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June 22, 2017

VIA ECF

Patricia S. Connor
Clerk of the Court
U.S. Court of Appeals for the Fourth Circuit
1100 East Main Street, Suite 501
Richmond, VA 23219

Re: *Pro-Football, Inc. v. Amanda Blackhorse et al.*, No. 15-1874

Dear Ms. Connor:

Appellant Pro-Football, Inc., respectfully submits this letter in response to the Court's request that the parties "state their positions on the need for oral argument of this appeal following the Supreme Court's decision in *Matal v. Tam*, No. 15-1293" (ECF 125).

Pro-Football submits that oral argument is unnecessary because *Tam* squarely controls the outcome of this case. The Supreme Court in *Tam* unanimously held that the disparagement clause in § 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), violates the First Amendment and is unconstitutional. Section 2(a)'s disparagement clause was the Patent and Trademark Office (PTO)'s sole basis for concluding that Pro-Football's trademarks were not eligible for registration. *Tam* thus mandates reversal of the district court's judgment, and oral argument is unlikely to benefit the Court.

Pro-Football accordingly requests that the Court reverse the judgment of the district court, vacate the district court's order directing the PTO to schedule cancellation of Pro-Football's trademark registrations, and remand the case with instructions to grant summary judgment to Pro-Football.

Sincerely,

/s/ Lisa S. Blatt

Lisa S. Blatt
Counsel for Appellant

CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2017, I caused the foregoing document to be electronically filed with the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Dated: June 22, 2017

/s/ Lisa S. Blatt
Lisa S. Blatt



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June 29, 2017

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VIA ECF

Patricia S. Connor
Clerk of the Court
United States Court of Appeals for the Fourth Circuit
1100 East Main Street
Richmond, VA 23219

Re: Pro-Football, Inc. v. Blackhorse et al., No. 15-1874

Dear Ms. Connor:

On behalf of Appellees Amanda Blackhorse, Marcus Briggs-Cloud, Phillip Gover, Jillian Pappan and Courtney Tsothigh, I am writing in response to the Court's Notice dated June 21, 2017 seeking the views of the parties regarding whether there is a need for oral argument in the above-referenced matter [Dkt. 125].

We agree with Appellant that the Supreme Court's decision in *Matal v. Tam*, No. 15-1293 (S. Ct. June 19, 2017), is controlling. As a result, there is no need for oral argument. In addition, we consent to the entry of an Order as described in the final sentence of the June 22, 2017 letter from counsel for Appellant [Dkt. 126].

Very truly yours,

/s/Jesse A. Witten

Jesse A. Witten
*Counsel for Appellees Amanda Blackhorse,
Marcus Briggs-Cloud, Phillip Gover, Jillian
Pappan and Courtney Tsothigh*

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2017, I caused the foregoing document to be electronically filed with the United States Court of Appeals for the Fourth Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Jesse A. Witten
Jesse A. Witten

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U.S. Department of Justice
Civil Division, Appellate Staff
950 Pennsylvania Ave., N.W., Rm. 7228
Washington, D.C. 20530-0001

June 28, 2017

By ECF

Patricia S. Connor, Clerk of Court
U.S. Court of Appeals for the Fourth Circuit
Lewis F. Powell, Jr. U.S. Courthouse & Annex
1100 East Main Street, Suite 501
Richmond, VA 23219

Re: *Pro-Football, Inc. v. Blackhorse*, 15-1874

Dear Ms. Connor:

The United States respectfully responds to this Court's order of June 21, 2017, directing the parties to state their positions on the need for oral argument in the above-captioned case.

The United States concurs with appellant Pro-Football, Inc., that oral argument is unnecessary. The Supreme Court's decision in *Matal v. Tam*, No. 15-1293 (U.S. June 19, 2017), controls the disposition of this case. Consistent with *Tam*, the Court should reverse the judgment of the district court and remand the case with instructions to enter judgment in favor of Pro-Football.

Sincerely,

s/ Mark R. Freeman

MARK R. FREEMAN
U.S. Department of Justice
Appellate Staff, Civil Division
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CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2017, I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Mark R. Freeman

MARK R. FREEMAN