

FILED
CLERK, U.S. DISTRICT COURT
SEP 27 2011
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY
~~FOR COURT USE ONLY~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

MOHAJERIAN INC
AL MOHAJERIAN, ESQ., CSBN 182013
AMISH SHAH, ESQ., CSBN 263181
A Professional Law Corporation
2029 Century Park East, 19th Floor
Los Angeles, California 90067
Tel: (310) 556-3800/Fax: (310) 556-3817
Email: al@mohajerian.com
Attorneys for Plaintiff GoGo Sports, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CV11-7992 JANTSEM

CASE NO.: _____

GOGO SPORTS, INC.,
Plaintiff,

vs.

COMPLAINT FOR DECLARATORY RELIEF

MAJOR LEAGUE BASEBALL
PROPERTIES, INC.; and THE SAN
FRANCISCO GIANTS BASEBALL
CLUB,

Defendants.

Z:\files\378.114\2378.1142110923122925.DOC

COMPLAINT FOR DECLARATORY RELIEF

MOHAJERIAN, INC.
A PROFESSIONAL LAW CORPORATION
2029 CENTURY PARK EAST, SUITE 1900
LOS ANGELES, CALIFORNIA 90067
TEL: (310) 556-3800 FAX: (310) 556-3817

1 Plaintiff Gogo Sports, Inc. (“Gogo Sports”) brings this action for declaratory relief to
2 resolve uncontested issues relating to claims by defendant Major League Baseball Properties, Inc.
3 and the San Francisco Giants Baseball Club (collectively, “Giants”) that certain of Gogo’s famous
4 SAN FRANCISCO CALIFORNIA sports attire infringe purported trademark and other alleged
5 rights of defendant.

6
7 Jurisdiction

8
9 1. This action arises under the Trademark Act of 1946, 15 U.S.C. §§ 1051 et seq.,
10 including more particularly 15 U.S.C. §§ 1114(1)(a), 1114(1)(b), 1125(a), 1125(c) and 1126, and
11 Declaratory Judgment Act, 28 U.S.C. § 2201(a).

12 2. This Court has jurisdiction over the subject matter of this action pursuant to 28
13 U.S.C. §§ 1331 and 1338(a).

14 3. This Court can enter the declaratory relief sought in this Complaint because this
15 case presents an actual controversy and is within this Court’s jurisdiction as set forth in paragraphs
16 1 and 2 above.

17
18 Venue

19
20 4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c). Both Gogo
21 Sports and Giants are found and are subject to personal jurisdiction in this judicial district, and a
22 substantial part of the acts giving rise to this claim occurred in this judicial district.

23 Z:\files\378.114\2\378.114\2110923122925.DOC

24 COMPLAINT FOR DECLARATORY RELIEF

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Parties

5. Plaintiff Gogo Sports is a California corporation with its principal place of business located at 23385 Foley Street, Hayward, California. Gogo Sports was incorporated in California in January 2006 and remains active and in good standing.

6. On information and belief, defendant Major League Baseball Properties, Inc. (“MLBP”), owner of the San Francisco Giants Baseball Club, is a New York Corporation with its principal place of business at 245 Park Ave., New York, New York 10167.

First Claim for Relief

(Declaratory Relief – 28 U.S.C. § 2201(a))

7. Gogo Sports repeats and realleges each and every allegation set forth in paragraphs 1 through 6 above as though set forth at length herein.

8. Gogo Sports designs, distributes and sells polar fleece, sports apparel, casual wear, clothing accessories and related products with various custom embroidered designs and logos. Gogo Sports is a distributor of polar fleece, sports apparel and related products. Gogo Sports distributes custom apparel products and private label apparel programs according to its customer’s requests. Gogo Sports also has open stock inventory where its apparel retail customers can order apparel according to their requirements. Gogo Sports is well recognized all over the U.S. by retail stores, state parks, souvenir shops, casonos, zoos, and the corporate sector.

1 (See the Registration Determination by the USPTO, as Exhibit L). A true and correct copy of the
2 Giants' September 7, 2011 letter is attached as Exhibit B hereto and, without admitting the truth of
3 the allegations set forth therein, is incorporated herein by this reference.

4 12. By letter dated September 13, 2011, Al Mohajerian, an attorney for plaintiff Gogo
5 Sports, responded that "Gogo Sports, Inc. has a valid trademark registration for the subject
6 trademark." Mr. Mohajerian enclosed a copy of the registration certificate of SAN FRANCISCO
7 CALIFORNIA, and requested identification of MLB's trademark registration with the USPTO.
8 A true and correct copy of Mr. Mohajerian's September 13, 2011 letter is attached as Exhibit C
9 hereto and is incorporated herein by this reference.

10 13. By letter dated September 15, 2011, Mr. Eisenman threatened that "if Gogo does
11 not voluntarily and expressly abandon its supplemental registration...MLBP will file a petition to
12 cancel." By way of persuasion, he alleged that the "Giants have been using the Giants Script SF
13 on a wide variety of goods and services since at least as early as 1993." At no time did Gogo
14 Sports ever use the wording "Giants SF" on their products. The mark in dispute is literally about
15 the subject trademark, i.e., SAN FRANCISCO CALIFORNIA. It is perplexing then that the
16 Giants had not registered or attempted to register the alleged mark for approximately 18 years,
17 until the Application was filed in April of 2011. Further, and more baffling, is that nowhere in the
18 defendant's USPTO Application is there mention of the term "Giants" in relation to their San
19 Francisco script. (Exhibit K). On the contrary, in his initial "cease and desist" letter, Mr.
20 Eisenman clearly implied that the Giants had trademark registration for their San Francisco script
21 when he said "the MLB Marks are the subject of United States federal trademark registrations,
22 state trademark registrations and/or common law protections." (See Exhibit B). In reality, the

23 Z:\files\378.114\2\378.114\2110923122925.DOC

24 COMPLAINT FOR DECLARATORY RELIEF

1 Giants have no trademark registration with respect to the San Francisco script. Their trademark
2 application was denied by the USPTO. (Exhibit L). A true and correct copy of the Giants'
3 September 15, 2011 letter is attached as Exhibit D hereto and, without admitting the truth of the
4 allegations set forth therein, is incorporated herein by this reference.

5 14. By e-mail dated September 21, 2011, Mr. Mohajerian emphasized the defense of
6 his client's rights and his aim for amicable resolution. He stated the need for the Giants to offer
7 proof of registration of their mark. Further, Mr. Mohajerian requested that the Giants provide
8 Gogo Sports with evidence of consumer confusion, and asked whether a survey had been done.
9 He asked for pictures of products that the Giants believed were similar to Gogo Sports products
10 which caused consumer confusion. A true and correct copy of Mr. Mohajerian's September 21,
11 2011 e-mail is attached as Exhibit E hereto and is incorporated herein by this reference.

12 15. Defendants never provided Gogo Sports with the requested information and instead
13 they dodged answering the inquiries altogether. By e-mail dated September 21, 2011, Mr.
14 Eisenman responded that Mr. Mohajerian's questions were "answered in MLB's prior
15 communications, irrelevant, or will be provided in the course of discovery." Again, the Giants
16 threatened a lawsuit if Gogo Sports did not immediately abandon the Supplemental Registration.
17 A true and correct copy of Mr. Eisenman's September 21, 2011 e-mail is attached as Exhibit F
18 hereto and, without admitting the truth of the allegations set forth therein, is incorporated herein by
19 this reference.

20 16. Gogo Sports has not infringed and is not infringing, either directly or indirectly,
21 contributorily, by inducement or otherwise, any trademark or protectible interest of the Giants.
22 Gogo Sports has never used the term "Major League Baseball" or "Giants" on their products.

23 Z:\files\378.1142\378.1142110923122925.DOC

COMPLAINT FOR DECLARATORY RELIEF

1 Further, Gogo Sports never understood the italicized “San Francisco” to have a connotation or
2 secondary meaning or to mean Giants baseball in the minds of the consumers.

3 17. A search of “San Francisco Giants” in the USPTO database comes up with four (4)
4 records, the first two (2) of which are dead and the latter two (2) live. None of the four (4)
5 registrants include the Giants or any Major League Baseball affiliate. A true and correct copy of
6 the USPTO search results are attached as Exhibits G, H, I, and J hereto and are incorporated herein
7 by this reference. After repeated inquiries, the Giants have not produced a valid registration for
8 the subject mark. Gogo Sports, on the other hand, and which the Giants acknowledge (See Exhibit
9 B), has obtained a Supplemental Registration for SAN FRANCISCO CALIFORNIA.

10 Supplemental Registration of a mark, as the Giants know, gives the holder of a mark a certain
11 measure of trademark protection.

12 18. Upon further research, it has come to the attention of Gogo Sports that a registration
13 application was filed with the USPTO on April 26, 2011 (“Application”) regarding the italicized
14 “San Francisco”. In the Application, MLBPA never referenced their applied-for mark as being
15 affiliated with or having to do with Major League Baseball’s Giants team. No secondary meaning
16 can be implied or is even suggested. Further, and more importantly, the registration of the applied-
17 for mark was refused on August 8, 2011 based on “a likelihood of confusion with the mark in U.S.
18 Registration No. 3,933,119”; in other words, the application was DENIED based on the likelihood
19 of confusion with Plaintiff’s SAN FRANCISCO CALIFORNIA mark. USPTO trademark
20 examining attorney Amy E. Hella stated that “the marks are virtually identical” and that “the goods
21 are identical.” Ms. Hella cited Trademark Act Section 2(d), 15 U.S.C. §1052(d), which bars
22 “registration of an applied-for mark that so resembles a registered mark that it is likely that a

1 potential consumer would be confused or mistaken or deceived as to the source of the goods an/or
2 services of the applicant and registrant.” A true and correct copy of Registration Application
3 Serial No. 85304372, filed by applicant San Francisco Baseball Associates, L.P., as well as the
4 USPTO Determination of the Application, are attached as Exhibit K and L, respectively hereto and
5 are incorporated herein by this reference.

6 19. Defendant alleges that Gogo Sports’ “manufacturing, advertising, marketing,
7 distribution, offering for sale and/or selling” are an “obvious attempt to benefit from the goodwill
8 associated with the Giants and/or Major League Baseball.” (See Exhibit B). The presumption that
9 the Giants lean on is that somehow, the word “San Francisco” creates, in the minds of consumers,
10 a secondary meaning that creates confusion with the Major League Baseball’s Giants team. The
11 allegation is baseless and without merit. “San Francisco” is no more associated with the San
12 Francisco Giants than it is with the San Francisco 49ers or hundreds of other organizations or retail
13 outlets, *et al.*, using the name “San Francisco”. Further, Gogo Sports’ alleged infringing mark
14 “consists of the stylized wording SAN FRANCISCO CALIFORNIA.” (See Exhibit A). The word
15 “California” is a term not in the Giants’ San Francisco script.

16 20. In light of the Giants’ ill founded accusations of infringement and its threat to bring
17 suit if Gogo Sports does not immediately cease and desist from further “manufacturing,
18 advertising, marketing, distribution, offering for sale and/or selling” of its clothing, an actual
19 controversy has arisen and now exists between the Giants and Gogo Sports as to the non-
20 infringement by Gogo Sports of any trademark or other protectible interest of the Giants as a result
21 of Gogo Sports’ advertising, marketing, distribution and sale of its SAN FRANCISCO
22 CALIFORNIA products.

23 Z:\files\378.114\2\378.1142110923122925.DOC

COMPLAINT FOR DECLARATORY RELIEF

MOHAJERIAN, INC.
A PROFESSIONAL LAW CORPORATION
2029 CENTURY PARK EAST, SUITE 1900
LOS ANGELES, CALIFORNIA 90067
TEL: (310) 556-3800 FAX: (310) 556-3817

1 fact that Major League Baseball never identified the term "Giants" in their USPTO Application
2 (Exhibit K) for registration of the subject mark.

3 F. For a declaration of this Court that Gogo Sports has a valid USPTO registration for
4 its SAN FRANCISCO CALIFORNIA trademark.

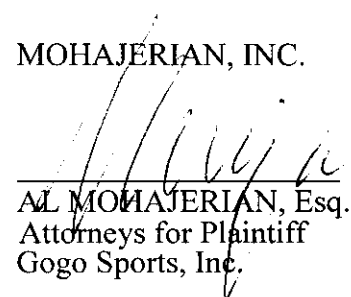
5 G. For a declaration of this Court that the Giants' claim is barred and/or waived by the
6 doctrine of laches, estoppel and/or acquiescence for their failure to seek USPTO registration for
7 over 18 years; and

8 H. For such other and further relief as this Court deems just and proper.

9
10 Dated: September 27, 2011

MOHAJERIAN, INC.

11
12 By


AL MOHAJERIAN, Esq.
Attorneys for Plaintiff
Gogo Sports, Inc.

13
14
15
16
17
18
19
20
21
22
23 Z:\files\378.114\2\378.1142110923122925.DOC

COMPLAINT FOR DECLARATORY RELIEF

United States of America
United States Patent and Trademark Office



Reg. No. 3,933,119

GOGO SPORTS, INC. (CALIFORNIA CORPORATION)
23385 FOLEY STREET
HAYWARD, CA 94545

Registered Mar. 15, 2011

Int. Cl.: 25

FOR: CAPS; HATS; HEADWEAR; JACKETS; SHIRTS; SWEAT SHIRTS; TOPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

TRADEMARK

FIRST USE 0-0-2008; IN COMMERCE 0-0-2008.

SUPPLEMENTAL REGISTER

THE MARK CONSISTS OF THE STYLIZED WORDING "SAN FRANCISCO CALIFORNIA".

SER. NO. 85-166,712, FILED P.R. 11-2-2010; AM. S.R. 2-7-2011.

ANDREA K. NADELMAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT A
PAGE 1 of 1



September 7, 2011

VIA UPS NEXT DAY AIR AND ELECTRONIC MAIL

Gogo Sports, Inc.
23385 Foley Street
Hayward, CA 94545
Email: gogosportswear@yahoo.com

Dear Sir or Madam:

I am contacting you on behalf of the San Francisco Giants baseball club (the "Giants") and Major League Baseball Properties, Inc. ("MLBP"). MLBP is the owner of Major League Baseball-related trademarks and service marks, and is the licensing agent responsible for the protection and enforcement of intellectual property rights and certain other rights of Major League Baseball-related entities including, without limitation, the Giants and the 29 other Major League Baseball Clubs. (MLBP and the various Major League Baseball-related entities are hereinafter referred to collectively as the "MLB Entities").

The MLB Entities own numerous world-famous and distinctive trademarks and trade dress elements, including color schemes, stylizations, logos and designs (collectively the "MLB Marks"), including without limitation, the stylized script San Francisco mark owned by the Giants (the "SF Script"). The MLB Marks have been used for many years in connection with baseball-related services and as part of an extensive licensing program on a wide variety of merchandise relating to and promoting the MLB entities. As a result, the MLB Marks are well-known as exclusively identifying the MLB Entities and possess significant goodwill of great value to the MLB Entities. Furthermore, the MLB Marks are the subject of United States federal trademark registrations, state trademark registrations and/or common law protection.

In order to protect and enhance the value of the MLB Marks, MLBP grants limited licenses to select manufacturers to produce merchandise authorized to bear MLB Marks. These licensed manufacturers are held to specific manufacturing standards and are channels in order to preserve the value of the licensed products and to maintain the integrity and image of the MLB Marks.

It has recently come to MLBP's attention that Gogo Sports, Inc. ("Gogo Sports") is engaged in the manufacture, advertising, marketing, distribution, offering for sale and/or sale of unlicensed clothing featuring a design (the "Gogo SF") that is confusingly similar to the SF Script (the "Unlicensed Clothing"). Attached hereto as Exhibit A is a screen shot from Gogo Sports' website which depicts one example of the Unlicensed Clothing.

Gogo Sports' manufacture, advertising, marketing, distribution, offering for sale and/or sale of the Unlicensed Clothing is an obvious attempt to benefit from the goodwill associated with the Giants and/or Major League Baseball. Such activity is likely to (i) confuse the public and mislead consumers into believing that the Unlicensed Clothing emanate from the Giants, MLBP and/or their official licensees; (ii) creates the false impression that there is an affiliation or relationship between Gogo Sports on the one hand, and the Giants, and/or MLBP on the other; and/or (iii) dilutes the distinctive quality of the MLB Marks. Accordingly, Gogo Sports' manufacture, advertising, marketing, distribution, offering for sale and/or sale of the Unlicensed Clothing

MAJOR LEAGUE BASEBALL Properties

245 Park Avenue

New York, New York 10167

Phone 212.931.7900

www.mlb.com

EXHIBIT B
PAGE 1 of 5

constitutes trademark infringement, unfair competition, false designation of origin, and/or trademark dilution, in violation of federal, state and/or common law.

Furthermore, MLBPA recently learned that Gogo Sports has obtained a Supplemental U.S. Trademark Registration No. 3933119 (the "Supplemental Registration") for the Gogo SF. Given MLBPA's prior rights in the MLB Marks, including the Giants rights in the SF Script, in connection with similar or identical goods, Gogo Sports' use of a confusingly similar mark for identical goods is likely to cause confusion among consumers as to the source, sponsorship or affiliation of the parties' respective goods.

MLBPA hereby demands that Gogo Sports immediately and expressly abandon the Supplemental Registration for the Gogo SF, and immediately cease and desist from manufacturing, advertising, marketing, distribution, offering for sale and/or selling the Unlicensed Clothing and any other unlicensed product bearing any of the MLB Marks and/or any mark or graphic confusingly similar to and/or dilutive of any of the MLB Marks (collectively, "Unauthorized Goods"). MLBPA demands that Gogo Sports fully disclose in writing the extent of its manufacture and/or sales of the Unlicensed Clothing and/or any Unauthorized Goods, including:

- a. the number of Unlicensed Clothing and/or Unauthorized Goods sold;
- b. the prices at which the Unlicensed Clothing and/or any Unauthorized Goods were sold;
- c. the wholesale prices of such Unlicensed Clothing and/or any Unauthorized Goods;
- d. the channels of trade or mediums through which the Unlicensed Clothing and/or any Unauthorized Goods were sold;
- e. the inventory of such Unlicensed Clothing and/or any Unauthorized Goods under Gogo Sports Gallery's direct or indirect control as of the date of this letter; and
- f. the name, addresses and telephone numbers of the manufacturer(s) and/or supplier(s) of such Unlicensed Clothing and/or any Unauthorized Goods.

Additionally, MLBPA demands that Gogo Sports further refrain from any unauthorized commercial use of any MLB Mark, and/or any other mark or graphic that is confusingly similar thereto or dilutive thereof. Please provide all the information requested herein and otherwise confirm that Gogo Sports Gallery has complied with MLBPA's demands by no later than **5:00 p.m., New York time, September 16, 2011.**

If Gogo Sports fully cooperates as outlined above, MLBPA is prepared to discuss an amicable resolution of its legal and monetary claims. In the absence of a favorable, timely response, MLBPA is prepared to take all steps necessary to preserve and protect the valuable rights of the MLB Entities without further notice.

This letter is specifically with respect to the Unlicensed Clothing. To the extent there is further misuse by Gogo Sports of the MLB Marks; MLBPA will address that misuse at a later date. The statements set forth in this letter are not intended to be, nor shall they be deemed to be, a full and complete statement of the facts in this matter. This letter shall not be construed as a waiver of any legal or equitable rights, claims or remedies, all of which are expressly reserved.

Very truly yours,



Nicholas H. Eisenman
Counsel

cc: Ethan Orlinsky, Esq. (MLBPA)

EXHIBIT B
PAGE 2 of 5

EXHIBIT A

EXHIBIT B
PAGE 3 of 5

About Gogo Trade Show News Inquiry
search SEARCH

HOME ABOUT US CONTACTS PRODUCTS EMBROIDERY CUSTOMERS CONTACTS

Quick link

Home

Welcome to Gogofleece...

Embroidery Machine



Contact us

Phone: (510)785-1915
Fax: (510) 785-4924
Toll free: 1-877-785-1915
gogosportswear@yahoo.com

Welcome to Gogo Sports Inc where you will find a huge selections of Polar Fleece Products Reversible Jackets, Adult Polar Fleece Vest, Full Zipper Polar Fleece, Windbreaker Jackets, Polar Fleece Blankets, Kids and Toddlers Polar Fleece, Polar Fleece Pants for Adult and Kids, an incredibly wide array of corporate casual apparel in fact practically any garment you can think about Gogo Sports Inc was established in 2006 with an apparel experience of 20 years in this industry. Our professional teammates have proven track record of providing excellent quality and timely delivery at competitive prices to all our customers and private label manufactures all over U.S. Also Gogo Sports is well recognized all over U.S. by retails stores, state parks, souvenirs shops, casinos, zoo, corporate sector, chain stores.

We carry open stock on most of our products so you never have to have dead stock, we also entertain custom products and custom labels programs. Also we have our own designing and embroidery unit where our staff will make the designs for you garments to look great.

We at Gogo Sports believe customer satisfaction is top priority.



Top Seller

Promotional Products

Applique Block Letter

Applique Script Design

Copyright © 2011 Gogo. All Rights Reserved. Developed by Shayona Technology.

EXHIBIT B
PAGE 4 of 5

Home | About Us | Catalog | Products | Embroidery | Customization | Downloads | Feedback | Contact Us
search

HOME ABOUT US CATALOG PRODUCTS EMBROIDERY CUSTOMIZATION DOWNLOADS FEEDBACK CONTACT US

Quick link

Embroidery Machine



Contact us

Phone: (510)785-1915
Fax: (510) 785-4824
Toll free: 1-877-785-1915
gogosportswear@yahoo.com



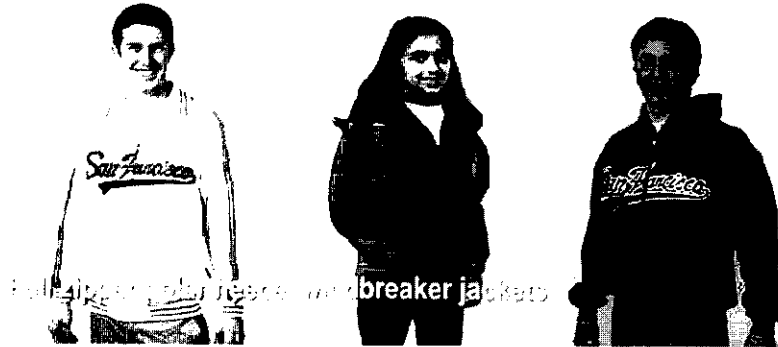
Welcome to Gogofleece...

Welcome to Gogo Sports Inc where you will find a huge selections of Polar Fleece Products, Reversible Jackets, Adult Polar Fleece Vest, Full Zipper Polar Fleece, Windbreaker Jackets, Polar Fleece Blankets, Kids and Toddlers Polar Fleece, Polar Fleece Pants for Adult and Kids, an incredibly wide array of corporate casual apparel in fact practically any garment you can think about.

Gogo Sports Inc was established in 2006 with an apparel experience of 20 years in this industry. Our professional leammates have proven track record of providing excellent quality and timely delivery at competitive prices to all our customers and private label manufactures all over U.S. Also Gogo Sports is well recognized all over U.S. by retail stores, state parks, souvenirs shops, casinos, zoo, corporate sector, chain stores.

We carry open stock on most of our products so you never have to have dead stock. we also entertain custom products and custom labels programs. Also we have our own designing and embroidery unit where our staff will make the designs for you garments to look great.

We at Gogo Sports believe customer satisfaction is top priority.



Top Seller

Promotional Products

Applique Block Letter

Applique Script Design

Copyright © 2011 Gogo - All Rights Reserved. Developped by Shayaan Technology

EXHIBIT B
PAGE 5 of 5

MOHAJERIAN INC

A PROFESSIONAL LAW CORPORATION
ATTORNEYS AND COUNSELORS AT LAW

TELEPHONE
(310) 556-3800

FACSIMILE
(310) 556-3817

2029 CENTURY PARK EAST
19TH FLOOR

LOS ANGELES, CALIFORNIA
90067

www.mohajerian.com

lawyers@mohajerian.com

AL MOHAJERIAN†
HARRY M. BARTH†‡
JOY G. BERUS*
PETER BRONSTEIN*‡
‡A PROF LAW CORP
*OF COUNSEL

September 13, 2011

VIA U.S. MAIL & E-MAIL; nicholas.eisenman@mlb.com

Nicholas H. Eisenman, Esq.
Major League Baseball Properties
245 Park Avenue
New York, New York 10167

RE: Gogo Sports, Inc.
Our reference no.: 376.101

Dear Mr. Eisenman:

Your letter dated September 7, 2011, was sent to this office for a response. This firm represents Gogo Sports, Inc. Your letter and your contentions are vague and confusing. I am trying to understand the intellectual property that you refer to in your letter. Gogo Sports, Inc. has a valid trademark registration for the subject trademark. No objections were submitted to the United States Patent and Trademark Office (USPTO).

I have enclosed a copy of the registration certificate from the USPTO, indicating Gogo Sports, Inc.'s rights in the Gogo SF design which you claim is subject of the United States federal trademark registrations, state trademark registrations and/or common law protection.

Please identify your trademark registration with the USPTO, or if you believe there is common law interest, please explain with better clarity. Please provide further information for our review, with an explanation as to why there was no objection to the TM registration application attached hereto.

Z:\files\378.101\1\378.1011110912161656.doc

EXHIBIT C
PAGE 1 of 2

MOHAJERIAN INC

A PROFESSIONAL LAW CORPORATION
ATTORNEYS AND COUNSELORS AT LAW

Nicholas H. Eisenman
Gogo Sports, Inc.
September 12, 2011
Page 2 of 2

Should you have any questions or comments, please do not hesitate to contact me.

Very truly yours,



AL MOHAJERIAN

AM/ea
Enclosure
Cc: Gogo Sports, Inc.




September 15, 2011


VIA UPS NEXT DAY AIR AND ELECTRONIC MAIL

Al Mohajerian, Esq.
Mohajerian, Inc.
2029 Century Park East, 19th Floor
Los Angeles, CA 90067
Email: Al@mohajerian.com

RE: Gogo Sports, Inc./ Your Ref. : 376.101

Dear Mr. Mohajerian:

I am writing in reply to your letter of September 13, 2011 sent on behalf of your client, Gogo Sports, Inc. ("Gogo"), and refer to the dispute between Gogo and Major League Baseball Properties, Inc. ("MLBP") regarding Gogo's infringement of the well-known and distinctive stylized San Francisco trademark (the "Giants Script SF")  owned by the San Francisco Giants baseball club (the "Giants"), and Gogo's attempt to register a logo confusingly similar to the Giants Script SF trademark and pass it off as its own.

As you should know, the "valid trademark registration" for the stylized San Francisco image (the "Gogo SF")  that you assert as evidence of your client's rights, is registered on the Supplemental Register, which affords Gogo few, if any, substantive rights in the Gogo SF. Indeed, registration on the Supplemental Register confers no rights in a mark to the applicant, aside from what rights may be claimed under common law. Moreover, Gogo's application for the Gogo SF was initially refused by the United States Patent and Trademark Office (the "USPTO") on the ground that there was no evidence to suggest that the logo in question identifies Gogo as the source of the goods.

In this particular case, the Giants' rights in the Giants Script SF not only predate Gogo's claimed first use date in its confusingly similar Gogo SF logo by at least fifteen years, but also the Giants Script SF has become famous and is well-known for identifying the Giants as the source. The Giants have been using the Giants Script SF on a wide variety of goods and services since at least as early as 1993. There can be no doubt that your client, a "sports" company located in San Francisco, was well aware of the Giants' rights in the Giants Script SF, particularly since Gogo offers its products featuring the confusingly similar Gogo SF logo in the Giants team colors and trade dress (as illustrated in Exhibit A to MLBP's letter to Gogo dated September 7, 2011). Thus, not only is Gogo's use of the Gogo SF logo infringing and dilutive of the Giants Script SF, Gogo's adoption and registration of the Gogo SF logo smacks of bad faith and may constitute fraud on the USPTO.

You should also know that applications to register a mark on the Supplemental Register are not published for opposition, and notices of such marks are only published after they are registered

MAJOR LEAGUE BASEBALL Properties

245 Park Avenue

New York, New York 10167

Phone 212.931.7900

www.mlb.com

EXHIBIT D
PAGE 1 of 2

on the Supplemental Register. As such, there could have been no objections filed against the application. MLBPA has not filed a petition to cancel, because it had hoped to resolve this dispute without the need for filing any legal proceedings. Please be assured, that if Gogo does not voluntarily and expressly abandon its supplemental registration for the Gogo SF, MLBPA will file a petition to cancel.

MLBPA stands by its letter dated September 7, 2011, and reiterates the assertions and demands contained therein. Please provide all the information requested therein and otherwise confirm in writing that Gogo has complied with MLBPA's demands by no later than **5:00 p.m., New York Time, September 19, 2011.**

The statements set forth in this letter are not intended to be, nor shall they be deemed to be, a full and complete statement of the facts in this matter. This letter shall not be construed as a waiver of any legal or equitable rights, claims or remedies, all of which are expressly reserved.

Very truly yours,



Nicholas H. Eisenman
Counsel

cc: Jennifer Hamilton, Esq. (MLBP)
Ethan Orlinsky, Esq. (MLBP)

EXHIBIT D
PAGE 2 of 2

Al Mohajerian

From: Al Mohajerian
Sent: Wednesday, September 21, 2011 8:41 AM
To: 'Eisenman, Nicholas'
Cc: Erica Amin; GOGO SPORTS INC (gogosportswear@yahoo.com)
Subject: RE: Gogo Sports, Inc.
Attachments: Al Mohajerian.vcf

Dear Mr. Eisenman:

Believe me, we are not looking for litigation either, but if push comes to shove, we'll then defend our rights. I'd like to resolve this with you, if we can. I read your letter. You raise the point that my client has a Supplemental Registration, yet you offer no proof as any kind of registration on your client's part.

Does your client have any kind of trademark registration with USPTO? If not, are you asserting common law rights with no record of USPTO registration?

If the subject mark is somehow unique and exclusive, then the question is why haven't your client sought TM registration for subject mark? Is it because you couldn't get USPTO registration?

Is there any evidence of consumer confusion? Or are you just making an assumption?

If you have done any survey, I'd ask that you share it with me for review and consideration. Further, if your client doesn't have a USPTO registration, then probably we'll be entitled to recovery of attorney's fees if the trier of facts finds in favor of my client. I mention this as a point of consideration.

I also ask to see how your client has used the subject mark in the stream of commerce. Please email pictures of products that you believe are similar to my client's products thus creating consumer confusion. I want to see if your client has used the subject mark stand alone or in conjunction with other text or marks.

I'd be more than happy to discuss these issues with you over the telephone either today or tomorrow afternoon. I think however the resolution of the dispute at hand depends on the evidence you're able to present. If your evidence suggests that we are on the wrong, most certainly we'll correct our position. So, please respond to my inquires listed above.

Best Regards,
AL MOHAJERIAN

	<p>Al Mohajerian MOHAJERIAN INC. Attorney at Law Tel: (310) 556-3800 Fax: (310) 556-3817 2029 Century Park East Suite 1900 Los Angeles, CA 90067 www.mohajerian.com E-Mail: al@mohajerian.com</p>
--	---

From: Eisenman, Nicholas [mailto:Nicholas.Eisenman@mlb.com]
Sent: Wednesday, September 21, 2011 7:16 AM
To: Al Mohajerian

EXHIBIT E
PAGE 1 of 3

Cc: Erica Amin
Subject: RE: Gogo Sports, Inc.
Importance: High

Dear Mr. Mohajerian,

MLBP had requested a reply by Monday, September 19, 2011. Please advise when we might expect a response.

Sincerely,

Nicholas Eisenman
Counsel, Trademark Protection & Special Projects



Major League Baseball Properties, Inc.
245 Park Avenue, 30th Floor
New York, NY 10167
212.931.7532 - direct telephone
212.949.5697 - facsimile
nicholas.eisenman@mlb.com

From: Eisenman, Nicholas
Sent: Thursday, September 15, 2011 12:23 PM
To: 'admin'
Cc: Al Mohajerian
Subject: RE: Gogo Sports, Inc.

Dear Ms. Amin,

Attached please find a letter for Al Mohajerian, Esq., for his review.

Sincerely,

Nicholas Eisenman
Counsel, Trademark Protection & Special Projects



Major League Baseball Properties, Inc.
245 Park Avenue, 30th Floor
New York, NY 10167
212.931.7532 - direct telephone
212.949.5697 - facsimile
nicholas.eisenman@mlb.com

From: admin [mailto:ea@mohajerian.com]
Sent: Tuesday, September 13, 2011 8:25 PM
To: Eisenman, Nicholas
Cc: Al Mohajerian
Subject: Gogo Sports, Inc.

Mr. Eisenman:

Attached please find a letter from Mr. Al Mohajerian, Esq., for your review.

EXHIBIT E
PAGE 2 of 3

If you have any further questions or comments, please feel free to contact either myself or Mr. Mohajerian.

Very truly yours,

Erica E. Amin, J.D.

Law Clerk

MOHAJERIAN, INC.

A Professional Law Corporation

2029 Century Park East, 19th Floor

Los Angeles, CA 90067

T - 310.556.3800 Ext. 203

F - 310.556.3817

E-mail: ea@mohajerian.com

www.mohajerian.com

NOTICE OF CONFIDENTIALITY

The information contained in this e-mail transmission (including any attachment) is confidential information intended only for the use of the individual or entity addressed above. If you are not the intended recipient, nor the employee or agent responsible for delivering this transmission to the intended recipient, you are hereby notified that any reading, dissemination, distribution or copying of this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify the Mohajerian Law Corporation by telephone and by e-mail reply, and delete the e-mail from your system. Thank you.



MLBFANCAVE.COM

Check out the Cave. Visit MLBFanCave.com

EXHIBIT E
PAGE 3 of 3

Al Mohajerian

From: Eisenman, Nicholas <Nicholas.Eisenman@mlb.com>
Sent: Wednesday, September 21, 2011 3:31 PM
To: Al Mohajerian
Cc: Erica Amin; gogosportswear@yahoo.com
Subject: RE: Gogo Sports, Inc.

Dear Mr. Mohajerian,

The majority of the questions your raise are answered in MLB's prior communications, irrelevant, or will be provided in the course of discovery if you force us to litigate. Attached at the end of this email are several images of the Giants' use of the Giants Script SF over the years as well as images of your client's confusingly similar product.

If your client refuses to settle on an amicable basis, including immediately abandoning the Supplemental Registration, MLB will be forced to litigate in the USPTO and Federal Court. Given the obvious violation of the Giants' prior rights (common law or otherwise), it seems to MLB that the more prudent course for your client is to settle, as the legal costs, as well as the damages awarded would far exceed what it would take to settle.

Please let us know by no later than 5:00 p.m. New York time on Friday, September 23, 2011 if your client will discuss settlement and will immediately abandon the Supplemental Registration. If we do not receive a favorable response by then, MLB will, without further notice to you or your client, turn this matter over to MLB's outside litigation counsel with instructions to seek all available remedies.

Finally, as a matter of professional courtesy, MLB thought it best to advise you that language from Greenberg & Lieberman's website (located at <http://www.aplegal.com/cases/practice-trademarks.html>) was copied on to your website (located at <http://www.mohajerianlawcorp.com/PracticeAreas/intellectualproperty.html>).

Sincerely,


Nicholas Eisenman
Counsel, Trademark Protection & Special Projects

Major League Baseball Properties, Inc.
245 Park Avenue, 30th Floor
New York, NY 10167
212.931.7532 - direct telephone
212.949.5697 - facsimile
nicholas.eisenman@mlb.com

EXHIBIT F
PAGE 1 of 5

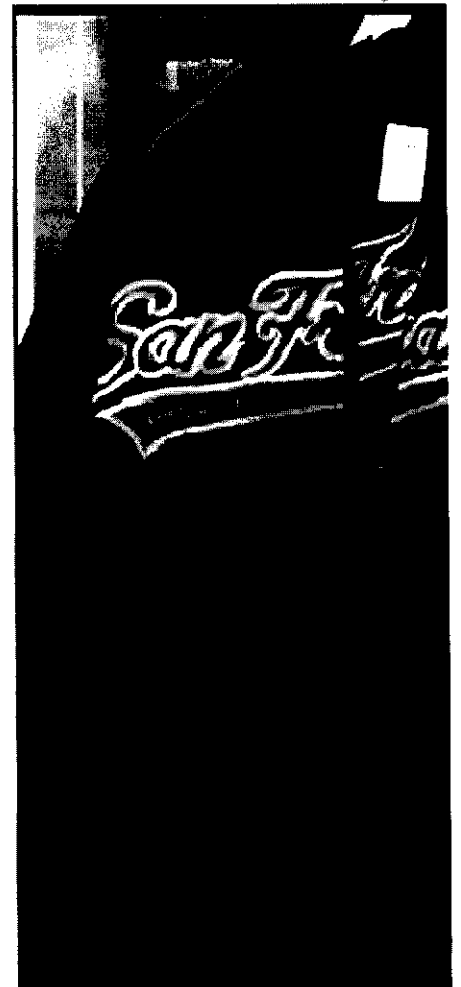


EXHIBIT F
PAGE 2 of 5

From: Al Mohajerian [mailto:Al@mohajerian.com]
Sent: Wednesday, September 21, 2011 11:41 AM
To: Eisenman, Nicholas
Cc: Erica Amin; gogosportswear@yahoo.com
Subject: RE: Gogo Sports, Inc.

Dear Mr. Eisenman:

Believe me, we are not looking for litigation either, but if push comes to shove, we'll then defend our rights. I'd like to resolve this with you, if we can. I read your letter. You raise the point that my client has a Supplemental Registration, yet you offer no proof as any kind of registration on your client's part.

Does your client have any kind of trademark registration with USPTO? If not, are you asserting common law rights with no record of USPTO registration?

If the subject mark is somehow unique and exclusive, then the question is why haven't your client sought TM registration for subject mark? Is it because you couldn't get USPTO registration?

Is there any evidence of consumer confusion? Or are you just making an assumption?

If you have done any survey, I'd ask that you share it with me for review and consideration. Further, if your client doesn't have a USPTO registration, then probably we'll be entitled to recovery of attorney's fees if the trier of facts finds in favor of my client. I mention this as a point of consideration.

I also ask to see how your client has used the subject mark in the stream of commerce. Please email pictures of products that you believe are similar to my client's products thus creating consumer confusion. I want to see if your client has used the subject mark stand alone or in conjunction with other text or marks.

I'd be more than happy to discuss these issues with you over the telephone either today or tomorrow afternoon. I think however the resolution of the dispute at hand depends on the evidence you're able to present. If your evidence suggests that we are on the wrong, most certainly we'll correct our position. So, please respond to my inquires listed above.

Best Regards,
AL MOHAJERIAN

	<p>Al Mohajerian MOHAJERIAN INC. Attorney at Law Tel: (310) 556-3800 Fax: (310) 556-3817 2029 Century Park East Suite 1900 Los Angeles, CA 90067 www.mohajerian.com E-Mail: al@mohajerian.com</p>
--	--

From: Eisenman, Nicholas [mailto:Nicholas.Eisenman@mlb.com]
Sent: Wednesday, September 21, 2011 7:16 AM
To: Al Mohajerian
Cc: Erica Amin
Subject: RE: Gogo Sports, Inc.
Importance: High

Dear Mr. Mohajerian,

EXHIBIT F
PAGE 3 of 5

MLBP had requested a reply by Monday, September 19, 2011. Please advise when we might expect a response.

Sincerely,

Nicholas Eisenman
Counsel, Trademark Protection & Special Projects



Major League Baseball Properties, Inc.
245 Park Avenue, 30th Floor
New York, NY 10167
212.931.7532 - direct telephone
212.949.5697 - facsimile
nicholas.eisenman@mlb.com

From: Eisenman, Nicholas
Sent: Thursday, September 15, 2011 12:23 PM
To: 'admin'
Cc: Al Mohajerian
Subject: RE: Gogo Sports, Inc.

Dear Ms. Amin,

Attached please find a letter for Al Mohajerian, Esq., for his review.

Sincerely,

Nicholas Eisenman
Counsel, Trademark Protection & Special Projects



Major League Baseball Properties, Inc.
245 Park Avenue, 30th Floor
New York, NY 10167
212.931.7532 - direct telephone
212.949.5697 - facsimile
nicholas.eisenman@mlb.com

From: admin [mailto:ea@mohajerian.com]
Sent: Tuesday, September 13, 2011 8:25 PM
To: Eisenman, Nicholas
Cc: Al Mohajerian
Subject: Gogo Sports, Inc.

Mr. Eisenman:

Attached please find a letter from Mr. Al Mohajerian, Esq., for your review.

If you have any further questions or comments, please feel free to contact either myself or Mr. Mohajerian.

Very truly yours,

Erica E. Amin, J.D.

EXHIBIT F
PAGE 4 of 5

Law Clerk

MOHAJERIAN, INC.
A Professional Law Corporation
2029 Century Park East, 19th Floor
Los Angeles, CA 90067
T - 310.556.3800 Ext. 203
F - 310.556.3817
E-mail: ea@mohajerian.com
www.mohajerian.com

NOTICE OF CONFIDENTIALITY

The information contained in this e-mail transmission (including any attachment) is confidential information intended only for the use of the individual or entity addressed above. If you are not the intended recipient, nor the employee or agent responsible for delivering this transmission to the intended recipient, you are hereby notified that any reading, dissemination, distribution or copying of this transmission is strictly prohibited. If you have received this transmission in error, please immediately notify the Mohajerian Law Corporation by telephone and by e-mail reply, and delete the e-mail from your system. Thank you.



Check out the Cave. Visit MLBFanCave.com



Check out the Cave. Visit MLBFanCave.com

EXHIBIT F
PAGE 5 of 5



Trademarks > Trademark Electronic Search System (TESS)

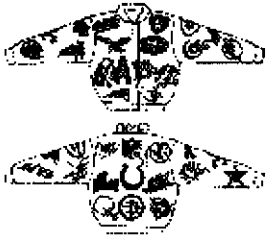
TESS was last updated on Fri Sep 23 04:35:46 EDT 2011

TESS HOME	NEW USER	STRUCTURED	FREE FORM	Browsr. Dict	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST
REAR LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 1 out of 4**

[TARR Status](#)
[ASSIGN Status](#)
[TDR](#)
[TTAB Status](#)
(Use the "Back" button of the Internet Browser to return to TESS)



Word Mark NFL, JETS, VIKINGS, LIONS, RAMS, PACKERS, DOLPHINS, COWBOYS, TIGERS, SAINTS, BILLS, FALCONS, CHARGERS, **GIANTS**, HAWKS, SEAHAWKS, OILERS, PATRIOTS, RAIDERS, **SAN FRANCISCO** 49ERS, BRONCOS, BUCCANEERS, CARDINALS, KANSAS CITY CHIEFS, NFL LOGO, INDIANS, PANTHERS, COLTS, JAGUARS, BROWNS, STEELERS, BEARS

Goods and Services (ABANDONED) IC 025. US 022 039. G & S: men's, women's, and children's jackets. FIRST USE: 19901231. FIRST USE IN COMMERCE: 19901231

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 24.03.25 - Badge, police; Badges; Police badge; Sheriff's badge; Ten Commandments

Serial Number 75224874

Filing Date January 13, 1997

Current Filing Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) JH DESIGN GROUP CORPORATION CALIFORNIA 931 E. Pico Blvd., Ste. 401 Los Angeles CALIFORNIA 90021

Attorney of Record LINDA WIGHT MAZUR

EXHIBIT G
PAGE 1 of 2

Type of Mark Register TRADEMARK
PRINCIPAL
Live/Dead Indicator DEAD
Abandonment Date March 21, 1997

TESS HOME	NEW USER	STRUCTURED	FREE FORM	Browse Dict	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY

EXHIBIT 6
PAGE 2 of 2



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Sep 23 04:35:46 EDT 2011

- [TESS HOME](#)
- [NEW USER](#)
- [STRUCTURED](#)
- [FREE FORM](#)
- [BROWSE Dict](#)
- [SEARCH OG](#)
- [BOTTOM](#)
- [HELP](#)
- [PREV LIST](#)
- [CURR LIST](#)
- [NEXT LIST](#)
- [FIRST DOC](#)
- [PREV DOC](#)
- [NEXT DOC](#)
- [LAST DOC](#)

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 2 out of 4**

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	SAN FRANCISCO GIANTS
Goods and Services	(CANCELLED) IC 011. US 021. G & S: FLASHLIGHTS. FIRST USE: 19870000. FIRST USE IN COMMERCE: 19870000
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	73744972
Filing Date	August 8, 1988
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	January 31, 1989
Registration Number	1536307
Registration Date	April 25, 1989
Owner	(REGISTRANT) SAN FRANCISCO GIANTS PARTNERSHIP CALIFORNIA CANDLESTICK PARK SAN FRANCISCO CALIFORNIA 94124
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of	KAREN G. BENDER

EXHIBIT H
PAGE 1 of 2

Record Prior Registrations 1010059;1340707;AND OTHERS
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SAN FRANCISCO" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator DEAD
Cancellation Date October 30, 1995

TESS HOME	NEW USER	STRUCTURED	FREE FORM	Browse Data	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[| HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

EXHIBIT 4
PAGE 2 of 2



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Sep 23 04:35:46 EDT 2011

- [TESS HOME](#)
- [NEW USER](#)
- [STRUCTURED](#)
- [FREE FORM](#)
- [BROWSE DICT](#)
- [SEARCH OQ](#)
- [BOTTOM](#)
- [HELP](#)
- [PREV LIST](#)
- [CURR LIST](#)
- [NEXT LIST](#)
- [FIRST DOC](#)
- [PREV DOC](#)
- [NEXT DOC](#)
- [LAST DOC](#)

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 3 out of 4**

[TARR Status](#)
[ASSIGN Status](#)
[TDR](#)
[TTAB Status](#)
(Use the "Back" button of the Internet Browser to return to TESS)



Word Mark SAN FRANCISCO GIANTS

Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: [TRADING CARDS,] STICKERS, [POSTERS,] DECALS, [LABELS, SCORE CARDS, PROGRAMS, SCOREBOOKS, YEARBOOKS AND POSTCARDS]. FIRST USE: 19830200. FIRST USE IN COMMERCE: 19830200

(CANCELLED) IC 021. US 002 013 023 029 030 033 040 050. G & S: [PLASTIC COFFEE MUGS]. FIRST USE: 19830400. FIRST USE IN COMMERCE: 19830400

IC 024. US 050. G & S: CLOTH PENNANTS. FIRST USE: 19830200. FIRST USE IN COMMERCE: 19830200

IC 025. US 022 039. G & S: CLOTHING - NAMELY, T-SHIRTS, [SWEATSHIRTS, JACKETS, SWEATERS, SUN VISORS, HATS AND CAPS]. FIRST USE: 19830500. FIRST USE IN COMMERCE: 19830500

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 73720225

Filing Date April 4, 1988

Current Filing Basis 1A

Original Filing Basis 1A

EXHIBIT I
PAGE 1 of 2

Published for Opposition March 28, 1989
Change In Registration CHANGE IN REGISTRATION HAS OCCURRED
Registration Number 1544375
Registration Date June 20, 1989
Owner (REGISTRANT) SAN FRANCISCO GIANTS PARTNERSHIP CALIFORNIA CANDLESTICK PARK SAN FRANCISCO CALIFORNIA 94124

(LAST LISTED OWNER) SAN FRANCISCO BASEBALL ASSOCIATES L.P. COMPOSED OF MAGOWAN BASEBALL, INC., SHORENSTEIN BASEBALL, INC., GOLDMAN GIANTS VENTURE, INC. LIMITED PARTNERSHIP ASSIGNEE OF CALIFORNIA AT&T PARK 24 WILLIE MAYS PALAZA SAN FRANCISCO CALIFORNIA 94107
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record ROBERTO LEDESMA
Prior Registrations 1010059;1034287;1314552;1340707;AND OTHERS
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SAN FRANCISCO" APART FROM THE MARK AS SHOWN
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). PARTIAL SECTION 8(10-YR) 20090715.
Renewal 1ST RENEWAL 20090715
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

| HOME | SITE INDEX | SEARCH | eBUSINESS | HELP | PRIVACY POLICY

EXHIBIT 1
PAGE 2 of 2



Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Sep 23 04:35:46 EDT 2011

[TESS HOME](#)
[NEW USER](#)
[STRUCTURED](#)
[FREE FORM](#)
[BROWSE DOC](#)
[SEARCH OG](#)
[BOTTOM](#)
[HELP](#)
[PREV LIST](#)
[CURR LIST](#)

[NEXT LIST](#)
[FIRST DOC](#)
[PREV DOC](#)
[NEXT DOC](#)
[LAST DOC](#)

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record: **Record 4 out of 4**

[TARR Status](#)
[ASSIGN Status](#)
[TDR](#)
[TTAB Status](#)
(Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark SAN FRANCISCO GIANTS
Goods and Services IC 041. US 107. G & S: ENTERTAINMENT SERVICES IN THE NATURE OF BASEBALL EXHIBITIONS. FIRST USE: 19580000. FIRST USE IN COMMERCE: 19580000
Mark Drawing Code (1) TYPED DRAWING
Serial Number 73673356
Filing Date July 20, 1987
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition November 1, 1988
Registration Number 1522132
Registration Date January 24, 1989
Owner (REGISTRANT) SAN FRANCISCO GIANTS COMPOSED OF LUNIE BASEBALL, INC. AND LUNIE SPORTS, INC., BOTH CALIFORNIA CORPORATIONS PARTNERSHIP CALIFORNIA CANDLESTICK PARK SAN FRANCISCO CALIFORNIA 94124

(LAST LISTED OWNER) SAN FRANCISCO BASEBALL ASSOCIATES L.P. LIMITED PARTNERSHIP BY ASSIGNEE OF CALIFORNIA AT&T PARK 24 WILLIE MAYS PLAZA SAN FRANCISCO CALIFORNIA 94107

EXHIBIT J
PAGE 1 of 2

Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record KATHRYN L. BARRETT
Prior Registrations 1010059
Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SAN FRANCISCO" APART FROM THE MARK AS SHOWN
Type of Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20090217.
Renewal 1ST RENEWAL 20090217
Live/Dead Indicator LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	TOP	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)

EXHIBIT J
PAGE 2 of 2

Trademark/Service Mark Application, Principal Register

Serial Number: 85304372

Filing Date: 04/26/2011

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85304372
MARK INFORMATION	
*MARK	<u>\\TICRS\EXPORT\1\IMAGEOUT</u> <u>11\853\043\85304372\xml1\ APP0002.JPG</u>
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	SAN FRANCISCO
COLOR MARK	NO
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of the words "SAN FRANCISCO" in stylized text.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	894 x 406
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	San Francisco Baseball Associates, L.P.
INTERNAL ADDRESS	AT & T Park
*STREET	24 Willie Mays Plaza
*CITY	San Francisco
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	94107
PHONE	(415) 972-2165
LEGAL ENTITY INFORMATION	

EXHIBIT K
 PAGE 1 of 8

TYPE	limited partnership
STATE/COUNTRY WHERE LEGALLY ORGANIZED	California
NAME(S) OF GENERAL PARTNER(S) & CITIZENSHIP/INCORPORATION	Woodling Enterprises LLC, a Delaware limited liability company, its managing general partner, and National Pastime Corporation, a Washington corporation and Grand Slam Baseball LP, a California limited partnership, each a general partner
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	025
*IDENTIFICATION	Clothing, namely, shirts and jackets; headwear.
FILING BASIS	SECTION 1(a)
FIRST USE ANYWHERE DATE	At least as early as 12/31/1993
FIRST USE IN COMMERCE DATE	At least as early as 12/31/1993
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT1\IMAGEOUT 11\853\043\85304372\xml1\ APP0003.JPG
SPECIMEN DESCRIPTION	Digital photograph displaying the mark as used directly on the goods
ADDITIONAL STATEMENTS SECTION	
SECTION 2(f)	The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.
ATTORNEY INFORMATION	
NAME	Mary L. Kevlin, Esq,
FIRM NAME	Cowan, Liebowitz & Latman, P.C.
STREET	1133 Avenue of the Americas
CITY	New York
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	10036
PHONE	(212) 790-9200

FAX	(212) 575-0671
OTHER APPOINTED ATTORNEY	Jill K. Tomlinson, William M. Borchard, Arthur J. Greenbaum, Lynn S. Fruchter, Baila H. Celedonia, Morton D. Goldberg, Midge M. Hyman, Jeffrey H. Epstein, Mark Montague, Robert W. Clarida, Dorothy R. Whitney, Deborah K. Squiers, Arlana S. Cohen, Meichelle R. MacGregor, Kieran G. Doyle, Maryann E. Licciardi, Lawrence W. Greene, Thomas Kjellberg, Joel K. Schmidt, Sujata Chaudhri, Lloyd McAulay, Elise C. Kasell, Carissa L. Alden, all members of the Bar of the State of New York
CORRESPONDENCE INFORMATION	
NAME	Mary L. Kevlin, Esq,
FIRM NAME	Cowan, Liebowitz & Latman, P.C.
STREET	1133 Avenue of the Americas
CITY	New York
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	10036
PHONE	(212) 790-9200
FAX	(212) 575-0671
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE DUE	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	
SIGNATURE	/Ethan G. Orlinsky/
SIGNATORY'S NAME	Ethan G. Orlinsky
SIGNATORY'S POSITION	Corporate Secretary of Major League Baseball Properties, Inc. as Agent for Applicant
DATE SIGNED	04/21/2011

EXHIBIT K
PAGE 4 of 8

Trademark/Service Mark Application, Principal Register

Serial Number: 85304372

Filing Date: 04/26/2011

To the Commissioner for Trademarks:

MARK: SAN FRANCISCO (stylized and/or with design, see mark)

The literal element of the mark consists of SAN FRANCISCO.

The applicant is not claiming color as a feature of the mark. The mark consists of the words "SAN FRANCISCO" in stylized text.

The applicant, San Francisco Baseball Associates, L.P., a limited partnership legally organized under the laws of California, comprising of Woodling Enterprises LLC, a Delaware limited liability company, its managing general partner, and National Pastime Corporation, a Washington corporation and Grand Slam Baseball LP, a California limited partnership, each a general partner, having an address of

AT & T Park,
24 Willie Mays Plaza
San Francisco, California 94107
United States

requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended, for the following:

International Class 025: Clothing, namely, shirts and jackets; headwear.

In International Class 025, the mark was first used at least as early as 12/31/1993, and first used in commerce at least as early as 12/31/1993, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Digital photograph displaying the mark as used directly on the goods.

Specimen File 1

The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.

The applicant's current Attorney Information:

Mary L. Kevlin, Esq, and Jill K. Tomlinson, William M. Borchard, Arthur J. Greenbaum, Lynn S. Fruchter, Baila H. Celedonia, Morton D. Goldberg, Midge M. Hyman, Jeffrey H. Epstein, Mark Montague, Robert W. Clarida, Dorothy R. Whitney, Deborah K. Squiers, Arlana S. Cohen, Meichelle R. MacGregor, Kieran G. Doyle, Maryann E. Licciardi, Lawrence W. Greene, Thomas Kjellberg, Joel K. Schmidt, Sujata Chaudhri, Lloyd McAulay, Elise C. Kasell, Carissa L. Alden, all members of the Bar of the State of New York of Cowan, Liebowitz & Latman, P.C.

EXHIBIT K
PAGE 5 of 8

1133 Avenue of the Americas
New York, New York 10036
United States

The applicant's current Correspondence Information:

Mary L. Kevlin, Esq,
Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York, New York 10036
(212) 790-9200(phone)
(212) 575-0671(fax)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Ethan G. Orlinsky/ Date Signed: 04/21/2011
Signatory's Name: Ethan G. Orlinsky
Signatory's Position: Corporate Secretary of Major League Baseball Properties, Inc. as Agent for Applicant

RAM Sale Number: 7110
RAM Accounting Date: 04/26/2011

Serial Number: 85304372
Internet Transmission Date: Tue Apr 26 00:32:06 EDT 2011
TEAS Stamp: USPTO/BAS-64.95.235.16-20110426003206972
523-85304372-480358ce425d5f9a3207513406f
6b80ceeb-DA-7110-20110420122735340056

EXHIBIT K
PAGE 6 of 8

San Francisco

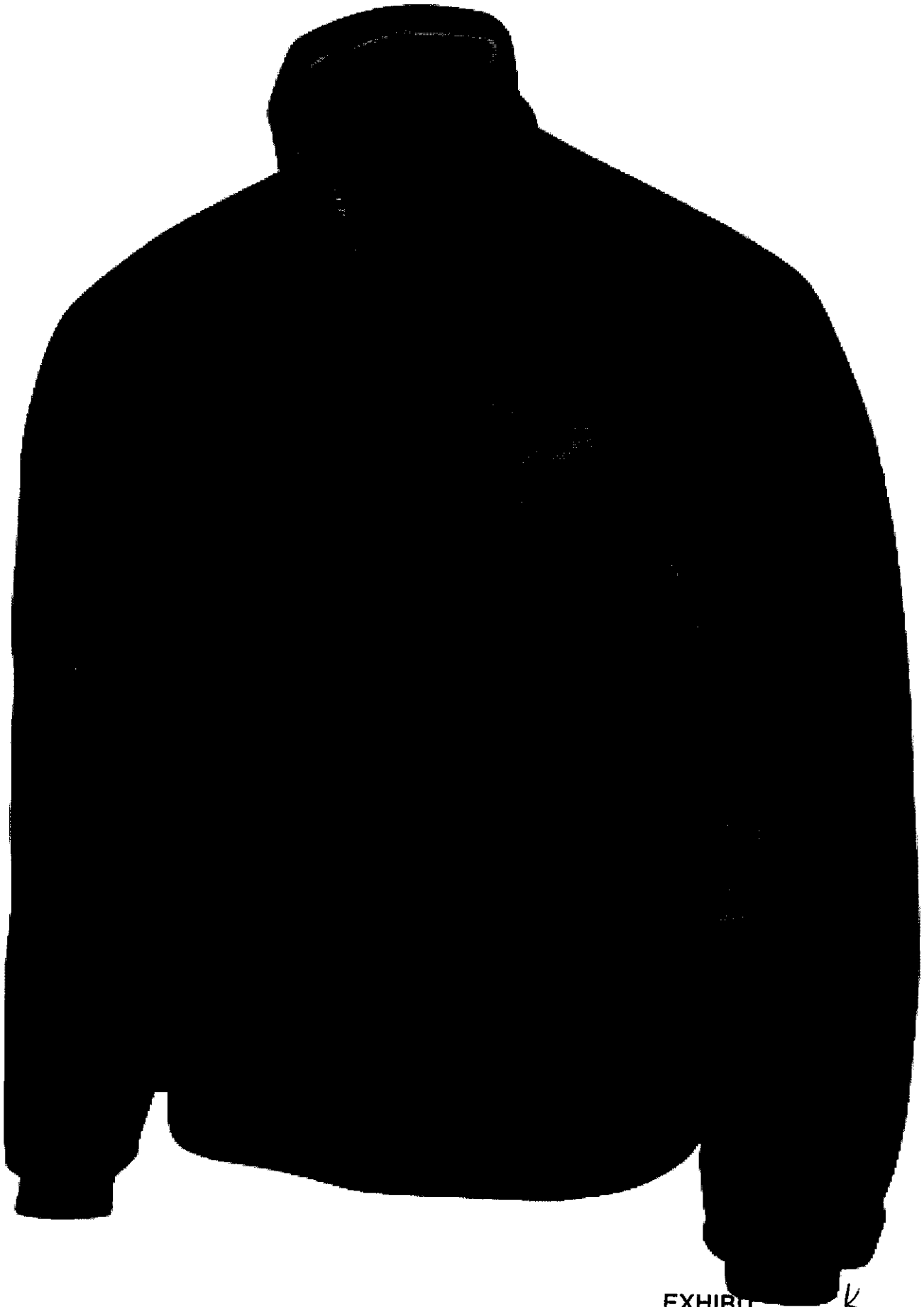


EXHIBIT K
PAGE 8 of 8

TESS was last updated on Sat Sep 24 04:35:46 EDT 2011

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE OR SEARCH OG BOTTOM HELP

[Logout] Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

TAB Status ASSIGN Status TOR ITAB Status (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark SAN FRANCISCO

Goods and Services IC 025. US 022 039. G & S: Clothing, namely, shirts and jackets; headwear. FIRST USE: 19931231. FIRST USE IN COMMERCE: 19931231

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

Serial Number 85304372

Filing Date April 26, 2011

Current Filing Basis 1A

Original Filing Basis 1A

Owner (APPLICANT) San Francisco Baseball Associates, L.P. Woodling Enterprises LLC, a Delaware limited liability company, its managing general partner, and National Pastime Corporation, a Washington corporation and Grand Slam Baseball LP, a California limited partnership, each a general partner LIMITED PARTNERSHIP CALIFORNIA AT & T Park 24 Willie Mays Plaza San Francisco CALIFORNIA 94107

Attorney of Record Mary L. Kevlin, Esq,

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the words "SAN FRANCISCO" in stylized text.

Type of Mark TRADEMARK

Register PRINCIPAL-2(F)

Live/Dead LIVE

EXHIBIT L
PAGE 1 of 6

Indicator

USPTO REFUSAL

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE ONLY SEARCH OIG TOP HELP

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-09-26 11:53:55 ET

Serial Number: 85304372 [Assignment Information](#) [Trademark Document Retrieval](#)

Registration Number: (NOT AVAILABLE)

Mark



(words only): SAN FRANCISCO

Standard Character claim: No

Current Status: A non-final Office action has been sent (issued) to the applicant. This is a letter from the examining attorney requiring additional information and/or making an initial refusal. The applicant must respond to this Office action. To view all documents in this file, click on the Trademark Document Retrieval link at the top of this page.

Date of Status: 2011-08-08

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)

OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

APPLICATION SERIAL NO. 85304372

MARK: SAN FRANCISCO

85304372

EXHIBIT L
PAGE 2 of 6

CORRESPONDENT ADDRESS:

MARY L. KEVLIN, ESQ,
COWAN, LIEBOWITZ & LATMAN, P.C.
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-6710

CLICK HERE TO RESPOND TO THIS LETTER:

http://www.uspto.gov/trademarks/teas/response_forms.jsp

APPLICANT: San Francisco Baseball Associates,
L.P.

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

STRICT DEADLINE TO RESPOND TO THIS LETTER

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

ISSUE/MAILING DATE:

EXHIBIT L
PAGE 3 of 6

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP

Likelihood of Confusion Refusal

Registration of the applied-for mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 3933119. Trademark Act Section 2(d), 15 U.S.C. §1052(d); *see* TMEP §§1207.01 *et seq.* See the enclosed registration.

The applicant applied for the mark SAN FRANCISCO and design for clothing, namely, shirts and jackets; headwear. The registrant owns the mark SAN FRANCISCO CALIFORNIA and design for caps; hats; headwear; jackets; shirts; sweat shirts; tops.

Trademark Act Section 2(d) bars registration of an applied-for mark that so resembles a registered mark that it is likely that a potential consumer would be confused or mistaken or deceived as to the source of the goods and/or services of the applicant and registrant. *See* 15 U.S.C. §1052(d). The court in *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) listed the principal factors to be considered when determining whether there is a likelihood of confusion under Section 2(d). *See* TMEP §1207.01. However, not all the factors are necessarily relevant or of equal weight, and any one factor may be dominant in a given case, depending upon the evidence of record. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, ___ F.3d ___, 98 USPQ2d 1253, 1260 (Fed. Cir. 2011); *In re Majestic Distilling Co.*, 315 F.3d 1311, 1315, 65 USPQ2d 1201, 1204 (Fed. Cir. 2003); *see In re E. I. du Pont*, 476 F.2d at 1361-62, 177 USPQ at 567.

In this case, the following factors are the most relevant: similarity of the marks, similarity of the goods and/or services, and similarity of trade channels of the goods and/or services. *See In re Dakin's Miniatures Inc.*, 59 USPQ2d 1593 (TTAB 1999); TMEP §§1207.01 *et seq.*

In a likelihood of confusion determination, the marks are compared for similarities in their appearance, sound, meaning or connotation, and commercial impression. *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973); TMEP §1207.01(b)-(b)(v). Similarity in any one of these elements may be sufficient to find the marks confusingly similar. *In re White Swan Ltd.*, 8 USPQ2d 1534, 1535 (TTAB 1988); *see In re 1st USA Realty Prof'ls, Inc.*, 84 USPQ2d 1581, 1586 (TTAB 2007); TMEP §1207.01(b).

Here, the marks are virtually identical. Both share the same large wording SAN FRANCISCO in a stylized cursive font sloping upwards from left to right and with the same underline shape extending from the O under the wording. The only difference is the applicant did not include the geographically descriptive wording CALIFORNIA in small letters in the underline portion of the registrant's mark.

EXHIBIT L
PAGE 4 of 6

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. *See Safety-Kleen Corp. v. Dresser Indus., Inc.*, 518 F.2d 1399, 1404, 186 USPQ 476, 480 (C.C.P.A. 1975); TMEP §1207.01(a)(i). Rather, it is sufficient to show that because of the conditions surrounding their marketing, or because they are otherwise related in some manner, the goods and/or services would be encountered by the same consumers under circumstances such that offering the goods and/or services under confusingly similar marks would lead to the mistaken belief that they come from, or are in some way associated with, the same source. *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); *see In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 1566-68, 223 USPQ 1289, 1290 (Fed. Cir. 1984); TMEP §1207.01(a)(i).

In this case, the goods are identical.

Although applicant's mark has been refused registration, applicant may respond to the refusal(s) by submitting evidence and arguments in support of registration.

Applicant must respond to the requirement(s) set forth below.

Claim of Ownership

If applicant is the owner of U.S. Registration Nos. 1544375 and 1522132, then applicant must submit a claim of ownership. *See* 37 C.F.R. §2.36; TMEP §812. The following standard format is suggested:

Applicant is the owner of U.S. Registration Nos. 1544375 and 1522132.

If applicant has questions regarding this Office action, please telephone or e-mail the assigned trademark examining attorney. All relevant e-mail communications will be placed in the official application record; however, an e-mail communication will not be accepted as a response to this Office action and will not extend the deadline for filing a proper response. *See* 37 C.F.R. §2.191; TMEP §§709.04-.05. Further, although the trademark examining attorney may provide additional explanation pertaining to the refusal(s) and/or requirement(s) in this Office action, the trademark examining attorney may not provide legal advice or statements about applicant's rights. *See* TMEP §§705.02, 709.06.

/Amy E. Hella/

Trademark Examining Attorney

Law Office 110

U.S. Patent & Trademark Office

571-272-9171

amy.hella@uspto.gov

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using TEAS, to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/teas/eTEASpageE.htm>.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Jacqueline Nguyen and the assigned discovery Magistrate Judge is John E. McDermott.

The case number on all documents filed with the Court should read as follows:

CV11- 7992 JHN (JEMx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

MOHAJERIAN INC
AL MOHAJERIAN, ESQ., CSBN 182013
AMISH SHAH, ESQ., CSBN 263181
A Professional Law Corporation
2029 Century Park East, 19th Floor
Los Angeles, California 90067
Tel: (310) 556-3800/Fax: (310) 556-3817
Email: al@mohajerian.com
Attorneys for Plaintiff GoGo Sports, Inc.

FOR COURT USE ONLY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MOHAJERIAN, INC.
A PROFESSIONAL LAW CORPORATION
2029 CENTURY PARK EAST, SUITE 1900
LOS ANGELES, CALIFORNIA 90067
TEL: (310) 556-3800 FAX: (310) 556-3817

GOGO SPORTS, INC.,
Plaintiff,

vs.

MAJOR LEAGUE BASEBALL
PROPERTIES, INC.
Defendants.

CIVIL ACTION NO.: **CV11-7992 JHN/JEM**

SUMMONS

Venue is proper in the United States District Court,
Central District of California pursuant to 28 U.S.C.
§ 1391 (a), (c), and (d)

Z:\files\378.1112\378.1112110926123315.DOC

SUMMONS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

To: Major League Baseball Properties,
245 Park Ave.,
New York, New York 10167

A lawsuit has been filed against you. Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Al Mohajerian
Mohajerian, Inc.
2029 Century Park East,
Suite 1900
Los Angeles, CA 90067
(310) 556-3800

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: September ²⁷26, 2011

CLERK OF COURT

SUSANA P. BUSTAMANTE

Signature of Clerk of Deputy Clerk



Z:\files\378.111\2378.111\2110926\23315.DOC

SUMMONS

MOHAJERIAN, INC.
A PROFESSIONAL LAW CORPORATION
2029 CENTURY PARK EAST, SUITE 1900
LOS ANGELES, CALIFORNIA 90067
TEL: (310) 556-3800 FAX: (310) 556-3817

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself) Gogo Sports, Inc. DEFENDANTS Major League Baseball Properties, Inc. (b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Mohajerian, Inc. 2029 Century Park East, Suite 1900 Los Angeles, CA 90067 Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country

IV. ORIGIN (Place an X in one box only.) (1) Original Proceeding (2) Removed from State Court (3) Remanded from Appellate Court (4) Reinstated or Recaptured (5) Transferred from another district (specify): (6) Multi-District Litigation (7) Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: (X) Yes () No (Check "Yes" only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: () Yes (X) No MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) This action arises under the Trademark Act of 1946, 15 U.S.C. 1051, et. seq., including more particularly 15 U.S.C. 1114, 1125 and 1126.

VII. NATURE OF SUIT (Place an X in one box only.) 400 State Reapportionment 410 Arbitration 430 Banks and Banking 450 Commerce/ICC Rates/etc. 460 Deportation 470 Racketeer Influenced and Corrupt Organizations 480 Consumer Credit 490 Cable/Sat TV 810 Selective Service 850 Securities/Commodities/Exchange 875 Customer Challenge 12 USC 3410 890 Other Statutory Actions 891 Agricultural Act 892 Economic Stabilization Act 893 Environmental Matters 894 Energy Allocation Act 895 Freedom of Info. Act 900 Appeal of Fee Determination Under Equal Access to Justice 950 Constitutionality of State Statutes 110 Insurance 120 Marine 130 Miller Act 140 Negotiable Instrument Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loan (Excl. Veterans) 153 Recovery of Overpayment of Veteran's Benefits 160 Stockholders' Suits 190 Other Contract 195 Contract Product Liability 196 Franchise 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Torts to Land 245 Tort Product Liability 290 All Other Real Property 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Fed. Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury-Med Malpractice 365 Personal Injury-Product Liability 368 Asbestos Personal Injury Product Liability 462 Naturalization Application 463 Habeas Corpus-Alien Detainee 465 Other Immigration Actions 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability 422 Appeal 28 USC 158 423 Withdrawal 28 USC 157 441 Voting 442 Employment 443 Housing/Accommodations Welfare 444 American with Disabilities - Employment 446 American with Disabilities - Other 440 Other Civil Rights 510 Motions to Vacate Sentence Habeas Corpus 530 General 535 Death Penalty 540 Mandamus/Other 550 Civil Rights 555 Prison Condition 610 Agriculture 620 Other Food & Drug 625 Drug Related Seizure of Property 21 USC 881 630 Liquor Laws 640 R.R. & Truck 650 Airline Regs 660 Occupational Safety/Health 690 Other 710 Fair Labor Standards Act 720 Labor/Mgmt. Relations 730 Labor/Mgmt. Reporting & Disclosure Act 740 Railway Labor Act 790 Other Labor Litigation 791 Empl. Ret. Inc. Security Act 820 Copyrights 830 Patent 840 Trademark 861 HIA (1395T) 862 Black Lung (923) 863 D/WC/D/V/W (405(g)) 864 SSID Title XVI 865 RSI (405(g)) 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS-Third Party 26 USC 7609

CV11-7992

FOR OFFICE USE ONLY: Case Number: AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) A. Arise from the same or closely related transactions, happenings, or events; or
 B. Call for determination of the same or substantially related or similar questions of law and fact; or
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Alameda County

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	New York

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Alameda County

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ Date 9/26/11

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))