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, Shquanebin Lone-Bentley, Jillian Pappan, and Courtney Tsotigh	)	
Petitioners,	)	Cancellation No. _____
v.	)	
Pro-Football, Inc.	)	
Registrant.	)	

PETITION FOR CANCELLATION

Petitioners, AMANDA BLACKHORSE, a member of Not in Our Honor, a student advocacy group aimed at protesting disparaging mascots, an advocate for Indigenous women at Women's Transitional Care Services, an enrolled member of the Navajo Nation, a federally recognized Native American tribe, and a Kansas resident; MARCUS BRIGGS, a counselor for the Indian Youth of America, the President of Sigma Nu Alpha Gamma, the Society of Native American Gentlemen at the University of Oklahoma, member of Gekakwitha Conference, member of the American Indian Honor Society, member of the Cultural Affairs committee of the

American Indian Student Association at the University of Oklahoma, President of Campus Ministry at the University of Oklahoma, recipient of the 2005 Big 12 American Indian Leadership Award, recipient of the 2002 American Indian Leadership Award for the State of Florida, a member of the Muscogee Nation of Florida tribe (a son of the Wind Clan), and a Florida resident; PHILLIP GOVER, former head of the Native American Student Union at the University of Virginia, an enrolled member of the Paiute Indian Tribe of Utah, a federally recognized Native American tribe, and a Virginia resident; SHQUANEBIN LONE-BENTLEY, a member of the National Congress of American Indians, a member of United South and Eastern Tribes, a member of the American Indian Society, an enrolled member of the Tonawanda Band of the Seneca Nation, a federally recognized Native American tribe, and a Virginia resident; JILLIAN PAPPAN, a member of the Native American Journalists Association, a member of the Omaha Tribe of Macy, Nebraska, a federally recognized Native American tribe, and an Iowa resident; and COURTNEY TSOTIGH, an Oklahoma City University student, a board member of the General Commission on Religion and Race, a registered member of the Kiowa Tribe of Oklahoma, a federally recognized Native American tribe, and an Oklahoma resident (collectively hereinafter, "Petitioners"), in their capacity as Native American persons and enrolled members of Native American tribes, believe that they have been, are, and/or will be damaged by U.S. Registration Nos. 1,606,810; 1,085,092; 987,127; 986,668; 978,824 and 836,122 (collectively, the "Registrations"), registered in the name of Pro-Football, Inc. (hereinafter "Registrant"), a Maryland corporation, having a place of business at 21300 Redskin Park Drive, Ashburn, Virginia 22011, and hereby petition to cancel said registrations.

In 1999, the Trademark Trial and Appeal Board (the "Board") ruled on a similar Petition to Cancel the Registrations brought by a different group of Native American petitioners. In *Harjo v. Pro-Football, Inc.*, 50 U.S.P.Q.2d 1705 (T.T.A.B. 1999), the Board cancelled the

registrations after it examined the record, including extensive evidence concerning the history of use and perception of the word "Redskin," and concluded that the term "Redskin" was disparaging.

Pro-Football appealed the decision to the United States District Court for the District of Columbia. The District Court reversed the Board's ruling, holding that the Board should have deemed the *Harjo* petitioners' claim barred by laches, and that, alternatively, the Board's disparagement finding was unsupported by substantial evidence. *Pro-Football, Inc. v. Harjo*, 284 F. Supp.2d 96 (D.D.C. 2003).

The Native Americans, in turn, appealed the District Court's decision to the United States Court of Appeals for the District of Columbia Circuit ("D.C. Circuit Court of Appeals"). The D.C. Circuit Court of Appeals remanded the case back to the District Court on the ground that one of the original petitioners, Mateo Romero, was only one year old when the first of the six Registrations issued. Because the clock on laches only begins to run when individual reaches the age of majority, the D.C. Circuit Court of Appeals explained that Mateo Romero's claim may not be barred by laches. *Pro-Football, Inc. v. Harjo*, 75 U.S.P.Q.2d 1525 (D.C. Cir. 2005). The case has been remanded by the D. C. Circuit Court of Appeals and is now pending in District Court.

Each of the Petitioners bringing this Petition to Cancel have only just recently reached the age of majority, the age from which the D.C. Circuit Court of Appeals has determined that laches begins to run. Because Petitioners in this action are bringing a claim that is very similar to the one that was before the Board in the *Harjo* case, they plan to rely on a significant portion of the evidence present in the *Harjo* record for proving their case, pursuant to 37 CFR § 2.122(f).

The grounds for cancellation are as follows:

1. The term "REDSKIN" or an abbreviation of that term appears in each of the above-identified registered marks. The term "REDSKIN" was and is a pejorative, derogatory, denigrating, offensive, scandalous, contemptuous, disreputable, disparaging, and racist designation for a Native American person. The marks identified in U.S. Registration Nos. 986,668 and 987,127 also include additional matter that in the context used by Registrant, is offensive, disparaging, and scandalous. The Registrant's use of each mark identified in the six above registrations offends Petitioners, and other Native Americans, causing them to be damaged by the continued registration of the marks.

2. Registrant's six above-identified federally registered marks consist of or comprise matter that disparages Native American persons, and brings them into contempt, ridicule, and disrepute, in violation of Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a).

WHEREFORE, Petitioners believe that they have been, are, and/or will be damaged by said registrations and pray that each of them be cancelled.

A check in the sum of the $1800.00 covering the government filing fee for this Petition is enclosed. If for any reason there is no check attached hereto or the amount is insufficient, please charge any fee or insufficiency to this firm's account No. DA 500573.

Respectfully submitted,

Date: August 11, 2006

By: _____

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