

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CLEMENS FRANEK,

Plaintiff,

v.

WALMART STORES, INC. and
TARGET CORPORATION,

Defendants.

Civil Action No. 08-Civ-0058

Judge Robert M. Dow, Jr.

JURY DEMAND

JAY FRANCO & SONS, INC.,

Plaintiff,

v.

CLEMENS FRANEK,

Defendant.

Civil Action No. 08-Civ-1313

Judge Robert M. Dow, Jr.

JURY DEMAND

**APPENDIX OF EXHIBITS IN SUPPORT OF JAY FRANCO & SONS, INC.'S
PARTIAL MOTION FOR SUMMARY JUDGMENT**

- 1) Exhibit 1 - CLM Design, Inc.'s ("CLM") Trademark Application for the Round Towel Mark;
- 2) Exhibit 2 - Woodward & Lothrop Department Stores' Advertisement for CLM's Sunspot Round Beach Towel;
- 3) Exhibit 3 - Trademark Office's First Office Action of March 20, 1987;
- 4) Exhibit 4 - CLM's Response to First Office Action of March 20, 1987;

- 5) Exhibit 5 - CLM's "Sonspot" Labels;
- 6) Exhibit 6 - Declaration of Glen E. Grunwald, Vice President and Secretary of CLM;
- 7) Exhibit 7 - Declarations of Retailers;
- 8) Exhibit 8 - Clemens Franek's Design Patent Application;
- 9) Exhibit 9 - Trademark Office's Second Office Action (Priority Action) of October 16, 1987;
- 10) Exhibit 10 - CLM's Response to Second Office Action (Priority Action) of October 16, 1987;
- 11) Exhibit 11 - Trademark Office's Third Office Action of January 29, 1988 Withdrawing its March 20, 1987 Rejection of CLM's Trademark Application;
- 12) Exhibit 12 - Notice of Publication of CLM's Round Towel Mark - April 5, 1988;
- 13) Exhibit 13 - Spring Industries' Request for Extension of Time to Oppose CLM's Trademark Application and Withdrawal of Request;
- 14) Exhibit 14 - U.S. Trademark Registration No. 1,502,261 for the Round Towel Mark;
- 15) Exhibit 15 - A True and Correct Copy of Letters U.S. Patent No. 2,803,845;
- 16) Exhibit 16 - A True and Correct Copy of Letters U.S. Patent No. 4,794,029;
- 17) Exhibit 17 - French Patent No. 2,399,229;
- 18) Exhibit 18 - A True and Correct Copy of Letters U.S. Patent No. 4,991,978;
- 19) Exhibit 19 - A True and Correct Copy of Letters U.S. Patent No. 3,660,861;
- 20) Exhibit 20 - Internet Advertisements for Round Beach Towels being Sold by Third Party Vendors;
- 21) Exhibit 21 - Son International's Advertisement for the "Sonspot" Round Beach Towel;
- 22) Exhibit 22 - Springmaid's Advertisement of CLM's "Sonspot" Round Beach Towel;
- 23) Exhibit 23 - Son International's "Huge Round Beach Towel" Advertisement for the "Sonspot" Round Beach Towel;
- 24) Exhibit 24 - Newspaper Articles Advertising Son International's "Sonspot" Round Beach Towel;

25) Exhibit 25 - Three (3) Newspaper Articles discussing Mr. Woody Harrelson and the "Sonspot" Round Beach Towel;

26) Exhibit 26 - Affidavit of Ms. Gloria L. Bowen.

Dated: May 16, 2008

Respectfully submitted,

By:  _____

Ezra Sutton
EZRA SUTTON, P.A.
900 Route 9, Suite 201
Woodbridge, New Jersey 07095
(732) 634-3520 - Office
(732) 634-3511 - Fax

Attorney for Plaintiff
Jay Franco & Sons, Inc.