

**IN THE UNITED STATES COURT OF APPEALS  
BEFORE THE FEDERAL CIRCUIT COURT**

In the matter of Trademark Application No.: 76662605 and Opposition No.: 91201370

For the Mark: [www.Brooklyn-Nets.tv](http://www.Brooklyn-Nets.tv) (Brooklyn-Nets)

Date of Application was filed: June 28, 2006

Trademark Trial and Appeal Board's Order Mailed: September 9, 2013

Dr. Cassagnol Institute of Research, Inc.  
DBA: CyberVillage Corporation and  
The Brooklyn Nets Entertainment Network  
Plaintiff/Appellant/Petitioner

v.

New Jersey Basketball, LLC  
Defendant/Appellee/Opposer

**NOTICE OF APPEAL BY WAY OF CIVIL ACTION**

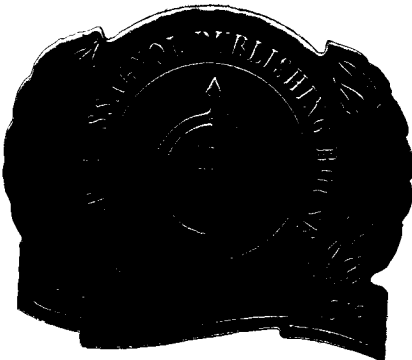
Notice of Appeal by Way of Civil Action is hereby given that Dr. Cassagnol Institute of Research, Inc. hereby appeals to the US Court of Appeals before the Federal Circuit from the Trademark Trial and Appeal Board's Decision and Order mailed the September 9<sup>th</sup>, 2013 in re. to Trademark Application No. 76662605 and Opposition No. 91201370 and the Appellant is submitting that the Trademark Trial and Appeal Board's Opinion and Decision are contradictory to the Appellant's 10 years of continuous use of its Dr. Cassagnol Designer's Original Brooklyn Nets' Brands/Marks/Labels in conjunction with the Appellant's other federally registered organizational logo (s) and with its other State of Louisiana's multiple Brooklyn Nets' Trademarks/Brands/Labels. The TTA Board has failed and/or has neglected to recognize such usage even though that the Appellant had provided ample usage's information and supporting materials in order to sustain the Appellant's USE POSITION but the Hon. TTAB Adm. TM Judge Kuhlke went furthermore to use such bias term: "Alter Ego" to describe the Dr. Cassagnol Designer's 34-year-old iSignature Line in its TTA Board's Decision which is unfair and as well stacking the deck vs. the "Dr. Cassagnol" Signature Line since it has identified Ambassador Dr. François de Cassagnol as its Creator. Besides, the Appellant had given multiple constructive notices to the Appellee and to its NBA's Group, establishing the Appellant's Ownership of this Brooklyn Nets' Marks since 2005 under 15 U.S.C.

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§1072 and being registered thru the State of Louisiana thru its incontestable good standing status after more than 5 years of continuous use under 15 U.S.C. § 1065 which gives to the Appellant, a full set of incontestable rights and also by directly eliminate any claims of infringement based on a fully generic word the like of the Net (s). But this appeal is also asking for the Appellant's Brooklyn Nets' trademark be protected under the State of Louisiana's Statute pursuant to R.S. of 1950, Title 51, Chapter 1, Part VI as amended under the State of Louisiana Trademark or Service Mark's Laws. Accordingly, The Court should be in support of the Appellant's Common Law 10-year Ownership and Use, since this NBA Group's Brooklyn Nets' Marks and its Nets B Brooklyn's Marks appear to use multiple fraudulent tactics in reversing the Appellant's Brooklyn Nets' fully established 10-years-old Brands/Marks/Labels under 15 U.S.C. 1064: 37 C.F.R. §§ 111-114 by which the Appellant's Brooklyn Nets' Brands/Marks/Labels have been in existence in conjunction with its fully registered federal trademark registration # 4,326,200, and is valid until the year: 2023. Whereas the Appellant has been using such mark in combination with its Dr. Cassagnol Designer's Fine Art Products for its targeted Services to promote others and its organization thru The Dr. Cassagnol Publishing House, Studios & Museum Group, thru the Dr. Cassagnol Foundation Inc., thru The Global Diaspora SuperPAC; and thereby the Appellant has classified this Appeal under Title 15 U.S.C.§1071(b)(4) to be filed thru the US District Court for the Eastern District of New York; and this Court should look at the loopholes that the Appellee has used to register its Brooklyn Nets' Marks during the TTA Board's proceeding in bad faith, and those marks should have been tagged as un-registrable and therefore it's apparent that the Appellee has willfully violated USPTO's Rules under its 18 U.S.C. §§1001 and such willful false statements filed under 15 U.S.C. §§ 1051(b) meriting fine or imprisonment or both, henceforth the Appellant has already asked USPTO and TTAB to refer such violations to civil and criminal enforcement authorities but to no avail. But one should keep in mind that the word: Net (s) was and still is of generic nature. Consequently, because of the Appellee's flagrant violations, the Appellant has already filed multiple complaints thru the NYS AG's Office asking the Hon. NYS Attorney General Eric T Schneiderman to take immediate action vs. the Appellee ie. the NBA's Group and the Appellant has also requested the AG's Office to additionally refer this case to other appropriate civil and criminal authorities such as the US AG's Office and the Brooklyn DA's Office for more punitive action under the Fed. False Claims' Act and under the NYS and the Fed. RICO Acts.

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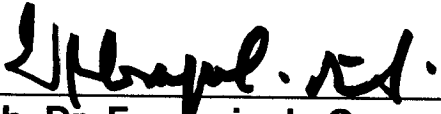


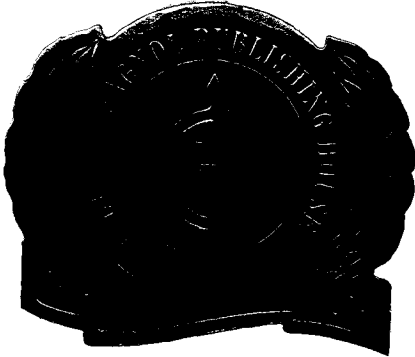
By: *François de Cassagnol*  
Ambassador Dr. François de Cassagnol

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By:   
**Amb. Dr. François de Cassagnol**  
Founder & Chairman of the  
Board Of Directors  
Dr. Cassagnol Institute of Research, Inc.  
DBA: CyberVillage Corporation  
The Brooklyn Nets Entertainment Network  
Both Registered Louisiana's Trademarks



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### CERTIFICATE OF MAILING

I, Ambassador Dr. François de Cassagnol, the Appellant, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage Via USPS Mail in a First Class Pre-Paid Envelope addressed to: Office of the General Counsel, United States Patent & Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450 on November 1<sup>st</sup>., 2013.

Copied To: The Hon. Adm. TM Judge Kuhlke, The Trademark Trial & Appeal Board,  
The Hon. USPTO Cmsr. Deborah Cohn and  
The Hon. NYS Attorney General Eric T. Schneiderman

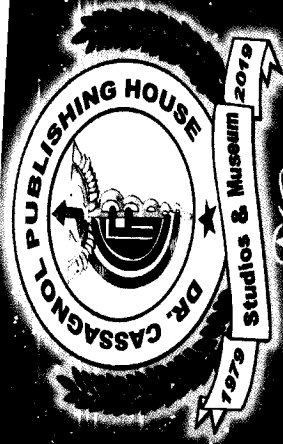
  
**Ambassador Dr. François de Cassagnol**  
November 1<sup>st</sup>., 2013

### CERTIFICATE OF SERVICE

I, Ambassador Dr. François de Cassagnol, hereby certify that I've on this day, November 1<sup>st</sup>., 2013, being deposited with the USPS First Class Mailing via USPS Postage Pre-Paid, a copy of the foregoing Federal Appeal by Way of Civil Action's Documents, copied to TTAB, Cmsr. Cohn and NYS AG's Office by Appellant: Ambassador Dr. François de Cassagnol, served to the following:-

Attorney Anil V. George  
Attorney for Opposer/Appellee, New Jersey Basketball, LLC  
NBA PROPERTIES, INC.  
Olympic Tower, 645 Fifth Ave., New York, NY 10022

  
**Ambassador Dr. François de Cassagnol**  
November 1<sup>st</sup>., 2013



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 1-516-3-Museum (368-7386)

*Dr. Cassagnol*<sup>TM</sup>  
**L... Made in America!**



**WWW.Brooklyn-Nets.tv**

... developing a Dr. Cassagnol Publishing House, Studios & Museum Group  
**in connection with The Global Diaspora SuperPAC Fund!**



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