

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
DOCKETING STATEMENT--CIVIL/AGENCY CASES**

**Directions:** Counsel must make a **docketing statement (civil/agency) filed** entry in CM/ECF within 14 days of docketing of the appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form with any extended answers and (2) any transcript order form. Parties proceeding pro se are not required to file a docketing statement. Opposing counsel who finds a docketing statement inaccurate or incomplete may file any objections within 10 days of service of the docketing statement using the ECF event-**docketing statement objection/correction filed**.

<b>Appeal No. &amp; Caption</b>	15-1874: Pro-Football, Inc. v. Blackhorse, et al.
<b>Originating No. &amp; Caption</b>	1:14-cv-01043-GBL-IDD: Pro-Football, Inc. v. Blackhorse, et al.
<b>Originating Court/Agency</b>	U.S. District Court, Eastern District of Virginia (Alexandria)

<b>Jurisdiction</b> (answer any that apply)	
Statute establishing jurisdiction in Court of Appeals	28 U.S.C. § 1291
Time allowed for filing in Court of Appeals	60 days after entry of judgment
Date of entry of order or judgment appealed	July 8, 2015
Date notice of appeal or petition for review filed	August 4, 2015
If cross appeal, date first appeal filed	
Date of filing any post-judgment motion	
Date order entered disposing of any post-judgment motion	
Date of filing any motion to extend appeal period	
Time for filing appeal extended to	
Is appeal from final judgment or order?	<input checked="" type="radio"/> Yes <input type="radio"/> No
If appeal is not from final judgment, why is order appealable?	

<b>Settlement</b> (The docketing statement is used by the circuit mediator in pre-briefing review and mediation conducted under Local Rule 33. Counsel may make a confidential request for mediation by calling the Office of the Circuit Mediator at 843-521-4022.)	
Is settlement being discussed?	<input type="radio"/> Yes <input checked="" type="radio"/> No

<b>Transcript</b> (transcript order must be attached if transcript is needed and not yet on file)		
Is transcript needed for this appeal?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Has transcript been filed in district court?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Is transcript order attached?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

<b>Case Handling Requirements</b> (answer any that apply)	
Case number of any prior appeal in same case	
Case number of any pending appeal in same case	
Identification of any case pending in this Court or Supreme Court raising similar issue	If abeyance or consolidation is warranted, counsel must file an appropriate motion.
Is expedited disposition necessary?	<input type="radio"/> Yes <input checked="" type="radio"/> No
	If yes, motion to expedite must be filed.
Is oral argument necessary?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Does case involve question of first impression?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Does appeal challenge constitutionality of federal or state statute in case to which federal or state government is not a party	<input checked="" type="radio"/> Yes <input type="radio"/> No
	If yes, notice re: challenge to constitutionality of law must be filed.

<b>Nature of Case</b> (Nature of case and disposition below. Attach additional page if necessary.)
<p>Five Native Americans ("Defendants") filed a petition with the Trademark Trial and Appeals Board ("TTAB") seeking to cancel six trademark registrations owned by Pro-Football, Inc. ("PFI") containing the word "Redskins"--issued by the USPTO in 1967, 1974, 1978, and 1990--on the ground that the marks disparaged a substantial composite of Native Americans at the time each was registered, pursuant to Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a). Over a dissenting opinion, the TTAB granted the petition.</p> <p>PFI filed a civil action in the district court below challenging the TTAB's decision, and also asserting that Section 2(a) is unconstitutional. The U.S. intervened to defend Section 2(a)'s constitutionality. PFI, Defendants, and the U.S. filed cross-motions for summary judgment. The court granted Defendants' and the U.S.'s motions and denied PFI's motion. The court held that the cancellation of trademark registrations does not implicate PFI's 1st Amendment rights, and in the alternative that registrations are government speech. The court also held that Section 2(a) is not void for vagueness and does not violate PFI's 5th Amendment rights. Turning to the merits of the TTAB's decision, the district court held--despite PFI's evidence to the contrary--that there is no genuine dispute that the marks disparaged a substantial composite of Native Americans when registered.</p>

**Issues** (Non-binding statement of issues on appeal. Attach additional page if necessary)

(1) Whether the district court erred in granting Defendants summary judgment that PFI's trademarks disparaged a substantial composite of Native Americans when the marks were registered by the USPTO in 1967 and subsequent years.

(2) Whether the district court erred in ruling that Section 2(a) of the Lanham Act does not violate the First Amendment.

(3) Whether the district court erred in finding that cancellation of trademark registrations decades after the registrations were granted violates the trademark holder's procedural due process rights under the Fifth Amendment.

(4) Whether the district court erred in ruling that Section 2(a) is not void for vagueness.

(5) Whether the district court erred in granting Defendants summary judgment that their TTAB petition was not barred by the doctrine of laches.

**Adverse Parties** (List adverse parties to this appeal and their attorneys; provide party's address if the party is not represented by counsel. Attach additional page if necessary.)

Adverse Party: Amanda Blackhorse (Defendants)  
(see addendum for additional parties & attorneys)  
Attorney: Jeffrey J. Lopez  
Address: Drinker Biddle & Reath, LLP  
1500 K Street, NW  
Suite 1100  
Washington, D.C. 20005  
E-mail: jeffrey.lopez@dbr.com  
Phone: (202) 842-8866

Adverse Party: United States (Intervenor)  
(see addendum for additional attorneys)  
Attorney: Daniel Tenny  
Address: U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Room 7215  
Washington, D.C. 20530  
E-mail: daniel.tenny@usdoj.gov  
Phone: (202) 514-1838

**Adverse Parties (continued)**

Adverse Party:

Attorney:  
Address:

E-mail:

Phone:

Adverse Party:

Attorney:  
Address:

E-mail:

Phone:

<b>Appellant</b> (Attach additional page if necessary.)	
Name: Pro-Football, Inc. (see addendum for additional attorneys)  Attorney: Robert L. Raskopf Address: Quinn Emanuel Urquhart & Sullivan, LLP 51 Madison Avenue, 22nd Floor New York, New York 10010  E-mail: robertraskopf@quinnemanuel.com  Phone: (212) 849-7185	Name:  Attorney: Address:  E-mail:  Phone:

<b>Appellant (continued)</b>	
Name:  Attorney: Address:  E-mail:  Phone:	Name:  Attorney: Address:  E-mail:  Phone:

<b>Signature:</b> <u>s/ Robert L. Raskopf</u>	<b>Date:</b> <u>August 20, 2015</u>
<b>Counsel for:</b> <u>Appellant Pro-Football, Inc.</u>	

<b>Certificate of Service:</b> I certify that on <u>August 20, 2015</u> the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below (Attach additional page if necessary):	
Signature: s/ Robert L. Raskopf	Date: August 20, 2015

**Addendum to Docketing Statement**  
***Pro-Football, Inc. v. Blackhorse, et al. 15-1874***

**ADVERSE PARTIES**

**Defendants:** Amanda Blackhorse; Marcus Briggs-Cloud; Phillip Gover; Jillian Pappan; Courtney Tsoitigh

**Attorneys:**

Jeffrey J. Lopez ([jeffrey.lopez@dbr.com](mailto:jeffrey.lopez@dbr.com))

Jesse A. Witten ([jesse.witten@dbr.com](mailto:jesse.witten@dbr.com))

Tore T. DeBella ([tore.debella@dbr.com](mailto:tore.debella@dbr.com))

Patrick H. Thompson ([patrick.thompson@dbr.com](mailto:patrick.thompson@dbr.com))

DRINKER BIDDLE & REATH LLP

1500 K Street, NW

Suite 1100

Washington, D.C. 20005

**Intervenor:** United States of America

**Attorneys:**

Daniel Tenny ([daniel.tenny@usdoj.gov](mailto:daniel.tenny@usdoj.gov))

Molly R. Silfen ([molly.silfen@usdoj.gov](mailto:molly.silfen@usdoj.gov))

Joshua M. Salzman ([joshua.m.salzman@usdoj.gov](mailto:joshua.m.salzman@usdoj.gov))

U.S. DEPARTMENT OF JUSTICE

950 Pennsylvania Avenue, NW

Washington, D.C. 20530

**APPELLANT**

**Plaintiff:** Pro-Football, Inc.

**Attorneys:**

Robert L. Raskopf ([robertraskopf@quinnemanuel.com](mailto:robertraskopf@quinnemanuel.com))

Sanford I. Weisburst ([sandyweisburst@quinnemanuel.com](mailto:sandyweisburst@quinnemanuel.com))

Todd Anten ([toddanten@quinnemanuel.com](mailto:toddanten@quinnemanuel.com))

Jessica A. Rose ([jessicarose@quinnemanuel.com](mailto:jessicarose@quinnemanuel.com))

QUINN EMANUEL URQUHART & SULLIVAN, LLP

51 Madison Avenue, 22nd Floor

New York, NY 10010