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

Proceeding	92046185
Party	Plaintiff Amanda Blackhorse, Marcus Briggs, Phillip Gover, Shquanebin Lone-Bentley, Jillian Pappan, and Courtney Tsotigh
Correspondence Address	JESSE WITTEN DRINKER BIDDLE AND REATH LLP 1500 K STREET NW, SUITE 1100 WASHINGTON, DC 20005-1209 UNITED STATES Jesse.Witten@dbr.com, John.Ferman@dbr.com, Lee.Roach@dbr.com, Stephen.Wallace@dbr.com
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Date	03/15/2012
Attachments	Petitioners' First Notice of Reliance.pdf ( 12 pages )(130606 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 Tsoitigh,	)	
	)	
Petitioners,	)	
	)	Cancellation No. 92/046,185
v.	)	
	)	
Pro-Football, Inc.,	)	
	)	
	)	
Registrant.	)	
_____	)	

**PETITIONERS' FIRST NOTICE OF RELIANCE**

Petitioners Amanda Blackhorse, Marcus Briggs, Phillip Gover, Jillian Papan, and Courtney Tsoitigh hereby offer into evidence and make of record in the above captioned proceeding the documents and materials set forth below.

On March 14, 2011, Petitioners and Pro-Football, Inc. filed a Joint Stipulation Regarding Admissibility of Certain Evidence and Regarding Certain Discovery Issues [Docket No. 31], under which they agreed that, with certain exceptions, evidence admitted in *Harjo et al. v. Pro-Football, Inc.*, No. 21,069 (TTAB) (“*Harjo*”) shall be admissible in this proceeding. The parties also stipulated that these materials may be submitted through a Notice of Reliance. *See* Order Summarizing Pre-Trial Conference of May 5, 2011 [Docket No. 39] at 5. The Board commended the parties for reaching these stipulations. *See id.* at 4-5.<sup>1</sup>

Accordingly, pursuant to the parties’ stipulation and 37 C.F.R. § 2.123(b), Petitioners are filing with this First Notice of Reliance the following documents and materials:

Description	Bates Range	Part(s)
<i>Harjo</i> Petitioners’ first Notice of Reliance (NR1) describing exhibits thereto and reasons for reliance; indexes containing further descriptions of exhibits to NR1	BLA-TTAB-00001 – 00125 <sup>2</sup>	1 <sup>3</sup>
Dictionary and encyclopedia definitions of “redskin” (Exhibit 1 to NR1)	BLA-TTAB-00126 – 00234	1-2
Resolution of National Congress of American Indians (NCAI) protesting team name (Exhibit 3 to NR1)	BLA-TTAB-00235 – 00242	2

<sup>1</sup> The Board’s May 5, 2011 Order 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 “attach the tables to their briefs on the case.” *Id.* at 6-7. Petitioners will provide such tables with their briefs. The *Harjo* Petitioners’ notices of reliance, which form part of the *Harjo* record submitted with this Notice of Reliance, indicate the general relevance of the materials.

<sup>2</sup> Petitioners added these Bates labels for ease of reference.

<sup>3</sup> Due to the volume of the *Harjo* record and ESTTA data limitations, these documents and materials will be submitted in multiple separate filings.

<b>Description</b>	<b>Bates Range</b>	<b>Part(s)</b>
Resolution Central Conference of American Rabbis protesting “Redskin” team name (Exhibit 4 to NR1)	BLA-TTAB-00243 – 00246	2
Letters to Registrant protesting team name (Exhibit 5 to NR1)	BLA-TTAB-00247 – 00510	2-3
Registrant’s advertising materials (Exhibit 6 to NR1)	BLA-TTAB-00511 – 00530	3
Registrant’s Licensing Agreements (Exhibit 7 to NR1) (pages BLA-TTAB-00532 – 00559 intentionally omitted)	BLA-TTAB-00531	4
Registrant’s trademark registrations (Exhibit 8 to NR1)	BLA-TTAB-00560 – 00568	4
Atlantic Publishing Group letters to Registrant regarding issuance of press passes (Exhibit 10 to NR1)	BLA-TTAB-00569 – 00596	4
Newspaper articles (Exhibits 11-13 to NR1)	BLA-TTAB-00597 – 00723	4-5
Cover pages from Registrant’s game programs 1938-1960 and undated (Exhibits 14-15 to NR1)	BLA-TTAB-00724 – 00777	5-6
Newspaper articles containing cartoons and caricatures of Native Americans (Exhibit 16 to NR1)	BLA-TTAB-00778 – 00804	6
Newspaper articles discussion Registrant’s refusal to draft African-American players (Exhibit 17 to NR1)	BLA-TTAB-00805 – 00823	7
Newspaper articles protesting Registrant’s team name (Exhibits 18-21 to NR1)	BLA-TTAB-00824 – 01007	7-9
Newspaper articles from late 1800s to early 1900s containing “redskin” (Exhibit 22 to NR1)	BLA-TTAB-01008 – 01124	9-10
Newspaper articles discussing stereotypes by sports media and by fans of Registrant (Exhibit 23 to NR1)	BLA-TTAB-01125 – 01133	10
Photographs of “Washington Redskins Marching Band” members and of “Redskinettes” (Exhibit 24 to NR1)	BLA-TTAB-01134 – 01167	10-11

Description	Bates Range	Part(s)
Documents and correspondence from Registrant on team name, including minutes of meeting held 3/27/1992, press release on 1985 film <i>Hail to the Redskins</i> , and letter from Registrant on portrayal of team name, logo, and image (Exhibit 25 to NR1)	BLA-TTAB-01168 – 01174	11
Correspondence from Registrant to P. Tagliabue regarding use of team name (Exhibit 26 to NR1)	BLA-TTAB-01175 – 01177	11
Music and lyrics to song “Rosie the Redskin” (Exhibit 27 to NR1)	BLA-TTAB-01178 – 01184	11
Lyrics to “Washington Redskins” fight songs (Exhibit 28 to NR1)	BLA-TTAB-01185 – 01192	11
Registrant’s game programs, yearbooks, and press guides 1948-1990 (Exhibits 29-30 to NR1)	BLA-TTAB-01193 – 01606	11-26
Documents related to “Nigger Head Brand” trademarks and service marks (Exhibit 31 to NR1)	BLA-TTAB-01607 – 01632	26
Correspondence from files of Williams & Connolly LLP regarding protest of Registrant’s team name (Exhibit 32 to NR1)	BLA-TTAB-01633 – 01651	27
Documents related to decision of U.S. Patent and Trademark Office to reject application to register “Redskin Review” trademark (Exhibit 33 to NR1)	BLA-TTAB-01652 – 01690	27
June 10, 1756 proclamation of Council Chamber of Boston (Exhibit 36 to NR1)	BLA-TTAB-01691 – 01692	27
Published articles, books, and papers on stereotypes of Native Americans and on Native Americans in U.S. history (Exhibits 37-43, 45-49, and 51-64 to NR1)	BLA-TTAB-01693 – 02076	27-31
Raymond Stedman, <i>Shadows of the Indian</i> (Exhibit 65 to NR1) (hard copy to be hand-delivered to TTAB)	BLA-TTAB-02077 – 02078	31
John O’Connor, <i>The Hollywood Indian</i> (Exhibit 66 to NR1) (hard copy to be hand-delivered to TTAB)	BLA-TTAB-02079 – 02082	31

Description	Bates Range	Part(s)
Books, statements, and educational reports describing the stereotyping of Native Americans in mascots, language, and media representations (Exhibits 67-74 of NR1)	BLA-TTAB-02083 – 02204	31-32
Correspondence relating to dropping Native American names and mascots for educational institutions (Exhibits 75-79 to NR1)	BLA-TTAB-02205 – 02320	32
HONOR, Inc., “ “What Is the Point to All of This Protesting?...” A Primer” (Exhibit 80 to NR1)	BLA-TTAB-02321 – 02325	32
Correspondence and documents supporting legal action of Native Americans against sports teams’ logos and names (Exhibits 81-85 to NR1)	BLA-TTAB-02326 – 02335	33
Report of Great Lakes Inter-Tribal Council on use of Native American names in Wisconsin schools (Exhibit 86 to NR1)	BLA-TTAB-02336 – 02338	33
Meeting minutes of April 5, 1993, from Miami University Senate, with Statement to University Senate by Dr. Britton Harwood to disallow use of “Redskins” for Miami University sports teams (Exhibit 87 to NR1)	BLA-TTAB-02339 – 02342	33
Articles in <i>The Voice</i> relating to use of “Redskins” for Miami University’s sports teams (Exhibit 88 to NR1)	BLA-TTAB-02343 – 02352	33
Memo of August 13, 1993, from B. Jarboe, Committee Chairman, to B. Jasmin, Iroquois High School Building Coordinator, regarding selection of new school mascot and declaring the term “Redskins” as offensive (Exhibit 89 to NR1)	BLA-TTAB-02353 – 02355	33
Hearing summary and statements related to Congressional legislation for a proposed stadium for the Washington Redskins (Exhibits 90-91 to NR1)	BLA-TTAB-02356 – 02368	33
Email from A. Soens re historical and racist uses of term “redskin” (Exhibit 92 to NR1)	BLA-TTAB-02369 – 02370	33

Description	Bates Range	Part(s)
DVD copies of 13 NFL films from 1961 to 1992 showing the Registrant’s football team in action, including Super Bowl and playoff games as well as films entitled “Warpath,” and “Hail to the Redskins” (Exhibits 93 to 105 of NR1) (DVDs of Exhibits 94-95 and 97-104 to be hand-delivered to TTAB)	BLA-TTAB-02371 – 02396	33
Arlene B. Hirschfelder, “The Treatment of American Indians in Selected American History Textbooks for Secondary Schools,” masters thesis for the Graduate School of Education, University of Chicago (Exhibit 112 to NR1)	BLA-TTAB-02397 – 02498	33
Frederick E. Hoxie, <i>A Final Promise: The Campaign to Assimilate the Indians, 1880-1920</i> (hard copy to be hand-delivered to TTAB)	BLA-TTAB-02499 – 02502	33
Frederick E. Hoxie, <i>Parading Through History: The Making of the Crow Nation 1880-1920</i> (Exhibit 114 to NR1) (hard copy to be hand-delivered to TTAB)	BLA-TTAB-02503 – 02504	33
James J. McCloskey, <i>Across the Continent; or, Scenes from New York Life and the Pacific Railroad</i> (Exhibit 125 to NR1)	BLA-TTAB-02505 – 02533	34
“‘Flap’ is Flop” movie review from <i>The American Indian</i> (Exhibit 126 to NR1)	BLA-TTAB-02534 – 02536	34
Articles in Native American publications about stereotyping of Native Americans (Exhibits 127-129 to NR1)	BLA-TTAB-02537 – 02551	34
Jay Coakley, “Team Logos and Mascots – When Are They Racist?” (Exhibit 130 to NR1)	BLA-TTAB-02552 – 02556	34
<i>Harjo</i> Petitioners’ second Notice of Reliance (NR2) describing Registrant responses to certain written discovery requests of <i>Harjo</i> Petitioners and transcripts of discovery depositions and accompanying list of exhibits	BLA-TTAB-02557 – 02564	34
<i>Harjo</i> Registrant’s Response to <i>Harjo</i> Petitioners’ First Set of Requests for Admissions, dated 12/18/1992 (Exhibit 106 to NR2)	BLA-TTAB-02565 – 02570	35
<i>Harjo</i> Registrant’s Response to <i>Harjo</i> Petitioners’ First Set of Interrogatories, dated 12/18/1992 (Exhibit 107 to NR2)	BLA-TTAB-02571 – 02581	35

Description	Bates Range	Part(s)
<i>Harjo</i> Registrant's Response to <i>Harjo</i> Petitioners' Second Set of Interrogatories, dated 5/31/1994 (Exhibit 108 to NR2)	BLA-TTAB-02582 – 02592	35
<i>Harjo</i> Registrant's Supplemental Response to <i>Harjo</i> Petitioners' First and Second Sets of Interrogatories, dated 9/29/1995 (Exhibit 109 to NR2)	BLA-TTAB-02593 – 02601	35
<i>Harjo</i> Registrant's Response to <i>Harjo</i> Petitioners' Third Set of Interrogatories, dated 11/13/1995 (Exhibit 110 to NR2)	BLA-TTAB-02602 – 02612	35
<i>Harjo</i> Registrant's Second Supplemental Response to <i>Harjo</i> Petitioners' First, Second, and Third Sets of Interrogatories, dated 2/13/1996 (Exhibit 111 to NR2)	BLA-TTAB-02613 – 02624	35
<i>Harjo</i> Registrant's Third Supplemental Response to <i>Harjo</i> Petitioners' First, Second, and Third Sets of Interrogatories, dated 6/10/1996 (Exhibit 132 to NR2)	BLA-TTAB-02625 – 02630	35
<i>Harjo</i> Registrant's Fourth Supplemental Response to <i>Harjo</i> Petitioners' First, Second, and Third Sets of Interrogatories, dated 12/20/1996 (Exhibit 133 to NR2)	BLA-TTAB-02631 – 02642	35
Excerpts of transcript of deposition of John Kent Cooke taken March 26, 1996 and March 27, 1996, with pertinent exhibits (Exhibit 134 to NR2)	BLA-TTAB-02643 – 02762	35-36
<i>Harjo</i> Petitioners' third Notice of Reliance (NR3) enclosing certain deposition transcripts of the <i>Harjo</i> Petitioners and experts	BLA-TTAB-02763 – 02767	36
Deposition of Joann Chase taken April 26, 1996 (from Volume 1 of exhibits to NR3)	BLA-TTAB-02768 – 02888	37
Cover page to Volume 2 of exhibits to NR3	BLA-TTAB-02889	37
Deposition of <i>Harjo</i> Petitioners' expert Geoffrey D. Nunberg taken December 17, 1996 (from Volume 3 of exhibits to NR3)	BLA-TTAB-02890 – 03116	37
Deposition of <i>Harjo</i> Petitioners' expert Ivan Ross taken December 12, 1996 (from Volume 3 of exhibits to NR3)	BLA-TTAB-03117 – 03366	38



Description	Bates Range	Part(s)
<i>Harjo</i> Petitioners' fourth Notice of Reliance (NR4) enclosing certain deposition transcripts of the <i>Harjo</i> Petitioners and experts	BLA-TTAB-03367 – 03370	38
Deposition of <i>Harjo</i> Petitioners' expert Susan Courtney taken February 18, 1997 (from Volume 1 of exhibits to NR4)	BLA-TTAB-03371 – 03528	39
Deposition of Harold M. Gross taken June 11, 1997 (from Volume 1 of exhibits to NR4)	BLA-TTAB-03529 – 03602	39
Deposition of <i>Harjo</i> Petitioners' expert Arlene B. Hirschfelder taken April 10, 1997 (from Volume 2 of exhibits to NR4)	BLA-TTAB-03603 – 03724	40
Deposition of <i>Harjo</i> Petitioners' expert Frederick E. Hoxie taken February 12, 1997 (from Volume 2 of exhibits to NR4)	BLA-TTAB-03725 – 03814	40
Deposition of Judith Kahn taken January 31, 1997 (from Volume 2 of exhibits to NR4)	BLA-TTAB-03815 – 03855	40
Deposition of <i>Harjo</i> Petitioners' expert Teresa D. LaFromboise taken February 17, 1997 (from Volume 2 of exhibits to NR4)	BLA-TTAB-03856 – 03967	41
Deposition of <i>Harjo</i> Petitioners' expert Geoffrey D. Nunberg taken February 18, 1997 (from Volume 3 of exhibits to NR4)	BLA-TTAB-03968 – 04123	41
Deposition of <i>Harjo</i> Petitioners' expert Geoffrey D. Nunberg taken February 19, 1997 (from Volume 3 of exhibits to NR4)	BLA-TTAB-04124 – 04245	42
Deposition of <i>Harjo</i> Petitioners' expert Ivan Ross taken February 20, 1997 (from Volume 3 of exhibits to NR4)	BLA-TTAB-04246 – 04387	42
Deposition of <i>Harjo</i> Petitioners' expert Ivan Ross taken June 11, 1997 (from Volume 3 of exhibits to NR4)	BLA-TTAB-04388 – 04539	43
Deposition of Rabbi Elliot L. Stevens taken January 30, 1997 (from Volume 3 of exhibits to NR4)	BLA-TTAB-04540 – 04604	43

Description	Bates Range	Part(s)
Deposition of Walterene Swanston taken January 31, 1997 (from Volume 3 of exhibits to NR4)	BLA-TTAB-04605 – 04676	43
<i>Harjo</i> Petitioners' fifth Notice of Reliance (NR5) enclosing Demonstrative Exhibit, a DVD video montage of NFL films showing Registrant's football team that were previously submitted as Exhibits 93-105 to NR1 (BLA-TTAB-02371 – BLA-TTAB-02396) (DVD to be hand-delivered to TTAB)	BLA-TTAB-04677 – 04680	43
<i>Harjo</i> Petitioners' sixth Notice of Reliance (NR6) enclosing excerpts from the books <i>The Iron Redskin</i> and <i>Illustrated Indian Motorcycle Buyer's Guide: All the Iron Redskins from 1901</i>	BLA-TTAB-04681 – 04683	43
Excerpts from the books <i>The Iron Redskin</i> and <i>Illustrated Indian Motorcycle Buyer's Guide: All the Iron Redskins from 1901</i> (Exhibit 170 to NR6)	BLA-TTAB-04684 – 04693	44
<i>Harjo</i> Petitioners' seventh Notice of Reliance (NR7) enclosing exhibits to certain deposition transcripts of the <i>Harjo</i> Petitioners and experts	BLA-TTAB-04694 – 04697	44
Exhibits to deposition of Joann Chase taken April 26, 1996, identified as JC Exhibits 107-109 (from Volume 1 of exhibits to NR7)	BLA-TTAB-04698 – 04728	44
Exhibits to deposition testimony of <i>Harjo</i> Petitioners' expert Geoffrey D. Nunberg taken December 17, 1996, identified as GN Exhibits 1-31 (from Volume 2 of exhibits to NR7)	BLA-TTAB-04729 – 04844	44
Exhibits to deposition testimony of <i>Harjo</i> Petitioners' expert Ivan Ross taken December 12, 1996, identified as IR Exhibits 1-9 (from Volumes 3-4 of exhibits to NR7)	BLA-TTAB-04845 – 05805	44-51
<i>Harjo</i> Petitioners' eighth Notice of Reliance (NR8) enclosing exhibits to certain deposition transcripts of the <i>Harjo</i> Petitioners and experts	BLA-TTAB-05806 – 05809	51
Exhibits to deposition of <i>Harjo</i> Petitioners' expert Susan Courtney taken February 18, 1997, identified as SC Exhibits 1-5 (from Volume 1 of exhibits to NR8) (SC Exhibit 3, DVD excerpts from Hollywood Westerns, BLA-TTAB-05815, to be hand-delivered to TTAB)	BLA-TTAB-05810 – 05842	51

Description	Bates Range	Part(s)
Exhibits to deposition of Harold M. Gross taken June 11, 1997, identified as Exhibits 32.005-32.007 and 32.009-32.013 to NR1 (from Volume 1 of exhibits to NR8)	BLA-TTAB-05843 – 05862	51
Exhibits to deposition testimony of <i>Harjo</i> Petitioners' expert Arlene B. Hirschfelder taken April 10, 1997, identified as AH Exhibits 1-8 (from Volume 2 of exhibits to NR8)	BLA-TTAB-05863 – 06029	52-53
Exhibits to deposition testimony of <i>Harjo</i> Petitioners' expert Frederick E. Hoxie taken February 12, 1997, identified as FH Exhibits 1-8 (from Volume 2 of exhibits to NR8)	BLA-TTAB-06030 – 06065	53-54
Exhibits to deposition testimony of Judith Kahn taken January 31, 1997, identified as JK Exhibits 1-2 (from Volume 2 of exhibits to NR8)	BLA-TTAB-06066 – 06072	54
Exhibits to deposition testimony of <i>Harjo</i> Petitioners' expert Teresa D. LaFromboise taken February 17, 1997, identified as TL Exhibits 1-10 (from Volume 2 of exhibits to NR8)	BLA-TTAB-06073 – 06145	54
Exhibits to deposition testimony of <i>Harjo</i> Petitioners' expert Geoffrey D. Nunberg taken February 18, 1997, February 19, 1997, and June 17, 1997, identified as GN Exhibits 32-46 (from Volume 3 of exhibits to NR8)	BLA-TTAB-06146 – 06607	54-57
Exhibits to deposition testimony of <i>Harjo</i> Petitioners' expert Ivan Ross taken June 11, 1997, identified as IR Exhibits 156-169 and 201-204 (from Volume 3 of exhibits to NR8)	BLA-TTAB-06608 – 06812	57-59
Exhibits to deposition testimony of Rabbi Elliot L. Stevens taken January 30, 1997, identified as ES Exhibits 1-14 (from Volume 3 of exhibits to NR8)	BLA-TTAB-06813 – 06850	59
Exhibit to deposition testimony of <i>Harjo</i> Petitioners' expert Walterene Swanston taken January 31, 1997, identified as WS Exhibit 1 (from Volume 3 of exhibits to NR8)	BLA-TTAB-06851 – 06854	59
<i>Harjo</i> Petitioners' ninth Notice of Reliance (NR9) enclosing exhibits to certain deposition transcripts of the <i>Harjo</i> Petitioners and experts	BLA-TTAB-06855 – 06858	59

Description	Bates Range	Part(s)
Deposition of <i>Harjo</i> Petitioners' expert Geoffrey D. Nunberg taken June 17, 1997 (Exhibit to NR9)	BLA-TTAB-06859 – 07014	60
<i>Harjo</i> Petitioners' tenth Notice of Reliance (NR10) enclosing articles re "redskin"	BLA-TTAB-07015 – 07017	60
Articles from <i>Copy Editor, The National Newsletter for Professional Copy Editors</i> (Exhibit to NR10)	BLA-TTAB-07018 – 07031	60

Respectfully Submitted,

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*Counsel for Petitioners*

Dated: March 15, 2012

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on March 15, 2012, he caused a copy of the foregoing Petitioners' First Notice of Reliance, and the Attachments to Petitioners' First Notice of Reliance, to be served via Federal Express upon the following:

Robert Raskopf  
Claudia T. Bogdanos  
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