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 7

8 **UNITED STATES DISTRICT COURT**
 9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

11 STUPPLER & COMPANY, INC., a
 12 California corporation
 13 Plaintiff,
 14 vs.
 15 MONEY METALS EXCHANGE,
 16 LLC, an Idaho limited liability
 17 company; BULLION
 18 INTERNATIONAL, INC. D.B.A. THE
 19 HIGHLAND MINT, a Florida
 20 corporation; WESTMINSTER MINT,
 INC., a Minnesota corporation;
 MICHAEL KOTT, SR., an individual;
 and DOES 1 through 10, inclusive,
 21 Defendants.

Case No.

COMPLAINT FOR:

1. **TRADEMARK INFRINGEMENT (15 U.S.C. § 1114);**
2. **UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125(a));**
3. **UNFAIR COMPETITION (Cal. Bus. & Prof. § 17200).**

DEMAND FOR JURY TRIAL

22
 23 Plaintiff STUPPLER & COMPANY, INC., (“Plaintiff” or “Stuppler”), by and
 24 through this complaint against Defendants MONEY METALS EXCHANGE, LLC
 25 (“Money Metals”), BULLION INTERNATIONAL, INC., D.B.A. THE HIGHLAND
 26 MINT (“Highland”), WESTMINSTER MINT INC., (“Westminster”), MICHAEL
 27 KOTT, SR. (“Kott”) (collectively “Defendants”), and DOES 1 through 10, inclusive,
 28 alleges to the Court as follows:

1 **INTRODUCTION**

2 1. Plaintiff, Stuppler, is the owner of the highly distinctive trademark MAKE
3 AMERICA GREAT AGAIN, which it has used in connection with its upscale
4 collectible and commemorative coins since at least as early as January 25, 2019.
5 Plaintiff currently sells its coin products online, including through Amazon.com.
6 Plaintiff owns a federal trademark registration for its MAKE AMERICA GREAT
7 AGAIN mark, namely U.S. Trademark Registration Number 5,858,902, registered in
8 International Class 14, for collectible coins. Plaintiff has also filed a declaration of
9 incontestability under Section 15 of the Lanham Act with the U.S. Patent and
10 Trademark Office for its registered mark.

11 2. Plaintiff has marketed and sold its coins under the MAKE AMERICA
12 GREAT AGAIN mark for more than five years and has invested substantial time and
13 resources in developing the mark and goodwill associated therewith.

14 3. Defendants are improperly seeking to benefit from Plaintiff’s MAKE
15 AMERICA GREAT AGAIN mark by using the same mark in connection with their
16 own collectible coins online. Defendants seek to trade off of the positive goodwill that
17 Plaintiff’s MAKE AMERICA GREAT AGAIN mark enjoys among consumers, such
18 that consumers have been and are likely to continue to be misled and confused as to the
19 source, sponsorship, affiliation and/or endorsement of Defendants’ goods.

20 **JURISDICTION AND VENUE**

21 4. This Court has original jurisdiction over this action pursuant to 28 U.S.C.
22 §§ 1331 and 1338(a) and (b), because this action arises under the laws of the United
23 States – namely, the Lanham Act. This Court has supplemental jurisdiction pursuant to
24 28 U.S.C. § 1367(a) of the related state law claims that are factually interdependent with
25 the federal law claims, and that arise from the same case or controversy.

26 5. Upon information and belief, this Court has personal jurisdiction over
27 Defendants in that they transact substantial business in the State of California. By way
28 of example only, Defendants regularly advertise their business, products and services
online to consumers throughout the United States, including this judicial district.

1 of each them would, under the particular circumstances, sanction a fraud or promote
2 injustice.

3 15. Plaintiff is ignorant of the true names and capacities of the defendants sued
4 herein as DOES 1 through 10, inclusive, and therefore sues these defendants by such
5 fictitious names. Plaintiff will seek to amend this Complaint to allege such names and
6 capacities as soon as they are ascertained. Plaintiff is informed and believes, and on that
7 basis alleges, that each of the fictitiously-named defendants is in some manner
8 responsible, liable and/or obligated to Plaintiff in connection with the acts alleged
9 herein.

10 **GENERAL ALLEGATIONS**

11 **Plaintiff's Trademark Rights**

12 16. Plaintiff is a California corporation that was formed in or about January
13 1995.

14 17. Plaintiff is the owner of all rights in and to the MAKE AMERICA GREAT
15 AGAIN mark for use with collectible coins and commemorative coins, including as
16 shown in Plaintiff's federal trademark registration with the U.S. Patent and Trademark
17 Office ("USPTO"), Registration Number 5,858,902.

18 18. Plaintiff's federal trademark registration is valid and subsisting, and is
19 evidence that Plaintiff owns the exclusive right to the MAKE AMERICA GREAT
20 AGAIN mark for use related to coins. Plaintiff has also filed a declaration of
21 incontestability for its mark with the USPTO pursuant to Section 15 of the Lanham Act.

22 19. Plaintiff has sold coins in connection with its highly distinctive MAKE
23 AMERICA GREAT AGAIN mark since at least as early as January 25, 2019.

24 20. Plaintiff currently sells its coins nationally, online, including through
25 Amazon.com through which shoppers can purchase various coin and coin collectable
26 items.

27 21. Plaintiff has expended substantial time and resources in developing its
28 MAKE AMERICA GREAT AGAIN brand, including the goodwill associated
therewith. As a result, consumers have come to recognize Plaintiff's MAKE AMERICA

1 GREAT AGAIN mark as identifying Plaintiff's collectible coins.

2 **Defendants' Misconduct**

3 22. Upon information and belief, sometime in 2024, long after Plaintiff had
4 established its own trademark rights, Defendant Highland created coin products to be
5 sold using Plaintiff's MAKE AMERICA GREAT AGAIN mark, and without Plaintiff's
6 authorization.

7 23. Upon information and belief, Highland and Kott created and sold at least
8 1,571 units of unauthorized MAKE AMERICA GREAT AGAIN coins to Defendants
9 Money Metals and Westminster for resale.

10 24. Upon information and belief, Highland and Kott sold at least 1,300 units
11 of the unauthorized MAKE AMERICA GREAT AGAIN coins to Money Metals, which
12 offered them for sale to consumers through its website www.moneymetals.com, as
13 shown in **Exhibit 1**.

14 25. Plaintiff is informed and believes that Highland and Kott sold at least 271
15 units of unauthorized MAKE AMERICA GREAT AGAIN coins to Westminster, which
16 were then resold to consumers.

17 26. Defendants' use of the MAKE AMERICA GREAT AGAIN mark is
18 without Plaintiff's authorization.

19 27. Defendants have been on actual and constructive notice of their
20 infringement, yet chose to use the identical MAKE AMERICA GREAT AGAIN
21 trademark, in willful violation of Plaintiff's rights.

22 28. At all relevant times, Defendants' misconduct was intentional, willful and
23 malicious, such that this is an exceptional case under the Lanham Act, and enhanced
24 damages are warranted, as well as an award of attorney fees to Plaintiff.

25 29. Absent the intervention of this Court, Defendants' willful infringements
26 will continue, and Plaintiff and consumers will continue to be harmed.

27
28

COUNT ONE

(Federal Trademark Infringement)

(15 U.S.C. § 1114)

(Against All Defendants)

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3
4
5 30. Plaintiff repeats, re-alleges and hereby incorporates by reference, as
6 though specifically pleaded herein, the allegations contained in the paragraphs above.

7 31. Plaintiff's federally registered MAKE AMERICA GREAT AGAIN mark
8 and goodwill associated therewith are of great and incalculable value, highly distinctive
9 and arbitrary and have become associated in the public mind with Plaintiff's products.

10 32. Upon information and belief, without Plaintiff's authorization or consent,
11 and having actual knowledge of Plaintiff's prior rights in the MAKE AMERICA
12 GREAT AGAIN mark, Defendants chose to use the MAKE AMERICA GREAT
13 AGAIN mark, which is not only confusingly similar but identical to Plaintiff's MAKE
14 AMERICA GREAT AGAIN mark in connection with the sale of coins.

15 33. Upon information and belief, Defendants' coins in connection with the
16 MAKE AMERICA GREAT AGAIN mark are marketed to the same consumers and in
17 direct competition with Plaintiff's own MAKE AMERICA GREAT AGAIN coins.

18 34. Defendants' unauthorized uses in commerce of the identical MAKE
19 AMERICA GREAT AGAIN mark in connection with the sale of coins, are likely to
20 deceive the public into believing that Defendants' products are authorized by or
21 affiliated with Plaintiff, all to the damage and detriment of Plaintiff's reputation,
22 goodwill and sales.

23 35. Defendants' acts constitute willful trademark infringement in violation of
24 Section 32 of the Lanham Act, 15 U.S.C. § 1114.

25 36. Plaintiff has no adequate remedy at law and, if Defendants' activities are
26 not enjoined, Plaintiff will continue to suffer irreparable harm and injury to its goodwill
27 and reputation. Plaintiff is therefore entitled to injunctive relief pursuant to 15 U.S.C.
28 § 1116.

37. Pursuant to 15 U.S.C. § 1117, Plaintiff is entitled to recover damages in an

1 amount to be determined at trial, including actual damages and profits made by
2 Defendants in connection with their coin sales and operations, and the costs of this
3 action.

4 38. Furthermore, the foregoing actions of Defendants were undertaken
5 willfully and with the intention to cause confusion, mistake, or deception, thus making
6 this case exceptional under the Lanham Act and entitling Plaintiff to recover enhanced
7 damages and reasonable attorneys' fees.

8 **COUNT TWO**

9 **(Unfair Competition and False Designation of Origin)**

10 **(15 U.S.C. § 1125(a))**

11 **(Against All Defendants)**

12 39. Plaintiff repeats, re-alleges and hereby incorporates by reference, as
13 though specifically pleaded herein, the allegations contained in the paragraphs above.

14 40. Defendants are using Plaintiff's registered MAKE AMERICA GREAT
15 AGAIN mark without authorization in connection with the sale of coin products that
16 are of the same general nature and type as those that Plaintiff has long used in
17 connection with its own registered MAKE AMERICA GREAT AGAIN mark.

18 41. Defendants' unauthorized uses of the MAKE AMERICA GREAT AGAIN
19 mark are likely to cause confusion to the general purchasing public as to the sources of
20 Plaintiff's and Defendants' respective products.

21 42. By misappropriating and using the MAKE AMERICA GREAT AGAIN
22 mark, Defendants misrepresent and falsely describe to the general public the origin and
23 source of their unauthorized products and create a likelihood of confusion as to the
24 source, sponsorship, affiliation and/or endorsement of such products.

25 43. Defendants' unlawful, unauthorized, and unlicensed coin products in
26 connection with the MAKE AMERICA GREAT AGAIN mark, create express and
27 implied misrepresentations that those goods are authorized or approved for or by
28 Plaintiff, all to Defendants' profit and Plaintiff's great damage and injury.

44. Defendants' aforesaid acts are in violation of Section 43(a) of the Lanham

1 Act, 15. U.S.C. § 1125(a), in that Defendants’ uses of the MAKE AMERICA GREAT
2 AGAIN mark, in connection with Defendants’ sale of coins, in interstate commerce
3 constitutes trademark infringement, false designation of origin, and unfair competition.

4 45. Plaintiff has no adequate remedy at law and, if Defendants’ activities are
5 not enjoined, Plaintiff will continue to suffer irreparable harm and injury to its business,
6 goodwill and reputation.

7 46. As a result of Defendants’ activities, Plaintiff has been damaged in an
8 amount to be determined at trial, including but not limited to the costs of this action.

9 47. Plaintiff is entitled to recover its actual damages and Defendants’ profits
10 realized from Defendants’ sale of coins in connection with the identical MAKE
11 AMERICA GREAT AGAIN mark.

12 48. Furthermore, Defendants’ willful violation of Plaintiff’s rights with full
13 knowledge of said rights entitles Plaintiff to recover enhanced damages and reasonable
14 attorneys’ fees.

15 **COUNT THREE**

16 **(California State Unfair Competition)**

17 **(California Business and Professions Code §§ 17200 *et seq.*)**

18 **(Against All Defendants)**

19 49. Plaintiff repeats, re-alleges and hereby incorporates by reference, as
20 though specifically pleaded herein, the allegations contained in the paragraphs above.

21 50. California Business and Professional Code section 17200, *et seq.* (the
22 “UCL”) prohibits unfair competition, that is, any unlawful, unfair or fraudulent business
23 act or practice.

24 51. Defendants have committed acts of unfair competition as defined by the
25 UCL. The aforesaid acts by Defendants are likely to cause injury to Plaintiff’s
26 reputation and result in Defendants’ unfairly competing with Plaintiff in violation of the
27 UCL.

28 52. Defendants’ actions as alleged above violate the “unfair” prong of the UCL
because (a) the utility of such actions is outweighed by the gravity of the harm they

1 cause to Plaintiff; (b) such actions are immoral, unethical, oppressive, unscrupulous and
2 substantially injurious to consumers; and (c) such actions constitute incipient violations
3 of state and federal antitrust laws.

4 53. Defendants' actions as alleged above violate the "fraudulent" prong of the
5 UCL because they are likely to mislead and confuse a statistically significant percentage
6 of reasonable consumers.

7 54. Defendants' actions as alleged above violate the "unlawful" prong of the
8 UCL because those same actions also constitute violations of the state and federal
9 statutes set forth in the Counts above. Defendants' violation of each of those statutes
10 represents an independently actionable unlawful business practice in violation of the
11 UCL.

12 55. The UCL provides that the Court may restore to any person in interest any
13 money or property which may have been acquired by means of unfair competition.

14 56. As a direct and proximate result of the aforementioned acts by the
15 Defendants, Plaintiff has suffered a monetary loss in an amount to be proven at trial.
16 Accordingly, Plaintiff is entitled to restitution and/or disgorgement of profits realized
17 by Defendants by reason of Defendants' unlawful acts.

18 57. Defendants' conduct has injured Plaintiff and unless enjoined, will
19 continue to cause great, immediate and irreparable injury to Plaintiff.

20 58. Plaintiff is without an adequate remedy at law, and is therefore entitled to
21 injunctive relief, equitable relief, and an order for restitutionary disgorgement of all of
22 Defendants' ill-gotten gains pursuant to California Business and Professions Code
23 § 17203. If Defendants' activities are not enjoined, Plaintiff will continue to suffer
24 irreparable harm and injury to its goodwill and reputation. Plaintiff is therefore entitled
25 to injunctive relief, enjoining Defendants from continuing to use the MAKE
26 AMERICA GREAT AGAIN mark in connection with the sale of coins in the United
27 States.

28 59. Plaintiff is entitled to recover its actual damages and Defendants' profits
realized from coin sales in connection with their unauthorized use of Plaintiff's MAKE

1 AMERICA GREAT AGAIN mark.

2 60. Furthermore, Defendants' willful violation of Plaintiff's rights with full
3 knowledge of said rights entitles Plaintiff to recover enhanced damages and reasonable
4 attorneys' fees.

5 61. At all relevant times, Defendants' misconduct was intentional, willful,
6 oppressive, fraudulent and malicious, such that punitive damages are warranted.

7 **PRAYER**

8 **WHEREFORE**, Plaintiff demands judgment as follows:

9 1. That Defendants, their owners, officers, directors, agents, servants,
10 employees, affiliates, and all persons acting for, with, by, through or under them be
11 preliminarily enjoined and restrained, at first during the pendency of this action and,
12 thereafter, permanently:

13 a. from using in any manner the mark MAKE AMERICA GREAT
14 AGAIN, alone or in combination with any word or words, as part of a mark, logo, trade
15 name, domain name or website URL in connection with the sale of coins, as well as the
16 advertising, offering for sale or sale of coins;

17 b. from passing off, inducing, or enabling others to sell or pass off any
18 good or service as affiliated with, authorized or approved by Plaintiff;

19 c. from committing any acts calculated to cause purchasers to believe
20 that Defendants' goods or services are those sold under the control and supervision of
21 Plaintiff, or are sponsored, affiliated, endorsed, or approved by, or MAKE AMERICA
22 GREAT AGAIN with, or guaranteed by, or produced under the control and supervision
23 of Plaintiff;

24 d. from further infringing Plaintiff's MAKE AMERICA GREAT
25 AGAIN mark and damaging Plaintiff's goodwill; and

26 e. from otherwise competing unfairly with Plaintiff.

27 2. That Defendants, within thirty (30) days after service of judgment with
28 notice of entry thereof, be required to file with the Court and serve on Plaintiff a written

1 report under oath with penalty of perjury setting forth in detail the manner in which
2 Defendants have complied with paragraph 1 above.

3 3. That Defendants account for and pay over to Plaintiff profits realized by
4 Defendants by reason of Defendants’ unlawful acts herein alleged, and that the amount
5 of damages from their infringements of Plaintiff’s MAKE AMERICA GREAT AGAIN
6 mark be increased by a sum not exceeding three times the amount thereof as provided
7 by law.

8 4. That Plaintiff be awarded damages in an amount to be determined at trial
9 for Defendants’ willful infringements of the MAKE AMERICA GREAT AGAIN mark.

10 5. That Plaintiff be awarded punitive damages in an amount to be proven at
11 trial.

12 6. That Plaintiff be awarded reasonable attorneys’ fees and have such other
13 and further relief as the Court may deem equitable including, but not limited to, any
14 relief set forth in 15 U.S.C. § 1117.

15 7. That Defendants be ordered to disgorge all of their ill-gotten gains pursuant
16 to California Business and Professions Code § 17203.

17 8. For all such further relief as the Court finds proper.

18
19 Dated: November 25, 2024

LEWITT, HACKMAN, SHAPIRO,
MARSHALL & HARLAN

20
21 By: /s/ Jeffrey A. Kobulnick
22 JEFFREY A. KOBULNICK
23 HEIDY A. NURINDA
24 Attorneys for Plaintiff,
STUPLER & CO., INC.

25 **DEMAND FOR JURY TRIAL**

26 Plaintiff STUPLER & CO., INC., hereby demands a trial by jury for all issues
27 so triable in this action.
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Dated: November 25, 2024

LEWITT, HACKMAN, SHAPIRO,
MARSHALL & HARLAN

By: /s/ Jeffrey A. Kobulnick
JEFFREY A. KOBULNICK
HEIDY A. NURINDA
Attorneys for Plaintiff,
STUPLER & CO., INC.

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July 13th Colorized Trump Silver Round (In Air-Tite Capsule) - 1 Troy Oz .999 Pure

★★★★★ 6 Reviews



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July 13th Colorized Trump Silver Round (In Air-Tite Capsule) - 1 Troy Oz .999 Pure

The July 13th Colorized Trump Silver Round is a unique and highly detailed bullion piece produced by Highland Mint and offered by Money Metals Exchange.

This silver bullion round commemorates the significant and dramatic moment of the assassination attempt on former U.S. President Donald J. Trump on July 13th, 2024.

Encapsulated in 99.9% pure silver, each round is housed in an Air-Tite capsule to ensure its pristine condition, making it a valuable addition to any collection.

Silver Round Highlights:

Design: The obverse side of these silver bullion rounds features a colorized image of President Trump with his fist in the air, set against a backdrop of the American flag. The reverse side displays the American flag with inscriptions denoting the round's purity, weight, and one of two different phrases: "FIGHT! FIGHT! FIGHT!" or "Make America Great Again."

Purity: Made of 99.9% pure silver, this silver round offers high-quality and investment-grade value.

Metal Weight: Contains 1 troy ounce (31.103 grams) of pure silver.

Protection: Each of these silver rounds is encased in an Air-Tite capsule to prevent scratches, tarnish, and other damage, ensuring its uncirculated condition.

Producer: Crafted by Highland Mint, renowned for its precision and quality in bullion products.

Inscriptions: Features "Donald J. Trump," "July 13, 2024," "One Troy Ounce .999 Fine Silver" on the front side, while the back features one of two different designs -- either "FIGHT! FIGHT! FIGHT!" OR "Make America Great Again."

The July 13th Colorized Trump Silver Round is a standout piece for collectors, investors, and supporters of Donald Trump. It combines historical significance, political symbolism, and investment value in a beautifully crafted silver round, making it a unique and memorable addition to any collection.

Obverse Design

The obverse side of the silver round is vividly colorized, featuring President Donald Trump in a powerful pose with his fist raised in the air, symbolizing his call to action.

This iconic image is enhanced by the American flag waving in the background, adding a patriotic touch. The inscriptions on this side include "Donald J. Trump" and the date "July 13, 2024," marking a notable event in his political career.

Reverse Design

The reverse side of the silver round showcases the American flag, symbolizing national pride and unity. Alongside this design, the inscriptions "One Troy Ounce .999 Fine Silver,"

The wording around the top of the reverse will either include the famous "FIGHT! FIGHT! FIGHT!" phrase yelled by Trump after the failed assassination attempt, OR the Trump campaign slogan, "Make America Great Again."

One of those two phrases is prominently displayed, emphasizing the purity and weight of the silver and the enduring message of the Trump campaign.

Invest in a July 13th Colorized Trump Silver Round today!

For any inquiries (FAQs) or support, feel free to contact our dedicated customer service team at Money Metals Exchange at our phone number:

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Reviews (6)
★★★★★ (5 out of 5)

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★★★★★ Stanley L. August 22nd, 2024

July 13th colorized coin

One of my favorite coins. MONEY METALS IS THE BEST. I HIGHLY RECOMMEND.

★★★★★ Jerri A. August 21st, 2024

Silver and DJT's popularity going up, up, up!

Very cool round. Wanted a keepsake of life in 2024. This was one of the most memorable. Bought a few as gifts. People loved it!

★★★★★ Terry B. August 17th, 2024

July 13th (Colorized) Trump 1 oz silver Round

I cannot think of a better way to memorialize the event that took place on July 13th, 2024 than to have this beautiful colorized silver round. Just as with all of my purchases from MME it's top quality! I actually purchased 3 of these (1 to keep & 2 for gifts). Out of all of my many items from MME this one was very special to me and every patriot should own this piece of history.

★★★★★ Irma S. August 16th, 2024

July 13th Colorized Trump Silver Round

Very nice silver round. One of my favorites!

★★★★★ Robert D. August 16th, 2024

July 13th Colorized Trump Silver Round

Great looking coin! Fast shipping, very pleased with this company and coin.

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