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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92046185
Party	Defendant Pro Football, Inc.
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Submission	Defendant's Notice of Reliance
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Date	05/24/2012
Attachments	Registrant's First Notice of Reliance.pdf (12 pages)(35622 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No. 1,606,810 (REDSKINETTES)
Registered July 17, 1990,

Registration No. 1,085,092 (REDSKINS)
Registered February 7, 1978,

Registration No. 987,127 (THE REDSKINS & DESIGN)
Registered June 25, 1974,

Registration No. 986,668 (WASHINGTON REDSKINS & DESIGN)
Registered June 18, 1974,

Registration No. 978,824 (WASHINGTON REDSKINS)
Registered February 12, 1974,

and Registration No. 836,122 (THE REDSKINS—STYLIZED LETTERS)
Registered September 26, 1967

)	
Amanda Blackhorse, Marcus Briggs,)	
Phillip Gover, Jillian Papan, and)	
Courtney Tsothigh,)	
)	
Petitioners,)	
)	Cancellation No. 92/046,185
v.)	
)	
Pro-Football, Inc.,)	
)	
)	
Registrant.)	
_____)	

REGISTRANT’S FIRST NOTICE OF RELIANCE

Registrant Pro-Football, Inc. (“Registrant”) hereby offers into evidence and make of record in the above-caption proceeding the documents and materials set forth below.

On March 14, 2011, Registrant and Petitioners Amanda Blackhorse, Marcus Briggs, Phillip Gover, Jillian Pappan, and Courtney Tsothigh (collectively, “Petitioners” and, with Registrant, the “Parties”) filed a Joint Stipulation Regarding Admissibility Of Certain Evidence And Regarding Discovery Issues, in which the Parties agreed that, with certain exceptions, “all evidence submitted with a Notice of Reliance, as well as all deposition transcripts and exhibits thereto submitted by any party, in *Harjo et al v. Pro-Football, Inc.*, Cancellation No. 21,069 (TTAB) (“*Harjo*”) shall be admissible in this proceeding unless the Trademark Trial and Appeal Board ruled in *Harjo* that the evidence was not admissible, in which case all arguments as to admissibility are preserved.” (# 31, ¶ 1.)

In its May 5, 2011 Order Summarizing Pre-Trial Conference, the Trademark Trial and Appeal Board (the “Board”) recognized that such materials “shall admissible in this proceeding by notice of reliance.” (# 39 at 5.)¹

On December 23, 2011, the Parties filed under seal a Second Joint Stipulation Regarding Admissibility Of Certain Evidence And Regarding Certain Discovery Issues, in which the Parties agreed “to forego introducing into the record any evidence (including testimony) other than that described [therein] or explicitly permitted in the [first] Joint Stipulation filed with the Trademark Trial and Appeal Board” on March 14, 2011. (# 45, ¶ 16.)

¹ In the same Order, the Board also instructed the Parties “to prepare and file tables summarizing their testimony and other evidence and specifying (1) the probative value of particular facts or testimony and (2) the location in the record of such facts or testimony,” and to submit such tables with the Parties’ respective briefs. (# 39 at 6-7.) Registrant will provide the requested tables with its brief. Registrant further notes that its Notices of Reliance filed in *Harjo* and submitted herewith provide the general relevance of those materials where necessary, pursuant to TBMP § 704.02 (“The notice of reliance must include a description of the proffered materials and, in some instances, must indicate the relevance of those materials to the case.”).

Accordingly, pursuant to the parties' stipulation and 37 C.F.R. § 2.123(b), Registrant hereby files with this First Notice of Reliance the following documents and materials:²

DESCRIPTION	BATES RANGE	PART(S)
Registrant's first Notice of Reliance submitted in <i>Harjo</i> ("NR1H"), describing exhibits thereto and indices containing further descriptions of the exhibits to NR1H	PFIB-TTAB-000001-72 ³	1
Copies of Registrant's registrations (Exhibit 1.1-1.7 to NR1H)	PFIB-TTAB-000073-80	1
Depiction of Washington Redskins logo (Exhibit 2 to NR1H)	PFIB-TTAB-000081	1
Depiction of helmet with logo (Exhibit 3 to NR1H)	PFIB-TTAB-000082	1
Copy of Petition for Cancellation in <i>Harjo</i> (Exhibit 4 to NR1H)	PFIB-TTAB-000083-87	1
Dictionary definition of "redskin(s)" (Exhibit 5.1-5.10 to NR1H)	PFIB-TTAB-000088-107	1
Expert Report of David Barnhart (Exhibit 6 to NR1H)	PFIB-TTAB-000108-134	2
Resume of David Barnhart (Exhibit 7 to NR1H)	PFIB-TTAB-000135-137	2
Selected page from <i>Ulysses</i> by James Joyce, with neutral reference to "redskins" (Exhibit 8 to NR1H)	PFIB-TTAB-000138-140	2
Expert Report of Dr. Ronald Butters (Exhibit 9 to NR1H)	PFIB-TTAB-000141-156	2
Resume of Dr. Ronald Butters (Exhibit 10 to NR1H)	PFIB-TTAB-000157-165	2

² Note that the deposition testimony included herein was submitted in *Harjo* separately from a Notice of Reliance. However, to avoid any possible confusion in filing separate materials, Registrant submits such deposition testimony with this First Notice of Reliance.

³ Registrant provides these Bates numbers for ease of reference.

DESCRIPTION	BATES RANGE	PART(S)
Copies of notes created by Dr. Ronald Butters in rebuttal and entitled "REDSKIN data" (Exhibit 11 to NR1H)	PFIB-TTAB-000166-170	2
Article entitled "Paleface and Redskin," <i>The New Republic</i> , March 24, 1997 (Exhibit 12 to NR1H)	PFIB-TTAB-000171-179	3
Excerpt from the book <i>Redskin</i> by Elizabeth Pickett (Exhibit 13 to NR1H)	PFIB-TTAB-000180-209	3
Essays by Philip Rahv entitled "Paleface and Redskin" and related commentary (Exhibit 14.1-14.4 to NR1H)	PFIB-TTAB-000210-240	3
Article by Vine Deloria, Jr. entitled "Commentary: Research, Redskins, and Reality," <i>The American Indian Quarterly</i> , Vol. XV, No. 4, Fall 1991 (Exhibit 15 to NR1H)	PFIB-TTAB-000241-248	3
Cover of the book <i>Red Earth White Lies</i> by Vine Deloria, Jr., depicting American Indian with headdress (Exhibit 16 to NR1H)	PFIB-TTAB-000249-250	3
Article entitled "Cowed by the Soldiers," <i>The New York Times</i> , November 26, 1890, with neutral reference to "redskins" (Exhibit 17 to NR1H)	PFIB-TTAB-000251-253	3
Article entitled "Abandoning the Craze," <i>Rocky Mountain News</i> , November 26, 1890, with neutral reference to "redskins" (Exhibit 18 to NR1H)	PFIB-TTAB-000254	4
Definitions of the words "derogatory," "disparage" and "offensive," from the <i>American Heritage College Dictionary</i> 1993 (Exhibit 19 to NR1H)	PFIB-TTAB-000255-259	4
Article discussing selection of team name "Redskins" as honoring the Redskins' Sioux coach William "Lone Star" Dietz (Exhibit 20 to NR1H)	PFIB-TTAB-000260	4
Press Release, undated, expressing the intent of the Washington Redskins not to offend American Indians in the selection of the team name (Exhibit 21 to NR1H)	PFIB-TTAB-000261	4

DESCRIPTION	BATES RANGE	PART(S)
Letter to Joseph F. K. Mayhew from Jack Kent Cooke, March 26, 1992, expressing the intent of the Washington Redskins not to offend American Indians in the selection of the team name (Exhibit 22 to NR1H)	PFIB-TTAB-000262	4
Letter to Robert J. Salgado from Jack Kent Cooke, March 5, 1992, expressing the Washington Redskins' respect for Native American culture and tradition (Exhibit 23 to NR1H)	PFIB-TTAB-000263	4
Washington Redskins' program covers with portraits of American Indians (Exhibit 24.1-24.12 to NR1H)	PFIB-TTAB-000264-275	4
Letter to Susan Fletcher from John Kent Cooke, September 22, 1983, noting that Zemma Williams is not the official mascot for the Washington Redskins (Exhibit 25 to NR1H)	PFIB-TTAB-000276	4
Letter to Nate Pope from John Kent Cooke, August 10, 1987, stressing that Zemma Williams is not the official mascot for the Washington Redskins (Exhibit 26 to NR1H)	PFIB-TTAB-000277	4
1992 Resolution of Inter-Tribal Council, Inc. in support of team name "Redskins" (Exhibit 27 to NR1H)	PFIB-TTAB-000278-279	4
Letters from tribal chiefs and recognized leaders expressing support for team name "Redskins" (Exhibit 28.1-28.9 to NR1H)	PFIB-TTAB-000280-292	4
Letters expressing American Indians' support for team name "Redskins" (Exhibit 29.1-29.11 to NR1H)	PFIB-TTAB-000293-309	4
Newspaper photograph and caption, "Redskins' Charley Malone Becomes Chief Flying Thunder," describing an American Indian ceremony in which a player on the Washington Redskins team was officially welcomed into the Sioux Tribe, 1940 (Exhibit 30 to NR1H)	PFIB-TTAB-000310	4

DESCRIPTION	BATES RANGE	PART(S)
Newspaper reports of Eagle Day, a Cherokee Indian, joining the Washington Redskins (Exhibit 31.1-31.2 to NR1H)	PFIB-TTAB-000311-312	5
Photographs of “Red Mesa Unified School District 27, Home of the Redskins” sign on Navajo Indian Reservation and attached explanatory information (Exhibit 32 to NR1H)	PFIB-TTAB-000313-314	5
Letter to John Kent Cooke from Robert D. Kahn, November 4, 1991, noting that a Native American school uses “Redskins” as its nickname (Exhibit 33 to NR1H)	PFIB-TTAB-000315	5
Photograph of street signs “Navajo Trail” and “Redskin Blvd.” on Navajo Indian Reservation and attached explanatory information (Exhibit 34 to NR1H)	PFIB-TTAB-000316-317	5
Photograph of Redskin Motel on Cherokee Indian Reservation and cover letter to <i>The Washington Post</i> from Priscilla J. Fritz, September 2, 1992 (Exhibit 35 to NR1H)	PFIB-TTAB-000318-319	5
Letter to Jack Kent Cooke from Michael John Nisos and attached photograph of “Redskin” movie theater named by American Indians, April 28, 1992 (Exhibit 36 to NR1H)	PFIB-TTAB-000320-321	5
Photograph of “Round Rock Public School, Fighting Braves” sign with depiction of American Indian, on Navajo Indian Reservation and attached explanatory information (Exhibit 37 to NR1H)	PFIB-TTAB-000322-323	5
Photograph of “Tuba City High Warriors” sign with cartoon depiction of American Indian wearing feathers, on Navajo Indian Reservation and attached explanatory information (Exhibit 38 to NR1H)	PFIB-TTAB-000324-325	5
Logo depicting a Native American wearing feathers, developed by Onekema schools in conjunction with an American Indian group (Exhibit 39 to NR1H)	PFIB-TTAB-000326	5

DESCRIPTION	BATES RANGE	PART(S)
Logo of the Bureau of Indian Affairs, with depiction of American Indian in headdress (Exhibit 40 to NR1H)	PFIB-TTAB-000327-328	5
Separate definitions of “redskin” and “Redskins,” from the <i>American Heritage School Dictionary</i> 1977 (Exhibit 41 to NR1H)	PFIB-TTAB-000329-330	5
Newspaper clippings dated from 1940 to 1949, referring to the Washington Redskins (Exhibit 42.1-42.31)	PFIB-TTAB-000331-370	6
Newspaper clippings dated from 1950 to 1959, referring to the Washington Redskins (Exhibit 43.1-43.39)	PFIB-TTAB-000371-419	7
Newspaper clippings dated from 1960 to 1969, referring to the Washington Redskins [<i>Part 1</i>] (Exhibit 44.1-44.22)	PFIB-TTAB-000420-451	8
Newspaper clippings dated from 1960 to 1969, referring to the Washington Redskins [<i>Part 2</i>] (Exhibit 44.23-44.47)	PFIB-TTAB-000452-483	9
Newspaper clippings dated from 1960 to 1969, referring to the Washington Redskins [<i>Part 3</i>] (Exhibit 44.48-44.70)	PFIB-TTAB-000484-515	10
Newspaper clippings dated from 1970 to 1979, referring to the Washington Redskins (Exhibit 45.1-45.10)	PFIB-TTAB-000516-526	11
Newspaper clippings dated from 1980 to 1989, referring to the Washington Redskins (Exhibit 46.1-46.10)	PFIB-TTAB-000527-537	11
Newspaper clippings dated from 1990 to 1995, referring to the Washington Redskins (Exhibit 47.1-47.10 to NR1H)	PFIB-TTAB-000538-550	11
Newspaper reports of United States Presidents and Vice-Presidents with the Washington Redskins (Exhibit 48.1-48.4 to NR1H)	PFIB-TTAB-000551-554	11

DESCRIPTION	BATES RANGE	PART(S)
Memo to Jack Kent Cooke from John Kent Cooke, Sr., detailing results of survey conducted by WTOP radio station that reveals 83% support for team name "Redskins," attached letter to Charlie Dayton from Tom McKinley, and attached survey tabulations, August 24, 1993 (Exhibit 49 to NR1H)	PFIB-TTAB-000555-580	11
Article entitled "'America's Team' Has New Home: Washington," <i>The Washington Post</i> , January 17, 1992, reporting results of poll survey conducted by the newspaper that reveals 89% support for team name "Redskins" (Exhibit 50 to NR1H)	PFIB-TTAB-000581-582	11
Letter to Jack Kent Cooke from Susan Giller, May 10, 1993, noting that the Plains Indian Museum, run by a Board of American Indian elders and scholars, proudly displays a Washington Redskins pennant in a section of the museum on Indians "Today" (Exhibit 51 to NR1H)	PFIB-TTAB-000583	11
DVD of scene from film <i>Courage Under Fire</i> (1996) in which actor Denzel Washington wears a Washington Redskins cap (Exhibit 52 to NR1H)	PFIB-TTAB-000584	11
Photocopy of Indian head nickel 1937 (Exhibit 53 to NR1H)	PFIB-TTAB-000585	11
Photocopy of "Land-O-Lakes" butter carton (Exhibit 54 to NR1H)	PFIB-TTAB-000586	12
Photocopy of "Indian Head (Yellow Corn Meal)" label (Exhibit 55 to NR1H)	PFIB-TTAB-000587-591	12
"Indian Head (Yellow Corn Meal)" registration (Exhibit 56 to NR1H)	PFIB-TTAB-000592-594	12
Photocopy of "Argo (Corn Starch)" label (Exhibit 57 to NR1H)	PFIB-TTAB-000595	12
Expert rebuttal report of Dr. Jacob Jacoby, critiquing the disclosure statement prepared by Petitioners' expert Dr. Ivan Ross (Exhibit 58 to NR1H)	PFIB-TTAB-000596-615	12

DESCRIPTION	BATES RANGE	PART(S)
Selected pages from <i>Exploring Marketing Research</i> by William G. Zikmund (Exhibit 59 to NR1H)	PFIB-TTAB-000616-623	12
Advertising Research Foundation's "Guidelines for the Public Use of Market and Opinion Research" (Exhibit 60 to NR1H)	PFIB-TTAB-000624-638	12
"Redskins" notes by Dr. Jacob Jacoby, from April 1, 1997 telephone conversation with Richard Maisel (Exhibit 61 to NR1H)	PFIB-TTAB-000639	13
Resume of Dr. Jacob Jacoby (Exhibit 62 to NR1H)	PFIB-TTAB-000640-683	13
Rebuttal report, "Some Comments on Nunberg's Testimony," by Dr. Ronald Butters, critiquing trial testimony of Petitioners' expert Geoffrey Nunberg (Exhibit 63 to NR1H)	PFIB-TTAB-000684-691	13
Federal Register, Part IV, Department of the Interior, Bureau of Indian Affairs, "Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs," February 16, 1995 (Exhibit 64 to NR1H)	PFIB-TTAB-000692-698	13
Selected pages from "Media Stereotyping and Native Response: An Historical Overview," <i>The Indian Historian</i> , Vol. 11, No. 4, December 1978, by Ward Churchill, Norbert Hill, and Mary Ann Hill, which employs color designations in identifying ethnic groups (Exhibit 65 to NR1H)	PFIB-TTAB-000699-702	13
Drawing of American Indian wearing feathers (Exhibit 66 to NR1H)	PFIB-TTAB-000703	13
Letter to Teresa D. LaFromboise from Michael R. Drysdale, providing witness with outline of witness' testimony drafted by attorneys for Petitioners, and attached draft disclosure statement, May 8, 1996 (Exhibit 67 to NR1H)	PFIB-TTAB-000704-712	13
Letter to Teresa LaFromboise from Laurie Scanlon, December 5, 1996, providing witness with copy of witness's disclosure statement (Exhibit 68 to NR1H)	PFIB-TTAB-000713	13

DESCRIPTION	BATES RANGE	PART(S)
Registrant's Supplemental Notice of Reliance submitted in <i>Harjo</i> ("SNR1H"), describing exhibits thereto and indices containing further descriptions of the exhibits to SNR1H	PFIB-TTAB-000714-717	14
The cover and introductory pages from <i>The Iron Redskin</i> (1994) (Exhibit 69 to SNR1H)	PFIB-TTAB-000718-724	14
A copy of the cover and introductory pages from the <i>Illustrated Indian Motorcycle Buyer's Guide: All the Iron Redskins from 1901</i> (1989) (Exhibit 70 to SNR1H)	PFIB-TTAB-000725-729	14
Deposition transcripts of John Kent Cooke, March 26, 1996, submitted in <i>Harjo</i>		15
Deposition transcripts of John Kent Cooke, March 27, 1996, submitted in <i>Harjo</i>		16
Exhibits 1-26 to deposition transcripts of John Kent Cooke, submitted in <i>Harjo</i>		17-18
Deposition transcript of Richard Vaughn, March 28, 1996, submitted in <i>Harjo</i>		19
Exhibits 28-29 to deposition transcripts of Richard Vaughn, submitted in <i>Harjo</i>		19
Deposition transcript of David Barnhart, December 19, 1996, submitted in <i>Harjo</i>		20
Deposition transcript of David Barnhart, April 9, 1997, submitted in <i>Harjo</i>		21
Exhibits 1-14 to deposition transcripts of David Barnhart, submitted in <i>Harjo</i>		22-23
Deposition transcript of Dr. Ronald Butters, December 20, 1996, submitted in <i>Harjo</i>		24
Deposition transcript of Dr. Ronald Butters, April 10, 1997, submitted in <i>Harjo</i>		24

DESCRIPTION	BATES RANGE	PART(S)
Exhibits 1-27 to deposition transcripts of Dr. Ronald Butters, submitted in <i>Harjo</i>		25-31
Deposition transcript of Dr. Jacob Jacoby, April 8, 1997, submitted in <i>Harjo</i>		32
Exhibits 1-7 to deposition transcripts of Dr. Jacob Jacoby, submitted in <i>Harjo</i>		33-35

Respectfully submitted,

/s/ Robert L. Raskopf
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Counsel for Registrant Pro-Football, Inc.

Dated: May 24, 2012

CERTIFICATE OF SERVICE

I, Todd Anten, hereby certify that on May 24, 2012, I caused a copy of the foregoing REGISTRANT'S FIRST NOTICE OF RELIANCE to be served by FedEx upon the following counsel of record:

Jesse A. Witten
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Dated: May 24, 2012

/s/ Todd Anten