

EXHIBIT 2

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

S. VICTOR WHITMILL,

Plaintiff,

v.

WARNER BROS. ENTERTAINMENT, INC.

Defendant.

Civil Action No. 4:11-cv-752

Judge Catherine D. Perry

DECLARATION OF CHRISTOPHER M. WHEELER

I, CHRISTOPHER M. WHEELER, declare and state as follows:

1. I am an attorney at law, duly licensed to practice before all courts of the State of California. I provide various legal services to Kia Kamran, Attorney at Law on a contractual basis from time-to-time. Mr. Kamran is a duly licensed attorney for Mr. Michael Gerard Tyson with respect to trademark matters. I am not a party to this action.

2. I have personal knowledge of the facts contained within this declaration and, if called as a witness, I could and would testify competently thereto.

3. From time-to-time, the services I perform for and at the direction of Mr. Kamran, include, preparing federal trademark registration applications to be filed with the United States Patent and Trademark Office ("USPTO") as well as assisting with answering the telephone and taking messages.

4. In or around January 2011, Mr. Kamran instructed me to prepare a federal trademark registration application for a design (the "Face Tattoo") for his client, Mr. Tyson (the "Application"). A true and correct copy of the design as printed from the USPTO website is attached hereto and incorporated herein by reference as Exhibit "1."

5. After preparation, I presented the Application to Mr. Kamran who reviewed, approved and electronically signed it. Mr. Kamran instructed me to submit the application to the USPTO.

6. After electronically submitting the Application and paying the filing fee by credit card, the USPTO assigned the Application serial number 85227237. A true and correct copy of the Application as printed from the USPTO's website is attached hereto and incorporated herein by reference as Exhibit "2."

7. On March 21, 2011, the USPTO issued an Examiner's Amendment amending some of the "identification of goods and services" recited in the Application. A true and correct copy of the Examiner's Amendment as printed from the USPTO's website is attached hereto and incorporated herein by reference as Exhibit "3."

8. On May 10, 2011, the USPTO issued a Notice of Publication (the "Notice") indicating that the Application had been published in the *Trademark Official Gazette*. A true and correct copy of the Notice of Publication as printed from the USPTO's website is attached hereto and incorporated herein by reference as Exhibit "4."

9. On the afternoon of April 28, 2011, while working from Mr. Kamran's office, I answered a telephone call from a caller who identified himself as Geoff Gerber of The BrickHouse Law Group in Saint Louis.

10. The caller requested to speak with Mr. Kamran, who was out of the office. I offered to take a message. When he started to leave his message, the caller informed me this was a "courtesy call" in connection with a newly filed lawsuit. I explained that I could relay a detailed message as I am an attorney.

11. While leaving the message the caller further introduced himself as the attorney for plaintiff S. Victor Whitmill ("Plaintiff"). He explained that earlier that afternoon, a lawsuit had

been filed against defendant Warner Bros. Entertainment, Inc. ("Defendant") in connection with Defendant's alleged use of Plaintiff's artwork in advertisements for The Hangover 2 (the "Lawsuit").

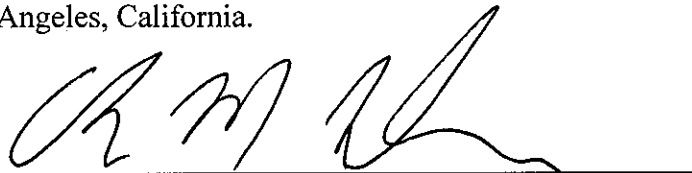
12. The caller explained some of the allegations contained in the Lawsuit. He also mentioned that the decision to contact Mr. Kamran had been on the basis of USPTO records listing Mr. Karman as Mr. Tyson's attorney of record.

13. The caller asked me to ask Mr. Kamran to relay to Mr. Tyson, that Plaintiff was aware of the Trademark Application and that there was no intention to name Mr. Tyson in the Lawsuit or interfere with the Trademark Application.

14. The caller offered to email me the complaint and other papers filed in connection with the Lawsuit. Later that afternoon, I received an email bearing the electronic signature of Geoff Gerber and containing these documents.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed this 18 day of May, 2011, at Los Angeles, California.



CHRISTOPHER M. WHEELER

Exhibit 1



Exhibit 2

Trademark/Service Mark Application, Principal Register

Serial Number: 85227237

Filing Date: 01/26/2011

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85227237
MARK INFORMATION	
*MARK	\\TICRS\EXPORT11\IMAGEOUT 11\852\272\85227237\xml1\ APP0002.JPG
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
COLOR MARK	NO
*DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a tribal tattoo design.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	800 x 800
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Tyson, Michael Gerard
DBA/AKA/TA/Formerly	AKA Mike Tyson
INTERNAL ADDRESS	c/o Kia Kamran, Esq.
*STREET	10880 Wilshire Blvd., Suite 2070
*CITY	Los Angeles
*STATE (Required for U.S. applicants)	California
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	90024
LEGAL ENTITY INFORMATION	
TYPE	individual

COUNTRY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	003
*IDENTIFICATION	Perfume
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	005
*IDENTIFICATION	Vitamins
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	006
*IDENTIFICATION	Metal key chains
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	014
*IDENTIFICATION	Jewelry
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	018
*IDENTIFICATION	Gym bags
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	030
*IDENTIFICATION	Staple food products, namely, coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour; preparations made from cereals in the nature of cereal-based snack foods; bread; pastries; confectionery in the nature of candy and candy bars; flavored ices; honey; treacle; yeast; baking powder; salt; mustard; vinegar; sauces being condiments; spices; ice
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	032
*IDENTIFICATION	Sports Drinks
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	041
*IDENTIFICATION	Entertainment services rendered, sponsored, licensed or officiated by an athlete or retired athlete in the nature of personal appearances,

	boxing matches, live stage shows and performances featuring boxing.
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	028
*IDENTIFICATION	Boxing gloves; toy action figures, board games, card games, trading card games, disk-type toss toys, bows and arrows, beach balls, volley balls, footballs, baseballs, soccer balls, bowling balls, dolls, plush toys, toy vehicles, toy cars, toy trucks, toy bucket and shovel sets, toy figurines, puppets, skateboards, toy scooters, ornamental masks, and sports face masks for land activities, and hand-held units for playing electronic and video games
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	025
*IDENTIFICATION	Wearing apparel, namely, warm-up suits, sweatshirts, tee-shirts; muscle shirts; sports shirts; tank tops; bathing suits; beach wear; jogging suits; shorts; shirts; gloves; underwear; jerseys; headwear; footwear, belts, socks, hats; caps; workout and sports apparel, namely, shorts and shirts
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	009
*IDENTIFICATION	Pre-recorded video cassettes, digital video discs, digital versatile discs, all featuring sports and entertainment; video game cartridges and discs; computer game cartridges, ringtones, and discs
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	016
*IDENTIFICATION	Posters; event and competition programs; photographs; postcards; trading cards; stickers scrapbook albums, address books, autograph books, loose leaf binders, posters, playing cards, dry transfer characters, computer game instruction manuals, decals, gift wrapping paper, notebooks, folders, magazines featuring boxing, trivia cards, paper lunch sacks, photographs
FILING BASIS	

FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	Kia Kamran
FIRM NAME	Law Offices of Kia Kamran
INTERNAL ADDRESS	Suite 2070
STREET	10880 Wilshire Blvd
CITY	Los Angeles
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	90024
PHONE	3104752626
FAX	3109191444
EMAIL ADDRESS	kia@tunelaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	No
CORRESPONDENCE INFORMATION	
NAME	Kia Kamran
FIRM NAME	Law Offices of Kia Kamran
INTERNAL ADDRESS	Suite 2070
STREET	10880 Wilshire Blvd
CITY	Los Angeles
STATE	California
COUNTRY	United States
ZIP/POSTAL CODE	90024
PHONE	3104752626
FAX	3109191444
EMAIL ADDRESS	kia@tunelaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	No
FEE INFORMATION	
NUMBER OF CLASSES	12
FEE PER CLASS	325
*TOTAL FEE DUE	3900

*TOTAL FEE PAID	3900
SIGNATURE INFORMATION	
SIGNATURE	/Kia Kamran/
SIGNATORY'S NAME	Kia Kamran
SIGNATORY'S POSITION	Attorney of record, California bar member
DATE SIGNED	01/26/2011

Trademark/Service Mark Application, Principal Register

Serial Number: 85227237

Filing Date: 01/26/2011

To the Commissioner for Trademarks:

MARK: (Stylized and/or Design, see mark)

The mark consists of a tribal tattoo design.

The applicant, Michael Gerard Tyson, AKA Mike Tyson, a citizen of United States, having an address of
c/o Kia Kamran, Esq.,
10880 Wilshire Blvd., Suite 2070
Los Angeles, California 90024
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 003: Perfume

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 005: Vitamins

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 006: Metal key chains

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 014: Jewelry

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 018: Gym bags

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 030: Staple food products, namely, coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour; preparations made from cereals in the nature of cereal-based snack foods; bread;

pastries; confectionery in the nature of candy and candy bars; flavored ices; honey; treacle; yeast; baking powder; salt; mustard; vinegar; sauces being condiments; spices; ice

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 032: Sports Drinks

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 041: Entertainment services rendered, sponsored, licensed or officiated by an athlete or retired athlete in the nature of personal appearances, boxing matches, live stage shows and performances featuring boxing.

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 028: Boxing gloves; toy action figures, board games, card games, trading card games, disk-type toss toys, bows and arrows, beach balls, volley balls, footballs, baseballs, soccer balls, bowling balls, dolls, plush toys, toy vehicles, toy cars, toy trucks, toy bucket and shovel sets, toy figurines, puppets, skateboards, toy scooters, ornamental masks, and sports face masks for land activities, and hand-held units for playing electronic and video games

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 025: Wearing apparel, namely, warm-up suits, sweatshirts, tee-shirts; muscle shirts; sports shirts; tank tops; bathing suits; beach wear; jogging suits; shorts; shirts; gloves; underwear; jerseys; headwear; footwear, belts, socks, hats; caps; workout and sports apparel, namely, shorts and shirts

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 009: Pre-recorded video cassettes, digital video discs, digital versatile discs, all featuring sports and entertainment; video game cartridges and discs; computer game cartridges, ringtones, and discs

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 016: Posters; event and competition programs; photographs; postcards; trading cards; stickers scrapbook albums, address books, autograph books, loose leaf binders, posters, playing cards, dry transfer characters, computer game instruction manuals, decals, gift wrapping paper, notebooks, folders, magazines featuring boxing, trivia cards, paper lunch sacks, photographs

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:
Kia Kamran of Law Offices of Kia Kamran

Suite 2070
10880 Wilshire Blvd
Los Angeles, California 90024
United States

The applicant's current Correspondence Information:

Kia Kamran
Law Offices of Kia Kamran
Suite 2070
10880 Wilshire Blvd
Los Angeles, California 90024
3104752626(phone)
3109191444(fax)
kia@tunelaw.com (not authorized)

A fee payment in the amount of \$3900 has been submitted with the application, representing payment for 12 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: /Kia Kamran/ Date Signed: 01/26/2011
Signatory's Name: Kia Kamran
Signatory's Position: Attorney of record, California bar member

RAM Sale Number: 9174
RAM Accounting Date: 01/27/2011

Serial Number: 85227237

Internet Transmission Date: Wed Jan 26 21:49:40 EST 2011
TEAS Stamp: USPTO/BAS-71.254.154.102-201101262149400
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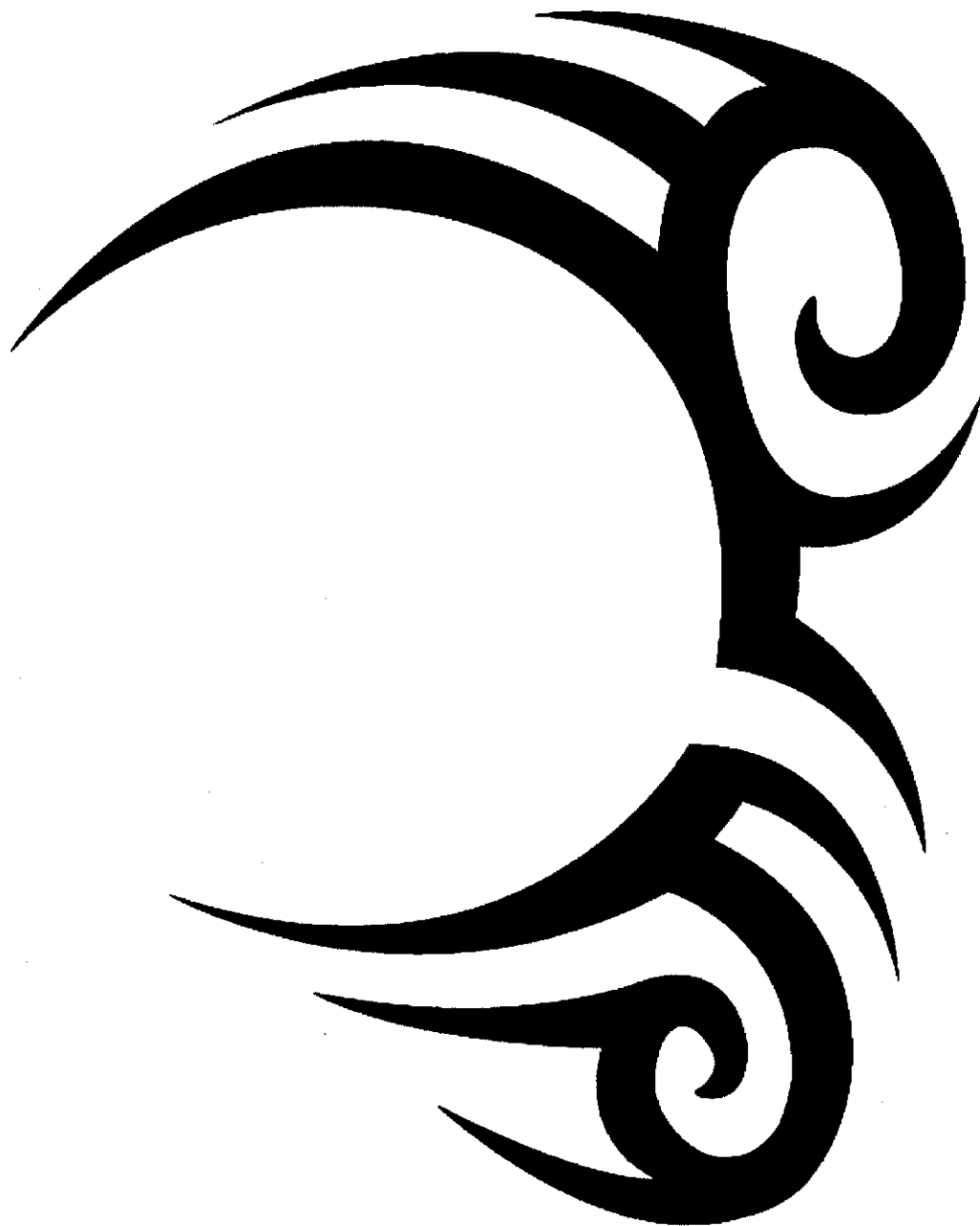


Exhibit 3

To: Tyson, Michael Gerard (kia@tunelaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85227237 - N/A
Sent: 3/21/2011 7:17:53 PM
Sent As: ECOM104@USPTO.GOV
Attachments:

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

APPLICATION SERIAL NO. 85227237

MARK:

85227237

CORRESPONDENT ADDRESS:

Kia Kamran
Law Offices of Kia Kamran
1100 Glendon Avenue, 15th Floor
Los Angeles CA 90024-3519

GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Tyson, Michael Gerard

**CORRESPONDENT'S REFERENCE/DOCKET
NO:** N/A

CORRESPONDENT E-MAIL ADDRESS:
kia@tunelaw.com

EXAMINER'S AMENDMENT

ISSUE/MAILING DATE: 3/21/2011

DATABASE SEARCH: The trademark examining attorney has searched the USPTO's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; *see* 15 U.S.C. §1052(d).

APPLICATION HAS BEEN AMENDED: In accordance with the authorization granted by Kia Kamran on March 21, 2011, the trademark examining attorney has amended the application as indicated below. Please advise the undersigned immediately of any objections. Otherwise, no response is necessary. TMEP §707. Any amendments to the identification of goods and/or services may clarify or limit the goods and/or services, but may not add to or broaden the scope of the goods and/or services. 37 C.F.R. §2.71(a); *see* TMEP §§1402.06 *et seq.*

Amendment to Identification of Goods and Services

Applicant amends the identification of goods and services for International Classes 9, 28 and 41 to the following. The remaining identifications do not require further amendment.

Class 9: Pre-recorded video cassettes, digital video discs, digital versatile discs, all featuring sports and entertainment; video game cartridges and discs; computer game cartridges, downloadable ringtones, and discs, namely, audio and video recordings in the field of sports and entertainment;

Class 28: Boxing gloves; toy action figures, board games, card games, trading card games, disk-type toss toys, toy bows and arrows, beach balls, volley balls, footballs, baseballs, soccer balls, bowling balls, dolls, plush toys, toy vehicles, toy cars, toy trucks, toy bucket and shovel sets, toy figurines, puppets, skateboards, toy scooters, ornamental face masks, and sports face masks for land activities, namely, boxing; hand-held units for playing electronic and video games other than those adapted for use with external display;

Class 41: Entertainment services rendered, sponsored, or officiated by an athlete or retired athlete in the nature of personal appearances, boxing matches, live appearances and performances featuring boxing.

/Angela G. Duong/
Trademark Examining Attorney
Law Office 104
Phone: (571) 272-1347
Fax: (571) 273-9104

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>.

To: Tyson, Michael Gerard (kia@tunelaw.com)
Subject: U.S. TRADEMARK APPLICATION NO. 85227237 - N/A
Sent: 3/21/2011 7:17:57 PM
Sent As: ECOM104@USPTO.GOV
Attachments:

**IMPORTANT NOTICE REGARDING YOUR
U.S. TRADEMARK APPLICATION**

**USPTO LETTER (AN OFFICE ACTION) HAS ISSUED ON 3/21/2011 FOR
SERIAL NO. 85227237**

Please follow the instructions below:

TO READ OFFICE LETTER: Click on this [link](#) or go to <http://portal.uspto.gov/external/portal/tow> and enter the application serial number to [access](#) the Office letter

PLEASE NOTE: The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

HELP: For *technical* assistance in accessing the Office correspondence, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office letter.

Exhibit 4

From: TMOOfficialNotices@USPTO.GOV
Sent: Tuesday, May 10, 2011 00:42 AM
To: kia@tunelaw.com
Subject: Official USPTO Notice of Publication: Serial Number 85227237

NOTICE OF PUBLICATION

Serial Number: 85-227,237
Mark: Miscellaneous Design
International Class(es): 003, 005, 006, 009, 014, 016, 018, 025, 028, 030, 032, 041
Applicant: Tyson, Michael Gerard
Attorney Reference Number:

The mark identified above has been published in the *Trademark Official Gazette* (OG) on May 10, 2011. Any party who believes it will be damaged by the registration of the mark may file a notice of opposition (or extension of time therefor) with the Trademark Trial and Appeal Board. If no party files an opposition or extension request within thirty (30) days after the publication date, then within twelve (12) weeks of the publication date a notice of allowance (NOA) should issue. (Note: The applicant must file a Statement of Use or Extension Request within six (6) months after the NOA issues.)

On the publication date or shortly thereafter, the applicant should carefully review the information that appears in the OG for accuracy (see steps, *below*). If any information is incorrect, the applicant should immediately email the requested correction to **TMPostPubQuery@uspto.gov**. For general information about this notice, please contact the Trademark Assistance Center at 1-800-786-9199.

1. Click on the following link or paste the URL into an internet browser:
http://www.uspto.gov/web/trademarks/tmog/20110510_OG.pdf#page=1
2. Wait for the total OG to download completely (as indicated on bottom of OG page).
3. At the top/side of the displayed page, click wherever the "binoculars" icon appears.
4. Enter in the "search" box the name of the applicant (for individual: last name, first name) or the serial number in this exact format (with hyphen and comma): 85-227,237, e.g.
5. View the retrieved result(s). If multiple results appear in the "results" box, click directly on each "search term" shown in the box to access all separate appearances in the OG.