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Confidential: Subject to Attorney/Client Privilege

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Ed Reichow
8540 Quarles
Maple Grove, MN 55311

RE: Fantasy Football League Trophies

Dear Ed,

You have asked me to render an opinion regarding potential liabilities from third party intellectual property for your proposed Fantasy Football League Trophy products. Specifically, you have asked me to look into rights held by the National Football League relating to the Lombardi Trophy. I have physically examined two versions of your product and, using the internet, images of the NFL's Lombardi Trophy as well as images of other advertised fantasy football league trophies. I understand that you plan to market and sell your products without reference to the NFL or the Lombardi Trophy.

Copyrights. Generally copyrights arise from original works of authorship including pictorial, graphic and sculptural works. Copyrights protect embodiments of the works, but not the underlying concept. I have done a limited search for copyright registrations for the Lombardi Trophy, and found none. Even if there is no copyright registration, however, the NFL could obtain a registration and/or proceed on common law claims. I believe that you would have a valid defense to any such copyright claim because, while there are similarities between The Lombardi trophy and your products, your products are not copies of the Lombardi Trophy.

Patents and Design Patents. Patent rights arise only from official registration with the United States Patent and Trademark Office. I have done a limited search for patents and patent rights to the Lombardi Trophy and discovered none. Based on this search, there does not appear to be a significant risk in this area.

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Trademarks. Trademarks arise from common law and/or registration with the United States Patent and Trademark Office. I have done a limited search for registered trademarks, and found that The NFL holds registered trademark 73356536 for the image of the Lombardi Trophy as shown:



In order to prevail in a trademark action, the NFL would have to prove that there is a "likelihood of confusion" between your products and the Lombardi Trophy. If the NFL brought a trademark infringement against you, I believe they would not be able to meet this standard.

Summary. Based on my present knowledge, I believe that your proposed products would not infringe any rights held by the NFL.

Signed,



Lee Pederson

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