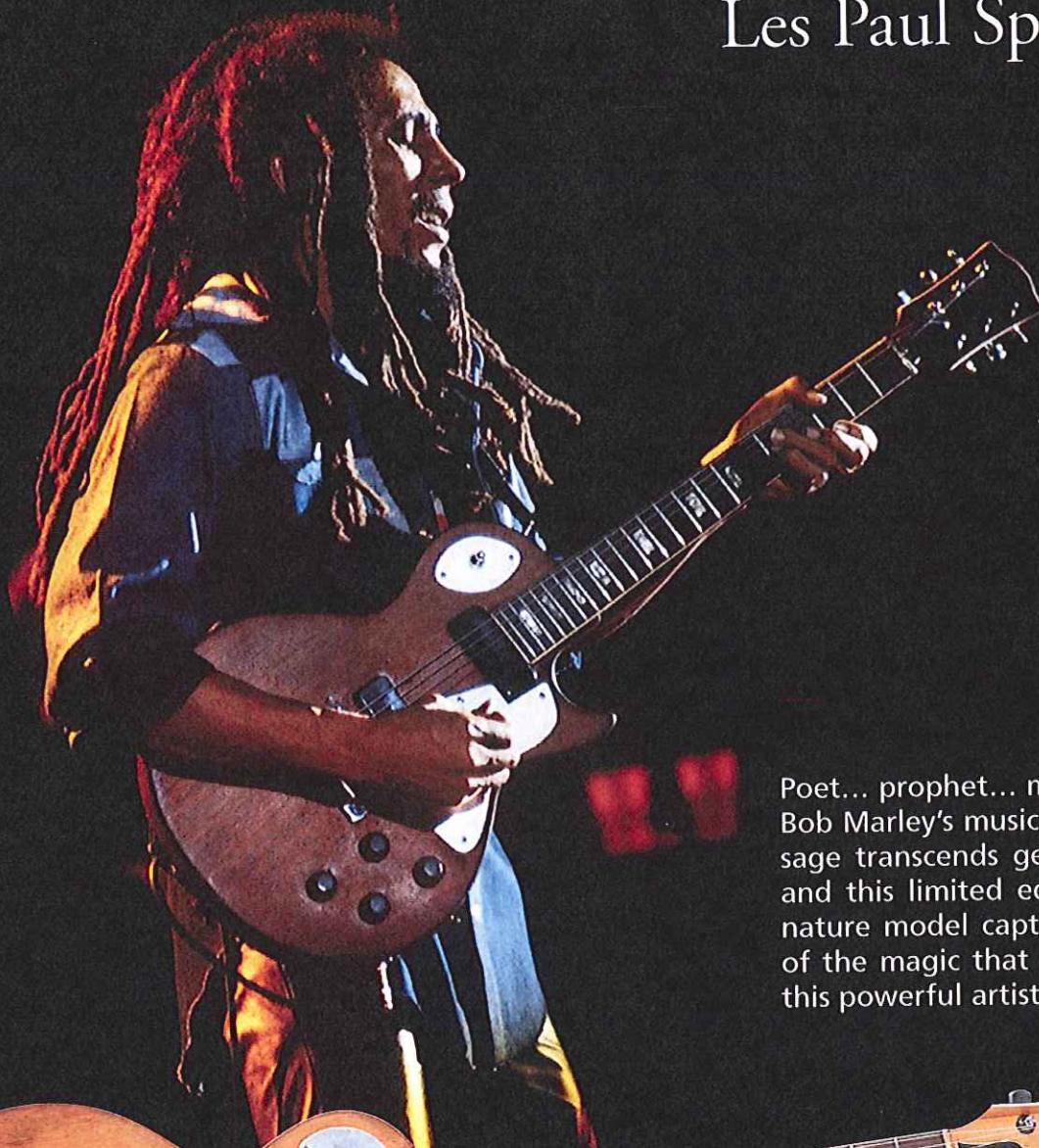
Now you can make history on your own with the Gary Rossington Signature Model Les Paul. Painstakingly aged to reproduce every show played and every mile traveled by the original.

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Poet... prophet... musician...  
Bob Marley's music and mes-  
sage transcends generations  
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nature model captures a bit  
of the magic that surrounds  
this powerful artist.



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