

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

TITLECRAFT, INC.,

Plaintiff and
Counterclaim Defendant,

No. 0:10-cv-00758-RHK-JJK

v.

**DECLARATION OF
DANIEL J. CONNOLLY**

NATIONAL FOOTBALL LEAGUE and
NFL PROPERTIES, LLC,

Defendants and
Counterclaim Plaintiffs.

I, Daniel J. Connolly, hereby declare as follows:

1. I am a partner of the Faegre & Benson LLP law firm, and represent Plaintiffs National Football League and NFL Properties, LLC (collectively “the NFL Parties”) in the above-captioned action. I have personal knowledge of the facts set forth below, and if called as a witness could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of the deposit specimen submitted to the United States Copyright Office in connection with the application that resulted in United States Copyright Registration No. Gu 46649 (photograph of the Vince Lombardi Trophy) (*see also* Docket No. 3, Ex. 1).

3. Attached hereto as Exhibit B is a true and correct copy of a screenshot of the website located at *www.theultimatetrophy.com* (image of Titlecraft’s knockoff fantasy football trophies).

4. Attached hereto as Exhibit C is a true and correct copy of United States Copyright Registration No. Gu 46649 for the work entitled “The Super Bowl Trophy” (*see also* Docket No. 3, Ex. 6).

5. Attached hereto as Exhibit D is a true and correct copy of a screenshot of an Internet search conducted using the search engine located at *www.google.com* with the search term “Vince Lombardi Trophy”.

6. Attached hereto as Exhibit E is a true and correct copy of correspondence dated March 21, 2008, from Lee Pederson to Ed Reichow concerning the NFL’s rights in the Vince Lombardi Trophy.

7. Attached hereto as Exhibit F are true and correct copies of correspondence dated August 28, 2009 from Jeffrey D. Parnass to Ed Reichow, and responsive correspondence dated September 1, 2009 from Justin L. Seurer to Jeffrey D. Parnass (*see also* Docket No. 3, Ex. 3).

8. Attached hereto as Exhibit G are true and correct copies of correspondence by and between counsel for the NFL Parties and counsel for Titlecraft concerning the fantasy football trophies that are the subject of the NFL Parties’ counterclaims herein (*see also* Docket No. 3, Ex. 5).

9. I attended a joint pretrial conference, conducted in this action pursuant to Fed. R. Civ. P. 16 with Magistrate Judge Keyes, on August 17, 2010. At the conference, the NFL Parties disclosed their intent to promptly file a dispositive motion based on the “substantial similarity” of the Titlecraft fantasy football trophies and the Vince Lombardi Trophy. The Court directed Titlecraft “not to let discovery linger,” and to serve promptly

any discovery it felt was necessary to defend against such an early dispositive motion. On October 1, 2010, Titlecraft served the discovery requests that are attached hereto as Exhibit H, none of which are relevant to the instant Motion.

10. Attached hereto as Exhibit I is a true and correct copy of United States Trademark Registration No. 1,226,261 (NFL's Trademark Registration for Vince Lombardi Trophy design) (*see also* Docket No. 3, Ex. 9).

11. Attached hereto as Exhibit J is a true and correct copy of the Assignment of Copyright by and between Tiffany and Company on the one hand and the National Football League on the other, dated as of March 31, 2010 (*see also* Docket No. 3, Ex. 7).

12. Attached hereto as Exhibit K are representative images depicting the range of creative expression in football trophies.)

13. Attached hereto as Exhibit L is a true and correct copy of a screenshot of the website located at www.ultiimatetrophy.com which shows certain fantasy baseball trophies manufactured and offered for sale by Titlecraft.

14. Attached hereto as Exhibit M is a true and correct copy of a photograph of the 1991 World Series trophy presented to the Minnesota Twins

I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information and belief.

October 15, 2010.

/s Daniel J. Connolly
Daniel J. Connolly