

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MAJOR LEAGUE BASEBALL  
PROPERTIES, INC.,

Plaintiff,

-against-

THE UPPER DECK COMPANY, LLC,

Defendant.

No. 10 Civ. 0732 (RWS)

ECF Case

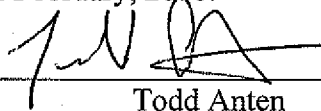
**DECLARATION OF TODD ANTEN**

I, TODD ANTEN, pursuant to 28 U.S.C § 1746, declare as follows:

1. I am an attorney at Quinn Emanuel Urquhart Oliver & Hedges, LLP, counsel to The Upper Deck Company, LLC (“Upper Deck”).
2. I submit this declaration in opposition to plaintiff Major League Baseball Properties, Inc.’s (“MLBP”) Application for a Temporary Restraining Order and Expedited Discovery. I have personal knowledge of the facts set forth herein except where stated to be on information and belief, in which case, I believe those facts to be true.
3. Attached as **Exhibit A** are true and correct copies of articles and Internet discussions that I printed discussing 2009 Ultimate Collection, 2009 Signature Series, and 2010 Upper Deck Series I, demonstrating that consumers of baseball trading cards are aware that these products are not licensed by MLBP.
4. Attached as **Exhibit B** are examples of Internet discussions, demonstrating that some consumers have been told that retailers will no longer sell 2009 Ultimate Collection, 2009 Signature Series, or 2010 Upper Deck Series I products.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York this 2<sup>nd</sup> day of February, 2010.

A handwritten signature in black ink, appearing to read 'T Anten', is written over a horizontal line.

Todd Anten