

**EXHIBIT I**



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**THE BLACK PANTHER PARTY**

**Word Mark** THE BLACK PANTHER PARTY

**Goods and Services** IC 041. US 100 101 107. G & S: Educational services, namely, organizing and conducting educational youth conferences; operating an historical archive; organizing traveling photographic and historical exhibitions; developing tutorial and mentorship programs, namely, training youth in black history, conflict resolution and basic skills such as reading and writing; producing documentary films. FIRST USE: 19660000. FIRST USE IN COMMERCE: 19680000

**Standard Characters Claimed**

**Mark Drawing Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85316352

**Filing Date** May 9, 2011

**Current Filing Basis** 1A

**Original Filing Basis** 1A

**Owner** (APPLICANT) Dr. Huey P. Newton Foundation, Inc. non-profit corporation CALIFORNIA 199 Lands End Court Vallejo CALIFORNIA 94591

**Attorney of Record** Alan Korn

**Prior Registrations** 3500290

**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL-2(F)  
**Live/Dead Indicator** LIVE

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# THE BLACK PANTHER PARTY

1965-1990 @ THE DR. HUEY P. NEWTON FOUNDATION INC.

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### Video Tour



### Virtual Tours



### About Us

**About The Foundation**  
The Huey Newton Foundation was founded in 1993 in Oakland, California, by Ernest R. Hunt and Fredrick...

[Read More](#)

**Mission Statement**  
The Huey Newton Foundation is a community-based, non-profit research, education and advocacy center dedicated to breaking oppressive social...

[Read More](#)

**Services**  
EDUCATION  
SOCIAL COMMUNITY DEVELOPMENT  
URBAN PLANNING AND CONSULTING

[Read More](#)

### Our History

### Events

## Trademark/Service Mark Application, Principal Register

Serial Number: 85316352

Filing Date: 05/09/2011

### To the Commissioner for Trademarks:

**MARK:** THE BLACK PANTHER PARTY (Standard Characters, see mark)

The literal element of the mark consists of THE BLACK PANTHER PARTY.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Dr. Huey P. Newton Foundation, Inc., a non-profit corporation legally organized under the laws of California, having an address of

199 Lands End Court  
Vallejo, California 94591  
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 041: Educational services, namely, organizing and conducting educational youth conferences; operating an historical archive; organizing traveling photographic and historical exhibitions; developing tutorial and mentorship programs, namely, training youth in black history, conflict resolution and basic skills such as reading and writing; producing documentary films

In International Class 041, the mark was first used at least as early as 00/00/1966, and first used in commerce at least as early as 00/00/1968, and is now in use in such commerce. The applicant is submitting one specimen(s) showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) Printout of homepage from Dr. Huey P. Newton Foundation, Inc. website.

Specimen File1

The mark has become distinctive of the goods/services as evidenced by the ownership on the Principal Register for the same mark for related goods or services of U.S. Registration No(s). 2183503.

The mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement.

The applicant claims ownership of U.S. Registration Number(s) 3500290.

The applicant's current Attorney Information:

Alan Korn of Law Office of Alan Korn  
1840 Woolsey Street

Berkeley, California 94703  
United States

**The applicant's current Correspondence Information:**

Alan Korn  
Law Office of Alan Korn  
1840 Woolsey Street  
Berkeley, California 94703  
510/548-7300(phone)  
510/540-4821(fax)  
aakorn@igc.org (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 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: /Alan Korn/ Date Signed: 05/09/2011  
Signatory's Name: Alan Korn  
Signatory's Position: Attorney of record, California bar member

RAM Sale Number: 6894  
RAM Accounting Date: 05/10/2011

Serial Number: 85316352  
Internet Transmission Date: Mon May 09 20:28:45 EDT 2011  
TEAS Stamp: USPTO/BAS-66.245.56.153-2011050920284590  
7022-85316352-480aefdad335969b86ff27d69a  
766ee254-CC-6894-20110509201415722481

**EXHIBIT J**

September 1, 2006

**VIA EMAIL AND CERTIFIED MAIL RETURN RECEIPT REQUESTED**

Email: [trademark@cafepress.com](mailto:trademark@cafepress.com)

CafePress.com

Attn: Candice Carr

Intellectual Property Rights Agent

950 Tower Lane, Suite 600

Foster City, CA 94404

RE: Unauthorized Use of Dr. Huey P. Newton Image and Black Panther Party Trademarks

Dear Ms. Carr:

This firm represents The Dr. Huey P. Newton Foundation, Inc., a California not-for-profit Corporation and the owner of posthumous rights of publicity of Dr. Huey P. Newton and the duly registered trademarks relating to the Black Panther Party ("Foundation").

It has come to our attention that the website CafePress.com is currently offering for sale various products bearing the Black Panther Party trademarks. These products include but are not limited to t-shirts, mugs, steins, mouse pads, among other products. The Foundation retains exclusive rights in and to the Black Panther Party name and logo, which are registered with the U.S. Patent and Trademark Office pursuant to Trademark Registration No. 2,834,703 (the "Logo") and Service Mark Registration No. 2,183,503 (the "Service Mark"). In addition, [www.cafepress.com](http://www.cafepress.com) is also offering for sale Products bearing the likeness of Dr. Huey P. Newton. Your distribution of products bearing the Black Panther Party trademarks and/or image of Dr. Newton ("Products") is therefore in violation of the Foundation's exclusive rights.

The following are links to webpages at [www.cafepress.com](http://www.cafepress.com):

- **The War of 1812:**

Black Panther Trademark: <http://www.cafepress.com/Warof1812>  
(t-shirts, cap and messenger bag)

- **Black Watch Afrocentric Gift Shop:**

Black Panthers: <http://www.cafepress.com/blackwatchersa.52092166>  
(t-shirt)

Huey in wicker chair: <http://www.cafepress.com/blackwatchersa/1290448>

Huey in wicker chair: <http://www.cafepress.com/blackwatchersa/1290514>

Huey in wicker chair: <http://www.cafepress.com/blackwatchersa/1290460>

Huey in wicker chair: <http://www.cafepress.com/blackwatchersa/1290481>

Huey in wicker chair: <http://www.cafepress.com/blackwatchersa/1290532>

Huey in wicker chair: <http://www.cafepress.com/blackwatchersa/1290526>

Huey in wicker chair: <http://www.cafepress.com/blackwatchersa/1290451>

(hoodies, sweatshirts, women t-shirts, men t-shirts, boxer shorts, mouse pad, 2 types o magnet, journal, totebag)



Black Panther Party: <http://www.cafepress.com/blackwatchersa/1306081>

(t-shirt)

Black Panther Party: <http://www.cafepress.com/blackwatchersa/1546795>

(10 types of t-shirts)

Panther: <http://www.cafepress.com/blackwatchersa/1601198>

(calendar, postcards, messenger bag, tote bag, button, cap, apron, journal, mouse pad, tile box, tile coaster, wall clock, camisole, boxer shorts, thong and 13 types of t-shirts)

- **Shop With Pride:**

Huey: [http://www.cafepress.com/buy/black+panther/-](http://www.cafepress.com/buy/black+panther/-/pv_design_details/pg_1/id_12073508/opt_/fpt_/c_360/)

[/pv\\_design\\_details/pg\\_1/id\\_12073508/opt\\_/fpt\\_/c\\_360/](http://www.cafepress.com/buy/black+panther/-/pv_design_details/pg_1/id_12073508/opt_/fpt_/c_360/)

(11 types of t-shirts, 2 types of sweatshirts, 2 types of kid t-shirts, 2 types of infant shirts/creepers, 2 types of kids sweatshirts, tote bag)

- **Elsewhere Entertainment:**

Revolution Means Change: [http://www.cafepress.com/buy/black%20panther/-](http://www.cafepress.com/buy/black%20panther/-/pv_design_prod/p_storeid.38739219/pNo_38739219/id_9754307/opt_/pg_/c_/fpt)

[/pv\\_design\\_prod/p\\_storeid.38739219/pNo\\_38739219/id\\_9754307/opt\\_/pg\\_/c\\_/fpt](http://www.cafepress.com/buy/black%20panther/-/pv_design_prod/p_storeid.38739219/pNo_38739219/id_9754307/opt_/pg_/c_/fpt)

(t-shirt)

Black Power (Huey): <http://www.cafepress.com/elsewhereent.50067916>

(t-shirt)

- **Sirak:**

Black Panther Trademark: <http://www.cafepress.com/sirak11>

(mug)

- **Justice Apparel**

By Any Means Necessary (Huey): <http://www.cafepress.com/justiceapparel4>

(11 types of t-shirts, hoodie, 2 types of sweatshirts, tote bag, sticker, magnet)

We also note that Genum was previously selling items with the phrase “Black Panther Party” included on it. The website link was [http://cafepress.com/buy//buy/%22black+panther%22/-/pv\\_design\\_details/pg\\_/id\\_9414197/fpt\\_/opt\\_/c\\_0](http://cafepress.com/buy//buy/%22black+panther%22/-/pv_design_details/pg_/id_9414197/fpt_/opt_/c_0)

Note that this list of webpages is not exhaustive as these vendors have numerous products and webpages available on [www.cafepress.com](http://www.cafepress.com)

**This letter is written notice to your company to immediately cease and desist from further manufacturing, advertising, marketing or distribution of any Products with the image of Dr. Huey P. Newton or the trademarks of the Foundation, as it is done so without grant of license, permission or consent.**

Please provide, within 48 hours of receipt of this letter, confirmation that you have ceased the manufacture, advertising, marketing and distribution of above-mentioned Products. Please provide such letter via email to the following address: [marg@tobiaslo.com](mailto:marg@tobiaslo.com). This includes, but is not limited to, contacting all distributors to immediately remove any such Product from their shelves.

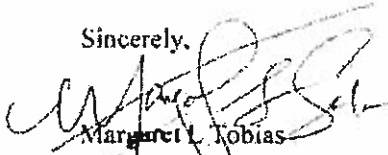
Additionally, we demand that within seven days of receipt of this letter, you produce to us the following:

1. A full accounting of all manufacture and production costs, as well as sales of the above referenced Products and any other product that you manufacture or distribute that exploits Dr. Huey P. Newton's image or the trademarks noted above;
2. Any and all documents concerning the manufacture, design, production and advertising, including films, film negatives and digital files regarding the Products;
3. Any and all Products you have your possession, custody or control.

If we do not hear from you within the time frame noted above, we will assume you have not complied with these requests and will pursue any legal remedy available, including not limited to seeking federal court intervention.

Nothing contained in this letter shall be considered a waiver of any claims, defenses, rights or arguments that my client may possess.

Sincerely,



Margaret L. Tobias

©: The Dr. Huey P. Newton Foundation

**EXHIBIT K**

**SHIP TO**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mail or on the front if space permits.

1. Article Addressed to:

CafePress.com  
Attn: Candice Carr  
Intellectual Property Rights Agent  
950 Tower Lane, Suite 600  
Foster City, CA 94404

Article Number  
(Transfer from service label)

7001 1940 0006 5889 8978

A. Signature

X   Agent  Addressee

B. Received by (Printed Name)

C. Regular Delivery  
9/15/16

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below.  No

3. Service Type

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

**EXHIBIT L**

**Marg Tobias**

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**From:** Lindsay Estes [lestes@cafepress.com]  
**Sent:** Thursday, September 14, 2006 3:42 PM  
**To:** marg@tobiaslo.com  
**Cc:** Candice Carr  
**Subject:** RE: Cease and Desist Use of BPP Trademarks and Image of Dr. Huey P. Newton

Dear Ms. Tobias,

Thank you for the reply. In accordance with our Intellectual Property Rights Policy, we have removed the users' images from their shops.

Pursuant to your request and in accordance with our Privacy Policy, below please find the contact information for the user of our service so you may contact them directly regarding your concerns. Please contact our shopkeepers directly to obtain sales information and to pursue any demands you may have.

Shop ID: warof1812

Brandon White

✓ 11040 Amherst Avenue *VIA EMAIL*

Wheaton MD 20902

240-353-4687

[btw9@duke.edu](mailto:btw9@duke.edu)

Shop ID: blackwatchersa

✓ Jywanza R. Oyefo

2392 Argyle Drive

Columbus OH 43219

614-253-1137

[jywanza1@yahoo.com](mailto:jywanza1@yahoo.com)

Shop ID: shopwithpride

✓ Marvin Cousins

824 classon Ave Apt. 4L

Brooklyn NY 11238

[ccny168@yahoo.com](mailto:ccny168@yahoo.com)

Shop ID: elsewhereent

✓ Cameron Schmidt

11405 Covered Bridge Ct

Glenn Dale MD 20769

[cameron.schmidt@elsewhereent.com](mailto:cameron.schmidt@elsewhereent.com)

Shop ID: sirak11

✓ Sirak Getachew

3750 Bronx Blvd. Apt.#4A

Bronx NY 10467

(646)316-7644

9/29/2006

[sirakgee@yahoo.com](mailto:sirakgee@yahoo.com)

Shop ID: justiceapparel4

Justin Greer

3330 N Perkinson Ln

Merritt Island FL 32953

3214534153

[night\\_surfer420@yahoo.com](mailto:night_surfer420@yahoo.com)

Shop ID: hatari

Jonathan Williams

14200 N. May Ave 621

Oklahoma City OK 73134

405.921.9988

[sabastianouhnascis@yahoo.com](mailto:sabastianouhnascis@yahoo.com)

With regard to your request for inventory, please be advised that our products are virtual, and print on demand. We do not have a stock of products or merchandise in our custody.

We appreciate that you contacted us. Please let us know if we can be of further assistance.

Sincerely,

**Lindsay Estes**  
**Content Usage Associate**

(650) 655-3047 (O)

(650) 240-0260 (F)

Let your **individuality** shine.

Make, buy or sell what's on your mind.

Over millions of **unique gifts** with more fresh daily.

Disclaimer: The information contained in this email is provided solely for informational purposes and does not constitute legal advice. CafePress.com is not a law firm and is not a substitute for an attorney. If you require legal advice, please consult an attorney who is authorized to practice law in your jurisdiction.

---

**From:** Marg Tobias [<mailto:marg@tobiaslo.com>]

**Sent:** Thursday, September 14, 2006 2:35 PM

**To:** Lindsay Estes

**Cc:** Trademark

**Subject:** RE: Cease and Desist Use of BPP Trademarks and Image of Dr. Huey P. Newton

Dear Ms. Estes:

Thank you for your prompt response.

This letter concerns (1) one product that was not removed from Cafe Press's website; (2) a product not previously identified that incorporates the image of Dr. Huey P. Newton, and therefore, should be removed from Cafe Press's website; and (3) a second request for an accounting of all sales for products that were identified below and in our September 1 2006

9/29/2006

letter and return of all infringing products under your custody and control; and (4) a request for complete contact information for entities associated with the products identified below and in the September 1 letter.

First, it appears that Cafe Press has removed all but one of the products that was listed in the letter we sent to Cafe Press, dated September 1, 2006. Specifically, we identified the following link associated with "Elsewhere Entertainment":  
(Black Power t-shirt) <http://www.cafepress.com/elsewhereent.50067916>

However, this product is still available at:  
[http://www.cafepress.com/buy/huey+newton/-/pv\\_design\\_prod/pg\\_1/p\\_storeid.50067916/pNo\\_50067916/id\\_11448469/opt\\_/fpt\\_/c\\_360/](http://www.cafepress.com/buy/huey+newton/-/pv_design_prod/pg_1/p_storeid.50067916/pNo_50067916/id_11448469/opt_/fpt_/c_360/)

Second, it has also come to our attention that one additional product not previously identified should be removed.

\* Hatari: Struggle Continues t-shirt  
[http://www.cafepress.com/buy/huey%20newton/-/pv\\_design\\_prod/p\\_storeid.42454922/pNo\\_42454922/id\\_14232201/opt\\_/pg\\_/c\\_/fpt\\_](http://www.cafepress.com/buy/huey%20newton/-/pv_design_prod/p_storeid.42454922/pNo_42454922/id_14232201/opt_/pg_/c_/fpt_)

Please immediately remove all access to this t-shirt or any other like product.

Third, we reasonably requested an accounting of all sales of the infringing products and Cafe Press has yet to submit such accounting. Please send such no later than Monday, September 18 or state in writing the basis for your refusal to do so. Similarly, we requested that all products within your custody and/or control be sent to the Foundation. Those products must be sent to us and not returned to the "shopkeepers."

Fourth, please send us all of your contact information for the "shopkeepers" associated with the products you removed upon our request. This contact information should include telephone, email and US mail address along with any other applicable information.

Thanks you.  
-Marg Tobias

---

**From:** Lindsay Estes [mailto:[lestes@cafepress.com](mailto:lestes@cafepress.com)]  
**Sent:** Friday, September 01, 2006 9:08 AM  
**To:** [marg@tobiaslo.com](mailto:marg@tobiaslo.com)  
**Cc:** Trademark  
**Subject:** \*\*\*\*SPAM(5.8)\*\*\*\* RE: Cease and Desist Use of BPP Trademarks and Image of Dr. Huey P. Newton

Dear Ms. Tobias,

Thank you for your September 1, 2006 notification regarding the possible infringement of the Dr. Huey Newton Foundation, Inc.'s rights by a user of our service. In accordance with our Intellectual Property Rights Policy, we have removed the users' images from their shops.

9/29/2006



We appreciate that you contacted us. Please let us know if we can be of further assistance.

Sincerely,

**Lindsay Estes**  
**Content Usage Associate**

(650) 655-3047 (O)  
(650) 240-0260 (F)

Let your **individuality** shine.  
**Make, buy or sell** what's on your mind.  
Over millions of **unique gifts** with more fresh daily.

Disclaimer: The information contained in this email is provided solely for informational purposes and does not constitute legal advice. CafePress.com is not a law firm and is not a substitute for an attorney. If you require legal advice, please consult an attorney who is authorized to practice law in your jurisdiction.

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**From:** Marg Tobias [mailto:marg@tobiaslo.com]  
**Sent:** Thursday, August 31, 2006 5:39 PM  
**To:** Trademark  
**Subject:** Cease and Desist Use of BPP Trademarks and Image of Dr. Huey P. Newton

Please see attached.

Margaret L. Tobias  
T: 415.641.7833  
M: 415.309.7873

Note: This message and any attachments to it may contain **PRIVILEGED AND CONFIDENTIAL ATTORNEY CLIENT INFORMATION AND/OR ATTORNEY WORK PRODUCT** exclusively for intended recipients. If you have received this e-mail in error, please call 415.309.7873 to report the error and then delete this message from your system. If you are not the intended recipient, please **DO NOT FORWARD OR DISTRIBUTE** to anyone else. Thank you.

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9/29/2006

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