

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**CV 13**

**6929**

Ambassador Dr. François de Cassagnol, Owner  
Dr. Cassagnol Institute of Research, Inc.  
DBA: CyberVillage Corporation and  
The Brooklyn Nets Entertainment Network

**COMPLAINT**

**Jury Trial Demanded**

Plaintiff,

**BRODIE, J.**

**BLOOM, M.J.**

-against-  
*NBA, NBAP*  
*MR. SHAWN "JAY-Z" CARTER*  
*DEV. BRUCE RATNER*  
New Jersey Basketball, LLC. aka "the NBA's Group"  
*CEO YORMACK, BARCLAYS CENTER*  
Defendants

**RECEIVED**  
DEC - 9 2013  
**PRO SE OFFICE**

I). Parties:-

Plaintiff: Ambassador Dr. François de Cassagnol  
Founder & Chairman of the Board of Directors  
Dr. Cassagnol Institute of Research, Inc., a NYS Certified MBE  
DBA: The Brooklyn Nets Entertainment Network & CyberVillage Corporation  
at: P.O. Box 740 WilliamsBridge Station, Bronx, New York 10467-0740

Defendant: New Jersey Basketball LLC. at: 15 MetroTech Center, Brooklyn, NY 11201  
Defendants: NBA, NJNets and NBAP, at: Olympic Tower 645 Fifth Ave., New York, New York 10022  
Defendant: Mr. Shawn "Jay-Z" Carter, at: 40/40 Club, 1115 Broadway, New York, New York 10010  
Defendant: Dev. Bruce Ratner & Affiliated Companies, at 15 MetroTech Center, Brooklyn, NY 11201  
Defendant: CEO/COO Bret Yormack, Barclays' Center, at: 15 MetroTech Center, Brooklyn, NY 11201

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II). The jurisdiction of the Court is invoked pursuant to the US Trademark Act classified under Title 15 USC 1071 and Sub Section B4 by way of civil action before the US District Court for the Eastern District of New York. This Court should be aware that since 2003 under 15 U.S.C. § 1072 and being registered thru the State of Louisiana's incontestable good standing status after more than 5 years of continuous use under 15 U.S.C. § 1065 which gives to the Plaintiff a full set of incontestable commercial rights and also by directly eliminate any claims of infringement based on a fully generic word the like of the Net (s) and this complaint is also requiring trademark and common law protection thru this District Court, that this Brooklyn Nets' set of trademarks have been registered for more than 10 years under the State of Louisiana's Statute pursuant to R.S. of 1950, Title 51, Chapter 1, Part VI as amended under the State of Louisiana Trademark or Service Mark's Laws.; and the Defendants have fraudulently conspired by taking over the Plaintiff's 10-year-old Brooklyn Nets' Brands/Marks/Labels under the New York State and Federal RICO Acts. This Court and others should respectfully recognize that in 2003 the Plaintiff ran a nationwide trademark search on the Brooklyn Nets' Mark and no one had any rights to such mark and the Plaintiff went ahead and register the Brooklyn Nets' Marks thru the State of Louisiana's Office of Trademarks and thereafter its other 21 Web Extensions. It was until April 30, 2012 that the Defendants had their first use in commerce of such mark and the Defendants have registered its Brooklyn Nets' Marks during the TTAB's proceeding in bad faith and the Defendants have willfully violated USPTO's Rules under its 18 U.S.C. §§1001 and such willful false statements filed under 15 U.S.C. §§ 1051(b) meriting fine or imprisonment or both, henceforth the Plaintiff has asked USPTO and TTAB to refer such violations to civil and criminal enforcement authorities but to no avail and the Plaintiff considers such inaction as willful failure of all parties to discharge their duties as public officials. On that basis but the Plaintiff has already filed multiple complaints thru the NYS AG's Office asking them to take immediate action vs. the Defendants "the NBA's Group" and imploring the NYS AG's Office to also refer this case to other appropriate civil and criminal authorities such as the US AG's Office and the Brooklyn DA's Office for additional civil and criminal action under the NYS and the Federal RICO Acts and as previously demonstrated under the US False Claims' Act. In addition, the Plaintiff's " the Dr. Cassagnol's Organization" has been using its constitutionally protected Brooklyn Nets' Musical Products to raise funds for its Global Diaspora SuperPAC, consequently the NJNets and this NBA's Group have conspired to block distribution of such products which have caused enormous amount of constitutional injuries to the Dr. Cassagnol's Organization by preventing the Plaintiff from publishing and marketing its constitutionally protected civic and political causes during the last presidential election of 2012,

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thereby such action caused grievous constitutional and civil rights' violations to the level of the immediate prosecution of this NBA's Group on constitutional ground for violating a slew of NYS, NYC and Federal Civil Rights' Laws not forgetting the current US trademark Act, the US False Claims' Act and the NYS and the Federal RICO Acts.

III). Statement of Claim and Legal Ground for this Complaint thru the United States District Court for The Eastern District of New York:-

- 1). Plaintiff, Ambassador Dr. François de Cassagnol, Owner of Dr. Cassagnol Institute of Research, Inc. DBA: CyberVillage Corporation and The Brooklyn Nets Entertainment Network, would like to bring to the attention of this District Court that if this Court conducts more careful review of the Plaintiff's Trademark Application at the USPTO and documentation at the TTAB, it would reflect that the Plaintiff has met the 2 basic requirements for the Plaintiff's Brooklyn Nets' Trademark and/or Service leading to its USPTO Notice of Publication of its mark under §12(a) thru the Official Gazette and such notice was published on April 19<sup>th</sup>., 2011 and it took the USPTO almost 5 years to reach to that level since the original application was filed in June 28, 2006. Again, The Appellant would also like to bring to the attention of this Court that the Plaintiff's Brooklyn Nets' Brands, Marks and Music Labels have been in use for almost 10 years and these marks are extremely distinctive thru the use of the Plaintiff's 34-year-old Organizational Logo with added connection and its full use with the Dr. Cassagnol Institute of Research, Inc.'s Federally Registered Trademark: The Dr. Cassagnol Publishing House, Studios & Museum Group together with its connected Multi-Million-Dollar Commercial Art Library with the sole purpose of promoting others thru using the Dr. Cassagnol Designer's iSignature Lines of Artworks in rendering these Brooklyn Nets' Brands, Marks and Music Labels far more distinctive under the Commerce Clause. This Court ought not to respectfully forget at the same time that the word: Net (s) is of generic nature and the Plaintiff had given multiple constructive notices to the Defendants and its NBA's Group, establishing the Plaintiff's ownership of such Brooklyn Nets' Marks since 2003-2005 under 15 U.S.C. § 1072 and being registered thru the State of Louisiana's 10 years of incontestable good standing status which is far more than 5 years of continuous use under 15 U.S.C. § 1065 which gives to the Plaintiff, a full set of incontestable rights and also by directly eliminate any claims of infringement based on a fully generic word the like of the Net (s) and this complaint is also respectfully asking thru this Court, that the Plaintiff's Brooklyn Nets' trademark deserves full trademark protection under the State of Louisiana's Statute pursuant to R.S. of 1950, Title 51, Chapter 1, Part VI as amended under the State of Louisiana Trademark or Service Mark's Laws. This Court ought to also be in support of the Plaintiff's Common Law 10-year-old Ownership Status, since the Plaintiff has respectively filed petitions and cancellation requests in front of the Director of the USPTO and also in front of the TTA Board for cancellations of the Defendants' Brooklyn Nets' Marks and its Nets B Brooklyn's Marks which appear to have using fraudulent tactics in reversing the Plaintiff's Brooklyn Nets' fully established 10-years-old Brands, Marks, and Music Labels under 15 U.S.C. 1064: 37 C.F.R. §§ 111-114 by which the

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Plaintiff's Brooklyn Nets' Brands, Marks and Music Labels have been in existence in conjunction with the Plaintiff's fully registered federal trademark registration # 4,326,200, good for a period of 10 years, valid until the year: 2023 whereas the Plaintiff has been using a combination of its Dr. Cassagnol Designer's Fine Art Products for its targeted Services to promote others and its organization thru The Dr. Cassagnol Publishing House, Studios & Museum Group, thru the Dr. Cassagnol Foundation Inc., thru The Global Diaspora SuperPAC; and thereby this complaint is filed and is classified under Title 15 USC 1071 and Sub Section B4 by way of civil action thru this US District Court for the Eastern District of New York;

- 2). In the matter of USPTO Trademark Application No.: 76662605 and Opposition No.: 91201370 for the Mark: [www.Brooklyn-Nets.tv](http://www.Brooklyn-Nets.tv) (Brooklyn-Nets). The Plaintiff's Trademark Application was filed: June 28, 2006 and the Trademark Trial and Appeal Board's Order Mailed: September 9, 2013, including the Board's Reconsideration Decision which was mailed on December 3, 2013. It's the Plaintiff's contention that The Trademark Trial and Appeal Board's (TTAB or TTA Board) opinions and decisions are contradictory to the Plaintiff's 10 years of continuous use of its Dr. Cassagnol Designer's Original Brooklyn Nets' Brands/Marks/Labels in conjunction with the Plaintiff's bundling of its other federally registered organizational logo (s) with its other State of Louisiana's multiple Brooklyn Nets' Trademarks, Brands and Music Labels. It's also the Plaintiff's position that the TTA Board has failed and/or has neglected to recognize such usage even though that the Plaintiff had provided ample usage's information and supporting materials in order to sustain the Plaintiff's USE Position but TTAB Adm. TM Judge Kuhike went further to use such bias word: "Alter Ego" to describe the Dr. Cassagnol Designer's 34-year-old iSignature Line in the TTA Board's Decision which is unfair since the "Dr. Cassagnol" Signature Line has been identified on its current federal trademark as Ambassador Dr. François de Cassagnol is the Creator of such iSignature Line, an Artist, a Designer who at the same time, owns a Multi-Million-Dollar Commercial Art Library, an Author, a Music Producer with Patriotic Works created for the last 2 US Presidential Candidates, a Multi-Faith Ordained Minister licensed for Life by the City of New York, a Serial Entrepreneur who happens to be a Certified NYS Minority Business Enterprise, an Academician with published Doctoral and Post Doctoral Works thru the ERIC System, an Honorable Ambassador of the State of Louisiana, the Founder of a 34-year-old multi-million-dollar private corporation, a Behavioral Scientist who has represented the United States of America in China and the former USSR on official visits thru their respective government and thru the People to People Ambassador Programs, and the Founder of 2 fully tax exempt corporations: Dr. Cassagnol Foundation Inc. and The Global Diaspora SuperPAC promoting resolution of an array of civic and political issues affecting the DREAMERS and the Un-Registered Immigrants in the United States of America; finally contributed so much to this country thru a 13-year-period as military spouse of a retired Senior USAF Officer. And it's sad that Judge Kuhike would put this exceptional background vs. the NJNets, one of the worst basketball team on the market, whereas this NBA's Group had to get a Russian Investor to get the team out of their infamous

predicament as the worst team on the basketball market and Judge Kuhlke had really done an extremely unfair and biased comparison of the Appellant's Distinguishingly Famous Background of the founder of this Plaintiff's Organization which is worth far more financially than this worst NJNets' Basketball Team;

- 3). Furthermore, any Court's careful review of this Defendant's Opposition and thru USPTO and TTAB's files would result to a perfectly clear conclusion that the Defendants did not offer any rebuttal at all of the factual allegations placed by the Plaintiff thru its TTAB's Brooklyn-Nets' Affidavit and/or the Plaintiff's Brooklyn-Nets' Legal Brief. Thereby the Defendants have conceded to the factual allegations enunciated in both evidentiary documents, thereby the Plaintiff's undisputed factual allegations were not given proper credits and considerations in the TTA Board' Opinions and Decisions, which is legally unfair and unacceptable based on undisputed facts as enunciated throughout the proceeding by the Plaintiff;
- 4). Moreover, any other Court or this Court's meticulous review of the Plaintiff's Affidavit and/or Declarations disputing the tactics of the Defendants for obtaining their Brooklyn Nets' Registrations, were made in bad faith by the Defendants with the sole purpose of harassing, bullying and intimidate the Plaintiff thru legal tactics used by this Group of NBA/NBAP's Lawyers and their legal team ought to held in contempt for their unbecoming action and related illegal behaviors. Again, on that basis the Plaintiff has already filed complaints vs. this NBA's Group in front of the NYS Attorney General Office for their immediate prosecution because it's reasonable to conclude that this NBA Group's behaviors have been of criminal nature using what appear to be illegal tactics meriting prosecution under the NYS and the Federal RICO Acts in conspiring to take over the Plaintiff's intellectual assets without compensation;
- 5). If this Court takes a closer look and as well as a discussion on the examination of the Louisiana Trademark Statute that the TTA Board has had no authority to nullify the State of Louisiana's Trademark laws but that is exactly what was done by Adm. TM Judge Kuhlke by not given any considerations to the Plaintiff's 10-years-old uses of its multiple duly acquired Louisiana's Brooklyn Nets' Trademarks and thereby the USPTO Examiners and the TTAB should have recognized the Defendants' Brooklyn Nets' Applications as Un-Registrable until the TTAB's Proceeding was completed. it's also apparent that both parties have acted with bias vs. the Plaintiff and thereby the Plaintiff will be asking for relief and remedies since the Defendants seemed to have used a fraudulent mechanism to use the Plaintiff's already established 10-year-old Brooklyn Nets' Brands/Marks/Labels. Besides, there seems to be clear errors by USPTO and apparent abuse of discretion by TTAB Adm. TM Judge Kuhlke to fully support this complaint in front of this District Court for the Eastern District of New York;
- 6). If this Court would carry additional review of the USPTO and TTAB's Files, that would reflect that the Plaintiff had reported to all concerned parties on the Plaintiff's added claims of trademark bullying, trademark harassment, trademark infringement and unfair competition by the Defendant thru using the Defendant's use

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of TuneCore of Brooklyn and other Web Providers to stop Plaintiff from doing business with others thru any standard legal ways of doing business on and off the Internet and such relevance would lead a reasonable person to support a conclusion that the Defendants were involved in tactics that are used by the Mafia and ought to be treated under the Federal and the NYS RICO Acts as already requested by the Plaintiff thru the NYS AG's Office for immediate prosecution of the Defendants and/or its NBA's Group; and

7). Likewise, this Court's review of this case ought to ask themselves, the following questions and to be followed by its legally reasonable, fair and just answers:-

a). Q: Does the State of Louisiana and/or any other State the like New York State, have controlling authorities over issuance of its State's Trademarks, in the same manners that the State of Louisiana and/or the State of New York have legal authorities over their issuance of Driver Licenses, Marriage Licenses, Professional Licenses, etcetera?

# a1): Reasonable Legal Answer: the State of Louisiana has complete controlling and constitutional authorities over issuance of such as represented by Plaintiff in multiple filings thru the USPTO and thru the TTA Board;

b). Q: Does the State of Louisiana and/or the State of New York, have the legal authority to issue its State's Trademarks without any interference from the US Government or its related Constitutional State's rights to require reciprocity from any other States of the Union and/or from our Federal Government in re. to its officially rendered/issued official documents the like of a State of Louisiana Trademark or any other of its legal instruments?

# b1): Reasonable Legal Answer: the State of Louisiana has complete constitutional rights to require reciprocity of such in this case in relationship with any other States of the Union and/or from the US Federal Government;

c). Q: Did the State of Louisiana issue an illegal instrument to the Plaintiff thru its fully established 10-year-old multiple Brooklyn Nets' Global Marks or is any other of the Plaintiff's 20+ Registered Louisiana Trademarks, legal?

# c1): Reasonable Legal Answer: the Plaintiff's 21 fully registered Louisiana's Trademarks or Web Extensions are fully valid commercial and legal instruments issued by the State of Louisiana and requiring standard reciprocity from any other US State's or from the Feds under its US Federal Jurisdiction; and

d). Q: From 1996 to present, the State of Louisiana has issued over 20 Bona Fide Commercial Trademarks to the Plaintiff, did the Defendants obtained any cancellation of those commercial trademarks including the Plaintiffs legally obtained Dr. Cassagnol Designer's Louisiana Brooklyn Nets Marks that

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are valid until 2022?

# d1): Reasonable Legal Answer: these Brooklyn-Nets Marks are valid until 2022 and NO CANCELLATION was filed and/or noted in this case by the Defendants thru the State of Louisiana or thru any other jurisdiction, period;

- 8). The Defendants' position that the Plaintiff has not used its Brooklyn Nets' Mark is ludicrous at its face since the files at the USPTO and the TTAB have already demonstrated that the Plaintiff has been uniquely using its Dr. Cassagnol Designer's Brooklyn Nets' Global Brands and its pending federal Brooklyn-Nets' Mark for the last 10 years to clearly have complete priority rights to such Brooklyn Nets' Brands/Marks/Labels, since Plaintiff acquired such intellectual rights by starting to establish such Brooklyn Nets' Brands thru its first Pro-Sports' Louisiana Trademark in 1996, converted such intellectual rights thru its application for a set of Brooklyn-Nets' Louisiana Marks in 2003 and received its set of Brooklyn-Nets' State of Louisiana Marks in 2004 and that set of Brooklyn Nets' trademarks, was later converted into The Brooklyn Nets Entertainment Network with a fully legal and bona fide trademark certificate valid until 2022;
- 9). Likewise, this US District Court and others should recognize that the Defendants have registered their Brooklyn Nets' Marks during the TTAB's proceeding in bad faith and the Defendants have willfully violated USPTO's Rules under its 18 U.S.C. §§1001 and such willful false statements filed under 15 U.S.C. §§ 1051(b) meriting fine or imprisonment or both, henceforth the Plaintiff has asked USPTO and TTAB to refer such violations to civil and criminal enforcement authorities but to no avail, but the Plaintiff has already filed multiple complaints thru the NYS AG's Office asking them to take immediate action vs. the Defendants (this NBA's Group) and ought to also refer this case to other appropriate civil and criminal authorities such as the US AG's Office and the Brooklyn DA's Office for additional civil and criminal action under the NYS and the Federal RICO Acts and under the Federal False Claims' Act and corresponding NYS and the State of NJ's Criminal Statutes;
- 10). Furthermore, based on the factual allegations enunciated in USPTO and TTAB's Filings by the Plaintiff, the Defendants do not deserve any priority rights according to its first use in commerce of the Brooklyn Nets' Mark since the Defendants did not start to use such Brooklyn Nets' Marks not until April 30, 2012, while the Plaintiff has been using its Dr. Cassagnol Designer's Brooklyn Nets Global Brands and Louisiana's Marks for over 10 years thru promoting others the like of the candidacies of then Sen. Hillary R. Clinton, then Sen. Barack Obama, not forgetting the promotion of other minority businesses thru the development of the EZ Programs in the Bronx and Harlem including the promotion of past Olympic events to bring the US Olympics to New York City using the Dr. Cassagnol Designer's

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extensive lines of products in fine arts thru the Plaintiff's multi-million-dollar commercial art library. And for a great number of years, the Plaintiff has also been involved in the promotion of the immediate resolution of the issues affecting the Dreamers and the Un-Registered Immigrants thru The Global Diaspora SuperPAC. The Appellant finds it unbelievable that the Defendants and its NBA's Group would have such amount of audacity to claim any priority rights to the Plaintiff's 10-year-old Brooklyn Nets' Intellectual Assets. It should also be noted that the Defendants have been acting like Pirates and thru its 24 Karat Gold Plated Piracy. Accordingly in 2011, the Plaintiff has used its Brooklyn Nets' Network to release its 3 Real Brooklyn Nets' Music Tracks depicting the Defendants and this NBA's Group for what they're: High Tech Pirates, infringing on the Plaintiff's 10-year-old Brooklyn Nets' Intellectual Rights. Again, It should also be noted that the Plaintiff has already filed Petitions in front of the TTAB in order to cancel the NJNets' Brooklyn Nets' and the Nets B Brooklyn's Registrations but for some other strange reasons the petitions for cancellations of the Defendants' Marks were filed on 5/8/13 and the Plaintiff has never received any sort of communication concerning the TTAB's decision in reference to these 2 requests for cancellations of those 2 Brooklyn Nets' Marks which was one more reason of the basis for asking reconsiderations on procedural ground in front the Cmsr. for Trademark and presented for reconsideration in front of TTAB Adm. TM Judge Kuhlke. One should also understand that the Nets B Brooklyn's Marks appear to be a fraudulent and tactically reversal of the Plaintiff's Brooklyn Nets' Brands and on this basis this Plaintiff has taken this case in front of this US District Court. Still, Appellant has already respectfully requested that for the Cmsr. for Trademark to find ways to reverse and/or to reject the TTAB's Orders and Decisions as the Appellant has previously requested that this New Jersey Basketball, LLC's Opposition ought to be dismissed with prejudice and USPTO should continue with its issuance of the original Brooklyn-Nets' Mark to CyberVillage Corporation, a registered Louisiana trademark of the Dr. Cassagnol Institute of Research, Inc.: marketed in connection with its 34-year-old parent corporation and in relationship with the consistent bundling and commercial use of this original Brooklyn Nets' Brand by the Plaintiff for almost 10 years thru its Dr. Cassagnol Publishing House, Studios and Museum, a fully registered federal trademark with Registration # 4,326,200 on file with the TTA Board as attachments to the Petitioner's Requests for cancellations of the NJNets' Brooklyn Nets and Nets B Brooklyn's Marks and requested that these opposing marks of the Defendants ought to be cancelled under 15 U.S.C. §§ 1051(b) of the Federal Trademark Act in conjunction with their opposition and as a consequence of multiple procedural errors committed during the USPTO and TTAB Proceedings as enunciated on documentation to the USPTO Cmsr. for Trademark and to TTAB in regards to their procedures and/or lack thereof proving that their opinions and decisions were entirely based on the Defendants' bogus information without any supported documentation and challenges of the factual allegations that the Plaintiff has presented and provided to the USPTO and to TTAB Administrative Judge Kuhlke for the purpose of debunking this NBA Group's flagrant lies which led them to obtain a TTAB Order, sustain their opposition of the Plaintiff's final issuance of its due Original Brooklyn Nets' USPTO Certificate of Registration;

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11). Again because of this NBA Group's illegal action and bogus filings, the Plaintiff has already implored NYS AG the Hon. Eric T. Schneiderman to take the lead in prosecuting this NBA's Group to the fullest extent of the laws as cited in the Plaintiff's multiple complaints to be treated under the NYS and Federal RICO Acts, the False Claims' Act and thru the Defendants' apparent violations of the US Trademark Act as previously cited and our statement of claim and Legal Standing vs. this NBA's Group, is extremely clear thru the following business milestones:-

a). The Dr. Cassagnol Institute of Research, Inc. (The Institute) was founded in 1979, a Delaware Corporation, certified to do business in Louisiana since 1983 and is currently holding numerous trademarks issued by the Office of Trademarks of the State of Louisiana, in Baton Rouge. Ambassador Dr. François de Cassagnol is the founder & chairman of the board of directors of The Institute and he fully owns the Brooklyn Nets Entertainment Network and its 21 Web addresses and this network was derived from its original National Basketball Female Association's Louisiana Trademark issued in April 22, 1996. In 2003, Plaintiff did a nationwide computer search of the Brooklyn Nets' Mark and no one had registered such mark nor had any intellectual rights to such mark, thereafter the Plaintiff applied for in April 15<sup>th</sup>, 2003 for a set of Louisiana's Brooklyn Nets Trademarks and a Louisiana Trademark Certificate was issued in May 17<sup>th</sup>, 2004 under The B'Klyn Pro-Sports Association, and thereafter this latter was converted into the present Brooklyn Nets Entertainment Network, and this last Louisiana Trademark is valid until 2022 (Validation Certificate # 10244605#DSL73) pursuant to R.S. of 1950, Title 51, Chapter 1, Part VI as amended under Louisiana Law. This Court should also keep in mind that the Plaintiff has had ownership of the Brooklyn Nets' Global Brands and the 21 Louisiana Marks for almost 10 years, Plaintiff had filed for a Federal Trademark in June 28, 2006, and the NJNets started their opposition and filings on 08/17/2011 2011 but during all of that time, the Plaintiff has had the Live International Class 035 with the State of Louisiana Office of Trademarks' Class and while the Defendants had not filed a statement of first use until 04/30/2012 and it's beyond of the Plaintiff's comprehension, why any USPTO Examiner would permit the NJNets' Organization to register a mark or marks that they're identical to the Plaintiff's Brooklyn-Nets' application, and this applied mark was tagged by USPTO as Brooklyn-Nets and was being opposed in front of the US Trademark Trial & Appeal Board by the Defendants. On that basis, it's patently unfair, extremely wrong, consequently, please also note that the Plaintiff has had multiple communication with Cmsr. Deborah Cohn, with Acting Under Sec. Rea and with the TTA Board bringing this ongoing unfair and wrong situation to their attention from 2011 to this date. But the Plaintiff should also mention that from 2003 to 2005, the Brooklyn Arena's Developer and his Executive Staff were fully aware of the Petitioner's full ownership of the Brooklyn-Nets' Brand and first notice of such B'Klyn Pro-Sports Association Louisiana's trademark

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of the Plaintiff was provided at a meeting with Mr. Randall Toure, the V.P. of Community Affairs of Forest City Ratner Companies, the Brooklyn Arena, LLC. In 2005 and additional notices were also given to the NBA and/or this NBA's Group was also fully aware of the Plaintiff's Brooklyn-Nets' ownership but an agreement with the Developer could not be achieved because the conditions attached to such prospective business relationship under the NYC and NYS Minority Participation Program, were not conducive to doing business with this NBA's Group. Plaintiff has maintained a trail of paperwork-evidence on communication between the Plaintiff, the NJNets, the NBA and others of this NBA's Group for them not to claim any ignorance of the Plaintiff's 10-year-old full ownership of the Dr. Cassagnol Designer's Brooklyn-Nets Made in America \$1 Billion Global iSignature Brands including the Plaintiff's Brooklyn Nets' Marks, Music Labels and Global Brands and its continuous ownership since 2003;

- b). The Legal Issues for this Complaint to the United States District Court for The Eastern District of New York, are in the following manners that in August 2011, Attorney Anil V. George on behalf of the NJNets asked for the Plaintiff's permission to use its Brooklyn-Nets' iSignature Brands and then the Plaintiff had completely refused to permit such use since no financial settlement was attached to that offer but the NJNets and this NBA's Group started to use the Brooklyn Nets' Brands for marketing purpose in 2011 and started to completely use the Plaintiff's Brooklyn Nets' Brands in 2012 thru the Brooklyn Arena and their sales of un-authorized Brooklyn-Nets' Products and Services and as the Plaintiff indicated to Cong. Crowley, to his staff and others, that the NJNets and this NBA's Group have decided to start pirating the Plaintiff's Brooklyn-Nets' Brands and it was crystal clear that this NBA's Group has used USPTO's loopholes to do so, which again is patently unfair by them employing schemes to bombard the USPTO's Trademark System with 38 "Hit and Miss" Brooklyn Nets' Applications and was able to get one or more USPTO Examiners to approve 7 of them without given notices to the TTA Board and without the Plaintiff's knowledge during this TTA Board's on-going proceeding and it's the Plaintiff's contention that the Defendants' Brooklyn Nets' multiple Applications should have been un-registrable ie. the USPTO Examiners should have never considered such approvals for registrations of such marks that are under any USPTO and/or TTAB's proceeding;
- c). On 8/17/2011, the Defendants filed for an opposition of the Plaintiff's 5 years old's Brooklyn Nets' Application and a grave error was made by the Defendants because Attorney Anil V. George has never given a Service Copy to the Plaintiff and the only notice of their opposition was mailed by TTAB Paralegal Specialist Vela and no one at the TTA Board detected this enormous error until the Plaintiff filed its requests for cancellation of the Defendants' Registrations of the Brooklyn Nets' and the Nets B Brooklyn Registrations because it was extremely apparent that the Board had accepted the Defendants' Opposition without service to the Plaintiff and rejected the Plaintiff's Requests without service. Thereby the Board has applied 2 sets of standards: one for the Defendants and now

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It's clear that this grade error is an immediate ground for the reversal of the Board's Decision and the Plaintiff is asking the US District Court for the Eastern District of New York to reverse Judge Kuhlke's Decision based on lack of initial service as required in Paralegal Specialist Clara Vela's mailed notice of opposition which was supposed to be done by the Defendant and the Plaintiff has never and never received such service either by USPS or by Email;

- d). On 4/16/2013, the Defendants in association with this NBA's Group have started to use the Plaintiff's 10 years old Brooklyn Nets TV's mark which is identical to the Plaintiff's 10-year-old Brooklyn-Nets' Brands, Global Marks and Music Labels, using the Plaintiff's Brooklyn Nets TV Brands thru their " The Association: Brooklyn Nets" as a flagrant violation of The Institute's 10-year-old Brooklyn Nets' Brands and its connected 34-year-old Federal Trademark. First, it should be noted that the following points are not just pure allegations, they're factual allegations that are based on the Plaintiff's direct contacts with the Defendants as noted in multiple filings throughout USPTO's and TTA Board's Files on record during the USPTO and TTAB's Proceedings;
- e). The Plaintiff thinks strongly that it's fully reasonable to ask that at no time during the TTAB's proceeding that any USPTO's Examiner should NOT have entertained any petition from the NJNets or by any other party on their behalf because it was extremely wrong and legally unfair, in this instance, the TTA Board's proceeding should have been fully completed first, before such action by any Trademark Examiner, accordingly, the Plaintiff had presented its concerns to Cmsr. Deborah Cohn in order to stop these folks in their illegal continuance of such persistent and flagrant violations of the Plaintiff's 10-year-old Brooklyn-Nets' Brands and the Trademark Examiners' indifference to the Plaintiff's pending Brooklyn-Nets' federal trademark. Since the Examiners have made these enormous errors in judgment by approving the 7 NJNets' Applications, these grave errors are meriting immediate cancellation of each live applications and registration #s. as noted. Thereby, it was apparent that the assigned Examiners have acted with bias vs. the Plaintiff in a big way with their one-sidedness and disposition vs. the current proceeding in front of the TTA Board and their erroneous action necessitates reversal of their approvals, pursuant to TMEP §1715.01(a)(2) because the NJNets and this NBA's Group are fraudulently using the Plaintiff's 10-year-old Louisiana Brooklyn Nets' Brands, its identical Class 035 and the Plaintiff's Brooklyn-Nets' Pending Federal Trademark, also its identical International Class 035 under Trademark Act §2(d);
- f). While the Plaintiff was reviewing the Defendants' Brooklyn Nets' applications and Brooklyn Nets' registrations, it was extremely apparent that the USPTO Examiners have made numerous capital mistakes and multiple grievous errors by approving applications under the same IC 035 which are identical and confusing to the Appellant's CyberVillage Corporation's pending registration.

Henceforth, the Examiners have overstepped their authorities by registering identical Brooklyn Nets' IC 035 to the New Jersey Nets, LCC and again, the Plaintiff has consistently pursued their immediate cancellation of all of their Brooklyn Nets Serial Numbers and Brooklyn Nets Registrations as indicated that have been authorized by the Examiners of such Brooklyn Nets' marks and/or Brooklyn Nets' service marks and their related "Nets B Brooklyn" trademark registrations which on its face, are a reversal scheme of such Brooklyn-Nets mark should have being Un-Registrable, pursuant to Section 2(d) of the Federal Trademark Act;

- g). Consequently, the Plaintiff has since 2011 respectfully asked Cmsr. Cohn and/or the Appeal Board to cancel and/or de-activate all of the Defendants' related Brooklyn Nets' and "Nets B Brooklyn" authorizations from using the Plaintiff's Brooklyn-Nets' Marks until the Board's Proceedings and other appealing options are fully exhausted, keeping in mind that the Plaintiff has had its full set of 21 Louisiana Brooklyn Nets' Louisiana Trademarks since 2003 and its last State of Louisiana's Office of Trademark's Validation Certificate # 10244605#DSL73 is valid until 2022, pursuant to R.S. of 1950, Title 51, Chapter 1, Part VI as amended under the State of Louisiana Law, a legally valid official State's agency with legal authority to issue such official marks;
- h). Again, the NJNets and its affiliated NBA's Group have never started to fully use the Plaintiff's Brooklyn-Nets' Brands until 2012 while the Plaintiff has been using its Brooklyn Nets Entertainment Network for almost 10 years thru its fully registered 21 Brooklyn Nets' Louisiana's Marks and these Trademarks are valid thru 2022. And It's the Plaintiff's belief that the NJNets has made willful false statements in their pursuit of the Brooklyn Nets' USPTO Authorizations under 18 U.S.C. §§1051 (b) and such false statement filed under 15 U.S.C. §§1051(b) and under the same false statement of the NJNets' Declaration that the NJNets' Organization is the sole owner of such mark (s), henceforth, requires automatic revocation of any resulting trademark registrations in addition to the NJNets and the NBA have being using strong Trademark Intimidation by intimidating TuneCore, Inc., Catapult Reservatory, LLC and other On and Off the Web Providers to illegally block global distribution of the Plaintiff's established lines of Brooklyn Nets' Products in Music and Fine Arts which seem to violate several federal laws under the RICO Act, under the Patriot Act and related Interstate commercial laws, based on the action of the Defendants, the Plaintiff had requested the TTA Board to consider reporting such action of the NJNets and the NBA to the US Dept. of Commerce, the US Dept. of Justice, the Federal Trade Commission and related civil and criminal enforcement agencies in order to look into their organized illegal efforts in apparent bullying, their flagrant trademark intimidation and what appeared to be related criminal commercial violations perpetrated by the NJNets and this NBA's Group in acquiring and taking over the Plaintiff's 10-year-old wholly established Brooklyn Nets' Brands, Global Marks and Music Labels; and since the Plaintiff's organization has been using its constitutionally protected Brooklyn Nets' Products to raise

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funds for its Global Diaspora SuperPAC, consequently the NJNets and this NBA's Group have caused enormous amount of constitutional injuries to the Dr. Cassagnol's Organization by preventing the Appellant from marketing its constitutionally protected civic and political causes during the last presidential election of 2012, thereby Plaintiff had also requested the TTA Board to report such constitutional and civil rights' violations to the US AG's Office but to no avail. Additionally, this Court also note that the NJNets, the NBA and their affiliates have used the latest Web Technologies to hijack the Plaintiff's Brooklyn Nets Entertainment Network's Web Addresses and the NJNets and their NBA's Group have fraudulently redirected them to their On and Off the Web Products and Services thru again using their forms of trademark intimidation or by crossing the line into pure illegality and outright On and Off the Internet's criminality on the same level of such illegal interstate violations which requires any public officials in knowledge of such to report these alleged criminal activities for review by other enforcement agencies, of what appeared to be behaviors that are against the applicable rules and practices of the Federal Trade Commission (FTC). Consequently, it's crystal clear that the NJNets and this NBA's Group continue to use multiple schemes to illegally take over the Plaintiff's Brooklyn Nets' Intellectual Assets and thereby the Plaintiff has respectfully requested the TTA Board to immediately start cancellations all of the Defendants' Brooklyn Nets' Trademark Authorizations and Registrations given to the NJNets' Organization and this NBA Group's usage in re. to their apparent abuses of Dr. Cassagnol's Brooklyn Nets' iSignature Brands and its Global Louisiana Marks by presenting this Complaint to this US District Court pursuing cancellations of all of their NJNets' Brooklyn Nets' and "Nets B Brooklyn" Registrations, and by suspending or cancelling all Related NJNets' Brooklyn Nets' Authorizations by USPTO pursuant to Section 2(d) of the Federal Trademark Act until the piracy issues are fully resolved of the Plaintiff's 10-year-old Brooklyn Nets' Brands, Global Marks, and its Music Labels; and

i). This Plaintiff has already made multiple formal requests for Cmsr. Cohn, Acting Under Sec. Rea, any other concerned third party and/or any other agencies having supervisory and enforcement authorities over USPTO and the Trademark Trial & Appeal Board or any other individual party or entity as indicated in the Plaintiff's Jan. 29<sup>th</sup>'s meeting with Cong. Crowley for the purpose finding ways to immediately resolve the issues in re. to this NBA Group's piracy of the Plaintiff's Global Brooklyn Nets' iSignature Brands and the Plaintiff's pending federal Brooklyn-Nets' trademark;

12). Again, thru reviewing and focusing on the following chronological points of the Plaintiff's Brooklyn-Nets' Global Marks which have being in commercial use on and off the Internet since 2003 for almost 10 years, the Federal Circuit Court and/or this US District Court should have no problem detecting these truly legitimate grounds for this Complaint thru the following factors or factual allegations as enunciated on files at the USPTO and at the TTA Board:-

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- a). Accordingly, the Plaintiff has being using its Brooklyn Nets' Brands and its Louisiana Trademarks for almost 10 years but NJNets and this NBA's Group started using the Brooklyn Nets' Marks based on their official USPTO's Filings in April 30, 2012 as reflected on their certificates of registrations contrary to the Plaintiff's established 10-year-old global usage of its fully established Brooklyn Nets' Brands, Global Marks and Music Labels being published on and off the Web;
- b). From 2003 to 2005, the Plaintiff has had multiple contacts with all concerned parties of this NBA's Group, given constructive notices to all concerned of the Plaintiff's full ownership of such, thru asserting its full ownership of the Brooklyn Nets' Brands and the Brooklyn-Nets Marks and no one had challenged and/or opposed the Plaintiff until August 2011 when the NJNets started their relocation to Brooklyn and their lawyer asked the Plaintiff for permission to co-use the Plaintiff's fully established Brooklyn-Nets' Brands without a settlement, of course the Plaintiff had completely refused to give such permission and their lawyer: Mr. Anil V. George indicated that: "they will use the Plaintiff's intellectual assets with or without the Plaintiff's permission" in an extremely belligerent way and by then it was crystal clear that this NBA's Group was intentionally moving toward the direction of pirating the Plaintiff's original Brooklyn-Nets intellectual assets without the Plaintiff's permission or authorization, it maybe a legal move on their part but the Plaintiff sees it as pure unadulterated theft of the Plaintiffs fully established 10-year-old Brooklyn Nets' intellectual assets;
- c). The fame's factor and interpretation of the TTA Board is misplaced since before the NJNets' Official Relocation to Brooklyn in 2011, the team was and still is one of the worst team of this NBA's Group, the NJNets' Team was worth then about \$300 Million and after this NBA's Group started to use the Appellant's Brooklyn Nets' iSignature Brands without its permission, the team is now worth a bit over \$500 Million by intentionally pirating the Plaintiff's Brooklyn Nets' Brands and this Court need to respectfully also keep in mind that it was not until 4/30/2012 that this NBA's Group had filed their first use in commerce of the Brooklyn Nets' Mark and their Attorney Anil V. George signed a USPTO Declaration that the NJNets is the rightful owner without any regards to the Plaintiff's 10 years ownership of the Original Brooklyn Nets' Brands, and such declaration by the Defendants, is a willfully false statement under the 1946 Trademark Act, as amended, thereby such intentionally false statement requires full revocation of any resulting registration and Attorney Anil V. George's signatory position, on behalf of the NJNets, requires USPTO and the TTA Board to report such illegal violations to Law Enforcement Agencies having supervisory authorities over these matters for fine or imprisonment or both under 18 U.S.C. Section 1001 of the Federal Trademark Act and up to this date, that has not happen even though their inaction is bordering willful failure to Discharge their duties as public officials;

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- d). It's the Plaintiff's contention and strongest belief that the USPTO Examiners acted with bias vs. the Plaintiff and were unfairly involved in approving the NJNets' Applications and Registrations for the Brooklyn Nets' Marks, then the USPTO Examiners made enormous errors in judgment by acting completely indifferent to the current TTA Board's Proceeding and by advancing each Brooklyn Nets' applications to the level of awarding multiple Brooklyn Nets' Registrations to the NJNets, neglecting the facts that the Brooklyn Nets' Marks were under proceeding at the TTA Board, thereby these grave errors either negligent or intentional merits full cancellation of each the NJNets' Registrations of the Brooklyn Nets' Marks and the Defendants' related "Nets B Brooklyn" which are another set of fraudulent schemes to use the Plaintiff's Brooklyn Nets' Brands since the "Nets B Brooklyn" Mark as listed on USPTO's Principal Register, is a reversed fraudulent way of marketing the Plaintiff's fully established Brooklyn Nets' iSignature Brands. The Plaintiff must also point out that over a year ago when the NJNets decided to launch their "Nets B Brooklyn" Brand thru the Internet and linked the "B" word to the Plaintiff's Original Brooklyn Nets' iSignature Brands, it was shocking to everyone and to the public since the "B" word has been forever linked to bitches, prostitutes and drug dealers but this NBA's Group and the NJNets decided to viciously market a logo designed by Jay-Z in many ways are pure and complete denigration to the Plaintiff's original 34-year-old registered Louisiana's Brands and its Federally Dr. Cassagnol Institute of Research, Inc.'s Registered Mark: The Dr. Cassagnol Publishing House, Studios & Museum Group thru USPTO Reg # 4,326,200 under IC 35 and 41, and thereby it was purely malicious as the Plaintiff has previously noted in all of its denigrating facets of their usage of the "B" word as remarked in the Plaintiff's USPTO Records of its Brooklyn-Nets' Trademark Application and in the TTA Board's filings;
- e). Again the Plaintiff had asked Cong. Joe Crowley and the NYC Congressional Delegation to intervene on the Plaintiff's behalf toward finding ways to resolve these issues and has also implored Cmsr. Deborah Cohn, Under Sec. Rea and other supervisory agencies to look into why such flagrant biases were deployed vs. the Plaintiff to intentionally let the NJNets and this NBA Group's pirating the Plaintiff's intellectual assets and defrauding the Dr. Cassagnol's Organization, and if the NJNets' Organization nonetheless may see it as legal maneuvers on their part but on the Plaintiff's part, it being seen as pure and complete theft of the Plaintiff's Brooklyn Nets intellectual assets and the Plaintiff has already asked the NYS Attorney General's Office to look into prosecution of this NBA Group's action and behaviors of what seem to be pure illegality on its face; and
- f). Again, this is the Plaintiff's intent to file cancellations of each one of the Defendants' Brooklyn Nets Registrations and their Nets B Brooklyn's Registrations since this NBA's Group and the NJNets are using the Plaintiff's Original Brooklyn Nets Brands in conjunction with their Nets B Brooklyn Marks like it has been their own for the longest with the following: Serial No.: 85442375 Reg. # 4273135 /

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Serial No.: 85608381 / Reg. # 4237737 / Serial No.: 85608362 Reg. # 4237735 / Serial No.: 85608358 / Reg. # 4237734 / Serial No.: 85608343 Reg. # 4237733 / Serial No.: 77873194 Reg. # 4222229 / Serial No.: 77728208 Reg. # 4175932 and their related NJNets' Serial Numbers: 85608376 / 85608366 / 85608354 / 85608347 / 85442401 / 85442395 / 85442355 / 85442314 / 85442308 / 85442296 / 77845645 / 85608347 / 85442355 / 85442296.

And it's the Plaintiff's contention that all of those Brooklyn Nets' Marks Registrations obtained by the NJNets, were illegally acquired under 18 U.S.C. Section 1001 of the Federal Trademark Act and thereby meriting cancellations of all as noted and for this Court to take injunctive action and relief vs. the Defendants and its NBA's Group with the belief that they've had the Devine's rights to take over a set of 34-year-old NYS Certified MBE's Business Brands, Global Marks and Music Labels;

13). A careful review of above Factual Allegations presented to the United States District Court for The Eastern District of New York, would reflect that it was later on during the TTAB's Proceeding, the Plaintiff also found out while he was watching for the NJNets' abandoned trademark applications # 77413958 and 77418775, that the Defendants were able to file and bombarded the USPTO's Trademark System with over 38 different applications as noted above and obtained 7 Brooklyn Nets' Registrations during the TTA Board's proceeding. The Plaintiff finds it to be extremely wrong since it's very apparent that any such authorizations to the NJNets putting the Plaintiff at extreme disadvantage, which is extremely unfair. It's like an individual, who went to a hospital and kidnapped a baby, the individual was apprehended and while on bail, was able to adopt another baby, with the adoption system in complete disregard of the criminal act of kidnapping by that individual, thereby, it was and still is patently wrong for any USPTO's Examiners would approve any Brooklyn Nets' Trademark Requests by the NJNets' Organization since the Defendants were disputing and opposing the Plaintiff's fully established 10-year-old Original Brooklyn Nets' iSignature Brands and since the Plaintiff has been the sole owner of this Dr. Cassagnol Designer's Made in America \$1 Billion Global Brooklyn Nets' iSignature Brands, its fully 21 Registered Louisiana Original Brooklyn Nets Marks and its pending federal Brooklyn-Nets' Mark for more than 10 years. The Plaintiff would also like to bring to the Federal Circuit Court's attention that from 2005 to 2011, all of the Defendants' Executives lied to the Plaintiff proclaiming that the Defendants and this NBA's Group had no intention of using the Plaintiff's 10-year-old fully established Brooklyn Nets' iSignature Brands as evidenced by content of the Plaintiff's Affidavit filed by the Plaintiff throughout this TTAB's proceeding and on files at the USPTO as indicated:-

a). From 2003 to 2005, Plaintiff had numerous indirect contacts with the Defendants, which followed a direct contact thru a meeting with Mr. Randall Toure, a VP of Dev. Bruce Ratner's Forest City Ratner Companies on 9/12/05 which did not end up very well due to their participatory requirements to own 10% of the Plaintiff's project as presented to them as an MBE for the

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purpose of doing business with this NBA's Group but their overall intention was not legit;

- b). These direct contacts had continued thru numerous contacts with VP Chrysa Chin of the NBA's Talents Management, she had then reassured the Plaintiff up to 2011 that the NBA had no plan to use the Plaintiff's fully established Brooklyn Nets' iSignature Brands as proposed but intended to use their old New York Nets' (NYNets) Brand and it was pure misrepresentation of the facts that the NBA has NO intention to use the Plaintiff's fully established Dr. Cassagnol Designer's 10-year-old Brooklyn Nets' Global iSignature Brand since this NBA's Group has done the contrary by starting to use such even before their registrations of such in 2012 and such misrepresentation is pure lies and of fraudulent nature by this NBA's Group;
- c). Plaintiff had 2 phone conversations in 2010 with NJNets' Pres. Irina Pavlova and again she reassured the Plaintiff that the NJNets' Organization had no intention of using the Plaintiff's Brooklyn Nets' Brands after her review of the \$1 Billion Biz Proposal that the Plaintiff made to the NJNets' Organization which she opined as extremely comprehensive and this same \$1 Billion Proposal was made thereafter to NBA Cmsr. Stern on 5/11/11 in order to give a chance to this NBA's Group to work with the Plaintiff as a NYS Certified MBE but in lieu of doing so, the Defendants used this set of Confidential and Privileged info to illegally file such with the TTAB without the Plaintiff's permission since that set of info was under a confidential and privileged Umbrella and was NOT permitted to be released to any third party without the Plaintiff's Permission and no exception was made by the Plaintiff to release such to any third party;
- d). Plaintiff had issued numerous Cease & Desist Notices to all concerned parties of the NJNets' Organization, this NBA's Group, Dev. Bruce Ratner and their Executive Staff at the Barclays' Center but to no avail and all have refused to be deposed during this TTAB's Proceeding in re. to these pertinent issues of misusing and pirating the Plaintiff's fully established Dr. Cassagnol Designer's 10-year-old Global Brooklyn Nets' iSignature Brands and their continuance with the illegal use the Plaintiff's intellectual assets without its permission;
- e). This Court should further note that all of the Defendants' top level Executives have maliciously and viciously lied to Plaintiff, thereby it's clear that they're a group of professional liars: Liars! Liars! Liars!, their pants are on fire in addition this NBA Group's misrepresentation of facts not to forget that under any US Law, a lie is a fraudulent act and on that basis alone, it was sufficient enough to ask the NYS AG's Office to find ways to prosecute this NBA's Group under the Federal and NYS RICO Acts;
- f). The Dr. Cassagnol Institute of Research, Inc. a corporation certified to do business in Louisiana,

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applied for the following trademarks in the manners as noted above and received The National Basketball Female Association's Trademark on April 22, 1996 from the State of Louisiana Office of Trademarks;

- g). In 2003, Plaintiff ran a search on the Brooklyn Nets' Mark and no one had any ownership rights over it and then Appellant applied for the B'Klyn Pro-Sports Association's Trademark on April 15<sup>th</sup>, 2003 and received its bona fide Trademark Certificate on May 17<sup>th</sup>, 2004 from the Louisiana Office of Trademarks;
- h). In 2006, Plaintiff ran another search and again no one had any right to it and Plaintiff then applied for the Brooklyn-Nets' Federal Trademark in June 28<sup>th</sup>, 2006, met all USPTO requirements under Sect. 1(a) and the www.Brooklyn-Nets.tv (Brooklyn-Nets) Mark was published on 4/19/11 almost 5 years after its original federal application;
- i). All above Louisiana Trademarks were issued under the Plaintiff's 34-year-old Parent Corporation: Dr. Cassagnol Institute of Research, Inc., founded in 1979 and the Plaintiff, Ambassador Dr. François de Cassagnol, a certified NYS MBE also fully owns this entity and its Federal Trademark # 4,326.200 as the sole minority owner; and
- j). Please also note that a set of documents in support of this complaint, are attached for this District Court's official review and therefore based on the above factual contents of this complaint by way of civil action, the above noted marks: NJNets' Brooklyn Nets as cited, are meriting immediate cancellation based on the facts that Ambassador Dr. François de Cassagnol has been the sole owner of The Dr. Cassagnol Organization and its parent corporation: The Dr. Cassagnol Institute of Research, Inc. a Delaware Corporation and is respectfully requesting additional considerations should be given by this US District Court or by any other Court to attach this complaint to all NJNets' live Brooklyn Nets and Nets B Brooklyn's applications and registrations in order to prevent any other trademark examiners from making the same capital mistakes of approving such additional Brooklyn Nets and Nets B Brooklyn Marks without paying attention to existing issues of the Dr. Cassagnol Designer's Original Brooklyn-Nets iSignature Brands since the Plaintiff's Brooklyn-Nets TM Application was tagged as "Brooklyn-Nets" in order to make easy for all concerned parties to be fully aware the Brooklyn-Nets Mark was under considerations for the CyberVillage Corporation, a Louisiana's TM of Dr. Cassagnol Institute of Research, Inc., not the NJNets nor this NBA's Pirating Group.

14). It's the Plaintiff's contention that he had done everything right from 2003 to 2011 and Plaintiff does Not understand the legal rationale for TTAB Administrative Judge Kuhlke's Opinion and Decision

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since the Board's Order is entirely based on bogus information from the NBA, NJNets, NBAP and their staff. Noting that from 1996 to 2003, Plaintiff always wanted to own a Sports' Team or to form one, that's why that in April 22, 1996 that Appellant had the first opportunity to form: The National Basketball Female Association (NBFA) and its creation had nothing to do with this NBA Group or the NJNets since at that time the Plaintiff was located and doing business in Louisiana as a foreign corporation domiciled in Delaware since its inception in 1979. From 2003 to now, Plaintiff had formed: The B'Klyn Pro-Sports Association and all its 21+ Brooklyn Nets' Louisiana's Web Addresses have been linked to the Plaintiff's Association and were renewed thru The Brooklyn Nets Entertainment Network and its Web Extensions: .TV, .INFO, .US, .SHOP, .WS, .GAME, .CN, .BE, .CLUB, .AGENT, .SPORT, .BIZ, .DE, .MOBI, .ORG, .CA, .CO, .XXX and some of those extensions are currently linked together with the Brooklyn-Nets.TV site and the Plaintiff's Web Network of over 333 Web Addresses and they're entirely protected trademarks under Louisiana Trademark Laws. Thereby on the basis of the Plaintiff's Louisiana Trademark's Law and State of Louisiana's Common Law Rights, accordingly Plaintiff had applied in 2006 for a Federal Trademark tagged under its continuing Common Law Rights attached to its Dr. Cassagnol Designer's Brooklyn Nets' Brands, Global Marks, and its Music Labels:-

... promoting the goods and services of others, namely, the Dr. Cassagnol Signature-Lines of Fine Arts and Higher Technologies' Products and Services thru The DR. CASSAGNOL PUBLISHING HOUSE, STUDIOS AND MUSEUM GROUP by means of online and offline ordering and cataloging of those goods and services in fine arts and high technologies, distributing advertizing materials through a variety of online and offline marketing methods and promotional contests of THE DR. CASSAGNOL PUBLISHING HOUSE, STUDIOS AND MUSEUM GROUPS, and by arranging for sponsors to affiliate their goods and services with THE DR. CASSAGNOL PUBLISHING HOUSE, STUDIOS AND MUSEUM GROUP's activities through the Dr. Cassagnol organizational global high-tech network of THE DR. CASSAGNOL PUBLISHING HOUSE, STUDIOS AND MUSEUM GROUP's duly registered Web Addresses for the CyberVillage Corp.'s Global Services in serving other minorities thru using the Dr. Cassagnol Designer's Multi-Million-Dollar Commercial Art Library.

a). As it was and it's extremely apparent, that this US District Court can easily see that the Plaintiff has fully registered its federal trademark: "The Dr. Cassagnol Publishing House, Studios and Museum Group" and this mark has been fully incorporated in the Plaintiff's Brooklyn-Nets' Federal TM Application and has used its Brooklyn-Nets' Bundling Marks in conjunction with its 34-year-old parent corporation's logo and other related Dr. Cassagnol Designer's iSignature Brands/Marks for the last 10 years thru the following trademarked marketing bundling tools and media platforms:-

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On the Plaintiff's Brooklyn Nets' Organizational Web Site: [www.Brooklyn-Nets.tv](http://www.Brooklyn-Nets.tv) and connected Web Network, on its corporate letter heads, on its Brooklyn Nets' Business Cards, on its Brooklyn Nets' Note Pads, in its eMail Signature, on its Brooklyn Nets' Stickers & Mailing Labels, its Brooklyn Nets' Envelopes, its Brooklyn Nets' Organizational Banners, its Brooklyn Nets' Web Advertisements, its Real Brooklyn Nets Facebook Page, its Brooklyn Nets' US Postal Mailing Stamps, its Real Brooklyn Nets' Twitter Page, its Google+ Real Brooklyn Nets' Icon, an integral part of our 333+ Dr. Cassagnol Designer's Domain Name Portfolio and Web Network, its Real Brooklyn Nets' LinkedIn Profile, on its Brooklyn Nets' Hats, Pen, promotional items, tote bags and folders, its Real Brooklyn Nets' Blog Page, its Internet Key Words, its Print Brooklyn Nets' Advertisements, its multiple Brooklyn Nets' registrations in several foreign countries, and on its Embedded Brooklyn Nets' Photo-Arts & its Real Brooklyn Nets' artworks as an integrated part of the Dr. Cassagnol Publishing House, Studios & Museum's Multi-Million-Dollar Commercial Art Library & its current Music Album released since 2011 on sale thru Amazon, iTunes, GooglePlay and thru other selling and marketing platforms all over the world; and

b). Thereby, the Plaintiff does not have a clue which evidence that the TTA Board had to support the NJNets, the NBA and NABP's position of the Plaintiff's Non-Use Status since the Plaintiff has maintained extensive pre-paid accounts from the beginning of the Internet at first with SRSPPlus, at the .TV Network and currently at GoDaddy's Registrar since 2001 as evident by latest bill reflecting the Plaintiff's current GoDaddy's Account from 2001 to now with incurred expenses totaling over \$27,383.86 as of 4/10/13 for the Plaintiff's Brooklyn Nets' Hosting plan created upon transfer from the .TV Network, then has accumulated similar pre-paid expenses and are fully pre-paid until 12/16/2017;

15). Thereby, the Defendants' position that the Plaintiff's Brooklyn Nets' Global Brands and Original Marks are not being used for purpose intended, is completely bogus and is purely against logics since a huge amount of the Plaintiff's resources have been used by its organization to promote its Brooklyn Nets' Brands, Global Marks and Music Labels in connection with The Dr. Cassagnol Publishing House, Studios and Museum Group's Federally registered Mark and its bundling logo. The Plaintiff has jointly marketed the Brooklyn Nets' Global Brands as a global promotion group under the Plaintiff's Parent Corporation with its bundling jointly with its Federally Registered Mark: USPTO Reg. # 4,326,200; and henceforth, and it should also be noted that the US District Court should differentiate that the CyberVillage Corporation is NOT a separate entity as misrepresented by the TTAB, but is a registered Louisiana trademark of the Dr. Cassagnol Institute of Research, Inc.: under its privately owned 34-year-old parent corporation and its Dr. Cassagnol Designer's Brands are being used in connection with its bundling commercial use of its Original Brooklyn Nets' Brands for almost 10 years thru The Dr. Cassagnol Publishing House, Studios and Museum Group, a fully registered federal trademark with Registration # 4,326,200 on file with the TTA Board as attachments to the Plaintiff's 2 Petition Requests for cancellations of the NJNets' Brooklyn Nets and the Nets B Brooklyn's Marks requesting that these opposing marks ought to be cancelled under 15 U.S.C. §§ 1051(b) of the Federal Trademark Act in

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conjunction with the Defendants' opposition and as a consequence of multiple procedural errors as enunciated on previous filings in front of the TTA Board and the Plaintiff's petition to the USPTO Cmsr. in regard to the procedural errors and/or lack thereof during the TTAB's proceeding and Judge Kuhlke's Opinion and Decision based on fundamentally flawed information provided by the Defendants and therefore Judge Kuhlke's decision ought to be reversed accordingly by the USPTO Director as requested by the Plaintiff and/or by the TTA Board thru the Plaintiff's Reconsideration Request, and/or in front of any court with judicial authority the like of this District Court within both parties' jurisdiction to reverse TTA Board Adm. TM Judge Kuhlke's Decision and Order mailed to the Plaintiff on September 9<sup>th</sup>, 2013 and for this Court to order USPTO and permitting USPTO to issue a Certificate of Registration to the Plaintiff in reference to its in-use 10-year-old original Brooklyn Nets' Mark: [www.Brooklyn-Nets.tv](http://www.Brooklyn-Nets.tv) (Brooklyn-Nets).

IV). PLAINTIFF'S REQUEST FOR REMEDIES VS. DEFENDANT AND THIS NBA'S GROUP:-

Thus, the Plaintiff must respectfully ask this US District Court for the Eastern District of New York, for immediate relief and such relief that the Court may deem just and proper since the Defendants or its NBA's Group have willfully infringed on the Plaintiff's fully established 10-year-old Brooklyn Nets' Brands, Brooklyn Nets' Marks and Brooklyn Nets' Global Music Labels due to the Defendants' illegal and unfair trade practices vs. the Plaintiff from 2011 to now while the Plaintiff has fully owned its full set of these Global Brooklyn Nets' Brands, its fully registered Louisiana's Trademarks and continuously under standard Common Law's usage for almost 10 years and in lieu of the Defendants trying to find ways to work with the Plaintiff as a Certified NYS MBE, the Defendants have elected to use trademark intimidation, trademark harassment and their deployment of illegal trade practices to illegally take over the Plaintiff's fully established 10-year-old Brands, Brooklyn Nets' Marks and Global Brooklyn Nets' Music Labels without a settlement or due compensation which led the Plaintiff to ask NYS Attorney General Eric T. Schneiderman to immediately start prosecution of this NBA's Group under the Federal False Claims' Act and the New York State and Federal RICO Acts; and not forgetting this NBA's Group willful and flagrant violation of our US TM Laws.

Therefore, Plaintiff is respectfully asking this US District Court for the Eastern District of New York:-

- a). to vacate the September 9<sup>th</sup>, 2013's TTAB Order based on the facts that the Defendants did not provide any service of its notice of opposition as required and to order the USPTO to issue the original Brooklyn-Nets' Mark to CyberVillage Corporation, a registered Louisiana TM of Dr. Cassagnol Institute of Research, Inc., its parent corporation domiciled in Delaware;
- b). to place in effect, a permanent injunction vs. the Defendants: the NJNets and its NBA's Group and affiliates to stop and block them from further uses of the Plaintiff's Original 10-year-old Brooklyn Nets' Brands and the Plaintiff is leaving it to the Court to apply commensurate injunctive relief in favor of the Plaintiff vs. this

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NBA's Group of Pirates for misusing the Dr. Cassagnol Designer's Original Brooklyn Nets' Brands, Global Marks and Music Labels without permission;

- c). to cancel all issued Brooklyn Nets and Nets B Brooklyn Marks and Registrations acquired by this NBA's Group after the Plaintiff's Original 2006's Brooklyn Nets' Federal Application and during the TTAB's proceeding which should have being Un-Registrable Brooklyn Nets' Marks and Registrations but this NBA's Group has maintained a monopoly over the basketball universe and this Court and the Feds ought to see it as such using criminal intimidation to prevent a Certified NYS MBE from using its dully acquired legitimate intellectual assets ;
- d). to apply punitive damages vs. this NBA's Group for their exploitation of the Dr. Cassagnol's Original 10-year-old Brooklyn Nets' Brands/Marks/Labels of the Plaintiff without its permission and/or required compensation of its Uses since the value of team was increased from \$300 Million to \$500 Million when this group of pirates started to use the Plaintiff's 10 years old original Brooklyn Nets' Brands/Marks/Labels, the Plaintiff is respectfully asking this Court to apply the Whistleblower's formula to this case and impose 3 times the value of the team's increased value of \$200 Million to a punitive amount greater than \$600 Million as for punitive damages toward un-permissible uses of the Dr. Cassagnol Designer's Original Brooklyn Nets' Brands, Global Brooklyn Nets' Marks and its Brooklyn Nets' Music Labels;
- e). This Court ought to respectfully realize that if this NBA's Group does not merit to be treated like a monopoly or an organized crime entity under the NYS and Federal RICO Acts, no one can see any other group fitting this situation because this NBA's Group acts like a monopoly in the sports of basketball universe and has done everything in the books to take advantage of others the like of this Plaintiff, a Certified NYS MBE and this NBA's Group has filed false and bogus information to fully take advantage of this case in order to willfully bypass paying for the usage of the Plaintiff's 10-year-old Brooklyn Nets' Brand which has been in use by the Dr. Cassagnol organization for the last 10 years under the umbrella of its 34-year-old federal trademarked parent corporation: Dr. Cassagnol Institute of Research, Inc., again, a certified NYS Minority Business Enterprise solely owned by Ambassador Dr. François de Cassagnol. This Court should also notice that the names of the individuals involved in pirating the Plaintiff's Brooklyn Nets' Brands from 2010 to present, are the following members have conspired throughout these proceedings and to hold them responsible for their conspiring action under the NYS and Federal RICO Acts, and this NBA's Group is identified as-

Developer Bruce Ratner aided by Mr. Randall Toure, his 2005's VP for Community Affairs;

Dev. Bruce Ratner's Sister: Madame Ellen F. Ratner which aided in setting up the 2005's meeting;

Dev. Bruce Ratner, his Legal Staff and others connected to the Brooklyn Area Development;

National Basketball Association Cmsr. David Stern & his Executive Staff;

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Dep. NBA Cmsr. Adam Silver and his Executive Staff in connection with the Brooklyn Arena;  
NJNets' Majority Owner M. Prokhorov; NJNets' Team Coach & Minority Owner Jason Kidd;  
NJNets' Pres. Irina Pavlova, NJNets Exec. Dmitry Razumov and Executive Staff;  
Former Minority Owner Shawn "Jay-Z" Carter and their Barclays Center's Executive Staff;  
Ex. NJNets Team Coach Avery Johnson and Chief Legal Counsel Mme. Ayala Deutsch,;  
NBA & NBAP VP & Sr. Attorney Anil V. George; Emilio Collins, Lisa Koper, Michael Allen and Daniel Meiseles;  
NJNets, NBA & NBAP Attorneys: Erik J. Levin, Jason J. Porta, and NBAP Exec. Tony Aponte;  
NJNets' Chief Counsel & VP Jeffrey B. Gewirtz; & NJNets' CEO Bret Yormack & COO Barclays Center;  
NJNets' Team General Manager Billy King; and Ms. Chrysa Chin, NBA VP for Talents' Management;  
their other On & Off the Web/Internet Staff and their other Marketing Staff @ the NBA, @ the NJNets,  
@ the NBA Properties; and their NBA's Affiliates;

f). In the Plaintiff's last Cease & Desist Letter addressed to Mr. Shawn "Jay-Z" Carter on 8/27/12 via the USPS Certified Mail & Return Mail Receipt # 7011-3500-0003-6654-03333 that Jay-Z has been in possession since 2012, Plaintiff had reached out to him to explore ways to settle this case but to no avail because Jay-Z decided to establish himself as a NJNets' Minority Owner without any regards to the Plaintiff's fully established 10-year-old Brooklyn Nets' Brands and assisting the NJNets' Organization's illegal usage of the Plaintiff's Brooklyn Nets' Brands. One example is thru a Budweiser's promotion during the Olympics and by letting the NJNets' Organization using him at the expenses of the Dr. Cassagnol's Organization, a Certified NYS Minority Business Enterprise. This Court should respectfully find out why Majority Owner M. Prokhorov, NJNets' Organization & its Senior Officials should be profiting from using the Plaintiff's 10-year-old Brooklyn Nets' Brands since the Trademark Appeal Board's final Decision has refused to recognize the Plaintiff's 10-year-old due intellectual rights attached to the Plaintiff's Original Brooklyn Nets' Brands, Global Marks and its long standing rights to its Brooklyn Nets' Music Labels as has been published on and off the Internet.. In addition to helping the NJNets' Organization in order to get personal and business incentives, Jay-Z had made the strategic decision in deciding to use the "B" word in their logo which is fully connected with Jay-Z's denigrating artistic works depicting Bitches, Prostitutes and Drug Dealers and linking it to the Plaintiff's 10-year-old Brooklyn Nets' Global Brands before the end of the final decision of the US Trademark Trial & Appeal Board. Within the Plaintiff's last communication to Jay-Z, it was extremely apparent and clear to all concerned parties that if all parties can't reach an amicable settlement, the Plaintiff will have no choice but to ask the NYS AG's Office and the US Department of Justice to look at their activities under the Racketeer Influenced & Corrupt Organizations (RICO Statute and/or corresponding NYS Act) in regards to:-

- 1). Jay-Z has assisted the NJNets' Organization thru deploying: Trademark Bullying & Malicious Intimidation, Piracy & Flagrant Theft of the Plaintiff's Brooklyn Nets' Global Brands & Marks registered in Louisiana and its pending registration thru the USPTO and in front of the TM Trial & Appeal Board;

11/13/13

Mr.

- 2). Jay-Z has aided the NJNets' Organization with Flagrant Public Misrepresentation of his ownership of the Plaintiff's Brooklyn Nets' Brands, Marks and Music Labels as Apparent Fraud from 2010 to now;
- 3). Jay-Z has abetted with the Illegal Conversion of the Plaintiff's Brooklyn Nets' Corporate Assets & Personal Properties thru Trademark Bullying and thru carrying out Multiple PR, Marketing activities and promoting sale of the Plaintiff's Original Brooklyn Nets' Brands and letting the leadership of the NJNets's Organization to use Jay-Z toward contributing to conspiracy to commit frauds thru using the Institute's almost 10 year-old Brooklyn Nets' Global Brands/Marks registered thru its 34-year-old parent organization: Dr. Cassagnol Institute of Research, Inc.; and
- 4). The attachments encapsulate the placement of Jay-Z in the total rebranding of the NJNets toward their relocation to Brooklyn and the NJNets' Organization has given full credit to Jay-Z in regards to their rebranding as the new "Brooklyn Nets' Team" and their flagrant piracy of the Plaintiff's 10-year-old Brands, Marks and Music Labels, thereby, the Plaintiff is asking this Court to hold Jay-Z partially responsible for conspiring with the NJNets' Organization to take over and use the Plaintiff's 10-year-old Brooklyn Nets' Brands without compensation and without the Plaintiff's permission; and
- 5). It's the Majority Owner Mikhail Prokhorov's estimate in the NY Daily News that by 2015, the value of the team will be worth close to \$1 Billion and it's the Plaintiff's contention that this valuation would not have been possible without their overall organized and conspired action in rebranding the team as the "Brooklyn Nets" and pirating the Plaintiff's 10-year-old Brooklyn Nets' Global Brands. Thereby, if this Court would consider that when Mr. Prokhorov bought the team for \$200 Million and when the team was moved from New Jersey, the team is valued at \$300 Million but is presently valued at \$500 Million and this Court should also respectfully consider awarding to the Plaintiff, an amount of punitive damages not less than \$600 Million based on Mr. Prokhorov's valuation of \$1 Billion, that punitive amount is entirely based because of their organized conspiracy for their flagrant theft and related piracy of the Dr. Cassagnol Designer's Original Brooklyn Nets' Brands, Global Marks and its Music Labels vs. this NBA's Group, Mr. Prokhorov, Jay-Z and others as previously cited; and
- 6). The Plaintiff is respectfully asking this Court to vacate the September 9<sup>th</sup>, 2013's TTAB Order and to order the USPTO to issue the original Brooklyn-Nets' Mark to CyberVillage Corporation, a registered Louisiana TM of Dr. Cassagnol Institute of Research, Inc. based on the facts that when the Defendants had filed their TTAB's Opposition, no service was given to the Plaintiff, thereby Plaintiff is respectfully asking this Court to accordingly vacate this TTAB Order; and
- g). This Court should respectfully recognize that the Plaintiff has done everything right in the acquisition of its Brooklyn Nets' Intellectual Assets and this Court ought to refer this NBA's Group to related law



enforcement agencies for the Defendants' alleged and demonstrated uses of Trademark Intimidation, Trademark Harassment and for validated Piracy of Plaintiffs 10-year-old Original Brooklyn Nets' Brands, Global Marks, its Dr. Cassagnol Designer's Music Labels without the Plaintiff's explicit authorization and/or permission as a NYS Certified MBE even though this NBA's Group is receiving more than \$760 Million in Tax Incentives and these tax breaks require minority business participation and the Plaintiff is respectfully asking this Court to appoint a Monitor to ensure that such MBE's requirements are fulfilled and the NBA's Minority Basketball Players are fully protected since this NBA's Group has already asserted their self labeled rights to lock out these Minority players and consequently this NBA's Group have been extorting almost \$3 Billion from their 10 years' agreement to lift the lock out which seems to be pure extortion in the face of any reasonable person looking back at the NBA's Lock-out and its unfair and unjust end product vs. the current and future Minority Basketball Players that are associated with this NBA's Group. Thereby, Plaintiff as a Certified NYS MBE and an Afro-American Citizen is also looking for Class-Action Status and Certification from this Court for this NBA Group's flagrant violation of a great number of NYS, NYC and Federal Civil Rights' Laws and other laws as previously invoked and Plaintiff is also requesting proportional punitive damages of over \$600 Million on behalf of the Plaintiff's Organization and all pertinent Minority & Disadvantaged Businesses and those past and current Minority Players under their Lock-Out Umbrella of this NBA's Basketball Universe.

Respectfully Submitted,

Date:

*[Handwritten signature]*  
12/9/13  
*[Handwritten initials]*

By: *[Handwritten signature]*  
Ambassador Dr. François de Cassagnol  
Founder & Chairman of the Board of Directors



The Brooklyn Nets Entertainment Network  
Dr. Cassagnol Institute of Research, Inc.  
CyberVillage Corporation, a NYS Certified MBE  
P.O. Box 740 Bronx, New York 10467-0740

(1-516-3-Museum or 1-718-874-6439)  
www.Brooklyn-Nets.tv (Brooklyn-Nets)

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**PLAINTIFF'S NOTICE OF RELIANCE OF SELECTED SPECIMEN  
OF RECORD ON FILE AT THE USPTO OF SERIAL # 76/662,605 &  
AT TTA BOARD OF OPPOSITION # 91200170**

Plaintiff: CyberVillage Corporation (The Brooklyn Nets Entertainment Network), a registered Louisiana Trademark of: Dr. Cassagnol Institute of Research, Inc. pursuant to this Notice of Reliance in the above captioned proceeding, submits selected specimens of correspondence addressed by Plaintiff, in Opposition # 91201370, before the USPTO and the Trademark Trial and Appeal Board. Such documents depicting that the Defendants did not show any interests in the Plaintiff's Brooklyn Nets' Brands, Global Marks and Music Labels, until after 2011, more precisely 2012 when the Defendants started to use the Plaintiff's Original Brooklyn Nets' Marks and whereas this NBA's Group has been pirating the Plaintiff's Brooklyn Nets' Brands without the Plaintiff's permission, authorization and pertinent compensation.

**TABLE OF CONTENTS OF COMPLAINT**

I. Documentation on Plaintiff's History of Brooklyn-Nets' Brands, Global Marks, Music Labels & its 100% Ownership by Ambassador Dr. François de Cassagnol: EXHIBIT A .....	23 Pages
II. Plaintiff's Certificate of Service to all concerned parties: EXHIBIT B.....	1 Page
III. Plaintiff's Notice of Appeal thru The Federal Circuit Court: EXHIBIT C .....	3 Pages
IV. Petition to NYS AG's for immediate prosecution of this NBA's Group: EXHIBIT D .....	7 Pages
V. TTAB Adm. TM Judge Kuhlke's Decision & Opinion: EXHIBIT E.....	29 Pages
VI. Documentation on Petition to CANCEL Opposer's Brooklyn Nets' Registration: EXHIBIT F ...	2 Pages
VII. Documentation on Petition to CANCEL Opposer's Nets B Brooklyn's Reg.: EXHIBIT G .....	2 Pages

11/13/13

MA.

VIII. Arena's Exec. Signed & Dated Letter of \$1 Billion Brooklyn-Nets' Proposal: EXHIBIT H ..... 1 Page

IX. Documentation on Plaintiff's History of Brooklyn-Nets' Branding & Bundling: EXHIBIT I ..... 1 Page

X. Documentation of Plaintiff's Google Search on Uses of the Brooklyn-Nets: EXHIBIT J .... 7 Pages

XI. GoDaddy's \$27K+ Receipt for Consistent Uses of Brooklyn-Nets.TV: EXHIBIT K ..... 1 Page

XII. Documentation on Plaintiff's Biz History of its NYS and NYC MBE's Status: EXHIBIT L ... 3 Pages

XIII. Documentation on Plaintiff's Brooklyn-Nets' Trial Brief: EXHIBIT M ..... 19 Pages

XIV. Documentation on Plaintiff's Testimony Affidavit on USPTO & TTAB's Files: EXHIBIT N ..... 1 Page

IX. Documentation on Plaintiff's Affidavit on file at USPTO & TTAB: EXHIBIT O ..... 8 Pages

XV. Documentation on Plaintiff's \$1 Billion Notice of Claim filed with NYC: EXHIBIT P ..... 9 Pages

XVI. Documentation on The NBA's Group & Jay-Z with inclination to take advantage of other minorities:  
EXHIBIT Q ..... 5 Pages

XVII. Plaintiff's Request for Prayer addressed to Pope Francis: EXHIBIT R ..... 1 Page

XVII. Documentation on Bryant Gumbel's document in support of Plaintiff's position of this NBA's Group  
and this Group's habitual abuses of Minorities pertinent to this case: EXHIBIT S ..... 2 Pages

XIX. Documentation on Plaintiff's background and additional documents in support of its position:  
EXHIBIT T ..... 5 Pages

XX: N.B.: Attachments:-

1). All New Documentation is reflected thru Exhibits: A, B, Q, and S; and

11/13/13

2). All Old Documentation is reflected thru Exhibits: C thru P, R and T; and it should be noted that Plaintiff would challenge any third party capable of disproving that this NBA's Group and Jay-Z have not designed and used their "Nets "B" Brooklyn Logo as a fraudulent marketing tactic to take over the Dr. Cassagnol Designer's 10-year-old Brooklyn Nets' Original Brands, Global Marks and Music Labels because the Plaintiff is again challenging anyone to demonstrate that this NBA's Group and Jay-Z have not designed their logo as reflected: Nets "B" Brooklyn thru their multiple broadcasting events with sole purpose of taking over the Plaintiff's Intellectual Assets and all of the Plaintiff's Exhibits should encapsulate the placement of this NBA's Group and Jay-Z in their total rebranding of the NJNets towards their relocation to Brooklyn and one should NOT forget that all of their executives have given to Jay-Z due credits for serving as the NJNets' Franchise Figurehead based on his connection to Brooklyn and on that basis, were able to take full advantage of the Plaintiff's Original Brooklyn Nets' 10-year-old Global Brands as a Certified NYS MBE and other minorities the like of the Minority Basketball Players slaving for the NBA as depicted on attached piece of Broadcaster Bryant Gumbel. A set up the like of this NBA's Group, Jay-Z turned Sports' Agent and Barclays which has been known to be involved in past International Commerce of Slavery, appear to be a very disgraceful situation whereas Jay-Z seems to forget where he's from and in order to remind him of that, maybe a forceful boycott should be called if Jay-Z and his offensive collaborators don't take a more socially responsible and acceptable MO, noting Jay-Z and Barney's indifference to their "Shop & Frisk" while being Blacks' Incidents. Thereby, this Court should be able to see their shameless formula for taking full advantage of other minorities under this MBA's Group including noted NBA's Minority Basketball Players and other MBEs. the like of the Plaintiff. Therefore, Plaintiff is asking this District Court to certify this multiple-complaint under due classification for Class-Action Status.

Respectfully Submitted,

By: 

Ambassador Dr. François de Cassagnol

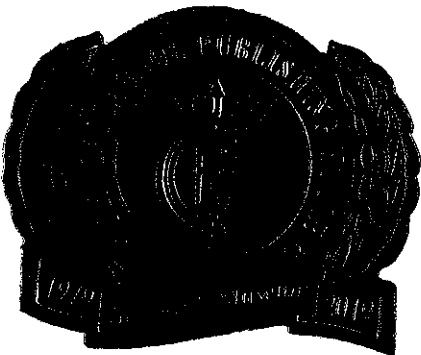
Founder & Chairman of the Board of Directors

The Brooklyn Nets Entertainment Network

Dr. Cassagnol Institute of Research, Inc.

[www.Brooklyn-Nets.tv](http://www.Brooklyn-Nets.tv)

The Dr. Cassagnol Publishing House, Studios & Museum Group



Date: 11/19/13



**EXHIBIT: A**

Page (s): ..... **23** .....

**MC.**

**11/13/13**



# United States of America

United States Patent and Trademark Office



**Reg. No. 4,326,200**

**Registered Apr. 30, 2013**

**Int. Cls.: 35 and 41**

DR. CASSAGNOL INSTITUTE RESEARCH, INC. (DELAWARE CORPORATION), DBA THE  
DR. CASSAGNOL PUBLISHING HOUSE, STUDIOS AND MUSEUM GROUP  
P.O. BOX 740  
THE GLOBAL DIASPORA PAC FUND  
BRONX, NY 104670740

**SERVICE MARK**

**PRINCIPAL REGISTER**

FOR: ASSOCIATION SERVICES, NAMELY, PROMOTING THE INTERESTS OF MINORITY ENTERPRISES; ART STUDIO GALLERY SERVICES; RETAIL STORE SERVICES AND ONLINE RETAIL STORE SERVICES FEATURING FINE ART COLLECTIBLES, DNA ARTISTIC RENDERINGS, LITHOGRAPHS, MULTI ETHNIC ORIGINAL PRINTS, MULTICULTURAL EDUCATIONAL POSTERS, CDS AND DVDS FEATURING ARTWORK, MULTI-ETHNIC GREETING CARDS AND CLOTHING, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 0-0-1979; IN COMMERCE 0-0-1979.

FOR: MUSEUM SERVICES; PUBLISHING HOUSE SERVICES, NAMELY, THE PUBLICATION OF TEXTS, BOOKS, MAGAZINES AND OTHER PRINTED MATTER, MUSICAL TEXT; MULTIMEDIA PUBLISHING OF BOOKS, MAGAZINES, JOURNALS, SOFTWARE, GAMES, MUSIC, AND ELECTRONIC PUBLICATIONS, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 0-0-1979; IN COMMERCE 0-0-1979.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PUBLISHING HOUSE" AND "1979 STUDIOS & MUSEUM 2019", APART FROM THE MARK AS SHOWN.

THE NAME "DR. CASSAGNOL" IDENTIFIES A LIVING INDIVIDUAL WHOSE CONSENT IS OF RECORD.

THE MARK CONSISTS OF THE WORDING "DR. CASSAGNOL PUBLISHING HOUSE, 1979 STUDIOS & MUSEUM 2019", A CADUCEUS DESIGN APPEARING INSIDE AN OVAL CARRIER WITH A BANNER ALONG THE BOTTOM OF THE OVAL CARRIER AND LAURELS APPEARING ALONG THE SIDES OF THE OVAL DESIGN.

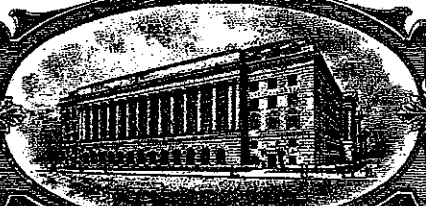


*Lisa Staretz Kuo*  
Acting Director of the United States Patent and Trademark Office

SER. NO. 76-707,044, FILED 3-31-2011.

DANNEAN HETZEL, EXAMINING ATTORNEY

7413591



**THE UNITED STATES OF AMERICA**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office**

April 22, 2013

**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE  
RECORDS OF THIS OFFICE OF THE APPLICATION AS FILED FOR:**

**TRADEMARK APPLICATION: 76/707,044**

**FILING DATE: March 31, 2011**

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office

*W. Montgomery*  
**W. MONTGOMERY**  
Certifying Officer



EMULATED  
YOUR ONE STOP FOR EVERYTHING HIP HOP

7416595



**THE UNITED STATES OF AMERICA**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office**

May 06, 2013

THE ATTACHED U.S. TRADEMARK REGISTRATION 4,326,200 IS CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM April 30, 2013 SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office

*M. Tarver*  
M. TARVER  
Certifying Officer





Corrected  
Oct 3, 2006

## FILING RECEIPT FOR TRADEMARK APPLICATION

Page 01 of 01

This acknowledges receipt on the FILING DATE of the application for registration for the mark identified below. The FILING DATE is contingent upon all minimum filing date requirements being met. Your application will be considered in the order in which it was received. Please review the status of your application every six months from the filing date of your application. You can check the status of your application on-line at <http://tarr.uspto.gov/> or by contacting the Trademark Assistance Center at 1-800-786-9199. Also, documents in the electronic file for pending applications can be viewed and downloaded at <http://www.uspto.gov/>.

CYBERVILLAGE CORPORATION  
PO BOX 740  
BRONX, NY 10467-0722

ATTORNEY  
REFERENCE NUMBER

**PLEASE REVIEW THE ACCURACY OF THE FILING RECEIPT DATA.**

A request for correction to the filing receipt should be submitted within 30 days. Such requests may be submitted by mail to: COMMISSIONER FOR TRADEMARKS, P.O. BOX 1451, ALEXANDRIA, VIRGINIA 22313-1451; by fax to 571-273-9913; or by e-mail to [tmfiling\\_receipt@uspto.gov](mailto:tmfiling_receipt@uspto.gov). The USPTO will review the request and make corrections when appropriate.

SERIAL NUMBER: 76/662605  
FILING DATE: Jun 28, 2006  
REGISTER: Principal  
MARK: WWW.BROOKLYN-NETS.TV  
MARK TYPE(S): Service Mark  
DRAWING TYPE: Standard Character Mark  
FILING BASIS: Sect. 1(a) (Use in Commerce)

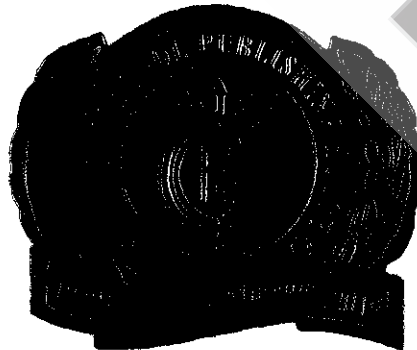
OWNER: CYBERVILLAGE CORPORATION (UNITED STATES, Corporation)  
P.O. BOX 740  
BRONX, NEW YORK 10467

FOR: PROMOTING DR CASSAGNOL SIGNATURE LINES OF PRODUCTS AND SERVICES IN FINE ARTS AND  
HIGHER TECHNOLOGIES  
INT. CLASS: 041  
FIRST USE: 1979  
USE IN COMMERCE: 1979

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

OTHER DATA

Pseudo Mark: BROOKLYN-NETS



FILING RECEIPT FOR TRADEMARK APPLICATION

Jul 18, 2006

This acknowledges receipt on the FILING DATE of the application for registration for the mark identified below. The FILING DATE is contingent upon all minimum filing date requirements being met. Your application will be considered in the order in which it was received. Please review the status of your application every six months from the filing date of your application. You can check the status of your application on-line at http://tarr.uspto.gov/ or by contacting the Trademark Assistance Center at 1-800-786-9199. Also, documents in the electronic file for pending applications can be viewed and downloaded at http://www.uspto.gov/.

CYBERVILLAGE CORPORATION  
PO BOX 740  
BRONX, NY 10467-0722

ATTORNEY  
REFERENCE NUMBER

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SERIAL NUMBER: 76/662605  
FILING DATE: Jun 28, 2006  
REGISTER: Principal  
MARK: WWW.BROOKLYN-NETS.TV  
MARK TYPE(S): Service Mark  
DRAWING TYPE: Standard Character Mark  
FILING-BASIS: Sect. 1(a) (Use in Commerce)

OWNER: CYBERVILLAGE CORPORATION (UNITED STATES, Corporation)  
P.O. BOX 740  
BRONX, NEW YORK 10467

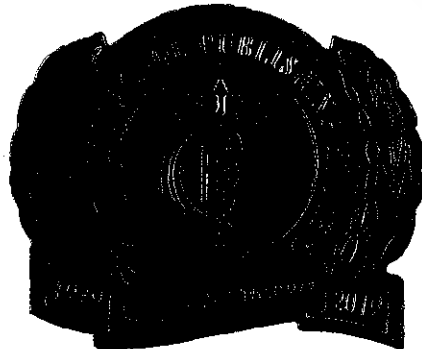
FOR: PROMOTING DR; CASSAGNOL SIGNATURE LINES OF PRODUCTS AND SERVICES IN FINE ARTS AND HIGHER TECHNOLOGIES  
INT. CLASS: 041  
FIRST USE: 1979 USE IN COMMERCE: 1979

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

OTHER DATA

Pseudo Mark: BROOKLYN-NETS

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS



(2)

41402068-5603-2322

COMMISSIONER FOR TRADEMARKS  
TRADEMARK TRIAL AND APPEAL BOARD  
P.O. BOX 1451  
ALEXANDRIA, VA 22313-1451

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CYBERVILLAGE CORPORATION  
PO Box 740  
Bronx, NY 10467-0722



COPY



**NOTICE OF PUBLICATION UNDER §12(a)**  
**MAILING DATE: Mar 30, 2011**  
**PUBLICATION DATE: Apr 19, 2011**

The mark identified below will be published in the Official Gazette on Apr 19, 2011. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Certificate of Registration.

To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

SERIAL NUMBER: 76662605  
MARK: WWW.BROOKLYN-NETS.TV  
OWNER: CYBERVILLAGE CORPORATION

COPY

COPY

# Dr. Cassagnol B'klyn-Nets Web Trademarks



- www.Brooklyn-Nets.tv**
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- www.Brooklyn-Nets.us**
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- www.BrooklynNets.be
- www.Brooklyn-Nets.biz**
- www.Brooklyn-Nets.org
- www.Brooklyn-Nets.info**



Amb. Dr. François de Cassagnol  
Designer & Chief Architect  
CyberVillage Corporation

10/26/06

MC

7415632



**THE UNITED STATES OF AMERICA**

**TO ALL TO WHOM THESE PRESENTS SHALL COME:**

**UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office**

May 01, 2013

**THIS IS TO CERTIFY THAT ANNEXED IS A TRUE COPY FROM THE  
RECORDS OF THIS OFFICE OF THE APPLICATION AS FILED FOR:**

**TRADEMARK APPLICATION: 76/662,605**

**FILING DATE: June 28, 2006**

**By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office**

**T. LAWRENCE  
Certifying Officer**





# The Brooklyn Nets Entertainment Network

DrCassagnol@AOL.Com

*Dr. Cassagnol*  
® **Made in America!**

1-516-3-Museum (368-7386)



## www.Brooklyn-Nets.tv

The Dr. Cassagnol Publishing House, Studios & Museum Group  
... developing a Dr. Cassagnol's Made in America \$1 Billion Global Iconic Signature Brand!  
**in connection with The Global Diaspora SuperPAC Fund**



Copyrights 1979-2009: Ambassador Dr. Francois de Cassagnol, Designer, Founder & Chairman of the Board of Directors

FOR EVERYTHING HIP HOP



To: USMM OFFICE

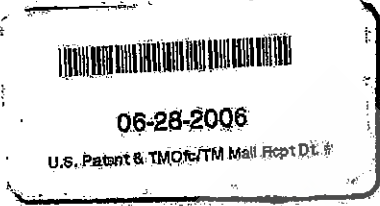
Re: SPECIMENS

MR.

1/5/11

Amb. Dr. Francois de Cassagnol  
Founder & Chairman  
The B'klyn. Pro-Sports' Association





76662605

TRADEMARK APPLICATION SERIAL NO. \_\_\_\_\_

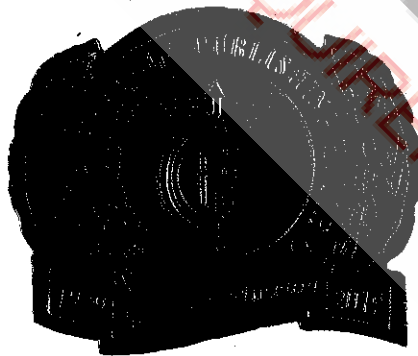
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PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

7/2006 BTHDASE 00000007 76662605

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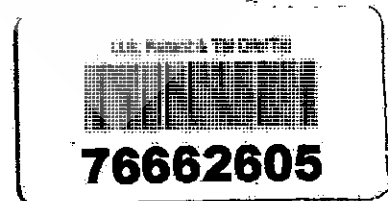
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EMBEDDED  
MARK



YOUR ONE STOP FOR EVERYTHING HIP HOP

PTO-1555  
(5/87)





Tom Schedler  
SECRETARY OF STATE

State of Louisiana  
Secretary of State

COMMERCIAL DIVISION  
225.925.4704



02/14/2012

Administrative Services

225.932.5317 Fax

Corporations

225.932.5314 Fax

Uniform Commercial Code

225.932.5318 Fax

AMBASSADOR DR. FRANCOIS DE CASSAGNOL  
P.O. BOX 740  
BROXN, NY 10467-0740

DEAR DR. CASSAGNOL:

THE BROOKLYN NETS ENTERTAINMENT NETWORK LOGO

It has been a pleasure to approve and place on file your Trademark logo. The appropriate evidence is attached for your files.

Payment of the filing fee is acknowledged by this letter.

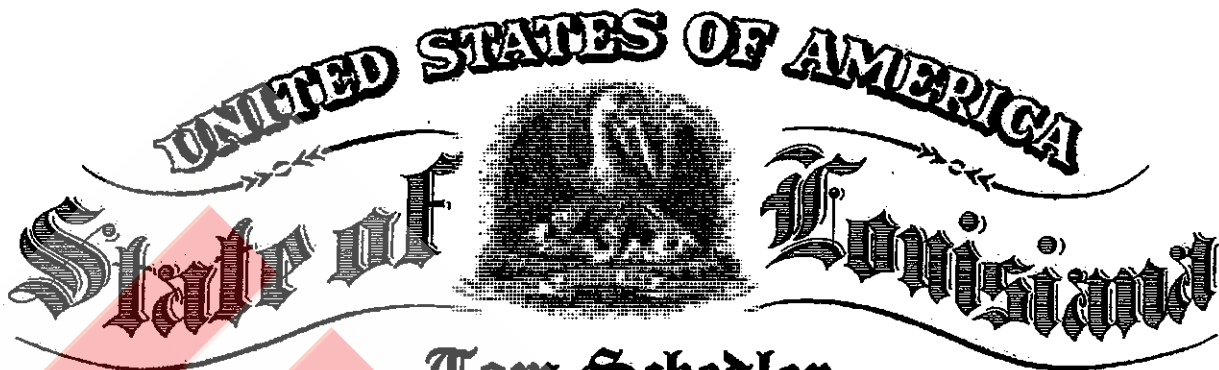
Online filing options are available if changes are necessary to your registration or you need to file an annual report. Please visit our website at [GeauxBiz.com](http://GeauxBiz.com) for your future business needs.

Sincerely,

PA



AKC.



**Tom Schedler**  
SECRETARY OF STATE

*As Secretary of State of the State of Louisiana I do hereby Certify that*

DR. CASSAGNOL INSTITUTE OF RESEARCH, INC., A DELAWARE CORPORATION, located at P.O. BOX 5454, BOSSIER CITY, LA 711115454,

Has filed for record in this department an application for the trade mark

**THE BROOKLYN NETS ENTERTAINMENT NETWORK LOGO**

Which was first used in the State of Louisiana on April 15, 2003, for class(es):

35 MISCELLANEOUS

Said application was filed and recorded in this Office on February 10, 2012, which recordation is for a term of ten years from the date hereof.

In testimony whereof, I have hereunto set my hand and caused the Seal of my Office to be affixed at the City of Baton Rouge on,

February 14, 2012

*Secretary of State*



Certificate ID: 10244605#DSL73

To validate this certificate, visit the following web site, go to **Commercial Division, Certificate Validation**, then follow the instructions displayed.  
[www.sos.louisiana.gov](http://www.sos.louisiana.gov)

PA 63-4604



Louisiana's Trademark Registration  
for

# The Brooklyn Nets Entertainment Network



**The Brooklyn Nets Entertainment Network**

**www.Brooklyn-Nets.org and connected Web extensions**

... developing a Dr. Cassagnol's iConic Made in America \$1 Billion Signature Brand!

**Ambassador Dr. François de Cassagnol  
Designer**



**The description of the logo for the following trademark is:-**

The Brooklyn Nets Entertainment Network's logo, as reflected on the 2 attached copies, , includes its Dr. Cassagnol Designer's 6 rectangular shapes and its 7 primary colors: red, white, blue, black, gold, green, brown represented as a flag with a greenish background; and the logo constitutes the Dr. Cassagnol's Brand Name: The Brooklyn Nets Entertainment Network with its 2 distinctive 32 years old symbols and/or seals incorporating its www.Brooklyn-Nets.org and connected Web Extensions and tag lines: ... developing a Dr. Cassagnol's iConic Made in America \$1 Billion Signature Brand together with Ambassador Dr. Francois de Cassagnol's DrC initials, its unique designs and marks as a Designer.

12/29/11



*Ma*

Tom Schedler  
SECRETARY OF STATE

State of Louisiana  
Secretary of State

COMMERCIAL DIVISION  
225.925.4704



04/28/2011

Administrative Services  
225.932.5317 Fax  
Corporations  
225.932.5314 Fax  
Uniform Commercial Code  
225.932.5318 Fax

AMBASSADOR DR. FRANCOIS DE CASSAGNOL  
P.O. BOX 740  
BROXN, NY 10467-0740

DEAR MR. CASSAGNOL,

THE GLOBAL DIASPORA PAC FUND WWW.THEGLOBALDIASPORAPAC.ORG;.COM;.INFO;  
.US;.BIZ AND .MOBI...PROMOTING DR. CASSAGNOL DESIGNER'S SIGNATURE-LINES:...MADE  
IN AMERICA! BRAND & LABEL & LOGO: THE LOGO INCLUDES OUR 7 PRIMARY COLORS:  
RED, WHITE, BLUE, BLACK, GOLD, GREEN, AND BROWN.

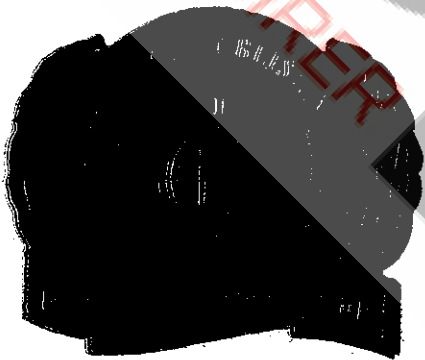
It has been a pleasure to approve and place on file your Trademark. The appropriate evidence is  
attached for your files.

Payment of the filing fee is acknowledged by this letter.

Online filing options are available if changes are necessary to your registration or you need to file an  
annual report. Please visit our website at [GeauxBiz.com](http://GeauxBiz.com) for your future business needs.

Sincerely,

BB





**Tom Schedler**  
**SECRETARY OF STATE**

*As Secretary of State of the State of Louisiana I do hereby Certify that*

**DR. CASSAGNOL INSTITUTE OF RESEARCH, INC., A DELAWARE CORPORATION, located at  
P.O. BOX 5454, BOSSIER CITY, LA 71115454,**

**Has filed for record in this department an application for the trade mark**

**THE GLOBAL DIASPORA PAC FUND WWW.THEGLOBALDIASPORAPAC.ORG;.COM;.INFO;  
.US;.BIZ AND .MOBI PROMOTING DR. CASSAGNOL DESIGNER'S SIGNATURE-  
LINES: MADE IN AMERICA! BRAND & LABEL & LOGO**

**Which was first used in the State of Louisiana on January 01, 1989, for class(es):**

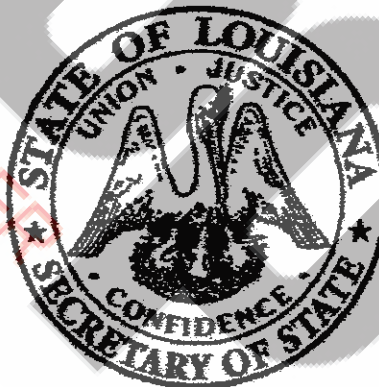
**35 MISCELLANEOUS**

**Said application was filed and recorded in this Office on April 25, 2011, which recordation is for a  
term of ten years from the date hereof.**

In testimony whereof, I have hereunto set my  
hand and caused the Seal of my Office to be  
affixed at the City of Baton Rouge on,

April 28, 2011

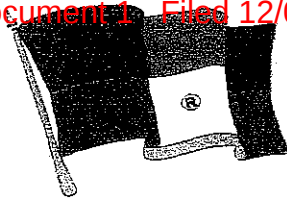
*Secretary of State*



Certificate ID: 10162149#MLI-52

To validate this certificate, visit the following web site,  
go to Commercial Division, Certificate Validation,  
then follow the instructions displayed.  
[www.sos.louisiana.gov](http://www.sos.louisiana.gov)

BB 62-9044



1/1/11

MC.

### Louisiana's Trademarked Registration



The description of the logo and banner for this previous registered trademark is:-

### The Global Diaspora PAC Fund

[www.TheGlobalDiasporaPAC.org](http://www.TheGlobalDiasporaPAC.org); .Com, .Info; .US; .Biz; and .Mobi

... promoting Dr. Cassagnol Designer's Signature-Lines:

... Made in America!

Brand & Label

The Dr. Cassagnol Organizational Logo is also being used as a designer's brand or label and is designed to include our 7 primary colors: red, white, blue, black, gold, green, and brown. As previously being used with other trademarks, tradenames, servicemarks and banners in conjunction with the Dr. Cassagnol Designer's Trademarked Signature Line: DrC = "Dr. Cassagnol"



Tom Schedler  
Secretary of State



**APPLICATION TO REGISTER TRADE NAME  
TRADEMARK OR SERVICE MARK**  
(Pursuant to R.S. Of 1950, Title 51, Chapter 1, Part VI as amended)

Enclose \$50 filing fee  
Make remittance payable to  
Secretary of State  
Do Not Send Cash

Return to: Commercial Division  
P. O. Box 94125  
Baton Rouge, LA 70804-9125  
Phone (225) 925-4704  
Web Site: www.sos.louisiana.gov

STATE OF LOUISIANA

PARISH/COUNTY OF BOSSIER / CASSIOLA

Check One: ( ) Trade Name (  ) Trademark ( ) Service Mark

Check One: (  ) Original Filing ( ) Renewal

1. Name of person(s), Corporation, Limited Liability Company or Partnership applying for registration:

Dr. CASSACIOL INSTITUTE OF RESEARCH, INC.

2. If applicant is a corporation, list state of incorporation:

DELANARE USA

3. Full street address and P. O. Box address, city, state, and zip of applicant:

LA PLAZA # 37  
P.O. Box 1454 BOSSIER City, LOUISIANA 7111-5454

4. Name of trade name, trademark or service mark to be registered. If logo is included, please describe. If the LOGO of your trade name, trademark or service mark is part of your registration, attach 2 copies of design.

THE GLOBAL DIASPORA VAC FUND - WWW.THEGLOBALDIASPORAFAC.ORG;  
•CBH; •INFO; •US; •BIZ; and •MOBI in promoting Dr. CASSACIOL  
DESIGNER; SIGNATURE-LINE; ... MADE IN AMERICA BRAND/LABEL

5. Type of business or list of goods or services to which the trade name, trademark or service mark is applied:

Misc. Dr. CASSACIOL DESIGNER; MADE IN AMERICA BRAND/LABEL

6. Enter class(es) in which trademark or service mark is registered: # 35 Misc. Dr. CASSACIOL

DESIGNER; SIGNATURE-LINE; MADE IN AMERICA BRAND/LABEL

7. Date trade name, trademark or service mark first used by applicant

JAN. 1<sup>st</sup> 1979  
Month, Day, Year

8. Date trade name, trademark or service mark first used in Louisiana

JAN 1<sup>st</sup> 1989  
Month, Day, Year

**DENA FRANCE**  
Notary Public, State of New York  
No. 01124897996  
Qualified in Essex County  
Term Expires 10/31/2012

I, the applicant, am the owner of the trade name, trademark or service mark sought to be registered and no other person, firm, association, union or corporation has the right to such use in such class, either in the identical form hereinabove described, or in any such resemblance thereto as may be calculated to deceive, and the facsimiles or counterparts herein filed are true and correct.

Sworn to and subscribed before me, the undersigned Notary Public, on this date: JAN. 1<sup>st</sup> 2011

The below named person swears that he is the applicant, or an authorized representative of the applicant, named in the foregoing application, and that the facts alleged in said application are true.

NOTARY NAME MUST BE TYPED OR PRINTED WITH NOTARY #

D. Crupel, MA

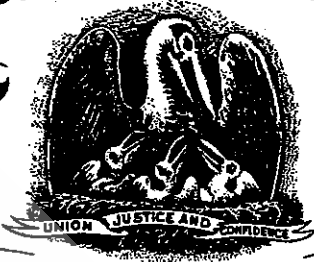
Applicant or Authorized Representative

FOUNDER  
CHAIRMAN OF THE BOARD  
OF DIRECTORS Title

Dena France  
Notary Signature

**DENA FRANCE**  
Notary Public, State of New York  
No. 01124897996  
Qualified in Essex County  
Term Expires 10/31/2012

UNITED STATES OF AMERICA  
State of Louisiana



**Jox McKeithen**

**SECRETARY OF STATE**

*As Secretary of State, of the State of Louisiana, I do hereby Certify that*

DR. CASSAGNOL INSTITUTE OF RESEARCH, INC., a Delaware corporation, located at La Plaza Suite #37, Post Office Box 5454, Bossier City, Louisiana 71111-5454,

Has this day filed for record in this department three copies of trade mark,

NATIONAL BASKETBALL FEMALE ASSOCIATION: NBFA'S DR. CASSAGNOL SIGNATURE-LINES OF DESIGNER FEMALE LINGERIE & LOGO

Which was first used by applicant on October 15, 1982, which was first used in the State of Louisiana on March 11, 1993, for Class 35, Miscellaneous,

Together with sworn statement of application specifying the name of the company or individual on whose behalf the said trade mark is filed, the class of merchandise to which it is intended to be appropriated, stating that the said company or individual has the right to such use, and that the facsimiles of the trade mark are true and correct.

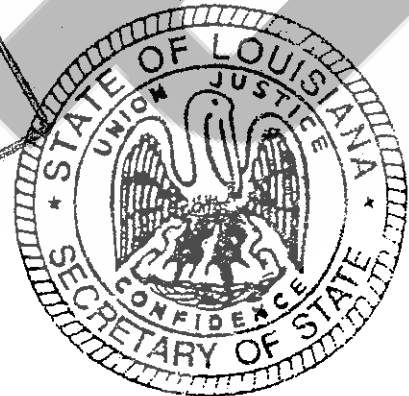
I further certify that the said application and facsimiles have been filed and recorded in this office on April 22, 1996, which recordation is for a term of ten years from the date hereof.

*In testimony whereof, I have hereunto set my hand and caused the Seal of my Office to be affixed at the City of Baton Rouge on,*

April 22, 1996

*Jox McKeithen*

COPY



ABA

*Secretary of State*



W. Fox McKeithen  
Secretary of State



**APPLICATION TO REGISTER TRADE NAME,  
TRADEMARK OR SERVICE MARK**  
(Pursuant to R.S. of 1950, Title 51, Chapter 1, Part VI as amended)

Enclose \$50.00 filing fee  
Make remittance payable to  
Secretary of State  
Do not send cash

Return to: Corporations Division  
P.O. Box 94125  
Baton Rouge, LA 70804-9125  
Phone (504) 925-4704

STATE LOUISIANA

Check One: ( ) Trade Name (  ) Trademark ( ) Service Mark

PARISH/COUNTY Bossier/Caddo

Check One: (  ) Original Filing ( ) Renewal

1. Name of person(s), Corporation(s) or Partnership applying for registration: DR. CASSAGNOL INSTITUTE OF RESEARCH, INC.

**CERTIFIED & TRUE COPY  
OF ORIGINAL DOCUMENT**

2. If applicant is a corporation, list state of incorporation: DELAWARE, U.S.A.

3. Full street address and P.O. box address, city, state, and zip of applicant: LA PLAZA SUITE # 37  
P.O. Box 5454 Bossier City, Louisiana 71111-5454 U.S.A.

4. Name of trade name, trademark or service mark to be registered. If logo is included, please describe. If the LOGO of your trade name, trademark or service mark is part of your registration attach 3 copies of design.

NATIONAL BASKETBALL FEMALE ASSOCIATION: NBFA's Dr. Cassagnol Signature-  
Lines of Designer Female Lingerie: "RAISING-EYE-BRA" @ HTTP://WWW.CYBERTV  
&RADIO.COM (HTTP://WWW.CYBERBIZBUREAU.COM - HTTP://WWW.CYBERACADEMY.COM)

5. Type of business or list of goods or services to which the trade name, trademark or service mark is applied:

Misc. Physical Education, Entertainment & Promotion of Products

6. Enter class(es) in which trademark or service mark is registered: 35: Marketing & Distribution of

Dr. Cassagnol Designer's High-Tech. Products thru NBFA's Activities

Class list on reverse side. There is a \$50 registration fee for each class number registered.

7. Date trade name, trademark or service mark first used by applicant: October 15th., 1982  
(See instruction 8 on back) Month, Day, Year

8. Date trade name, trademark or service mark first used in Louisiana: March 11th., 1993  
Month, Day, Year

I, the applicant, am the owner of the trade name, trademark or service mark sought to be registered and no other person, firm, association, union or corporation has the right to such use in such class, either in the identical form hereinabove described, or in any such resemblance thereto as may be calculated to deceive, and the facsimiles or counterparts herewith filed are true and correct.

Sworn to and subscribed before me, this 14th. day of February, 1996.

The below named person swears that he is the applicant, or an authorized representative of the applicant, named in the foregoing application, and that the facts alleged in said application are true.

DENA FRANCE  
Notary Public, State of New York  
No. 01-FR1627033  
Qualified in Essex County  
Term Expires 12/31/99

Dena France  
Notary

**CERTIFIED & TRUE COPY  
OF ORIGINAL DOCUMENT**

Dr. Francois de Cassagnol  
Applicant or Authorized Representative  
Amb. Dr. Francois de Cassagnol

Founder/Chairman/CEO  
Title

**COPY**

UNITED STATES OF AMERICA  
State of Louisiana



**Jox McKeithen**  
**SECRETARY OF STATE**

*As Secretary of State, of the State of Louisiana, I do hereby Certify that*

DR. CASSAGNOL INSTITUTE OF RESEARCH, INC., a Delaware corporation, located at La Plaza Suite #37, Post Office Box 5454, Bossier City, Louisiana 71111-5454,

Has this day filed for record in this department three copies of trade mark,

DR. CASSAGNOL SIGNATURE-LINES OF DESIGNER'S HIGH-TECH. PRODUCTS IN FINE ARTS & CYBERBANKING & LOGO

Which was first used by applicant on October 15, 1982, which was first used in the State of Louisiana on March 11, 1993, for Class 35, Miscellaneous,

Together with sworn statement of application specifying the name of the company or individual on whose behalf the said trade mark is filed, the class of merchandise to which it is intended to be appropriated, stating that the said company or individual has the right to such use, and that the facsimiles of the trade mark are true and correct.

I further certify that the said application and facsimiles have been filed and recorded in this office on April 22, 1996, which recordation is for a term of ten years from the date hereof.

*In testimony whereof, I have hereunto set my hand and caused the Seal of my Office to be affixed at the City of Baton Rouge on,*

April 22, 1996

*Jox McKeithen*



ABA

*Secretary of State*



**EXHIBIT: B**

**Page (s): .....!**

*MC*

*11/13/13*



CyberVillage Corporation  
P.O. Box 740  
Bronx, New York 10467-0740  
(718) 874-6439

By: *François de Cassagnol*  
**Amb. Dr. François de Cassagnol**  
Founder & Chairman of the  
Board Of Directors  
Dr. Cassagnol Institute of Research, Inc.  
DBA: CyberVillage Corporation  
The Brooklyn Nets Entertainment Network  
Both Registered Louisiana's Trademarks



**CERTIFICATE OF MAILING**

I, Ambassador Dr. François de Cassagnol, the Appellant/Plaintiff/Petitioner, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage Via USPS Mail in a First Class Pre-Paid Envelope addressed to: United States District Court, Eastern District of New York, Pro Se Office, U.S. Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201 on November 13<sup>th</sup>, 2013.

Copied To: Office of the General Counsel, US Patent & Trademark Office;  
The Hon. Adm. TM Judge Kuhlke, The Trademark Trial & Appeal Board;  
The Hon. USPTO Cmsr. Deborah Cohn and  
The Hon. NYS Attorney General Eric T. Schneiderman

*François de Cassagnol*  
**Ambassador Dr. François de Cassagnol**  
November 13<sup>th</sup>, 2013

**CERTIFICATE OF SERVICE**

I, Ambassador Dr. François de Cassagnol, hereby certify that I've on this day, November 13<sup>th</sup>, 2013, being deposited with the USPS First Class Mailing via USPS postage pre-paid, a copy of the foregoing Federal Appeal Documents by Way of Civil Action, and copied to TTAB & Cmsr. Cohn by Appellant: Ambassador Dr. François de Cassagnol, served to the following:-

Attorney Anil V. George  
**Attorney for Defendant/Opposer/Appellee, New Jersey Basketball, LLC**  
NBA PROPERTIES, INC.  
Olympic Tower, 645 Fifth Ave., New York, NY 10022

*Anil V. George*  
**Ambassador Dr. François de Cassagnol**  
November 13<sup>th</sup>, 2013

*11/13/13*



**EXHIBIT: C**

Page (s): ..... **3** .....

*MC.*

*11/13/13*



IN THE UNITED STATES COURT OF APPEALS  
BEFORE THE FEDERAL CIRCUIT COURT

In the matter of Trademark Application No.: 76662605 and Opposition No.: 91201370

For the Mark: [www.Brooklyn-Nets.tv](http://www.Brooklyn-Nets.tv) (Brooklyn-Nets)

Date of Application was filed: June 28, 2006

Trademark Trial and Appeal Board's Order Mailed: September 9, 2013

Dr. Cassagnol Institute of Research, Inc.

DBA: CyberVillage Corporation and

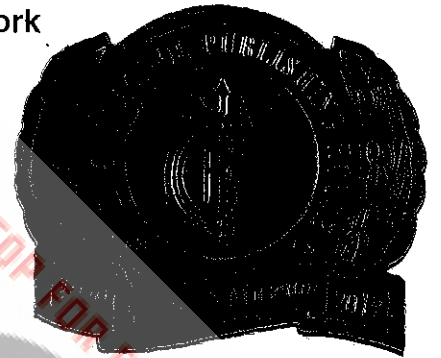
The Brooklyn Nets Entertainment Network

Plaintiff/Appellant/Petitioner

v.

New Jersey Basketball, LLC

Defendant/Appellee/Opposer



NOTICE OF APPEAL BY WAY OF CIVIL ACTION

Notice of Appeal by Way of Civil Action is hereby given that Dr. Cassagnol Institute of Research, Inc. hereby appeals to the US Court of Appeals before the Federal Circuit from the Trademark Trial and Appeal Board's Decision and Order mailed the September 9<sup>th</sup>, 2013 in re. to Trademark Application No. 76662605 and Opposition No. 91201370 and the Appellant is submitting that the Trademark Trial and Appeal Board's Opinion and Decision are contradictory to the Appellant's 10 years of continuous use of its Dr. Cassagnol Designer's Original Brooklyn Nets' Brands/Marks/Labels in conjunction with the Appellant's other federally registered organizational logo (s) and with its other State of Louisiana's multiple Brooklyn Nets' Trademarks/Brands/Labels. The TTA Board has failed and/or has neglected to recognize such usage even though that the Appellant had provided ample usage's information and supporting materials in order to sustain the Appellant's USE POSITION but the Hon. TTAB Adm. TM Judge Kuhlke went furthermore to use such bias term: "Alter Ego" to describe the Dr. Cassagnol Designer's 34-year-old iSignature Line in its TTA Board's Decision which is unfair and as well stacking the deck vs. the "Dr. Cassagnol" Signature Line since it has identified Ambassador Dr. François de Cassagnol as its Creator. Besides, the Appellant had given multiple constructive notices to the Appellee and to its NBA's Group, establishing the Appellant's Ownership of this Brooklyn Nets' Marks since 2005 under 15 U.S.C.

11/13

Handwritten signature or initials.

§1072 and being registered thru the State of Louisiana thru its incontestable good standing status after more than 5 years of continuous use under 15 U.S.C. § 1065 which gives to the Appellant, a full set of incontestable rights and also by directly eliminate any claims of infringement based on a fully generic word the like of the Net (s). But this appeal is also asking for the Appellant's Brooklyn Nets' trademark be protected under the State of Louisiana's Statute pursuant to R.S. of 1950, Title 51, Chapter 1, Part VI as amended under the State of Louisiana Trademark or Service Mark's Laws. Accordingly, The Court should be in support of the Appellant's Common Law 10-year Ownership and Use, since this NBA Group's Brooklyn Nets' Marks and its Nets B Brooklyn's Marks appear to use multiple fraudulent tactics in reversing the Appellant's Brooklyn Nets' fully established 10-years-old Brands/Marks/Labels under 15 U.S.C. 1064: 37 C.F.R. §§ 111-114 by which the Appellant's Brooklyn Nets' Brands/Marks/Labels have been in existence in conjunction with its fully registered federal trademark registration # 4,326,200, and is valid until the year: 2023. Whereas the Appellant has been using such mark in combination with its Dr. Cassagnol Designer's Fine Art Products for its targeted Services to promote others and its organization thru The Dr. Cassagnol Publishing House, Studios & Museum Group, thru the Dr. Cassagnol Foundation Inc., thru The Global Diaspora SuperPAC; and thereby the Appellant has classified this Appeal under Title 15 U.S.C. §1071(b)(4) to be filed thru the US District Court for the Eastern District of New York; and this Court should look at the loopholes that the Appellee has used to register its Brooklyn Nets' Marks during the TTA Board's proceeding in bad faith, and those marks should have been tagged as un-registrable and therefore it's apparent that the Appellee has willfully violated USPTO's Rules under its 18 U.S.C. §§1001 and such willful false statements filed under 15 U.S.C. §§ 1051(b) meriting fine or imprisonment or both, henceforth the Appellant has already asked USPTO and TTAB to refer such violations to civil and criminal enforcement authorities but to no avail. But one should keep in mind that the word: Net (s) was and still is of generic nature. Consequently, because of the Appellee's flagrant violations, the Appellant has already filed multiple complaints thru the NYS AG's Office asking the Hon. NYS Attorney General Eric T Schneiderman to take immediate action vs. the Appellee ie. the NBA's Group and the Appellant has also requested the AG's Office to additionally refer this case to other appropriate civil and criminal authorities such as the US AG's Office and the Brooklyn DA's Office for more punitive action under the Fed. False Claims' Act and under the NYS and the Fed. RICO Acts.

By: 

Ambassador Dr. François de Cassagnol

Founder & Chairman of the Board of Directors

Dr. Cassagnol Institute of Research, Inc., a NYS Certified MBE

DBA: The Brooklyn Nets Entertainment Network

& CyberVillage Corporation

P.O. Box 740 Bronx, New York 10467-0740

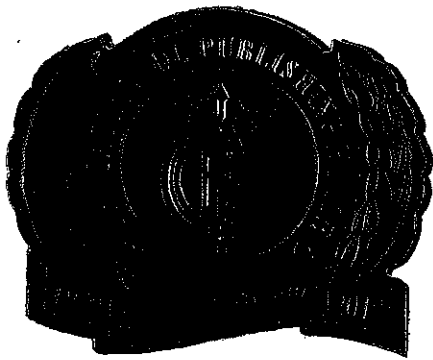
(1-516-3-Museum or 1-718-874-6439)

DrCassagnol@AOL.Com CyberVillageCorp@AOL.Com

Facebook.Com/RealBklynNets RealBklynNets@GMail.Com

Twitter.Com/RealBklynNets #RealBrooklynNets

Date: 11/1/13



CyberVillage Corporation  
P.O. Box 740  
Bronx, New York 10467-0740  
(718) 874-6439

By: *François de Cassagnol*  
**Amb. Dr. François de Cassagnol**  
Founder & Chairman of the  
Board Of Directors  
Dr. Cassagnol Institute of Research, Inc.  
DBA: CyberVillage Corporation  
The Brooklyn Nets Entertainment Network  
Both Registered Louisiana's Trademarks

*11/1/13*



**CERTIFICATE OF MAILING**

I, Ambassador Dr. François de Cassagnol, the Appellant, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage Via USPS Mail in a First Class Pre-Paid Envelope addressed to: Office of the General Counsel, United States Patent & Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450 on November 1<sup>st</sup>, 2013.

Copied To: The Hon. Adm. TM Judge Kuhlke, The Trademark Trial & Appeal Board,  
The Hon. USPTO Cmsr. Deborah Cohn and  
The Hon. NYS Attorney General Eric T. Schneiderman

*François de Cassagnol*  
**Ambassador Dr. François de Cassagnol**  
November 1<sup>st</sup>, 2013

**CERTIFICATE OF SERVICE**

I, Ambassador Dr. François de Cassagnol, hereby certify that I've on this day, November 1<sup>st</sup>, 2013, being deposited with the USPS First Class Mailing via USPS postage pre-paid, a copy of the foregoing Federal Appeal Documents by Way of Civil Action, and copied to TTAB & Cmsr. Cohn by Appellant: Ambassador Dr. François de Cassagnol, served to the following:-

**Attorney Anil V. George**  
**Attorney for Opposer/Appellee, New Jersey Basketball, LLC**  
**NBA PROPERTIES, INC.**  
Olympic Tower 645 Fifth Ave., New York, NY 10022

*François de Cassagnol*  
**Ambassador Dr. François de Cassagnol**  
November 1<sup>st</sup>, 2013

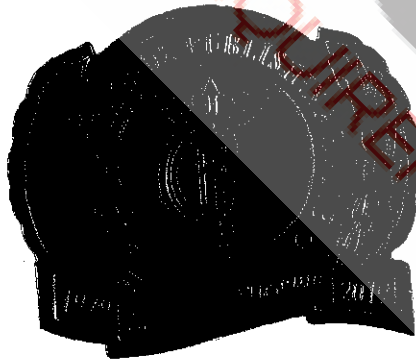


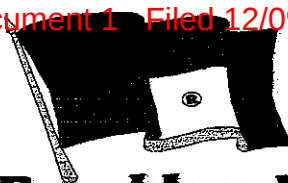
**EXHIBIT: D**

Page (s): .....**7**.....

*MC.*

*11/13/13*





**www.Brooklyn-Nets.tv**

**The Brooklyn Nets Entertainment Network**

© ... Developing a Dr. Cassagnol's Made in America \$1 Billion Global Iconic Signature Brand!™

**The Dr. Cassagnol Publishing House, Studios & Museum Group**

**in connection with The Global Diaspora SuperPAC Fund**



*Ambassador Dr. Francois de Cassagnol*

**Behavioral Research Scientist & Designer**

*Ordained Multi-Faith Minister for Life*

**Founder & Chairman of the Board of Directors**

*Dr. Cassagnol Foundation Incorporated*

*... a 501(c)(3) Non-Profit, Tax-Exempt, Charitable, Educational, Scientific & Economic Development Organisation!*

*P.O. Box 740 @ Williams Bridge Station, Bronx, New York 10467-0740 U.S.A.*



**To: The Honorable NYS Attorney General Eric T. Schneiderman  
State of New York, Office of the Attorney General  
120 Broadway, New York, NY 10271-0332**



**Re.: Petition requesting the NYS AG's's Office to look into Application Serial # 76/662605 and its Opposition # 91201370 by New Jersey Basketball, LLC and/or the NBA's Group. This Petition is based on grave errors committed by USPTO and the TTA Board resulting from the Opposer's filings of erroneous and false information in obtaining multiple Brooklyn Nets' Registrations. Thereby, this Petition is based on routine procedural ground by the parties not following standard procedural protocols based on Standard Legal Practices, Fair US Public Policies and Impartial USPTO and TTAB's procedures or a lack thereof.**

**Dear Hon. NYS Attorney General Eric T. Schneiderman:**

**This is a Petition requesting your office to look at Application # 76/662605 under the US Application of Mark: www.Brooklyn-Nets.tv (Brooklyn-Nets) applied as a Louisiana TM of Dr. Cassagnol Institute of Research, Inc., a Certified NYS Minority Business Enterprise. The purpose of this petition is to correct multiple and grave procedural errors made during the USPTO and TTAB's proceeding of this Brooklyn-Nets Trademark and its Opposition by New Jersey Basketball, LLC (NBA's Group). This Petition is to basically bring to the attention of all concerned parties that during this USPTO and TTAB Proceeding, numerous procedural errors were made vs. our Brooklyn-Nets Application, in the following manners and I would like your AG's Office to look at the USPTO and TTAB's Proceedings and your office to examine the bogus information filed by the NBA's Group and to prosecute them under your current NYS RICO Act in order to redress some those wrongs committed during these USPTO and TTAB Proceedings and I'm accordingly petitioning your NYS AG's Office to take civil and criminal action vs. all concerned parties' attempts and/or those conspired to illegally take over my 10-year-old Brooklyn Nets' Brands by flagrant theft and/or using illegal loopholes to take over a 10-year-old trademark of a Certified NYS Minority MBE and the NBA Group's wrongful action and unlawful behaviors led me to file these bona fide complaints in the following forms:-**

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COMPLAINT # 1). I've created my organization in 1979 and I started with the development of my sports' initiatives since 1996 and from there on I always wanted to own a sports' team and planning to use my huge commercial art portfolio to achieve such of a goal but I learned very fast that the NBA is a complete monopoly and every other academicians and legal experts that I've conferred with: think the same that if the NBA is not a monopoly, which entity is and this is where we're looking at the NBA as monopoly in the Basketball Universe. But it's extremely clear that my application was made on April 15<sup>th</sup>., 2003 as reflected on notarized attachment and a final certificate was recorded on May 17<sup>th</sup>., 2004 thru the State of Louisiana Office of Trademark and if your office looks very closely at our Brooklyn-Nets Federal Application on June 28<sup>th</sup>., 2006. This Brooklyn-Nets Application is fully linked with the Petitioner already registered: The Dr. Cassagnol Publishing House, Studios & Museum Group's Federal Mark # 4.326,200 and if the TTAB Judge Kuhkle does NOT see it as an infringement of my intellectual rights, any reasonable person can see it at face value, thereby Judge Kuhkle's decision is fully reversible on that basis alone that for the last 10 years that I've used my Brooklyn Nets' Marks in conjunction with my valid federal trademark and legally obtained multiple Louisiana's Trademarks and your office should consider this first complaint as a valid piracy and infringement complaint under the NYS RICO Act or its relevant federal RICO Act and under the US False Claims Act;

COMPLAINT # 2). I've filed my application for a Federal Brooklyn Nets' Trademark in 2006 and it took the USPTO almost 5 years to publish our Brooklyn Nets' mark and the NBA's Group started with their piracy of my established Brooklyn Nets' Brands in 2001 and their first use in commerce was not until 2012 as per their registrations and thru their USPTO's filings but their applications appeared to have been on a fast track because it took me almost 5 years for my application to be published but it took them within a year for their registering processes to be completed and it appears to be that the USPTO Examiners had given to the NBA's Group enough time to back-door me and illegally obtain those Brooklyn Nets' Marks under perjury of our Federal Trademark Act since their declaration indicated that they were the only owner of such mark (s) while the NBA Group knew extremely well that I've owned the Brooklyn Nets for almost 10 years, thereby this complaint is your NYS AG's Office to work with the Office of US AG Eric Holder to prosecute the NBA Group under both NYS & the Federal RICO Acts or under the US False Claims Act;

COMPLAINT # 3). This is my contention that severe errors were made by TTAB Administrative Judge Kuhlke by accepting all of the fallacious information provided by the NBA's Group, as gospels while rejecting every factual allegations enunciated in my Affidavit and my Legal Brief. It's apparent that Judge Kuhkle has used a different set of standards to sustain the NBA Group's Opposition while had given NO CONSIDERATIONS to the evidentiary facts that I've been in business since 1979 and for the last 34 years, and as a Certified NYS MBE, I've developed from scratch, a huge amount of commercial art assets comprising that I'm the sole owner of a Multi-Million-Dollar Commercial Art Library, a Mega Web Network of over 333 uniquely designed Web Addresses including my 21 Brooklyn-Nets Addresses which has had nothing to do with the New Jersey Basketball, LLC. or the NBA Group. Our Intellectual Assets are purely based on our organizational creativity as a Scientist and a Designer and our organizational development of our \$1 Billion iSignature Brand. Again our Brand has had NOTHING to do with the universe of basketball but our 34-year-old Dr. Cassagnol Signature Lines of Products in Fine Arts and High Technologies could be used in partnership with any other entity. Our Dr. Cassagnol iSignature Line was created 34 years ago and has had NOTHING to do with the NBA nor their cohorts nor it has anything to do with Judge Kuhkle's reference of my "alter ego" as I'm the Creator and Designer who has developed a \$1 Billion iSignature Brand from scratch using my sheer talent and creativity to build this 34-year-old iConic Brand, this is NOT an "Alter Ego" as misrepresented by TTAB Administrative Judge Kuhkle and as the sole owner of my organization, I've NO intention of turning my intellectual assets to these pirates in Brooklyn and at the Olympic Tower in New York City. It's further apparent that Judge Kuhlke's attitude and misrepresentation of my 34-year-old Louisiana and Federal Trademarks, is a possible rejection of his decision thru the Federal Circuit Court using your office to assist us as a Certified NYS MBE to prosecute this NBA Group and obtain a reversal thru the Federal Circuit Court if these issues are not resolved

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COMPLAINT # 4). In its TTAB's Order, Judge Kuhkle appears to be very wrong by not given proper considerations to my documentation on file at the USPTO and at the TTAB in re. to our bona fide use of our original Brooklyn Nets's 10 years usage of our original Brooklyn-Nets Brands and Marks starting before 2003, keeping in mind that our affirmation of its use was done at a meeting with the NBA Group's executives in 2005, used in multiple forms as enumerated on USPTO and TTAB Filings, used at the .TV network from 2007 and went on to promote then Sen. Obama and Sen. Clinton's Candidacies, at the same time, using GoDaddy's Web Hosting to promote other minorities the like of the Dreamers and Un-Registered Immigrants toward assisting in resolving their issues and using the Dr. Cassagnol Publishing House, Studios and Museum Group's Federally Registered Trademark Reg. # 4,326,200 in conjunction with this Brooklyn Nets' Mark to promote others and other Dr. Cassagnol Designer's Products in Fine Arts and High Technologies and it's very sad that after all of these bona fide uses of our 10-year-old Brooklyn-Nets' Brands and Marks, after all it was not sufficient for Judge Kuhkle to deliver an impartial decision in our favor, but something is very wrong here and it suffices reversal of the Judge's Decision because the NBA Group's claim of my Inactive Website, is ridiculous, false, inaccurate, incorrect, erroneous and malicious and thereby I'm asking your NYS AG's Office to consider civil and criminal prosecution of the NBA's Group for lying to various public officials under your jurisdiction or have them under oath to reaffirm their lies thru your office since they had refused to be deposed by my organization and the USPTO and the TTAB did not have the authorities to force them to be deposed throughout the filings of their flagrant lies during our USPTO and TTA Board's federal proceedings;

COMPLAINT # 5). Your Office should note that the 2 most gravest errors were done thru filing by me to Cancel the 2 Marks: Brooklyn-Nets (Reg. # 4,273,135 thru Serial # 85442375) and the Nets B Brooklyn (Reg. # 4,237,737 thru Serial # 85608381). Those 2 Requests were made on 5/8/13 and the TTAB's Filings were done on 5/14/13 with a fully paid \$300 each (Total Amount: \$600.00) but for some bizarre reason: no communication of any form from TTAB was directed to me. On 9/13/13, when I was preparing these following requests, and I had a chance to check the TTAB's Records and found out that my Petitions were terminated in Jul 1, 2013 without any communication from the Board noticing their prosecution, thereby they've fully deprived me any opportunity to challenge their decisions in re. to my 2 requests or our 2 petitions for such cancellation and their action is thereby automatically meriting your NYS AG's Office taking a second look at their federal procedures causing these 2 grave errors in favor of the New Jersey Basketball LLC.'s marks which categorically deprived me of my due process rights and putting Judge Kuhlke in a position to make a decision in favor of this Pirating Group which is patently unfair based on procedural ground in addition to my contention that the NBA's Group should have being prosecuted under the Federal False Claims' Act or its equivalent acts under our NYS Laws;

COMPLAINT # 6). Again multiple serious error were made by USPTO and TTAB Adm. TM Judge Kuhlke when no considerations were given to the facts enumerated in my TTAB's filed Affidavit and other factual allegations cited in my TTAB Legal Brief representing the facts that I've legally acquired multiple Louisiana's Brooklyn-Nets Trademarks and for almost 10 years I've legally used such Brooklyn-Nets Marks as indicated in USPTO and TTAB's Files but Judge Kuhlke has completely disregarded the existence of these Louisiana's Brooklyn-Nets Marks and their 10-year-old usage to promote others the like of the candidacies of former Sen. Barack Obama, Former Sen. Hillary Clinton, over issues affecting the Dreamers, Un-Registered Immigrants and using our fully established Multi-Mullion-Dollar Commercial Art Library as marketing tools to successfully carry out such usage of our Dr. Cassagnol's Brooklyn Nets' Global Brands. This severe error is meriting a reversal or a rejection of Judge Kuhlke's decision since I've legally obtained these Brooklyn-Nets Marks from the State of Louisiana, a legal entity of the union with complete States' Constitutional Rights to issue legal documents such as marriage license, professional licenses and other legal instrument such as these Trademarks under the State of Louisiana's Constitutional Rights pursuant to R.S. of 1950, Title 51, Chapter 1, Part VI as amended. Thereby my contention is very clear that TTAB Adm. TM Judge Kuhlke does NOT have

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any authority to nullify the State of Louisiana Constitutional Rights to issue legal documents and it's also my legal position that Judge Kuhlke's action is unconstitutional and this action is entirely a reversible decision on related unconstitutional ground since Judge Kuhlke went way over his legal authorities to nullify any state the like of the State of Louisiana or New York's legal authorities to issue standard legal instruments like professional licenses or in our case issuing trademark instruments to a certified foreign corporation the like of the Dr. Cassagnol Institute of Research, Inc. domiciled in Delaware since 1979, whereas the Dr. Cassagnol Brooklyn Nets' Louisiana Trademarks are under its 34-year-old parent corporation as its multiple bona fide commercial trademarks under longstanding Louisiana Trademark Laws;

COMPLAINT # 7). Multiple grievous errors were reflected in Judge Kuhlke's Opinion that the Petitioner's Marks are identical to the Opposer's Marks but Judge Kuhlke seems to completely miss the points that I've being the real and original owner of these Brooklyn-Nets Marks for almost 10 years as reflected in USPTO and TTAB's Files. The NBA's Group did not start using the Brooklyn Nets' Marks until April 30, 2012 as reflected on USPTO's Official Files and on their official Brooklyn Nets Certificates of Registrations. Therefore, it's ridiculous for Judge Kuhlke to accept the NBA Group's Lies as gospels since those lies were pointed out to TTAB Interlocutor Andrew Baxley and in filings thru the TTA Board, given ample notices to all concerned parties that the NBA's Group was lying thru their teeth and that's why that I had requested countless number of times to have them and their cohorts be deposed in order to debunk those lies but this NBA's Group has refused to follow standard legal rules and procedures just for them to get enough time to pull a set of fast ones on Judge Kuhlke and it's very sad since Interlocutor Baxley indicated to me that the Board could not compel them to be deposed but I should not being punished for such improprieties because of the Board's Lack of Power to compel towards reaching a fair decision, thereby Judge Kuhlke's decision should be challenged with your help and the TTAB's Order should reversed on procedural ground or its lack thereof on the facts that the lies filed by the NBA's Group could not be debunked because of a lack of authorities not only the USPTO but also the TTA Board's lack of legal power to test the lies submitted by the NBA's Group;

COMPLAINT # 8). A series of treacherous errors were made during the Discovery Conference because the Petitioner made it extremely clear to the Opposer and to Interlocutor Baxley that the Petitioner's old financial statement with over \$100 Million Worth of Commercial Art Assets, was part of a \$1 Billion Biz Proposal made to the NBA Cmsr. under a Confidential & Privileged Umbrella without any exception for a 3<sup>rd</sup>. party release and thereby the Opposer has had NO Rights to file or release such info to a third party and Judge Kuhlke has fully mistaken in his opinion that was stipulated during the discovery conference since the Petitioner's proposition was: if Opposer wants to include such financial statement on TTAB's Records, Petitioner will sit with Opposer and evaluate them and having a chance to update such info because by adding inflation to the value of the Petitioner's commercial assets, its worth could be far over \$500 Million on any bad day and almost \$1 Billion on any very good day, thereafter Petitioner relayed to Interlocutor Baxley that Opposer had refused to follow the rules of updating such info and Petitioner had accordingly, vehemently reject any third party release of such because it violated the Petitioner's rights to privacy and at no time it was an inadvertent release on the part of the NBA Group, it was a clear flagrant violation of the Petitioner's privacy rights by the Opposer and Judge Kuhlke made a serious error by using this financial statement in its opinion meriting its reversal with prejudice on procedural ground or lack thereof and I'm filing this complaint asking the NYS AG's Office to take action vs. this NBA's Group for flagrant violations of our privacy rights as a NYS Certified MBA thru the NYS Minority & Women's Bus. Development & its Affirmative Action Compliance;

COMPLAINT # 9). My impression of Judge Kuhlke, is that the MBA's Group did everything right by pirating the Petitioner's 10 years-old Brands/Marks linked with our Federally Registered Mark # 4,326,200 that the NJNets is holding more fame and this is the team that has been recognized as the worst losing team in the basketball universe and of course this NBA's Group has made more money thru using their pirating brands vs. us bundling of our brands for charitable causes thru our non-profit tax-exempt organization: Dr. Cassagnol Foundation and The Global Diaspora SuperPAC, thereby using a brand for selected charitable

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uses, is NOT a bona fide use as I see it based on the TTAB Judge's Opinion and Decision. This is UNFAIR and WRONG since my organizational intent always has been using my commercial art assets to promote my civil and political causes and I further plan to donate all of my over \$500 Million worth of assets to charities at the right time and the NBA is NOT going to be one of our favorite charitable recipients because in my book, the NBA is a certified group of pirates dedicated to take advantage of minorities in their basketball universe; and it's wrong for Judge Kuhkle to fashion a decision to turn the intellectual assets of a certified NYS MBE to these pirates and it's clearly a reversible decision because of the Judge's opinion is against public interests and public policy and based on the NBA's Group profiting from almost \$1 Billion in public incentives for the development of this Brooklyn Arena and thereby I'm asking the NYS AG's Office to refer this case to the NYS Moreland Commission in order for the Commission to take look at the NBA Group's action during this proceeding in order to confirm my contention of what appeared to be illegal behaviors in order to refer the evidentiary facts filed by me at the USPTO and TTAB for additional prosecution in front of US Attorney General Eric Holder and to the Brooklyn District Attorney's Office within our jurisdiction for immediate prosecution under RICO and/or under the US False Claims Act;

COMPLAINT # 10). The USPTO Examiners caused these calamitous errors by approving the Brooklyn Nets and Nets B Brooklyn Marks to the NJNets. The Examiners could have waited after the completion of our TTAB Proceeding before approving those requests since my federal Brooklyn-Nets Application was tagged within the USPTO's System as Brooklyn-Nets, henceforth, their approvals have triggered all of these dramatic steps because of what the Examiners did: was stacking the deck vs. me by waiting almost 5 years to approve publication of our mark but it took them less than a year to approve the NBA Group's Multiple Requests for Registrations of their Brooklyn Nets Marks and that can easily caused a reversal in front of the Federal Circuit Court if the Cmsr. does NOT find ways to resolve these issues on her level. If Cmsr. Cohn does NOT find a way to reject Judge Kuhkle's decision, I plan to also start a Shaming Campaign thru numerous Web Sites and thru the "We The People" WhiteHouse.Gov's Petitioning Processes in order to bring these inequities and grave errors to the public at large for a presidential intervention;

COMPLAINT # 11). Judge Kuhkle seems to forget that the word: NETS (Net or Nets) is a generic word and I've consistently pointed out on USPTO and TTAB's Filings that the New Jersey Basketball LLC. has been using ONLY their New Jersey Nets' Brand for almost 35 years as published in public records, the NJNets as known to the public, started to use our well know Brooklyn Nets Brands and well known by almost everyone, on and off the Web and any child can Google: Dr. Cassagnol Designer's Musikal Products Lines and can listen to 12 tracks, 3 of them, depicting the Opposer's action of ripping us off. For almost 2 years, the Petitioner's Music Album has been broadcasted On & Off the Web recognizing the NBA's Group as Pirates thru our 3 musikal tracks under: The Real Brooklyn Nets Global Brands Musikal Collection (Part 1, 2 and 3) as reflected on 8 pages of Google Search dated 4/22/13 filed in connection with our Petitions for cancellations of the Opposer's Brooklyn Nets' Registrations and I can NOT see why Judge Kuhkle can't see these used factors for what they're: all facts as noted on USPTO and TTAB Files are just Bona Fide Use and Common Laws Rights in our favor, NOT in favor of the NBA's Group; and

COMPLAINT # 12). If this NBA's Group does not merit to be treated like a monopoly under the NYS and Federal RICO Acts, I do not see any other group fitting this situation because this NBA's Group acts like a monopoly in the sports of basketball universe and has done everything in the books to take advantage of others the like of myself, a Certified NYS MBE and this NBA's Group has filed false and bogus information to fully take advantage of this case in order to willfully bypass paying for our Brooklyn Nets' Brand which has been in use by our organization for the last 10 years under the umbrella of our 34-year-old federal trademarked parent corporation: Dr. Cassagnol Institute of Research, Inc., again, a certified NYS Minority Business Enterprise solely owned by Ambassador Dr. Francois de Cassagnol. Please notice that the names of the individuals involved in pirating our Brooklyn Nets' Brand from 2011 to present, are the following members

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**Developer Bruce Ratner aided by Mr. Randall Toure, his 2005's VP for Community Affairs;  
Dev. Bruce Ratner's Sister: Madame Ellen F. Ratner which aided in setting up the 2005's meeting;  
Dev. Bruce Ratner's Legal Staff and others connected to the Brooklyn Area Development;  
NBA Cmsr. David Stern;  
Dep. Cmsr. Adam Silver and his Executive Staff in connection with the Brooklyn Arena;  
NJNets' Majority Owner M. Prokhorov; NJNets' Team Coach Jason Kidd;  
NJNets' Pres. Irina Pavlova, their Executive and Legal Staff;  
Former Minority Owner Shawn "Jay-Z" Carter and their Barclays Center's Executive Staff;  
NBAP's Executive & Legal Team: Chief Legal Counsel Mme. Ayala Deutsch;  
NBA & NBAP VP & Sr. Attorney Anil V. George;  
NBA & NBAP Attorneys: Erik J. Levin and Jason J. Porta;  
NJNets' Chief Counsel & VP Jeffrey B. Gewirtz;  
NJNets' CEO Bret Yormack & COO Barclays Center;  
NJNets' Team GM Billy King;  
Ms. Chrysa Chin, NBA VP for Talents' Management;  
their other On & Off the Web/Internet and their other Marketing Staff @ the NBA, @the NJNets,  
@the NBA Properties; and their NBA's Affiliates.**

**Thereby, I'm asking your NYS AG's Office to prosecute the above individuals of this NBA's Group and pursuing my complaints thru using the fullest extent of the laws as cited under the NYS and Federal RICO Acts and the False Claims Act for this NBA Group's flagrant piracy of my fully established Brooklyn-Nets Mark as noted in my petitions for reversal of Judge Kuhkle's Decision noting further that my Brooklyn-Nets Mark has being in our bona fide use for almost 10 years and this NBA's Group's Brooklyn Nets Registrations are officially reflecting their April 30, 2012's start use in commerce and without the USPTO and TTAB's enormous errors and false statements filed by this NBA's Group, more rightful rights to our 10 years' use in connection with our federally registered Trademark Reg. # 4,326,200 could have had given priority rights vs. the Opposer's 1 year's pirating of the Petitioner's established 10 years' usage by the TTA Board, again their false filings ought not to give them any priority rights over my intellectual assets and your office should look for ways to prosecute this NBA's Group using the fullest extent of the RICO Acts, the False Claims Act and also the Patriot Act for Mr. Prokhorov since I've never given any rights for him and his overseas' organization to use my Brooklyn Nets' Brand in Russian or in Gallic thru his registration of my Brooklyn Nets' Brand in Russia since 2009 and conspired with his staff and the NBA's Group to use trademark intimidation, trademark harassment and trademark bullying to illegally take over a Certified NYS MBE's Brooklyn Nets Intellectual Assets without compensation or without a fair settlement because our complaints as cited above and/or in our filed 10/1/12 TTAB Affidavit are based purely on facts or factual allegations and it's imperative that all of the above NBA, NJNets, NBAP's Executives and their affiliates be put under oath in order to test their bogus facts that they've willfully filed with USPTO and TTA Board and additional lies that Attorney Anil V. George had provided to me concerning this case and Attorney George's past declaration before the TTAB 2011's Conference in a very intimidating way that: "if I do not give them permission to use my Brooklyn Nets' Brand, they plan to use it, one way or another" and it's a pure action of criminality and those folks ought to be prosecuted by your office and by US Attorney General Eric Holder's Office including additional action by the Brooklyn District Attorney. Please also note that all of the documentation filed by me, are catalogued thru our Brooklyn Nets' Web Site and those Web Pages are labeled from the Cover Page to WP1 thru WP47 which amount to about 500 pieces of documentation for your NYS AG's office's official easy reference guide.**

**Therefore, please accept my gratitude for your immediate considerations towards a final resolution of these grave errors as filed by the NBA's Group in front of the USPTO and the TTA Board because your honorable**

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office appears to be the only enforcement office on this level with the authority within our jurisdiction to redress some of these grievous errors, flagrant thievery of our fully established 10-year-old Brooklyn Nets' Brand and illegal issues relating to the piracy of my Dr. Cassagnol Designer's iSignature 10-year-old Brooklyn Nets' Brands as being pirated by this NBA's Group thru using trademark intimidation, trademark harassment and other illegal avenues toward fully taking over our Dr. Cassagnol Designer's iSignature Brooklyn Nets' Brands and this NBA Group's flagrant action seems to illegal and of criminal nature which necessitates the official intervention of your NYS AG's Office to take the lead into prosecuting this group of pirates.

Respectfully Yours,

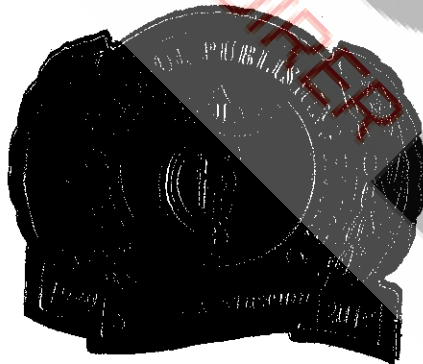
Ambassador Dr. François de Cassagnol  
Founder & Chairman of the Board of Directors

The Dr. Cassagnol Publishing House, Studios & Museum Group  
CyberVillage Corporation  
www.Brooklyn-Nets.tv  
The Brooklyn Nets Entertainment Network  
P.O. Box 740 Bronx New York 10467-0740 USA

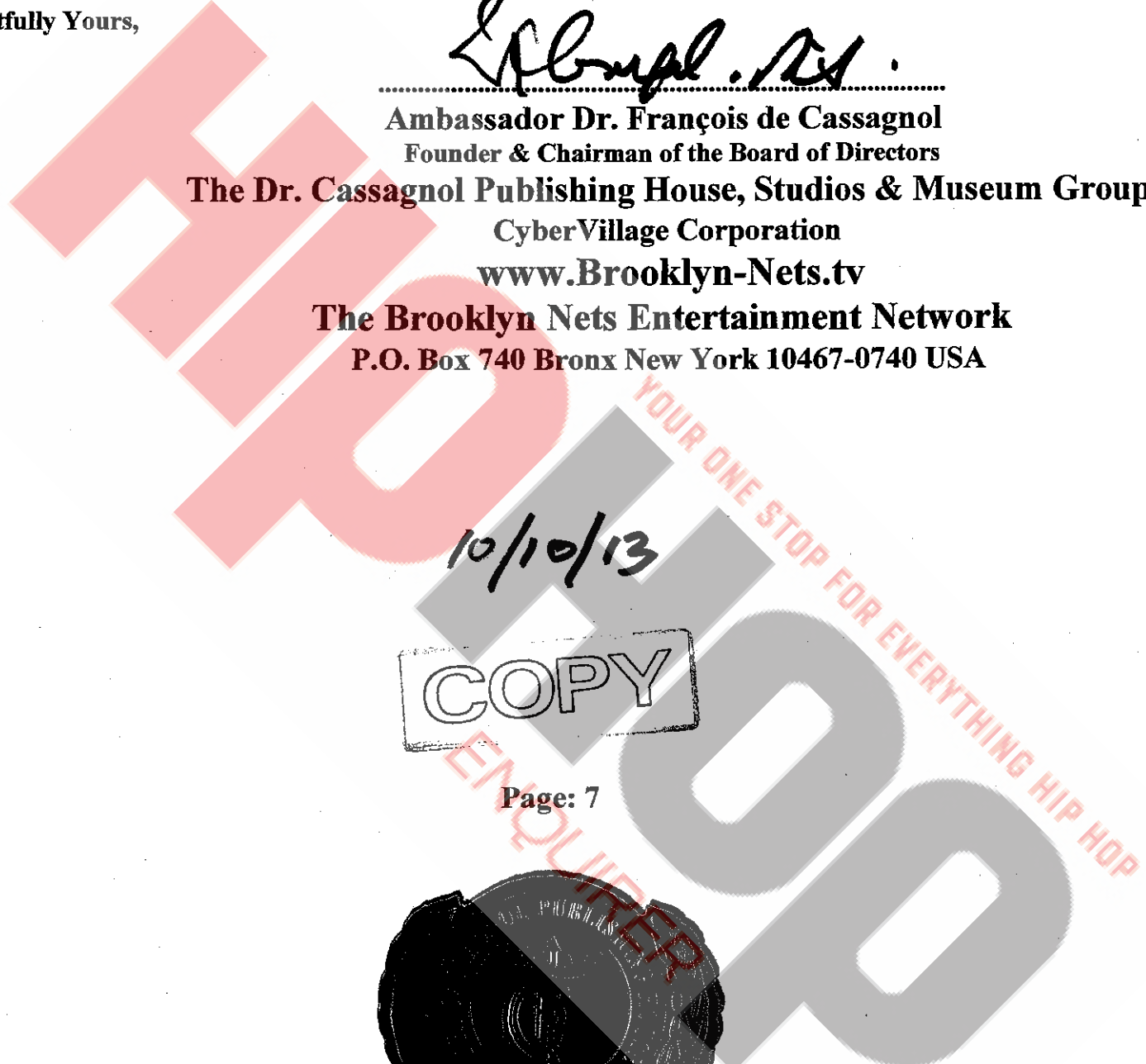
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**EXHIBIT: E**

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THIS OPINION IS NOT A  
PRECEDENT OF THE TTAB

Mailed:  
September 9, 2013

UNITED STATES PATENT AND TRADEMARK OFFICE

\_\_\_\_\_  
Trademark Trial and Appeal Board  
\_\_\_\_\_

*New Jersey Basketball, LLC*  
v.  
*Cybervillage Corporation*  
\_\_\_\_\_

Opposition No. 91201370  
to application Serial No. 76662605  
filed on June 28, 2006  
\_\_\_\_\_

Anil V. George, Ayala Deutsch, Erik J. Levin and Jason J. Porta of NBA Properties, Inc. for New Jersey Basketball, LLC.

Ambassador Dr. François de Cassagnol for Cybervillage Corporation pro se.

\_\_\_\_\_  
Before Seeherman, Kuhlke and Wellington, Administrative Trademark Judges.

Opinion by Kuhlke, Administrative Trademark Judge:

Applicant, Cybervillage Corporation, seeks registration of the mark WWW.BROOKLYN-NETS.TV in standard characters for services ultimately identified in the application as:

Promoting the goods and services of others, namely, the Dr. Cassagnol signature-lines of fine arts and higher technologies products and services thru the Dr. Cassagnol publishing house, studios and museum group by means of online and offline ordering and cataloging of those goods and services in fine arts and high technologies, distributing advertising materials through a variety of online and offline marketing methods and promotional contests of the Dr. Cassagnol publishing

Opposition No. 91201370

house, studios and museum groups, and by arranging for sponsors to affiliate their goods and services with the Dr. Cassagnol publishing house, studios and museum group's activities through the Dr. Cassagnol organizational global high-tech network of the Dr. Cassagnol publishing house, studios and museum group's duly registered web addresses

in International Class 35 on the Principal Register.<sup>1</sup>

Opposer, New Jersey Basketball, LLC, has opposed registration of applicant's mark on the ground that, as used in connection with applicant's services, the mark so resembles opposer's previously used and registered marks NETS, NEW JERSEY NETS, NETS and design, NEW JERSEY NETS and design, NEW YORK NETS, and NEW YORK NETS and design for entertainment services in the nature of rendering live basketball games and basketball exhibitions, broadcasting basketball entertainment television and radio programs, printed materials in the field of basketball entertainment, and a variety of collateral merchandise, as to be likely to cause confusion under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d). Amended Notice of Opposition (November 4, 2011). Opposer pleaded several registrations and applications for the above-noted NETS-formative marks. Opposer alleges that its marks are famous. In addition, opposer asserted the grounds of false suggestion of a connection under Section 2(a) of the Trademark Act, 15 U.S.C. § 1052(a), and dilution under Sections 13(a) and 43(c) of the Trademark Act, 15 U.S.C. §§ 1063(a) and 1125(c). We further find, as discussed *infra*, that the parties have tried the claim of nonuse by implied consent.

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<sup>1</sup> Serial No. 76662605, filed on June 28, 2006, alleging 1979 as the date of first use and first use in commerce under Section 1(a) of the Trademark Act, 15 U.S.C. §1051(a).

Opposition No. 91201370

We construe applicant's answer as a general denial.

### THE RECORD

As a preliminary matter, we address an evidentiary issue. On December 14, 2011, the Board issued an order memorializing the results of a discovery conference held on November 30, 2011. Board participation in the conference was requested by applicant. The parties stipulated to: (1) service by e-mail and facsimile transmission; (2) written discovery only; and (3) submission of testimony by affidavit with evidentiary documents attached thereto. Bd. Order p. 4 (December 14, 2011).<sup>2</sup> Applicant, in its testimony affidavit of Ambassador Dr. François Cassagnol (Cassagnol Aff.), filed on October 9, 2012, states that:

Opposer has also ignored the Applicant's multiple requests for their officials in past contacts with me to be deposed in order for me to reconfirm and to further prove that the Opposer has had zero interest in the Brooklyn Nets' Brands until 2011 while I've had full functional control and full intellectual property rights of the Brooklyn Nets' Brands under Louisiana Trademark Law... Cassagnol Aff. ¶ 21.

The stipulation in the Board order is clear on its face; discovery will be in written form only, i.e., there can be no depositions, and testimony is to be submitted only in affidavit form. There is no reserved right in the stipulation to call a witness

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<sup>2</sup> In view of opposer's proven prior registrations, priority is not in issue, as discussed, *infra*. However, we note that the parties also stipulated "that, subject to proof, applicant intends to rely upon the 2003 filing date of its application to register the involved mark in the State of Louisiana as its date of first use herein." *Id.* The Board order included a footnote explaining the type of evidence that could be used to support a showing of first use, including evidence of annual sales figures and evidence of first sales. In direct conflict with this stipulation, applicant, in its brief, discusses a variety of first use dates that pertain to other matter, including the 1979 date listed in its application, which applicant attempts to link to the applied-for mark. To the extent applicant believes the filing date of a state trademark application serves to prove use of a mark sufficient to support federal registration, applicant is mistaken and, as discussed *infra*, this record does not demonstrate bona fide use of the applied-for mark for the recited services.

Opposition No. 91201370

for an oral examination, even for cross examination. It was simply too late for applicant to withdraw that stipulation during applicant's testimony period, after testimony for plaintiff had closed on September 10, 2012. Applicant could have filed with the Board a motion to withdraw the stipulation any time after December 14, 2011 up until opposer's testimony period, but did not do so.<sup>3</sup> In view thereof, to the extent this statement in the affidavit could be construed as a request to withdraw its consent to the stipulation, it is denied as untimely.<sup>4</sup>

The pleadings herein are automatically of record and, by operation of the Trademark Rules, the file of the opposed application is of record. Trademark Rule 2.122, 37 C.F.R. § 2.122. Opposer submitted, pursuant to the stipulation of the parties memorialized in the December 14, 2011 Board order, testimony by affidavit, with exhibits, of the following witnesses:

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<sup>3</sup> While applicant indicates in the Cassagnol affidavit that it sent letters to the Trademark Commissioner's Office, that Office does not have jurisdiction over an *inter partes* proceeding and such letters are not motions before the Board. Indeed, these letters were only made of record in this proceeding during applicant's testimony period and it appears these letters were sent to the Commissioner also at a time which would in any event have been too late to request a withdrawal of that stipulation. Further, many of applicant's arguments seem to go to opposer's applications for and subsequent registration of various BROOKLYN NETS marks, which have filing dates that postdate applicant's filing date. These registrations were not pleaded and, as such, are not part of this proceeding. If applicant objected to these applications applicant could have filed opposition proceedings against those applications during their individual publication periods.

<sup>4</sup> We further note that the information applicant seeks is not dispositive of the case, inasmuch as the fact that "Opposer did not show any interests in the Applicant's Brooklyn Nets; Brands/Marks" is not an element in the claims or defenses to the claims. The issue is whether or not applicant had rights in the mark WWW.BROOKLYN-NETS.TV and/or what rights opposer has established to various NETS-formative marks. In any event, to the extent opposer's rejection of applicant's attempts to engage in a business opportunity with applicant are relevant, applicant's other evidence establishes these contacts and opposer's rejection of applicant's offers.

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Michael Allen, Vice President of Interactive Services at NBA Properties, Inc. (Allen Aff.) (responsible for overseeing the Internet content of NBA member teams, including opposer);

Ayala Deutsch, Senior Vice President and Chief Intellectual Property Counsel at NBA Properties, Inc. (Deutsch Aff.) (responsible for overseeing the global intellectual property rights for all NBA member teams, including opposer);

Lisa Piken Koper, Vice President of Licensing in the Global Merchandising Group at NBA Properties, Inc. (Koper Aff.) (responsible for sales, licensing and distribution of consumer products under team names, including NETS); and

Emilio Collins, Senior Vice President of Global Marketing Partnerships at NBA Properties, Inc. (Collins Aff.) (responsible for overseeing the global marketing partner relationships).

Opposer's rebuttal witness is:

Daniel Meiseles, Executive Vice President and Executive Producer of Production, Programming, and Broadcasting at NBA Properties, Inc. (Meiseles Aff.) (responsible for overseeing the television broadcasts, marketing, and branding of the NBA and its member teams).

All of the testimony affidavits include exhibits that consist of printouts from the USPTO Trademark Electronic Search System (TESS) of opposer's pleaded registrations, which show that the registrations are subsisting and owned by opposer.<sup>5</sup>

In addition, opposer submitted under notices of reliance the specimens of use and the outgoing office actions in the subject application file. Opposer is advised that this was unnecessary inasmuch as these specimens and office actions were

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<sup>5</sup> Pleded registrations may be made of record by submitting "a current printout of information from the electronic database records of the USPTO showing the current status and title of the registration." Trademark Rule 2.122(d)(1), 37 C.F.R. § 2.122(d).

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already of record, as indicated above. Trademark Rule 2.122. *See also Cold War Museum Inc. v. Cold War Air Museum Inc.*, 92 USPQ2d 1626 (Fed. Cir. 2009).

Applicant submitted the testimony affidavit of its owner, Ambassador Dr. Cassagnol, and accompanying exhibits, including what appears to be applicant's domain name registrations,<sup>6</sup> pages showing various depictions of WWW.BROOKLYN-NETS.TV, applicant's proposal to a Mr. Randall Toure, Vice President Community Affairs for Forest City Ratner Companies, documents that are described as marketing materials, marketing artwork and lists of "global brands," cease and desist letters to opposer and others, documents showing ownership of various Louisiana state trademark registrations in Dr. Cassagnol Institute of Research, Inc., and letters to the USPTO.<sup>7 8</sup>

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<sup>6</sup> We note the second page in Exhibit B is faded and basically illegible.

<sup>7</sup> Throughout his testimony affidavit Dr. Cassagnol discusses various matters that are not germane to the case at hand; e.g., possible future civil and criminal complaints applicant may bring, and the allowance by the Trademark Office of other applications not subject to this proceeding (opposer's registrations for BROOKLYN NETS that were not pleaded and that have filing dates that postdate applicant's filing date). As explained above, to the extent applicant believed certain of opposer's applications should not have been published or registrations ultimately issued, applicant could have filed notices of opposition or petitions for cancellation; however, these applications and registrations are not part of this proceeding and the Board does not have jurisdiction to investigate the issuance of registrations unless they are the subject of a Board proceeding. Further, applicant's request that we dismiss this case due to opposer's "flagrant contempt of the [Board's] Order" is denied. Applicant asserts that opposer entered applicant's "old corporate financial statements" into the record without obtaining applicant's permission as required under the Board order. There is no such requirement in the Board's December 14, 2011 order. Nor would this generally be a requirement in a Board proceeding. Perhaps applicant is referring to the Board's reference to the standard protective order that simply provides for the handling of confidential information. If so, the protective order does not require that the offering party obtain consent from the adverse party to submit such information. We further note, the only financial statements submitted by opposer were already of record under Trademark Rule 2.122(b) because they had been submitted as specimens of use with the subject application. As to applicant's proposals to opposer, at

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### THE PARTIES

Opposer is a professional men's basketball team. Opposer was a founding member of the American Basketball Association, became a member team of the National Basketball Association (NBA) in 1976, and has had a "continuous presence in the New York metropolitan area for nearly half a century." *Meiseles Aff.* ¶ 3. Opposer has used various NETS marks in connection with its basketball entertainment services and a variety of related services and collateral goods since 1968. *Deutsch Aff.* ¶ 7. Throughout this time, opposer has used NETS in connection with or prefaced by its geographic locations, i.e., New York, New Jersey and now Brooklyn. From 2003, opposer was in the process of being relocated to Brooklyn and in 2012 completed that move and began use of its NETS mark with BROOKLYN (BROOKLYN NETS).

As early as August, 2003, reports of opposer's possible relocation from New Jersey to Brooklyn garnered widespread attention in the media, in particular in the New York area. *Deutsch Aff.* ¶ 8. See, e.g., *Deutsch Aff. Exh. C (The New York Times (August 8, 2003) "If YankeeNets dissolves ... it could ultimately result in the*

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least one of these proposals was also provided by applicant as a specimen of use in the subject application and others were submitted under applicant's testimony affidavit. None of these materials was provided by applicant under seal, i.e., as confidential.

As clearly stated in the Board order the only issue here is applicant's right to register the mark WWW.BROOKLYN-NETS.TV; not applicant's other domain names or opposer's rights in the phrase BROOKLYN NETS. Board Order p. 2.

<sup>8</sup> The notice of reliance submitted on the same day as applicant's brief, May 23, 2012, is untimely and has been given no consideration. Trademark Rule 2.123(l); *Baseball America Inc. v. Powerplay Sports Ltd.*, 71 USPQ2d 1844, 1846 n.8 (TTAB 2004). We note that the documents under this notice of reliance would not alter our decision.



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relocation of the New Jersey Nets ... to New York ... individual owners and suitors are exploring the idea of bringing the Nets to Brooklyn ... Lewis Katz, a wealthy businessman from New Jersey and a principal owner of the Nets, could join with the developer Bruce Ratner in moving the teams to downtown Brooklyn ... Katz has been having more success in his discussions with Ratner about Brooklyn, where the two men figured that a large-scale real estate project could jolt the downtown neighborhood ... The site, which includes a rail yard and public and private land, strikes a historical echo in Brooklyn. In the 1950's, Walter O'Malley, the owner of the Brooklyn Dodgers, wanted to build a stadium there to replace Ebbets Field. When he failed to gain permission, O'Malley moved the Dodgers to Los Angeles, leaving a hole in the Brooklyn psyche. Brooklyn Borough President Marty Markowitz has already embraced the Nets ... 'It would be returning to Brooklyn that which was unceremoniously taken away from us in 1957'"); The New York Times (September 16, 2003) "YankeeNets Officially put the Nets up for sale yesterday ... There are three possible buyers for the team. Lewis Katz, an owner of the Nets, has aligned himself with the real estate developer Bruce Ratner to buy the team and move it to downtown Brooklyn"); The New York Times (October 15, 2003) (Pro Basketball; Nets in Brooklyn? These Stars Support It"); The New York Times (January 25, 2004) "By Wednesday morning, Bruce C. Ratner had nearly sealed his \$300 million offer to buy the Nets and move them to Brooklyn."); PRO BASKETBALL (January 24, 2004) "At a news conference yesterday that was filled with hugs, jokes and unabashed good cheer, Bruce C. Ratner announced that he had

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officially signed a contract to take control of Nets, whom he plans to move to Brooklyn in about three years.”; Daily News (August 12, 2004) “NBA owners unanimously approved the sale of the New Jersey Nets to developer Bruce Ratner yesterday ... Ratner and his partners, who plan to relocate the team to Brooklyn, are expected to finalize the deal next week.”). Fans and the general public, at least in the New York area, have been made aware of relocation plans to Brooklyn since at least as early as August, 2003. Deutsch Aff. Exh. C and Collins Aff. ¶ 5.

Applicant, Cybervillage Corporation, was founded and is solely owned by Ambassador Dr. François Cassagnol. Cassagnol Aff. ¶ 1. Both are located in New York City. One of Dr. Cassagnol's other corporate entities, the Dr. Cassagnol Institute of Research Inc., owns a variety of Louisiana State trademark registrations. Specifically, applicant asserts “[a] new trademark application was applied for in April 15th 2003 and a Louisiana Trademark Certificate was issued in May 17th, 2004 under The B’Klyn Pro-Sports Association, and thereafter this latter was converted into this present Brooklyn Nets Entertainment Network, and this last Louisiana Trademark With Validation Certificate # 10244605#DSL73 ...” App. Br. p. 3. However, there is no evidence of any Louisiana trademark registration showing a filing date of April 15, 2003. The record includes a Louisiana trademark certificate for the mark “THE B’KLYN PRO-SPORTS ASSOCIATION WWW.BROOKLYN-NETS.TV; .INFO; .US; .ORG; WS;BIZ; .SHOP; AND ALL... PROMOTING NEW YORK CITY AS THE PRO-SPORTS CAPITAL OF THE WORLD! & LOGO” that was “filed and recorded” on May 17, 2004. That

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registration asserts a first use date of February 14, 1996. The record also includes a separate Louisiana trademark with the certificate number ending DSL73 which is for the mark "THE BROOKLYN NETS ENTERTAINMENT NETWORK LOGO." This registration asserts a first use date of April 15, 2003, and was "filed and recorded" on February 10, 2012. App. Exh. J. It appears that the April 15, 2003 date referred to in applicant's brief is simply an asserted first use date, not a filing date. The earliest Louisiana state trademark filing for a mark that incorporates "BROOKLYN NETS" that is of record is May 17, 2004. Thereafter, applicant filed the subject application on June 28, 2006. Both dates are long after public announcement by certain developers to move the NETS from New Jersey to Brooklyn. In addition, the record shows that applicant's web address WWW.BROOKLYN-NETS.TV was inactive, at least at the time of trial, and that applicant owns 314 other web addresses.

#### STANDING

Opposer has made of record its pleaded U.S. registrations, as detailed *infra*, and has thereby established its standing to bring this proceeding. *Cunningham v. Laser Golf Corp.*, 222 F.3d 55 USPQ2d 1842 (Fed. Cir. 2000). If a plaintiff can show standing on one ground, it has the right to assert any other grounds in an opposition or cancellation proceeding. TBMP § 309.03(b).

#### NO BONA FIDE USE

The amended notice of opposition includes the following allegation:

Upon information and belief, Applicant has not made genuine use of the Mark in commerce in connection with the relevant services.

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Therefore, the Nets have prior and superior rights based on the earlier use of the Nets Marks.

Notice of Opposition ¶ 13.

Opposer then specifically recites Sections 2(a), 2(d) and 43(c) as the statutory bases for its opposition but does not reference Sections 1, 2 or 45, the statutory bases for a claim of nonuse. Notice of Opposition ¶ 17. Thus, to the extent opposer did not adequately plead nonuse as a separate claim, we address whether the parties have tried this claim by implied consent.

“Implied consent to the trial of an unpleaded issue can be found only where the nonoffering party (1) raised no objection to the introduction of the issue, and (2) was fairly apprised that the evidence was being offered in support of the issue.” *Citigroup Inc. v. Capital City Bank Group Inc.*, 94 USPQ2d 1645, 1656, *aff'd*, 637 F.3d 1344, 98 USPQ2d 1253 (Fed. Cir. 2011), *quoting*, TBMP § 501.03(b).

Applicant did not lodge an objection to any evidence or testimony introduced by opposer on the basis that it was outside the scope of the pleadings.<sup>9</sup> In addition, applicant was fairly apprised that opposer intended to prove that applicant did not use its proposed mark. Opposer made such allegations in its pleading, submitted exhibits in support of these allegations, and argued the merits of the nonuse claim in a separate section of its brief (II. D.) Further, applicant submitted exhibits to rebut these allegations and presented argument in its brief in response to opposer’s assertions regarding applicant’s possible nonuse of its proposed mark. Moreover, as

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<sup>9</sup> As noted above, applicant did, based on a different ground, make an untimely objection to the submission of its financial statements and business proposals as being confidential, but applicant itself had already placed all of the financial statements and most, if not all, of the business proposals in the public record (including in its application as specimens of use).

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we stated in *ShutEmDown Sports Inc. v. Lacy*, 102 USPQ2d 1036, 1045 (TTAB 2012):

[W]e acknowledge that the petition for cancellation did not include a separate claim alleging that respondent's nonuse of the mark at the time of filing rendered the application void ab initio. Nonetheless, paragraphs 11 and 13 of the petition for cancellation clearly put respondent on notice that petitioner had alleged nonuse by respondent, in particular, "on all recited goods at the time of the application" (¶13). Such separate pleading of a nonuse claim, while preferable, is not, however, critical, and the Board has found applications to be void ab initio even when nonuse was not pleaded as a separate claim or issue.

In view of the above, we find the parties have tried the issue of nonuse by implied consent.

Under Section 1(a) of the Trademark Act, a mark may not be registered unless it is "used in commerce." 15 U.S.C. § 1051(a)(1). "The term 'use in commerce' means the bona fide use of a mark in the ordinary course of trade ... on services when it is used or displayed in the sale or advertising of services and the services are rendered in commerce, or the services are rendered in more than one State or in the United States and a foreign country and the person rendering the services is engaged in commerce in connection with the services." 15 U.S.C. § 1127. "The word 'commerce' means all commerce which may lawfully be regulated by Congress." 15 U.S.C. § 1125. Mere use in intrastate commerce<sup>10</sup> does not constitute use in commerce regulated by Congress (that is, the type of use essential to

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<sup>10</sup> We hasten to add that services provided in one state may rise to the level of interstate commerce and as such fall within the definition of commerce. See, e.g., *Larry Harmon Pictures Corp. v. The Williams Restaurant Corp.*, 929 F.2d 662, 18 USPQ2d 1292 (Fed. Cir. 1991).

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obtaining a federal registration of a mark). *In re Mother Tucker's Food Experience (Canada) Inc.*, 925 F.2d 1402, 17 USPQ2d 1795 (Fed. Cir. 1991).

Where it is found that there has been no use of the mark in connection with any of the applied-for services prior to the filing of an application filed under Section 1(a) of the Trademark Act, 15 U.S.C. § 1051(a), the application is void ab initio. *ShutEmDown Sports*, 102 USPQ2d 1036.

The services recited in the application are:

Promoting the goods and services of others, namely, the Dr. Cassagnol signature-lines of fine arts and higher technologies products and services thru the Dr. Cassagnol publishing house, studios and museum group by means of online and offline ordering and cataloging of those goods and services in fine arts and high technologies, distributing advertising materials through a variety of online and offline marketing methods and promotional contests of the Dr. Cassagnol publishing house, studios and museum groups, and by arranging for sponsors to affiliate their goods and services with the Dr. Cassagnol publishing house, studios and museum group's activities through the Dr. Cassagnol organizational global high-tech network of the Dr. Cassagnol publishing house, studios and museum group's duly registered web addresses.

Dr. Cassagnol testified that he is "the Founder & Chairman of the Board of Directors of a 33-year-old corporation registered in Delaware and is currently permitted to do business in Louisiana as a Foreign Corporation and both entities are presently in good standing and of which the CyberVillage Corporation and The Brooklyn Nets Entertainment Network are both legally registered and bona fide Louisiana Trademarks registered thru the Dr. Cassagnol Institute of Research, Inc. ... All corporate assets from this 33-year-old corporation, are fully owned and control by Ambassador Dr. François de Cassagnol, a Certified New York State

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Minority Business Enterprise and the principal applicant and listed owner of this Brooklyn Nets' Mark #76/662.605." Cassagnol Aff. ¶ 1.

Regarding its use of the applied-for mark, applicant has submitted testimony that:

- (1) Dr. Cassagnol presented numerous proposals to opposer and the NBA beginning in 2005;
- (2) Multiple "Brooklyn Nets; Brands are currently registered live Louisiana Trademarks ... almost ten years ago";
- (3) There are "20+ Web Extensions that are fully registered on and off the Internet since their inceptions and I've [applicant and Dr. Cassagnol] maintained my portfolio of Web Addresses with GoDaddy.Com Register"; and
- (4) "I've continuously used my Brooklyn Nets; Network On and Off the Internet thru my Commercial ArtWorks, my Music Promoting others thru my Dr. Cassagnol Designer's Artworks and related Musikal Tracks and this is to confirm that any day from now, a series of our Dr. Cassagnol Designer's Products ... will globally reach our targeted marks thru the Apple Stores' and the TuneCore Stores' & related Commercial Platforms."

Cassagnol Aff. ¶¶ 1-4, 13.

In connection with the Louisiana trademarks, applicant explains, through the testimony of Dr. Cassagnol, that it has "fully registered Louisiana Brooklyn Nets' Trademarks & its Brooklyn Nets; Brands as a valid and bona fide set of Brooklyn Nets; Marks/Brands as registered thru the State of Louisiana Trademark Office, and valid until 2022 thru the Applicant's 33-year-old parent corporation: the Dr. Cassagnol Institute of Research, Inc.," Cassagnol Aff. ¶ 10. Further, applicant asserts that "from 1979 to 2012 for 33 years that the Dr. Cassagnol Institute of Research, Inc. has had the Brooklyn Nets' Brands and the Brooklyn Nets' Marks

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under the organizational umbrella of its parent corporation for almost 10 years [and] legally valid Louisiana Brooklyn Nets' Marks that I've been using for more than 9 years under the organizational umbrella of my 33 years old parent corporation, the Dr. Cassagnol Institute of Research, Inc." Cassagnol Aff. ¶¶ 11-12. Dr. Cassagnol further testifies that he has "full ownership of such Brooklyn Nets' Marks, from which 21 of my global Web Addresses and extensions are registered thru major Internet Registrars in the US, in China, in Europe, in the Pacific Islands and in Canada and I've maintained full control of these Brooklyn Nets; Entertainment Network's Trademarks that are valid until 2022 thru my trademarks registered thru the Louisiana Office of Trademark." ¶ 15.

None of the described "uses" constitutes the type of bona fide use sufficient to support federal registration. Presenting proposals is not "rendering" a service. The state trademark registrations have no legal effect on these proceedings because they are not proof of commercial use of a mark and the state registrations themselves confer no rights to applicant relevant to federal registration. The act of registering one's own domain names is not a registrable service mark use. We further note that the record establishes that at the time of trial applicant's web address [www.brooklyn-nets.tv](http://www.brooklyn-nets.tv) "links to an inactive website" and applicant is listed as owning 314 domain addresses on [whois.domaintools.com](http://whois.domaintools.com). Deutsch ¶ 8, Exh. F. Finally, there is no evidence to support the statement that applicant used the applied-for mark to promote others. The documents merely show the domain name [www.brooklyn-nets.tv](http://www.brooklyn-nets.tv) displayed on what may be a website, in conjunction with Dr.



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Cassagnol's name and the names of his other entities. Such a listing does not constitute a service for the benefit of others and there is nothing in these documents to demonstrate online and offline ordering or cataloging or distribution of advertising materials for others. Moreover, the statement "any day from now, a series of our Dr. Cassagnol Designer's Products ... will globally reach" indicates use commencing in the future, i.e., not at the filing date, and confirms the use is not for others but for applicant's founder and sole owner.

As the evidence of record shows applicant's mark was not in use in commerce in connection with any of the services identified in the application at the time the application was filed, we find that the application, based on Section 1(a), is void ab initio and must be refused.

Although we have determined that applicant did not make bona fide use of the mark in connection with the recited services as of the filing date of its application, we also take up for consideration the claim of likelihood of confusion under Section 2(d) of the Trademark Act.

#### PRIORITY AND LIKELIHOOD OF CONFUSION

The pleaded registrations made of record,<sup>11</sup> which are in full force and effect and are owned by opposer, are summarized as follows:

Registration No. 2603964 for the mark  for "Computerized on-line store, ordering, retail, electronic retailing, catalog, and mail order catalog services featuring audio recordings; video recordings; computer accessories; computer games; computer software; computer databases; video games; telephones; binoculars; eyewear; magnets; collectible and


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<sup>11</sup> Allen Aff. Exh. B.

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novelty items; collectible coins; medallions; albums; scrapbooks; photo frames; sports memorabilia; timepieces; jewelry; jewelry boxes; credit cards; calling cards; publications; calendars; catalogs; organizers; directories; stationery; school supplies; giftware; gift sets; portfolios; posters; photos; trading cards; books; card holders; pamphlets; pennants; flags; banners; souvenirs; catalogs; bank checks; bags; travel bags; travel cases; sports bags; lunch boxes; wallets; umbrellas; clothing; toys; games; sporting goods; Christmas ornaments; decorations; housewares; lamps; lighting fixtures; beverage ware; kitchenware; household supplies; containers; boxes; bed, bath and table linens; furniture; office furniture and accessories; lockers and footlockers” in International Class 35, filed on December 8, 2000, issued on August 6, 2002, Sections 8 and 15 combined declaration accepted and acknowledged, renewed;



Registration No. 1209110 for the mark  for “Entertainment Services-Namely, Presentation of Basketball Games and Exhibitions” in International Class 41, filed on March 27, 1981, issued on September 14, 1982, Sections 8 and 15 combined declaration accepted and acknowledged, last renewed May, 2003;

Registration No. 1209109 for the mark NEW JERSEY NETS in typed form, with “NEW JERSEY” disclaimed, for “entertainment services, namely presentation of basketball games and exhibitions,” in International Class 5, Sections 8 and 15 combined declaration accepted and acknowledged, renewed; and



Registration No. 2179495 for the mark  for “entertainment services in the nature of rendering live basketball games and basketball exhibitions and the production and distribution of radio and television broadcasts of basketball games and exhibitions” in International Class 41, Sections 8 and 15 combined declaration accepted and acknowledged, renewed.

Because opposer has made the pleaded registrations detailed above properly of record, priority is not in issue as to these marks and the identified goods and services. *See King Candy Co., Inc. v. Eunice King's Kitchen, Inc.*, 496 F.2d 1400,

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182 USPQ 108 (CCPA 1974). Moreover, opposer has established prior use of its common law word mark NETS in connection with entertainment services in the nature of rendering live basketball games and basketball exhibitions, the production and distribution of radio and television broadcasts of basketball games and exhibitions, an online store featuring a variety of goods, and use of the mark on a variety of collateral merchandise, including clothing, furniture and computer games. Allen, Deutsch, Koper, and Collins Aff's. Long prior to the filing date of the subject application, which is the earliest date on which applicant can rely in view of the absence of any credible evidence of earlier use of the mark for its identified services, opposer has engaged in broad licensing and sponsorship programs and cross-marketing with other's brands. Id.

In addition, opposer pleaded ownership of application Serial No. 77873194 for the mark BROOKLYN NETS in standard characters for:

Entertainment and educational services in the nature of ongoing television and radio programs in the field of basketball and rendering live basketball games and basketball exhibitions; the production and distribution of radio and television shows featuring basketball games, basketball events and programs in the field of basketball; conducting and arranging basketball clinics and camps, coaches clinics and camps, dance team clinics and camps and basketball games; entertainment services in the nature of personal appearances by a costumed mascot or dance team at basketball games and exhibitions, clinics, camps, promotions, and other basketball-related events, special events and parties; fan club services; entertainment services, namely, providing a website featuring multimedia material in the nature of television highlights, interactive television highlights, video recordings, video stream recordings, interactive video highlight selections, radio programs, radio highlights, and audio recordings in the field of basketball; providing news and information in the nature of statistics and trivia in the field of basketball; on-line non-downloadable games, namely, computer games, video games, interactive video games, action

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skill games, arcade games, adults' and children's party games, board games, puzzles, and trivia games; electronic publishing services, namely, publication of magazines, guides, newsletters, coloring books, and game schedules of others on-line through the Internet, all in the field of basketball; providing an online computer database in the field of basketball,

in International Class 41. After opposer's main trial period, this application issued into a registration on October 9, 2012.

Although opposer pleaded this application, because it did not register until after the close of opposer's trial period we do not *sua sponte* consider the pleadings amended to assert this registration such that opposer may rely on it for the Section 7(b) presumptions in this case.<sup>12</sup> However, opposer's pleading includes allegations regarding opposer's efforts to move the NETS from New Jersey to Brooklyn, and the record includes evidence establishing opposer's ultimate success in that effort, and subsequent actual service and trademark use of the name BROOKLYN NETS in connection with basketball services and collateral goods and services. Thus, opposer's pleaded and proven BROOKLYN NETS application does add to the evidence concerning likelihood of confusion, either in terms of similarity of the marks or applicant's possible intent, given the public association of opposer's NETS marks with the geographic indicator BROOKLYN prior to applicant's filing date.


Our likelihood of confusion determination under Section 2(d) is based on an analysis of all of the probative facts in evidence that are relevant to the factors set forth in *In re E. I. du Pont de Nemours and Co.*, 476 F.2d 1357, 177 USPQ 563

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<sup>12</sup> Similarly, we do not consider the pleadings amended to plead opposer's other BROOKLYN NETS registrations which were filed after applicant's filing date and with one exception issued during or after trial closed in this proceeding. Thus, opposer's arguments with regard to these registrations on the issue of priority have not been considered.

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(CCPA 1973). *See also, In re Majestic Distilling Co., Inc.*, 315 F.3d 1311, 65 USPQ2d 1201 (Fed. Cir. 2003). Two key considerations are the similarities between the marks and the similarities between the goods and services. *See Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 192 USPQ 24 (CCPA 1976).

Because opposer's marks with additional wording arguably contain additional points of difference with applicant's mark, we confine our analysis to the issue of likelihood of confusion between applicant's mark and opposer's mark  in Registration Nos. 2603964 and 2179495 and opposer's common law NETS mark (NETS marks). *See In re Max Capital Group Ltd.*, 93 USPQ2d 1243, 1245 (TTAB 2010).

#### Fame

Because fame plays a dominant role in the likelihood of confusion analysis, we first address opposer's assertion that its NETS marks are famous. *Kenner Parker Toys Inc. v. Rose Art Industries Inc.*, 963 F.2d 350, 22 USPQ2d 1453, 1456 (Fed. Cir. 1992). *See also Recot Inc. v. Becton*, 214 F.3d 1322, 54 USPQ2d 1894, 1897 (Fed. Cir. 2000). "[T]he fame of a mark may be measured indirectly, among other things, by the volume of sales and advertising expenditures of the goods traveling under the mark, and by the length of time those indicia of commercial awareness have been evident." *Bose Corp. v. QSC Audio Products, Inc.*, 293 F.3d 1367, 63 USPQ2d 1303, 1305 (Fed. Cir. 2002).

Opposer has established that its NETS marks are famous for basketball and related goods and services. As noted above, the NETS marks have been in use since

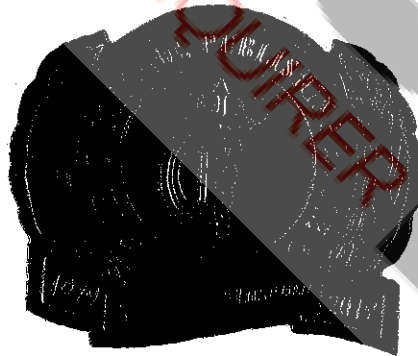


**EXHIBIT: F**

**Page (s):** ..... **2**

*MC.*

*11/13/13*



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

TTAB

In the matter of Trademark Registration No: 4,273,135

For the Mark: Brooklyn Nets

#85442 375

Date Registered: Jan. 8, 2013

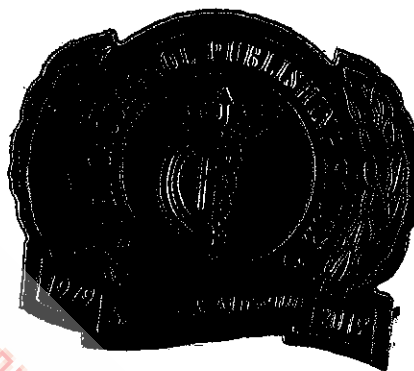
Dr. Cassagnol Institute of Research, Inc.

Petitioner

v.

New Jersey Basketball, LLC

Registrant



05/14/2013 SWILSON1 00000001 4273135

PETITION TO CANCEL

01 FC:6401

300.00 DP

Petitioner: Ambassador Dr. François de Cassagnol

Founder & Chairman of the Board of Directors

Dr. Cassagnol Institute of Research, Inc., A Delaware Corporation, a NYS Certified MBE,

DBA: The Brooklyn Nets Entertainment Network & CyberVillage Corporation

P.O. Box 740 Bronx, New York 10467-0740

To the best of the Petitioner's knowledge, the name and address of the current owner of the Brooklyn Nets' Registration, the Registrant is a New Jersey Limited Liability Corporation (NJNets), located at 390 Murray Hill Parkway, East Rutherford, NJ 07073 with other mailing address at: 15 Metrotech Center, 11<sup>th</sup> Floor, Brooklyn NY 11201.

The above-identified Petitioner believes that the NJNets in association with the National Basketball Association (NBA), have commenced using the Petitioner's 10 year-old-Brooklyn Nets' Brand in 2011, the NJNets and the NBA have caused enormous amount of damages to the Petitioner's Brooklyn Nets' Brand and Registrant will continue to cause more damages to the Dr. Cassagnol Designer's Brooklyn Nets iSignature Brands and thru the above-identified registration and hereby petitions to cancel their Brooklyn Nets' Mark as noted by Registration No.: 4,273, 135 because it's also being used in conjunction with the Nets B Brooklyn Mark and the NBA also has started using the Petitioner's Brooklyn-Nets TV Brand like it has been their own in flagrant violation of the Petitioner's 10-year-old brand.

5/8/13

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\*05-13-2013\*

mc.

Number of Proceedings: 1

Type of Proceeding: **Miscellaneous**

Proceeding Number: 4273135

Filing Date: May 13, 2013

Status: Terminated

Status Date: Jul 01, 2013

Interlocutory Attorney:

**Defendant**

Name: New Jersey Basketball, LLC

Correspondent Address: NEW JERSEY BASKETBALL LLC  
 15 METRO TECH CENTER, 11TH FLOOR  
 BROOKLYN NY , 11201  
 UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
BROOKLYN NETS	Registered	<u>85442375</u>	<u>4273135</u>

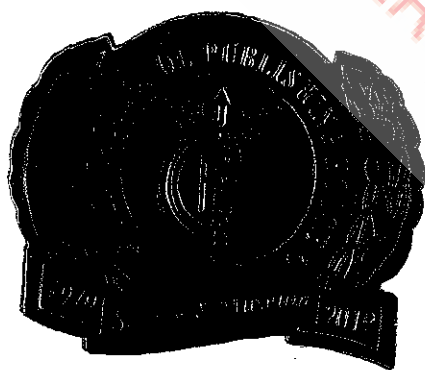
**Plaintiff(s)**

Name: Dr. Cassagnol Institute of Research, Inc.

Correspondent Address: AMBASSADOR DR FRANCOIS DE CASSAGNOL  
 DR CASSAGNOL INSTITUTE OF RESEARCH INC DBA  
 THE BROOKLYN NETS ENTERTAINMENT NETWORK, PO BOX 740  
 BRONX NY , 10467-0740  
 UNITED STATES

Prosecution History

Entry Number	History Text	Date	Due Date
1	PETITION TO CANCEL	May 13, 2013	
2	PETITION TO CANCEL NOT ENTERTAINED	Jun 19, 2013	
3	TERMINATED	Jul 01, 2013	



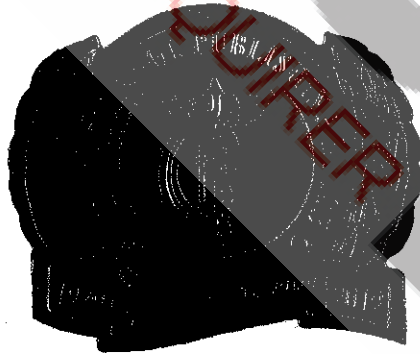


**EXHIBIT: G**

Page (s): ..... 2 .....

MC.

11/13/13



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

TTAB

In the matter of Trademark Registration No: 4,237,737

For the Mark: Nets B Brooklyn

Date Registered: Nov. 6, 2012

#85608381

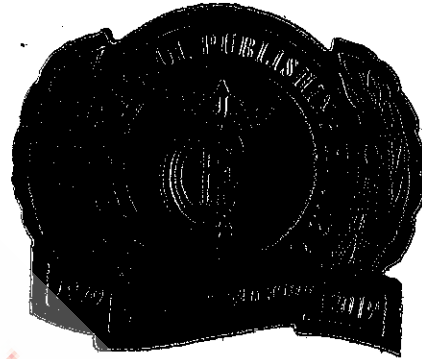
Dr. Cassagnol Institute of Research, Inc.

Petitioner

v.

New Jersey Basketball, LLC

Registrant



PETITION TO CANCEL

05/14/2013 SWILSON1 00000002 4237737

01 FC:6401

300.00 DP

Petitioner: Ambassador Dr. François de Cassagnol

Founder & Chairman of the Board of Directors

Dr. Cassagnol Institute of Research, Inc., A Delaware Corporation, a NYS Certified MBE,

DBA: The Brooklyn Nets Entertainment Network & CyberVillage Corporation

P.O. Box 740 Bronx, New York 10487-0740

To the best of the Petitioner's knowledge, the name and address of the current owner of the Brooklyn Nets' Registration, the Registrant is a New Jersey Limited Liability Corporation (NJNets), located at 390 Murray Hill Parkway, East Rutherford, NJ 07073 with other mailing address at: 15 Metrotech Center, 11<sup>th</sup> Floor, Brooklyn NY 11201.

The above-identified Petitioner believes that the NJNets in association with the National Basketball Association (NBA), have commenced using the Petitioner's 10 year-old-Brooklyn Nets' Brand in 2011, the NJNets and the NBA have caused enormous amount of damages to the Petitioner's Brooklyn Nets' Brand and Registrant will continue to cause more damages to the Dr. Cassagnol Designer's Global Brooklyn Nets iSignature Brands and thru the above-identified registration and hereby petitions to cancel their Nets B Brooklyn' Mark as noted by Registration No.: 4,237,737 because the Nets B Brooklyn Mark is being used in conjunction with the Petitioner's Brooklyn-Nets' Brand.

5/8/13

Page: 1



\*05-13-2013\*

U.S. Patent and Trademark Office #72

MO.

**Type of Proceeding: Miscellaneous**

**Proceeding Number:** 4237737

**Filing Date:** May 13, 2013

**Status:** Terminated

**Status Date:** Jul 01, 2013

**Interlocutory Attorney:**

**Defendant**

**Name:** New Jersey Basketball, LLC

**Correspondent Address:** NEW JERSEY BASKETBALL LLC  
15 METRO TECH CENTER, 11TH FLOOR  
BROOKLYN NY , 11201  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
NETS B BROOKLYN	Registered	<u>85608381</u>	<u>4237737</u>

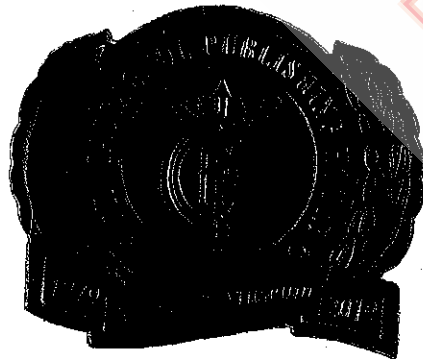
**Plaintiff(s)**

**Name:** Dr. Cassagnol Institute of Research, Inc.

**Correspondent Address:** AMBASSADOR DR FRANCOIS DE CASSAGNOL  
DR CASSAGNOL INSTITUTE OF RESEARCH INC  
DBA THE BROOKLYN NETS ENTERTAINMENT NETWORK , PO BOX 740  
BRONX NY , 10467-0740  
UNITED STATES

**Prosecution History**

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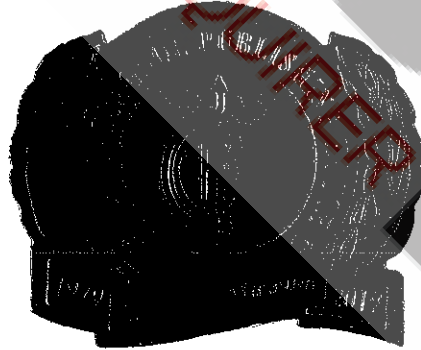


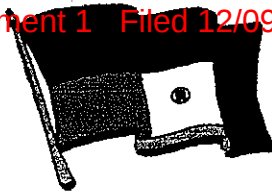
**EXHIBIT: H**

**Page (s):** ..... 1 .....

*MC.*

*11/13/13*





**To: Randall Toure, V.P. Community Affairs  
Forest City Ratner Companies (Brooklyn Arena, LLC)  
1 MetroTech Center North, Brooklyn, N.Y. 11201**

**Re.: \$1 Billion CVC's B'klyn Economic Development Project** 9/17/05 *Mr.*

**Dear Mr. Randall Toure:**

**I'm extremely delighted with the prospects of working together with your Brooklyn Arena Development and the opportunity to tender this fully developed 25+ years economic development project on a silver platter to Forest City Ratner Companies at its last phase of implementation. This face sheet constitutes the documentation that I've presented to you on behalf of FCRC as follows:-**

- 1). **Cover Letter to Dev. Bruce C. Ratner;**
- 2). **Copy of Sen Hillary Rodham-Clinton's Letter;**
- 3). **CVC B'klyn Project's Economic Development Impact;**
- 4). **Primary Investor's Statement & Related Financial Support;**
- 5). **Proposed Usage of B'klyn Facilities within FCRC's Development;**
- 6). **B'klyn Nets Web Infrastructure & Proposed Affiliation;**
- ➔ 7). **B'klyn Pro-Sports Association's Tradename/Trademark;** ←
- 8). **Portfolio of B'klyn Nets Web Tradenames;**
- 9). **Apollotheater Web Infrastructure & Proposed Affiliation;**
- 10). **Portfolio of Dr. Cassagnol Designer's Signature Trademarks;**
- 11). **List of Dr. Cassagnol Designer's Pro-Sports Signature-Labels;**
- 12). **The B'klyn Cyber-Ed. Programs & Copyrighted Curriculum;**
- 13). **Proposal for Development of a Professional Web Registrar;**
- 14). **Pro-Registry Web Registrar's Tradename/Trademark;**
- 15). **Proposal for Production of a Movie (The Diaries of An Estranged Immigrant);**
- 16). **Resume of CVC's Founder & Chairman; and**
- 17). **Supporting Documentation on Establishment of Commercial Art Library.**

**COPY**

**RECEIVED BY:**

*Call N*  
*Randall Toure*

**COPY**

**CONFIDENTIAL**

HIP HOP  
YOUR ONE STOP FOR EVERYTHING HIP HOP  
ENQUIRER

**EXHIBIT: J**

Page (s): .....7.....

MC.

11/13/13



# The Real Brooklyn Nets Designer's Product-Lines The Real Brooklyn Nets' Global iSignature Brand The Brooklyn Nets Entertainment Network



[www.Brooklyn-Nets.tv](http://www.Brooklyn-Nets.tv)

*Dr. Cassagnol*  
"Signature Lines Of Products In Fine Arts & High Technologies"  
Dr. Francois De Cassagnol, Designer

*Dr. Cassagnol*  
卡萨林努尔博士  
"Signature Lines Of Products In Fine Arts & High Technologies"  
Dr. Francois De Cassagnol, Designer



Ambassador Dr. Francois de Cassagnol  
Behavioral Scientist & Designer  
... developing a Dr. Cassagnol's iConic Made in America \$1 Billion Global Signature Brand!

[www.iSignatureBrand.com](http://www.iSignatureBrand.com)



in connection with

The Dr. Cassagnol Publishing House, Studios & Museum Group  
and The Global Diaspora SuperPAC Fund

9/13/13

MC.

WELCOME TO THE REAL BROOKLYN NETS & THE DR. CASSAGNOL DESIGNER'S GLOBAL ICONIC SIGNATURE BRANDS  
REQUESTING POPE FRANCIS TO ASK GOD TO DELIVER A STRONG MESSAGE TO THE BROOKLYN NETS' PIRATES IN NYC (WP2)  
OPEN REQUEST FOR POPE FRANCIS TO PRAY FOR THE BROOKLYN NETS' PIRATES IN BROOKLYN & IN NEW YORK CITY (WP3)  
OPEN LETTER TO THE HON. ACTING UNDER SEC. OF COMMERCE MME. TERESA STANEK REA, ACTING USPTO DIRECTOR (WP4)  
DISMISSAL REQUEST TO THE US PATENT AND TRADEMARK OFFICE & AT THE US TRADEMARK TRIAL & APPEAL BOARD (WP5)  
AFFIDAVIT ON FILE AT THE US PATENT AND TRADEMARK OFFICE & AT THE US TRADEMARK TRIAL & APPEAL BOARD (WP6)  
PAST COMMUNICATION WITH THE BROOKLYN NETS' PIRATES IN BROOKLYN & @ THE OLYMPIC TOWER IN NYC (WP7)  
OPEN MEMO TO THE HON. MEMBERS OF THE NEW YORK CITY CONGRESSIONAL DELEGATION (WP8)  
PRESS RELEASE BY THE OWNER OF THE REAL BROOKLYN NETS' GLOBAL ICONIC SIGNATURE BRANDS (2013) WP9  
BROOKLYN NETS FOUNDER'S RESPONSE TO PRETRIAL DISCLOSURES FILED THRU THE TMA TRIAL APPEAL BOARD (WP10)  
\$1 BILLION NOTICE OF CLAIM VS ALL PARTIES ABUSING & PIRATING THE BROOKLYN NETS' BRANDS (WP11)  
FACTUAL DOCUMENT 1 THAT THE PIRATES HAD NOTHING TO DO WITH OUR BROOKLYN NETS' BRANDS BEFORE 2011 (WP12)  
FACTUAL DOCUMENT 2 THAT THE PIRATES HAD NOTHING TO DO WITH OUR BROOKLYN NETS' BRANDS BEFORE 2011 (WP13)  
FACTUAL DOCUMENT 3 THAT THE PIRATES HAD NOTHING TO DO WITH OUR BROOKLYN NETS' BRANDS BEFORE 2011 (WP14)  
MEMO TO THE BROOKLYN NETS PIRATES IN BROOKLYN & @ THE OLYMPIC TOWER IN NEW YORK CITY (2012) WP15  
THE GLOBAL DIASPORA SUPERFAC & ITS FULL SUPPORT FOR THE NEW YORK & FEDERAL DREAM ACT (WP16)  
THE DR. CASSAGNOL FOUNDATION INCORPORATED & ITS FULL SUPPORT FOR THE DREAMERS & OTHERS (WP17)  
DR. CASSAGNOL DESIGNER'S MADE IN AMERICA GLOBAL ICONIC BROOKLYN NETS' SIGNATURE BRANDS' BLOG (WP18)  
DR. CASSAGNOL INSTITUTE OF RESEARCH, INC.'S GLOBAL ORGANIZATIONAL BRANDING (1979 TO PRESENT) WP19  
REAL BROOKLYN NETS' MADE IN AMERICA GLOBAL ICONIC SIGNATURE BRANDING MARKS (WP20)  
THE DR. CASSAGNOL DESIGNER'S MADE IN AMERICA \$1 BILLION GLOBAL ICONIC SIGNATURE ORGANIZATIONAL LINKS (WP21)  
PRESS RELEASE BY THE OWNER OF THE REAL BROOKLYN NETS' ICONIC SIGNATURE BRANDS (2012) WP22  
THE DR. CASSAGNOL AFRO-HAITIAN AMERICAN HERITAGE ICONIC SIGNATURE BRANDING (1969-2013) WP23  
AMBASSADOR DR. FRANCOIS DE CASSAGNOL'S VIP FACES OF LEADERSHIP PART 1 (WP24)  
AMBASSADOR DR. FRANCOIS DE CASSAGNOL'S VIP FACES OF LEADERSHIP PART 2 (WP25)  
AMBASSADOR DR. FRANCOIS DE CASSAGNOL'S VIP FACES OF LEADERSHIP PART 3 (WP26)  
THE DR. CASSAGNOL INT'L GALLERIES OF FINE ARTS (PRESIDENTIAL COLLECTION (1979-2013) PART 1 (WP27)  
THE DR. CASSAGNOL INT'L GALLERIES OF FINE ARTS (PRESIDENTIAL COLLECTION (1979-2013) PART 2 (WP28)  
DR. CASSAGNOL 'S RUSSIAN PORTRAIT & CHINESE ICONIC SIGNATURE BRANDING (1989-1993) WP29  
DR. CASSAGNOL DESIGNER'S \$1 BILLION MADE IN AMERICA GLOBAL ICONIC SIGNATURE BRANDING'S BLOG (WP30)  
REAL BROOKLYN NETS' DR. CASSAGNOL DESIGNER'S GLOBAL ICONIC SIGNATURE BRANDING PAGE (WP31)  
ARTWORK # 1 BLOCKED BY THE BROOKLYN NETS PIRATES IN BROOKLYN & IN NEW YORK CITY (WP32)  
ARTWORK # 2 BLOCKED BY THE BROOKLYN NETS PIRATES IN BROOKLYN & IN NEW YORK CITY (WP33)  
MEMO TO THE BROOKLYN NETS PIRATES IN BROOKLYN & @ THE OLYMPIC TOWER IN NEW YORK CITY (2013) WP35  
DR. CASSAGNOL DESIGNER'S MADE IN AMERICA MIXED VIP ARTS (WP36)  
DR. CASSAGNOL DESIGNER'S SIGNATURE BRAND & ORGANIZATIONAL ARTS (WP37)

10/9/13

*DR.*

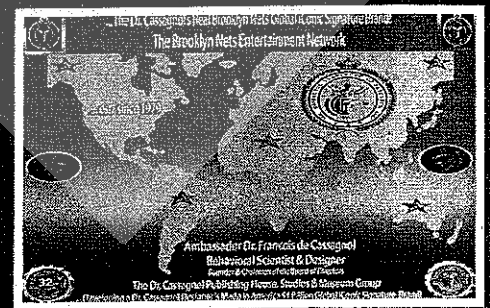




The Dr. Cassagnol Organization was founded in 1979, over 34 years ago and The Brooklyn Nets Entertainment Network was established almost 10 years ago by Ambassador Dr. Francois de Cassagnol, a Behavioral Research Scientist, a NYC Licensed Ordained Multi-Faith Minister for Life & Chief Chaplain of The Virtual Churches International, a Designer, an Author/Artist/Composer, a Serial Entrepreneur and Founder/Chairman of the Board of Directors of the Dr. Cassagnol Institute of Research, Inc., the parent corporation of The Brooklyn Nets Entertainment Network, a registered Louisiana Trademark of Ambassador Dr. Francois de Cassagnol and the sole owner of the Brooklyn Nets' Brands and no other entity has been given permission to use the Brooklyn Nets' Brands/Marks and any un-authorized use by any third party constitutes piracy and theft of Ambassador Dr. de Cassagnol's Intellectual Properties.

Global Link to purchase our Dr. Cassagnol Designer's Musikal Productlines:

<http://www.cdbaby.com/cd/ambassadorfrancoisdeca>



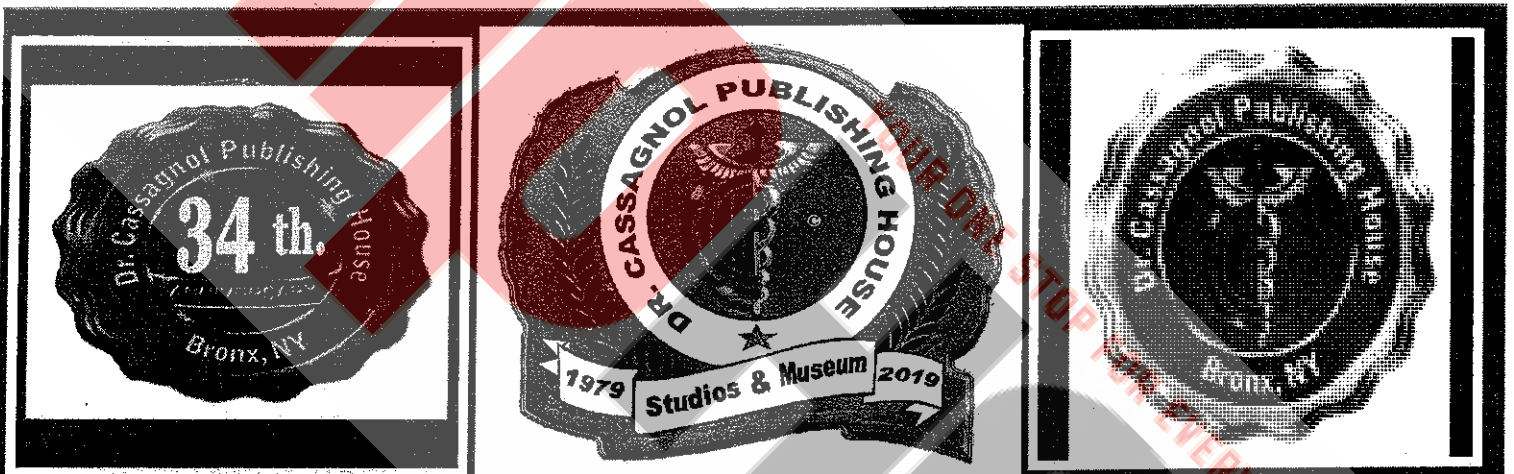
10/9/13

Mr.


- THE BROOKLYN NETS ENTERTAINMENT NETWORK & THE REAL OWNER OF THE BROOKLYN NETS' BRANDS' BLOG (WP38)
- THE DR. CASSAGNOL PUBLISHING HOUSE, STUDIOS & MUSEUM GROUP & ITS ORIGINAL ICONIC SIGNATURE BRANDS (WP39)
- THE DR. CASSAGNOL ORGANIZATIONAL ICONIC SIGNATURE ARTS (WP39)
- THE DR. CASSAGNOL ISIGNATURE BRAND ORGANIZATIONAL PICS (WP40)
- THE DR. CASSAGNOL DESIGNER'S ICONIC CORPORATE ARTS (WP41)
- THE DR. CASSAGNOL PERSONAL ICONIC SIGNATURE PICS (WP42)
- THE DR. CASSAGNOL DESIGNER'S MADE IN AMERICA CORPORATE ICONIC SIGNATURE ARTS (WP43)
- THE DR. DE CASSAGNOL'S ORGANIZATION WISHING YOU & YOURS, THE VERY BEST FOR THE UPCOMING NEW YEAR (WP44)
- AMBASSADOR DR. FRANCOIS DE CASSAGNOL'S AMBASSADORIAL CREDENTIALS & RELATED INFO (1983-2013) WP45
- AMBASSADOR DR. FRANCOIS DE CASSAGNOL'S GLOBAL CREDENTIALS AS A SCIENTIST & A DESIGNER (1969-2013) WP46
- AMBASSADOR DR. FRANCOIS DE CASSAGNOL'S CV & BACKGROUND INFO (1969-2013) WP47

10/9/13


MC.



*Dr. Cassagnol*

  
**The Real Brooklyn Nets Designer's Product-Lines**  
**The Real Brooklyn Nets' Global iSignature Brand**  
**The Brooklyn Nets Entertainment Network**





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**Ambassador Dr. Francois de Cassagnol**  
Behavioral Scientist & Designer  
... developing a Dr. Cassagnol's iConic Made in America \$1 Billion Global Signature Brand!

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Dr. Cassagnol Designer's Musikal Product-Lines

The Dr. Cassagnol Designer's Musikal Product-Lines  
The Dr. Cassagnol's iConic Global Signature Brand  
The Brooklyn Nets Entertainment Network



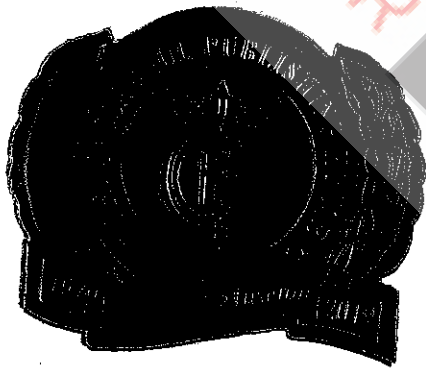
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Click anywhere on the image to zoom. Click and drag the image to pan.

Zoom + | Zoom - | Reset

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Ambassador Dr. Francis de G.  
P.O. Box 740 www.brooklynets.com  
The B'klyn Nets Entertainment  
CyberVillage Corp., Bronx, NY 10460 740 US

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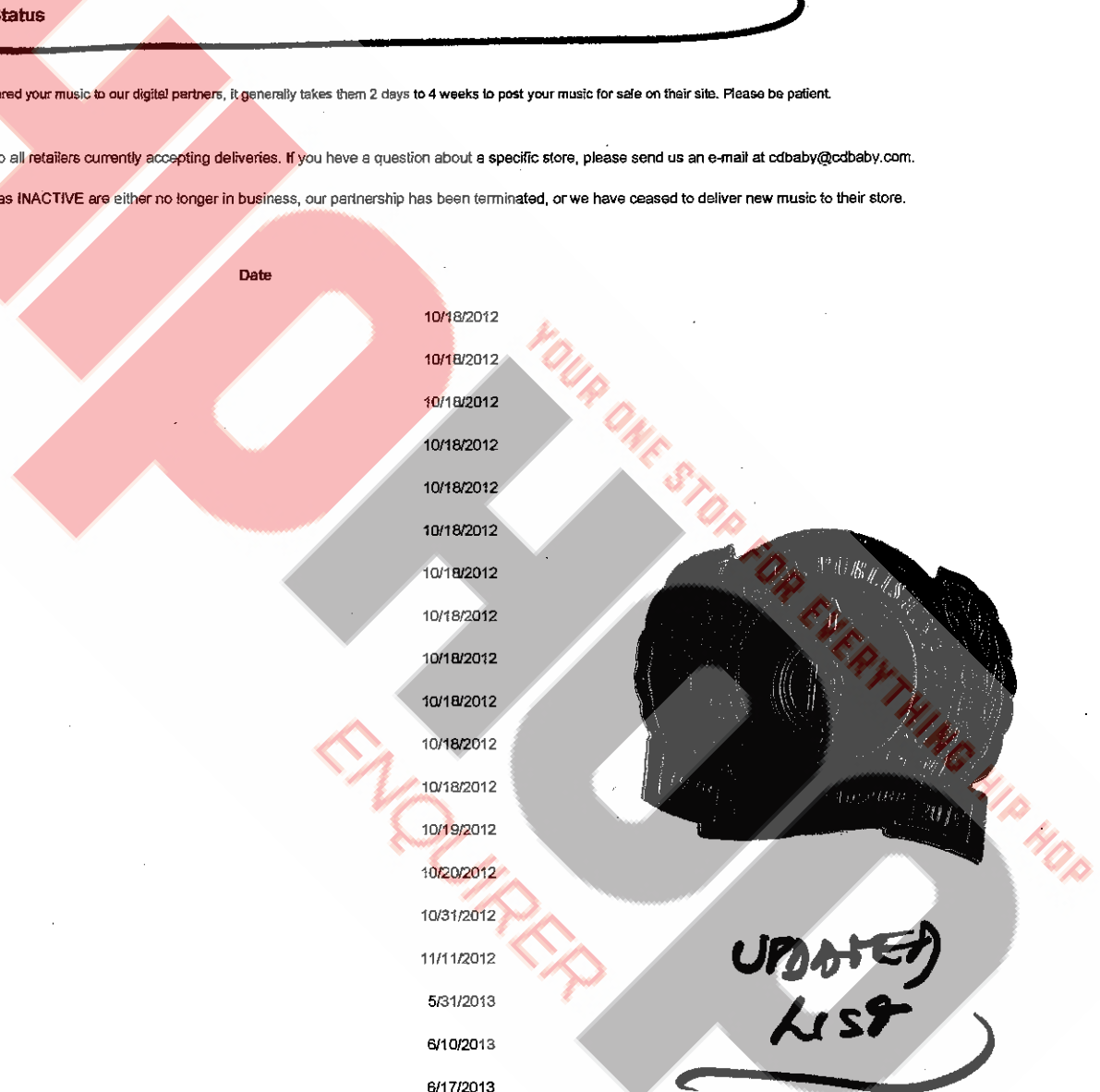
Digital Delivery Status

Once we've delivered your music to our digital partners, it generally takes them 2 days to 4 weeks to post your music for sale on their site. Please be patient.

We will send your music to all retailers currently accepting deliveries. If you have a question about a specific store, please send us an e-mail at cdbaby@cdbaby.com.

Partner companies listed as INACTIVE are either no longer in business, our partnership has been terminated, or we have ceased to deliver new music to their store.

Company	Date
Apple iTunes	10/18/2012
Emusic	10/18/2012
GreatIndieMusic	10/18/2012
Amazon MP3	10/18/2012
Last.fm	10/18/2012
Spotify	10/18/2012
MySpace Music	10/18/2012
24-7	10/18/2012
Omnifone	10/18/2012
Simfy	10/18/2012
iHeartRadio	10/18/2012
Rdio	10/18/2012
MediaNet	10/19/2012
Google Music Store	10/20/2012
SoundCloud	10/31/2012
Rumblefish	11/11/2012
JB HI-FI	5/31/2013
Beyond Oblivion	6/10/2013
Yandex	6/17/2013
Samsung Music Hub	6/27/2013
Xbox Music	7/8/2013
Mondia Media	7/12/2013



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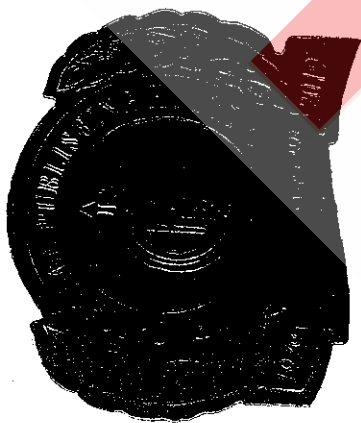
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*Me*



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www.iSignatureBrand.com  
Dr. Cassagnol Institute of Research, Inc.  
The Afro-Hispanic American Chambers of Commerce



**The Dr. Cassagnol Publishing House, Studios & Museum Group**  
**Ambassador Dr. Francois de Cassagnol**  
Founder & Chairman of the Board of Directors  
**The Brooklyn Nets Entertainment Network**  
www.Brooklyn-Nets.tv  
Direct Biz # 1-718-874-6439  
DrCassagnol@aol.com  
P.O. Box 740 CyberVillage Corp. Bronx, New York 10467 USA

**The Brooklyn Nets Entertainment Network**  
1-516-3-MUSEUM (368-7386)

**DR. CASSAGNOL PUBLISHING HOUSE**  
Studios & Museum 2010  
Dr. Cassagnol  
L. Made in America

**www.Brooklyn-Nets.tv**  
The Dr. Cassagnol Publishing House, Studios & Museum Group  
... developing a Dr. Cassagnol's Made in America \$1 Billion Global iComic Signature Brand!  
**in connection with The Global Diaspora SuperPAC Fund**

DrCassagnol@aol.com

Copyrights 1979-2009: Ambassador Dr. Francois de Cassagnol, Designer, Founder & Chairman of the Board of Directors

*ajr/ks*

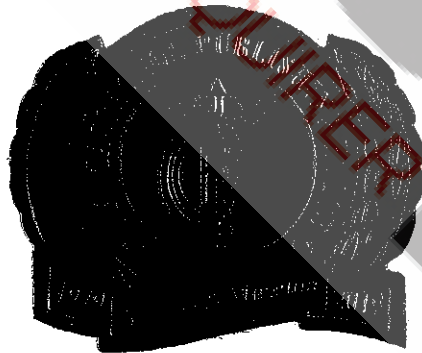


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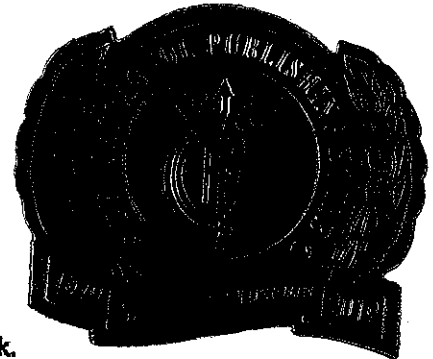
mo.

Subj: RE: Please update GoDaddy Account: Ambassador Dr. Francois de Cassagnol  
Date: 4/10/2013 7:26:35 P.M. Eastern Daylight Time  
From: [dcamacho@godaddy.com](mailto:dcamacho@godaddy.com)  
To: [DRDeCassa@aol.com](mailto:DRDeCassa@aol.com)  
Hi Ambassador Dr. Francois de Cassagnol,

Your total amount spend since 2001 including the last transaction is \$27,383.86. If I can assist with anything else please let me know.

Thanks,

Deanna Camacho  
Premier Services Account Manager  
(480) 505-8885 ext 57209  
[deanna@godaddy.com](mailto:deanna@godaddy.com)  
Tuesday 1:00PM - 9:30PM  
Wednesday - Saturday 8:00AM-4:30PM ARIZONA TIME



Please contact my Team Leader, Alan at [aians@godaddy.com](mailto:aians@godaddy.com) with any feedback.

This email message and any attachment(s) hereto are intended for use only by its intended recipient(s) and may contain confidential information. If you have received this email in error, please immediately notify the sender and permanently delete the original and any copy of this message and its attachments.

----- Original Message -----

Subject: Please update GoDaddy Account: Ambassador Dr. Francois de Cassagnol  
From: [DRDeCassa@aol.com](mailto:DRDeCassa@aol.com)  
Date: Mon, April 08, 2013 8:01 am  
To: [dcamacho@godaddy.com](mailto:dcamacho@godaddy.com)  
Cc: [cybervillagecorp@aol.com](mailto:cybervillagecorp@aol.com), [drcassagnol@aol.com](mailto:drcassagnol@aol.com)

*Dear DeAnn, please update this email to reflect you as the Acct. Manager, including the total amount after this month's transaction, thanks and good luck, Minister Dr. de Cassagnol*

**Re.: The B'Klyn-Nets Entertainment Network**

**Owner: Ambassador Dr. Francois de Cassagnol  
Founder & Chairman of the Board of Directors  
P.O. Box 740  
Dr. Cassagnol Institute of Research, Inc.  
Bronx, New York 10467-0740**

In a message dated 3/5/2013 11:14:37 A.M. Eastern Standard Time, [mjackson@godaddy.com](mailto:mjackson@godaddy.com) writes:

Dr. de Cassagnol,

Your first purchase was on receipt 336576 on 4-17-2001. Your hosting plan as purchased on 12/16/2009 on receipt 209989988 and it expires on 12/16/2017. The total amount you have spent with Go Daddy since 2001 is \$26,578.

Marcus Jackson

Thursday, April 11, 2013 AOL: DR DeCassa







**EXHIBIT: L**

**Page (s): ..... 3 .....**

*MC.*

*11/13/13*



**Minority & Women's Business Development**

February 6, 1998

DR FRANCOIS DE CASSAGNOL  
DR CASSAGNOL INSTITUTE OF RESEARCH INC  
PO BOX 740 WILLIAMSBRIDGE STATION  
BRONX, NY 10467

Dear DR FRANCOIS DE CASSAGNOL:

This letter is sent to confirm your continued certification as a MBE -Owned Business Enterprise.

Be advised that your certification remains in effect until such time as you are contacted by this Office for recertification.

According to Chapter XIV of Minority and Women's Business Development 5NYCRR Section 144.8, any changes which affect ownership, managerial, and/or operational control, (i.e. company name, business address, telephone numbers, principal products/services and bonding capacity, etc) must be reported to this Office within 30 days of the occurrence of such changes. Failure to submit any changes could result in your firm's certification status being revoked and the name of your firm removed from the Directory.

If your certification status is questioned by any public or private entity, you may direct the inquiry to this Office for further clarification. Should you have any questions regarding this matter, you may contact me at (518) 473-0582.

We wish you continued success in your future endeavors.

Sincerely,



Michelle Marquez-Melecio  
Vice President - Affirmative Action  
Compliance and Certification

File # 8944

**New York State Department of Economic Development**  
One Commerce Plaza Albany New York 12245  
Tel 518 473 0582 Fax 518 473 0665



**City of New York  
NYC-FMS Vendor Enrollment Center  
253 Broadway, 9<sup>th</sup> fl.  
New York, New York 10007**

**COPY**

**DR. CASSAGNOL INSTITUTE OF RESEARCH, INC.  
Ambassador Dr. Francois de Cassagnol  
Founder & Chairman of the Board of Directors  
P.O. BOX 740  
The Dr. Cassagnol Publishing House, Studios & Museum Group  
BRONX, N.Y. 10467-0740**

**Vendor # 0001211869-1  
EIN # 942784674**

**DBA: CyberVillage Corporation (The B'klyn-Nets Entertainment Network)**

**December 06, 2007**

**Dear, Mr. AMB. DR. FRANCOIS DE CASSAGNOL,**

**We are pleased to inform you of the completion of your Vendor Enrollment Application.**

**Effective immediately all 42 Mayoral Agencies, the Comptroller, the Board of Education and several other Non-Mayoral Agencies will be able to access the most current information about you and your organization.**

**Should any information changes please contact the NYC-FMS Vendor Enrollment Center at (212) 857-1680 or please check out our web site at [www.nyc.gov/selltonyc](http://www.nyc.gov/selltonyc) or by mail at NYC-FMS Vendor Enrollment Center 253 Broadway, 9<sup>th</sup> floor, New York, New York 10007. Please refer to your FMS Vendor Number as listed above in all correspondence.**

**COPY**

**Sincerely,  
Carmen Weekes**

**NYC-FMS Vendor Enrollment Center**



City of New York  
NYC-FMS Vendor Enrollment Center  
253 Broadway, 9<sup>th</sup> fl.  
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**Ambassador Dr. Francois de Cassagnol**  
**Founder & Chairman of the Board of Directors**  
**P.O. BOX 740 in affiliation with**  
**The Dr. Cassagnol Publishing House, Studios & Museum Group**  
**BRONX, N.Y. 10467-0740**

**Vendor # 0001211997-1**  
**EIN # 94-2842908**

**DBA: The Afro-Hispanic American Chambers of Commerce;**  
**The B'klyn Pro-Sports' Association; and The Virtual Churches International.**

**December 06, 2007**

**Dear, Mr. AMB. DR. FRANCOIS DE CASSAGNOL,**

**We are pleased to inform you of the completion of your Vendor Enrollment Application.**

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**Sincerely,**  
**Carmen Weekes**

**NYC-FMS Vendor Enrollment Center**



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

In the matter of Trademark Application of: **CYBERVILLAGE CORPORATION**

Application Nos: 76/662.605

Opposition Nos.: 91201370

For the Mark: **WWW.BROOKLYN-NETS.TV (BROOKLYN-NETS)**

**New Jersey Basketball, LLC**

**Opposer**

v.

**CYBERVILLAGE CORPORATION**

**Applicant**



**APPLICANT'S BROOKLYN-NETS TRIAL BRIEF**

**Applicant: Ambassador Dr. François de Cassagnol**

**Founder & Chairman of the Board of Directors**

**Dr. Cassagnol Institute of Research, Inc., A Delaware Corporation, a NYS Certified MBE,**

**DBA: The Brooklyn Nets Entertainment Network / CyberVillage Corporation / The Dr. Cassagnol**

**Publishing House, Studios & Museum Group / The Global Diaspora SuperPAC /**

**The Afro-Hispanic American Chambers of Commerce & The Virtual Churches**

**International. P.O. Box 740 Bronx, New York 10467-0740**

(1-516-3-Museum or 1-718-874-6439)

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## I. PREFACE TO APPLICANT'S BROOKLYN-NETS' TRIAL BRIEF

Applicant, CyberVillage Corporation, a Louisiana trademark of the Dr. Cassagnol Institute of Research, Inc, its parent corporation, is registered as a State Trademark with the State of Louisiana, in Baton Rouge, presents this Brooklyn-Nets Trial Brief, in accordance with Rule 2.128(b) of the Trademark Rules of Practice : 37 C.F.R. § 2.128(b) and T.B.M.P. §2.128(b) and T.B.M.P. §801.03 as cited by Opposer, hereby submits this trial brief in connection with the above-referenced opposition and current TTAB's proceeding.

## II. INTRODUCTION TO CYBERVILLAGE CORP.'S BROOKLYN-NETS' 10-YEAR-OLD GLOBAL BRANDS AND ITS PENDING BROOKLYN-NETS FEDERAL MARK

a). The Dr. Cassagnol Institute of Research, Inc. (The Institute) was founded in 1979, a Delaware Corporation, certified to do business in Louisiana since 1983 and is currently holding multiple trademarks issued by the Office of Trademarks of the State of Louisiana, in Baton Rouge. Ambassador Dr. François de Cassagnol is the founder & chairman of the board of directors of The Institute and he fully owns The Institute, its Brooklyn Nets Entertainment Network and its 21 Web addresses not to forget another 333+ uniquely designed Web Addresses and this Brooklyn-Nets Entertainment Network was derived from its original National Basketball Female Association's Louisiana Trademark issued in April 22, 1996. A new trademark application was applied for in April 15<sup>th</sup>, 2003 and a Louisiana Trademark Certificate was issued in May 17<sup>th</sup>, 2004 under The B'Klyn Pro-Sports Association, and thereafter this latter was converted into this present Brooklyn Nets Entertainment Network, and this last Louisiana Trademark with Validation Certificate # 10244605#DSL73 is valid until 2022 pursuant to R.S. of 1950, Title 51, Chapter 1, Part VI as amended under Louisiana Law. Please also keep in mind that the Applicant has had ownership of the Brooklyn Nets' Global Brands and the 21 Louisiana Marks for almost 10 years. The Applicant had filed for a Federal Brooklyn-Nets Trademark in June 28, 2006, and the NJNets started their opposition and filings in 2011 but during all of that time, the Applicant has had its Live International Class 035 with the State of Louisiana Office of Trademarks and while the Opposer had not filed a statement of first use until 4/30/2012 and it's beyond of the Applicant's comprehension, why any USPTO Examiner would permit the NJNets' Organization to register a mark or marks that they're identical to the Applicant's Brooklyn-Nets' application thru IC 35 and IC 41, specially that this mark was tagged by USPTO as Brooklyn-Nets and currently being opposed in front of the US Trademark Trial & Appeal Board by the Opposer. On that basis, it's patently unfair, extremely wrong, consequently the Applicant has had multiple communication with Cmsr. Deborah Cohn, with Acting Under Sec. Rea and with the Appeal Board bringing this ongoing unfair and wrong situation to their attention from 2011 to this date. But from 2003 to 2005, the Brooklyn Arena's Developer and his Executive Staff were fully aware of the Applicant's full ownership of this Brooklyn-Nets' Global Brands and copy of such B'Klyn Pro-Sports Association Louisiana's trademark of the Applicant was provided at a meeting with Mr. Randall Toure in 2005, the V.P. of Community Affairs of Forest City Ratner Companies of the Brooklyn Arena, LLC. and the NBA was also fully aware of the Applicant's Brooklyn-Nets' ownership while Applicant was looking for an agreement

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with the Arena's Developer but could not be achieved such because the conditions attached to such prospective business relationship under the NYC and NYS Minority Participation Program, were not conducive to a standard business relationship. From 2005 to this date, Applicant has had a trail of paperwork-evidence on communication between the Applicant, the NJNets, the NBA and others for the Opposer not to claim any ignorance of the Applicant's 10-year-old full ownership of the Dr. Cassagnol Designer's Brooklyn-Nets Global iSignature Brands and LA.'s Marks.

### III. TABLE OF AUTHORITIES ON THE APPLICANT'S BROOKLYN-NETS' GLOBAL BRANDS

Applicant has reviewed the 30 cases of authorities cited in the Opposer's brief and related TM Procedure and USPTO's Practices and those 30 cases are not within the parameters of this opposition since these cases are pertinent to well established brands like Apple, NY Yankees, etcetera: they're cases that others tried to piggyback on established brands but to the contrary the Applicant has had his first Louisiana's pro-sports' mark in 1996, applied for a B'klyn Pro-Sports Association's Mark in 2003 and obtained that mark in 2004 and thereafter converted it into: The Brooklyn Nets Entertainment Network and that Louisiana's Mark is valid till 2022 and those cases have NO CONTROLLING LEGAL AUTHORITIES over this opposition and the Applicant's legal trademark justification is based on the facts that the TM Examiners acted contrary to Public Policy and appeared to violate Standard Legal TM Protocols:-

a). Within the context of this opposition, those cases as cited by the Opposer, do NOT have any controlling legal authorities over our TTAB's case because the NJNets and the NBA started their first use in commerce of the Brooklyn Nets' Mark in 2012 and it's just like the Opposer trying to take over the Applicant's well established 10-year-old Brooklyn Nets' Brands like a communist and Applicant would like to remind the Opposer that we're NOT in the Former USSR or in North Korea, we're doing business in a free enterprise system whereas if you want something or a well established brand, you buy it the old American way: you pay for it or you enter into a partnership agreement or a licensing with the owner, this is the United State of America not a communist state where one can use a brand as they see fit. Applicant would also like to take this opportunity to clarify on the falsehood that there was a request of \$1 Billion for the Applicant's Brooklyn Nets' Assets. Applicant never asked for such but in 2005, an offer was made to the Arena's Developer for a \$50 Million Cash Price for the Applicant's Brooklyn Nets' Assets with an option to develop the Applicant's Brooklyn Nets as a Minority Partner in lieu of cash. A second offer was made in 2010 to the Majority Owner of the NJNets and that offer was for \$50+ Million Cash or a Minority Share of Interest in the New Team in lieu of cash. The Applicant's last offer would be on the table for the same for \$100 Million Cash plus inflation and some incentives for the Applicant's whole Brooklyn Nets Entertainment Network, its pending Brooklyn Nets' federal mark and the chance of saving the Opposer, a load of cash under a Whistleblower's lawsuit that Applicant plans to file as soon as this proceeding is completed because Forbes has indicated the increase in the team's valuation was not augmented from \$300 Million to almost over \$500 Million until the Opposer started to use the Applicant's Brooklyn Nets' Marks and its Global Brands, thereby under a Whistleblower's Lawsuit, it will be easy to demonstrate to a Judge or a Jury that the \$200 Million's upswing is directly connected to the pirating of the Applicant's Global Marks and 3x the amount of its increased value to \$600 Million is potential damages to the Applicant's Brooklyn Nets' Global Brands

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and its connected federal trademark since it's connected to the Applicant's PHSMG and its federally registered logo;

b). In lieu of presenting a series of confusing cases, the Applicant would like the TTA Board, Interlocutor Baxley or any other person or entity, to ask themselves these following pertinent questions:-

1). Does the State of Louisiana have controlling authorities over issuance of its State's Trademarks, in the same manners that the State of Louisiana has over their issuance of Driver Licenses, Marriage Licenses, professional licenses, etcetera?

2). Does the State of Louisiana have the legal authority to issue its State's Trademarks without any interference from the US Government or the State's rights to require reciprocity from any other States of the Union or from our Federal Government in re. to its officially rendered/issued official documents?

3). Did the State of Louisiana issue an illegal instrument to the Applicant thru its fully established 10-year-old Brooklyn Nets' Global Marks or is any other of its 20+ Registered Louisiana Trademarks, legal?

4). From 1996 to present, the State of Louisiana has issued over 20 trademarks to the Applicant, did the Opposer obtain any cancellation of those trademarks including its Brooklyn Nets Marks valid until 2022?

And the answers to the above questions can mainly be responded that the State of Louisiana has its 100% State's Constitutional Rights to issue licenses or trademarks to its citizens and in our case has issued multiple trademarks to the Applicant under its foreign corporation status and its issued Brooklyn Nets are still valid until 2022, from 1996 to present, given federal TM priority over any of those Marks; and

c). The Opposer tries to do everything humanly possible to take over the Applicant's 10-year-old Brooklyn Nets' Brands and the Opposer is pretending its basis on the Nets' Brand Name which the Opposer should be reminded that the word: Net (s) is a purely generic word, but based on the genericness of the word, the Opposer has no standing or not a leg to stand on based on the generic aspects of the word: Nets. It's just like Apple preventing Apple Bank from using the word: Apple since Apple Bank for Savings has been established in 1863, and has been in existence for almost 150 years in New York, it's also completely ridiculous since Apple is also a common word that has also been in use for the longest by New York as the Big Apple, on this basis alone, the Opposer is confusing the issues that the Applicant has been using its Brooklyn Nets Global Brands since 2003 for almost 10 years and that does not provide any priority rights to the Opposer over the Dr. Cassagnol Designer's Brooklyn Nets' Global iSignature Brands, thereby the Opposer's citation of those 30 cases are contrary to the Opposer's priority pretense or any other controlling legal authorities over the Applicant's fully established 10-year-old Dr. Cassagnol Designer's Brooklyn-Nets Global iSignature

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Brands or its pending federal Brooklyn-Nets' mark not forgetting the Opposer's violation under 15 U.S.C. §§ 1051(b).

#### IV. RECORD OF EVIDENCE ON THE APPLICANT'S BROOKLYN-NETS' GLOBAL BRANDS

The evidence of record consists of the following USPTO and TTAB's documents on file at USPTO and TTAB:-

- a). Applicant's Original USPTO TRADEMARK APPLICATION dated June 28, 2006 confirming the Applicant's original application for a Louisiana trademark on April 15<sup>th</sup>, 2003 and received a trademark certificate on May 17, 2004 under The B'klyn Pro-Sports Association. The USPTO Trademark had clearly tagged the file under: Brooklyn-Nets;
- b). on April 19, 2011, Applicant's Brooklyn-Nets' USPTO Publication was done thru its Official Gazette and Opposer tried to intimidate Applicant to share the Applicant's established Brooklyn-Nets' Global Brands in order to prevent the Opposer from filing an opposition as exhibited in TTAB's files;
- c). Applicant's Response to New Jersey Basketball, LLC's Opposition dated 9/11/11 substantiating that the Opposer had nothing to do with the Applicant's Brooklyn-Nets' Mark until this opposition;
- d). Applicant's Filing of Notice of Claim with the City of New York in order to prevent the NJNets' Team from using the Applicant's Brooklyn-Nets Global Brands dated 9/26/11 and the NoC Claim # 2011LW033265 dated 10/03/2011 has been recorded with USPTO and TTAB's records for the Brooklyn-Nets' Application and TTAB's proceeding noting that the Opposer appears to violate 15 U.S.C. §§ 1051(b) of the Trademark Act;
- e). Applicant's Response to Notice of Amended Opposition by the Opposer, validating the Applicant's position that the Opposer has been a New Jersey's Team and the Opposer has had NO RELATIONSHIP with Brooklyn but to the contrary the Applicant has been a Brooklyn and a NYC's Resident for almost 45 years and a certified NYS Minority Business Enterprise as reflected in USPTO and TTAB's Files;
- f). Applicant's Response to Notice of Initial Disclosures by Opposer dated 1/28/12 that Applicant had tried to work with the Opposer from 2003 to 2011 in order to develop a strategic business relationship with the Opposer but to no avail, corroborating Applicant's position that the Opposer never had anything to do with the Applicant's Brooklyn-Nets Global Brands until this opposition, given priority rights to the Applicant over its pending federal Brooklyn Nets' Mark;
- g). Applicant's Affidavit of Ambassador Dr. Francois de Cassagnol, the sole owner of the Brooklyn-Nets Global Brands and its parent corporation: the Dr. Cassagnol Institute of Research, Inc., a Delaware Corporation in good standing since its inception in 1979, filed such Affidavit with the Cmsr.'s Office and the TTAB, detailing a trail of communication with the Opposer and its Executives and demonstrating that the Opposer has had NOTHING to do with the Brooklyn Nets Global Brands until this opposition noting their false pretense under 15 U.S.C. §§ 1051(b).

h). on 2/14/2012, Applicant extended its Brooklyn Nets Entertainment Network's Louisiana Trademark until 2022 from its original 1996's National Basketball Female Association to its 2003's application and subsequent Brooklyn-Nets' Marks in 2004 to its pending Brooklyn-Nets' Federal Mark which gives priority rights to the Applicant;

i). Applicant's Response to Notice of Pre-Trial Disclosures by Opposer dated on 8/20/12, Applicant rejecting the Opposer's General and Specific Objections and Opposer's consistent refusal for its Executives to be deposed by Applicant on their non-existent relationship to the Applicant's Brooklyn-Nets Global Brands until this opposition;

g). Applicant's notice of Reliance dated 10/1/12, of Selected Specimen of Record on the evolution of the Dr. Cassagnol Designer's Brooklyn-Nets' Global Brands, a registered Louisiana's Trademark of the Dr. Cassagnol Institute of Research, Inc., such documents have shown and have validated the Applicant's standing that the Opposer has NO INTERESTS in the Applicant's Brooklyn-Nets' Global Brands until this opposition in 2011 and the Opposer's first use in commerce in 2012 which automatically gives priority rights to the Applicant's Brooklyn Nets' pending federal mark;

k). Applicant's Request for Immediate Dismissal of Opposition dated 12/12/12, based on the Opposer's Flagrant Abuses of the Applicant's established Brooklyn-Nets Global Brands and its pending Federal Brooklyn-Nets' Mark and Applicant's Issuance of Multiple Cease and Desist Notices to all concerned parties at the NJNets' Organization, the NBA and the Barclays Center's Executives but to no avail;

l). Applicant's Letter of Protest and Amended Petition dated 1/13/13 AND 2/14/13, requesting Cmsr. Deborah Cohn to take a look at the manners that the Trademark Examiners have approved the registrations of the Brooklyn Nets' Marks and the Nets B Brooklyn's Marks to the NJNets' Organization on the basis that the Opposer has willfully made false statements in their pursuit of those marks, such false statements under 15 U.S.C. §§1051(b) requires revocation of such Brooklyn-Nets and Nets B Brooklyn Registrations;

m). Applicant's Requests to Congressman Joseph Crowley and to the NYC Congressional Delegation dated 2/18/13 and 3/13/13 requesting congressional intervention on behalf of the Applicant vs. the action of Opposer pirating the Applicant's 10-year-old Brooklyn-Nets' Global Brands and using the USPTO and possibly the TTAB to take over the Applicant's 10-year-old established Brooklyn-Nets Global Brands which gives priority to the Applicant over the Opposer;

n). Applicant's Request to Madame IPE Coordinator Victoria Espinel of the Executive Office of the President of the United States dated 4/29/13, thru the US IP Enforcement Coordinator's Office at the OMB, to take a special look at the manners that USPTO Examiners have approved the Brooklyn Nets and their Nets B Brooklyn Marks to the NJNets Organization and the NBA's flagrant action on 4/16/2013 using the Applicant's exact Brooklyn Nets TV's Global Brands in violation of the Applicant's Dr. Cassagnol Institute of Research, Inc.'s Global Brooklyn-Nets' Brands;

o). Applicant's Petition for Cancellation of the NJNets' Brooklyn Nets Registration dated 5/8/13 based on

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violation of filing such mark thru false pretense under 15 U.S.C. §§ 1051(b) as the sole owner of such mark, neglecting the facts that the Applicant has owned such for almost 10 years, henceforth requires immediate cancellation of the Opposer's Brooklyn Nets' Registrations and given priority to the Applicant over the Opposer; and

p). Applicant's Petition for Cancellation of the NJNets' Nets B Brooklyn Registration dated 5/8/13 based on violation of filing such mark under false pretense under 15 U.S.C. §§ 1051(b) as the sole owner of such mark, neglecting the facts that the Applicant has owned such for almost 10 years, henceforth requires immediate cancellation of the Opposer's Nets B Brooklyn's Registrations and to dismiss the Opposer's Brooklyn Nets' Opposition.

V. Procedural History of the Applicant versus the Opposer's Non-Existent Brooklyn Nets before 2011

1). The NJNets has never started to use the Applicant's Pending Brooklyn-Nets' Mark and its 10-year-old Brooklyn-Nets' Brands until 2012 while the Applicant has been using its present Brooklyn Nets Entertainment Network for almost 10 years thru its fully registered 21 Brooklyn Nets' Louisiana's Marks and these Louisiana's Trademarks are valid till 2022. And It's the Applicant's belief that the NJNets' Organization has made willful false statements in their pursuit of the Brooklyn Nets' USPTO Authorizations under 18 U.S.C. §§1051 (b) and such false statement filed under 15 U.S.C. §§1051(b) and under the same false statement of the NJNets' Declaration that the NJNets' Organization is the sole owner of such Brooklyn-Nets' mark (s), henceforth, requires revocation of any resulting trademark registrations, period. Noting that the NJNets and the NBA have being using strong Trademark Intimidation by intimidating TuneCore, Inc., Catapult Reservatory, LLC and other On and Off the Web Providers to illegally block global distribution of the Applicant's established lines of Brooklyn Nets' Products in Music and Fine Arts which seem to violate several federal laws under the RICO Act, under the Patriot Act, under the Digital Millennium Copyright Act (DMCA) and related Interstate commercial laws. Thereby based on the action of the Opposer, the Applicant is again requesting the TTA Board to consider reporting such action of the NJNets and the NBA to the US Dept. of Justice, the Federal Trade Commission and related civil and criminal enforcement agencies in order to look into their organized illegal efforts in apparent use of strong bullying tactics and deploying potent trademark intimidation and apparently related criminal commercial violations perpetrated by the NJNets and the NBA; and since the Applicant's organization has been using its constitutionally protected Brooklyn Nets' Products to raise funds for its Global Diaspora SuperPAC, consequently the NJNets and the NBA have caused enormous amount of constitutional injuries to the Dr. Cassagnol's Organization by preventing the Applicant from marketing its constitutionally protected non-profit political causes during the last presidential election of 2012. Thereby the Applicant is also requesting the TTA Board to report such clear constitutional and civil rights' violations to the US AG's Office; and noting that the NJNets, the NBA and its affiliates have used the Internet technologies to hijack the Applicant's 21 Brooklyn Nets Entertainment Network's Web Addresses and related network, thereby the NJNets and the NBA have fraudulently redirected them to their On and Off the Web Products and Services thru using their forms of trademark intimidation and it's noticeable that the Opposer is

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crossing the line into pure illegality and outright On and Off the Internet's criminality on the same level of such illegal interstate violations, against the applicable rules and practices of the Federal Trade Commission (FTC). Consequently, it's crystal clear that the NJNets and the NBA continue to use multiple schemes to illegally take over the Applicant's established 10-year-old Brooklyn Nets' Intellectual Assets and accordingly the Applicant is respectfully requesting the TTA Board to immediately cancel all of their Nets B Brooklyn' Trademark Authorizations given to the NJNets' Organization and the NBA in re. to their usage and visible abuses of the Dr. Cassagnol's Brooklyn-Nets' iSignature Brands and its Global Louisiana Marks by recognizing these violations and by cancelling all of their NJNets' Brooklyn Nets' and "Nets B Brooklyn" Registrations, and to trigger an automatic suspension all of their Related NJNets' Brooklyn Nets' Authorizations issued by USPTO pursuant to Section 2(d) of the Federal Trademark Act;

2). In 2011, Attorney Anil V. George on behalf of the NJNets asked for the Applicant's permission to use its Brooklyn-Nets' Global iSignature Brands and the Applicant had then categorically and completely refused to permit such use since no financial settlement was attached to that offer but the NJNets and the NBA started to use the Applicant's Brooklyn-Nets' Brands for marketing purpose in 2011 and started to completely use the Applicant's Brooklyn-Nets' Brands in 2012 thru the Brooklyn Arena and sales of un-authorized Brooklyn-Nets' Products and Services and as the Applicant indicated to Cong. Crowley, his staff and others, that the NJNets and the NBA have decided to start pirating the Applicant's Brooklyn-Nets' Brands and it was crystal clear that they've used USPTO's loopholes to do so, which is again patently unfair by the Opposer employing a scheme to bombard the USPTO's Trademark System with 38 "Hit and Miss" Brooklyn Nets' Applications and was able to get one or more USPTO Examiners to approve 7 of them without the Applicant's knowledge during our on-going proceeding in front of the TTA Board while challenging the Applicant's pending Federal Brooklyn-Nets' Mark;

3). While reviewing the Opposer's Nets B Brooklyn' applications and Nets B Brooklyn' registrations, it's extremely evident that the Trademark Examiners have made enormous capital mistakes and grave errors by approving the Opposer's Brooklyn-Nets Applications under the Applicant's same IC 035 or IC 041 which are identical and confusing to the Applicant's CyberVillage Corporation's pending registration or the Applicant's current federal service mark under The Dr. Cassagnol Publishing House, Studios & Museum Group. Hence, the Examiners have overstepped their authority by registering identical Brooklyn Nets' IC 035 to the New Jersey Nets, LCC and again, the Applicant is seeking their immediate cancellation of all of the Opposer's Nets B Brooklyn Serial Numbers and Nets B Brooklyn Registrations authorized by the Examiners of such marks and/or service marks and their related Brooklyn Nets trademark registrations which are a reversal scheme of such and the Brooklyn-Nets mark is being used by the Opposer in conjunction with the Nets B Brooklyn Mark, pursuant to Section 2(d) of the Trademark Act; and

4). On 4/16/2013, the Opposer i.e. the NJNets in association with the NBA have started to use the Applicant's Brooklyn Nets TV's mark which is identical to the Applicant's 10-year-old Brooklyn-Nets' Brand, again using the

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Applicant's Brooklyn Nets TV Brand thru "The Association: Brooklyn Nets" as a flagrant violation of The Institute's 10-year-old Brooklyn Nets' Brands and the Applicant's 34-year-old Parent Corporation and its current Federal Trademark: The Dr. Cassagnol Publishing House, Studios & Museum Group (Federal TM Reg. # 4,326,200).

VI. The Opposer's Brooklyn-Nets' False Ground on the basis that the Opposer's 1<sup>st</sup>. use until April 30, 2012 vs. the Applicant's established 10-Year-Old Brooklyn Nets Brands and its Pending Federal Mark

Firstly, it should be distinguished that the following points are not allegations, they're facts as noted in USPTO's and TTA Board's Files:-

a). From 2003 to 2005, the Applicant has had multiple contacts with all concerned parties: the NJNets. The NBA and others, asserting its full ownership of the Brooklyn Nets' Brands and the Brooklyn-Nets Marks and no one had challenged and opposed the Applicant until 2011 when the NJNets started their relocation to Brooklyn and their lawyer asked the Applicant for permission to co-use the Applicant's Brooklyn-Nets' Brands without a financial settlement, of course the Applicant had absolutely refused to do such and their lawyer: Mr. George indicated that they will use the Applicant's Brooklyn-Nets Intellectual Assets with or without the Applicant's permission and it was crystal clear that they were intentionally moving toward the direction of pirating the Applicant's Brooklyn-Nets Intellectual Assets without the Applicant's permission. It maybe a legal move on their part but the Applicant sees it as pure theft of its organizational intellectual assets since the Brooklyn Nets' Brands are Louisiana's trademarks under the corporate umbrella of its parent corporation: The Dr. Cassagnol Institute of Research, Inc. and used in connection with The Institute's Logo and its fully registered Federal Trademark Reg. # 4,326,200: The Dr. Cassagnol Publishing House, Studios & Museum Group's Mark and Logo which have been used by Applicant in conjunction with the Brooklyn Nets' Global Brands and Marks;

b). The Applicant comparing this situation to the Kidnapped Baby's Conceptual Framework and it's fully applicable because at no time during this proceeding that any USPTO's Examiner should have entertained any petition from the NJNets or any other party on their behalf because it's extremely wrong and legally unfair, in this instance, the TTA Board's proceeding should have been fully completed first, before such action by any Trademark Examiner, accordingly, the Applicant had requested all concerned parties to contact Cmsr. Deborah Cohn in order to stop these folks in their continuance of persistent and flagrant violations of the Applicant's 10-year-old Brooklyn-Nets' Brands and the Trademark Examiners' indifference to the Applicant's pending Brooklyn-Nets' federal trademark. Since the Examiners have made these enormous errors in judgment by approving the 7 NJNets' Applications, these grave errors are meriting immediate cancellation of each live application # (s) as noted on files at the USPTO and at the TTAB. Thereby, it's apparent that the assigned Examiners have screwed up the Applicant in a big way with tremendous bias vs. our current proceeding in front of the TTA Board which necessitates reversal of their approvals, pursuant to TMEP §1715.01(a)(2) because the NJNets and the NBA are

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confusingly using the Applicant's 10-year-old Louisiana in conjunction with their Nets B Brooklyn' Brands, its identical Class 035 and the Applicant's Brooklyn-Nets' Pending Federal Trademark, also its identical International Class 035 under Trademark Act §2(d);

c). Consequently, the Applicant has since 2011 respectfully asked Cmsr. Cohn and/or the Appeal Board to cancel and/or de-activate all of the Opposer's related Brooklyn Nets' and "Nets B Brooklyn" authorizations from using the Applicant's Brooklyn-Nets' Marks until the Board's Proceedings and other appealing options are fully exhausted, keeping in mind that the Applicant has had its set of 21 Louisiana Brooklyn Nets' Louisiana Trademarks since 2003 and its last State of Louisiana's Office of Trademark's Validation Certificate # 10244605#DSL73 is valid until 2022, pursuant to R.S. of 1950, Title 51, Chapter 1, Part VI as amended under the State of Louisiana Law, a legally valid official agency with legal authority to issue official biz trademarks;

d). Accordingly, the Applicant has being using the Brooklyn Nets' Brands and its Louisiana Trademarks for almost 10 years but NJNets and the NBA started using the Brooklyn Nets' Marks just on April 30, 2012;

e). Before the NJNets' Official Relocation to Brooklyn in 2011, the team was and still is one of the worst team in the NBA, the team was worth about \$300 Million and after they started to use the Applicant's Brooklyn Nets' iSignature Brands without its permission, the team is now worth a bit over \$500 Million by intentionally pirating the Applicant's Brooklyn Nets' Brands and it was not until 4/30/2012 that they had filed their first use in commerce of the Brooklyn Nets' Marks and their Attorney Anil V. George signed a USPTO Declaration that the NJNets is the rightful owner without any regards to the Applicant's 10 years ownership of the Brooklyn Nets' Brands, such declaration is a willfully false statement under the 1946 Trademark Act, as amended, thereby such intentionally false statement requires full revocation of any resulting registration (s) and Attorney Anil V. George's signatory position, on behalf of the NJNets, requires USPTO to report such illegal violations to Agencies having supervisory authorities over these matters for fine or imprisonment or both under 18 U.S.C. Section 1001 of the Federal Trademark Act;

f). It's the Applicant's strong belief that the Examiners acted with bias vs. the Applicant and was unfairly involved in approving the NJNets' Applications and Registrations for the Brooklyn Nets' Marks. The Examiners made enormous errors in judgment by acting completely indifferent to the current TTA Board's Proceeding and by advancing each application to the level of awarding multiple Brooklyn Nets' Registrations to the NJNets, neglecting the facts that the Brooklyn Nets' Marks are under proceeding at the TTA Board, thereby these grave errors either negligent or intentional merits full cancellation of each the NJNets' Registrations of the Brooklyn Nets' Marks and its related "Nets B Brooklyn" which are other malicious schemes to use the Brooklyn Nets' Brands since the "Nets B Brooklyn" Mark as listed on USPTO's Principal Register, is a reverse way of marketing the Applicant's Brooklyn Nets' Global iSignature Brands. The Applicant must also point out that almost a year ago when the NJNets decided to launch their "Nets B Brooklyn" Brand thru the Internet and linked the

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“B” word to the Applicant’s Brooklyn Nets’ Global iSignature Brands, it was shocking to everyone and to the public since the “B” word has been forever linked to bitches, prostitutes and drug dealers but the NBA and the NJNets decided to viciously market a logo designed by Jay-Z in many ways are pure and complete denigration to the Applicant’s original 34-year-old registered Louisiana’s Brands and its Federal Mark with Reg. # 4,326,200 under IC 35 and 41, and it was purely malicious as the Applicant has previously noted in all of its denigrating facets to the USPTO and to the TTA Board;

g). The Applicant has asked Cong. Joe Crowley and the NYC Congressional Delegation to intervene on the Applicant’s behalf toward finding ways to resolve these issues and has also implored Cmsr. Deborah Cohn, Acting Under Sec. Rea and other supervisory agencies to look into why such flagrant biases were deployed vs. the Applicant to intentionally let the NJNets and the NBA pirating the Applicant’s intellectual assets and defraud the Dr. Cassagnol organization, and the NJNets’ Organization may see it as legal maneuvers on their part but on the Applicant’s part, we see it as pure and gross theft of the Petitioner’s Brooklyn Nets intellectual assets; and

h). Again, this is the Applicant’s intent to file cancellations of each one of the Brooklyn Nets Registrations since their Nets B Brooklyn’s Brands are used in conjunction with the Brooklyn Nets’ Brands and those 2 marks are connected and are being used in conjunction with the following Brooklyn Nets’ applications and Nets B Brooklyn’ registrations: Serial No.: 85442375 Reg. # 4273135 / Serial No.: 85608381 / Reg. # 4237737 / Serial No.: 85608362 Reg. # 4237735 / Serial No.: 85608358 / Reg. # 4237734 / Serial No.: 85608343 Reg. # 4237733 / Serial No.: 77873194 Reg. # 4222229 / Serial No.: 77728208 Reg. # 4175932 and their related NJNets’ Serial Numbers: 85608376 / 85608366 / 85608354 / 85608347 / 85442401 / 85442395 / 85442355 / 85442314 / 85442308 / 85442296 / 77845645 / 85608347 / 85442355 / 85442296.

**VII: ARGUMENT VS. THE OPPOSER’S FIRST USE IN COMMERCE OF THE BROOKLYN NETS’ MARKS**

The Applicant’s Brooklyn-Nets’ 10-year-old Global Brands and its pending Brooklyn-Nets’ Federal Mark have been in use since 2003 but the Opposer started to use and pirating the Applicant’s fully established Brooklyn Nets’ Global iSignature Brands just in 2012. The Applicant would also like to bring to the TTA Board’s attention that from 2005 to 2011, all of the Opposer’s Executives lied to the Applicant proclaiming that they had no intention of using the Applicant’s 10-year-old fully established Brooklyn Nets’ iSignature Brands as evidenced by content of Affidavit filed by Applicant thru TTAB’s records on current proceeding and on USPTO’s files:-

a). From 1996 to 2003, Applicant has always wanted to own a Sports’ Team or form one, that’s why that in April 22, 1996 that the Applicant had formed: The National Basketball Female Association (NBEA) and its creation has

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nothing to do with the NBA or the NJNets since at that time, the Applicant was doing business in Louisiana;

- b). From 2003 to now, Applicant had formed: The B'Klyn Pro-Sports Association and all its 21+ Brooklyn Nets' Louisiana's Web Addresses are attached to this Association and were renewed thru The Brooklyn Nets Entertainment Network and its Web Extensions: .TV, .INFO, .US, .SHOP, .WS, .GAME, .CN, .BE, .CLUB, .AGENT, .SPORT, .BIZ, .DE, .MOBI, .ORG, .CA, .CO and .XXX;
- c). On the basis of the Applicant's Louisiana Trademark's Rights, had applied in 2006 for a Federal Trademark:-
- ... promoting the goods and services of others, namely, the Dr. Cassagnol Signature-Lines of Fine Arts and Higher Technologies' Products and Services thru The DR. CASSAGNOL PUBLISHING HOUSE, STUDIOS AND MUSEUM GROUP by means of online and offline ordering and cataloging of those goods and services in fine arts and high technologies, distributing advertizing materials through a variety of online and offline marketing methods and promotional contests of THE DR. CASSAGNOL PUBLISHING HOUSE, STUDIOS AND MUSEUM GROUPS, and by arranging for sponsors to affiliate their goods and services with THE DR. CASSAGNOL PUBLISHING HOUSE, STUDIOS AND MUSEUM GROUP's activities through the Dr. Cassagnol organizational global high-tech network of THE DR. CASSAGNOL PUBLISHING HOUSE, STUDIOS AND MUSEUM GROUP's duly registered Web Addresses for the CyberVillage Services;
- d). As one can visibly see that the Applicant's "The Dr. Cassagnol Publishing House, Studios and Museum Group" (PHSMG) has been fully incorporated in its Brooklyn-Nets' Federal TM Application and surprise, surprise, surprise, this PHSMG's Mark is a fully registered federal trademark: TM Reg. # 4,326,200 and it's crystal clear that the Opposer has violated the Applicant's State and Federal TM Rights by using its Brooklyn Nets TV's Marks without the Applicant's explicit permission and the Opposer can NOT plead ignorance since the Opposer has had in their possession a volume of documents to corroborate the Applicant's position that the Brooklyn Nets' Marks were NOT obtained in bad faith since The Brooklyn Nets Entertainment Network was set-up in conjunction with the PHSMG's Federal TM and Logo and has had NO relation with the NJNets, the NBA but to present a \$1 Billion Proposal to them and with good intent to enter into a partnership with them using the Applicant fully established 10-year-old federally PHSMG connected TM under its 34-year-old parent corporation: The Dr. Cassagnol Institute of Research, Inc., not forgetting that the Opposer never wanted to do anything with the Applicant's Brooklyn-Nets' Marks until 2011 and their first use in commerce in 2012 which gives priority to the Applicant not to the Opposer;
- e). That the Applicant had a meeting with Mr. Randall Toure, a VP of Dev. Bruce Ratner's Forest City Ratner Companies on 9/12/05 which did not end up very well due to their participatory requirements to own 10% of the Applicant's Brooklyn-Nets Project as presented to them in order to do business with the Opposing Group;

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- f). Applicant had numerous contacts with VP Chrysa Chin of the NBA's Talents Management, she had reassured the Applicant up to 2011 that the NBA had no plan to use the Applicant's Brooklyn Nets' Global iSignature Brands but intended to use their old New York Nets' (NYNets) Brand and the NBA has NO intention to use the Applicant's fully established Dr. Cassagnol Designer's 10-year-old Brooklyn Nets Global iSignature Brand;
- g). Applicant had 2 phone conversations in 2010 with NJNets' Pres. Irina Pavlova and again she reassured the Applicant that the NJNets' Organization had NO intention of using the Applicant's Brooklyn Nets' Brands after her review of the \$1 Billion Biz Proposal that the Applicant made to the NJNets' Organization which she opined as extremely comprehensive and same \$1 Billion Proposal was made thereafter to NBA Cmsr. Stern on 5/11/11 in order to give a chance to the NBA to work with the Applicant as a NYS Certified MBE;
- h). Applicant had issued numerous Cease & Desist Notices to all concerned parties of the NJNets' Organization, the NBA, Dev. Bruce Ratner and their Executive Staff at the Barclay Center but to no avail and all have refused to be deposed in re. to these pertinent issues of misusing and pirating the Applicant's fully established 10-year-old Dr. Cassagnol Designer's Global Brooklyn Nets' iSignature Brands;
- i). Please note that all of the Opposer's top level Executives have maliciously and viciously lied to the Applicant, it's clear that they're a group of professional liars: Liars! Liars! Liars!, their pants are on fire;
- g). The Dr. Cassagnol Institute of Research, Inc. a corporation certified to do business in Louisiana, applied for the following trademarks in the following manners and received The National Basketball Female Association's Trademark on April 22, 1996 from the LA. Office of Trademarks which gives priority rights to the Applicant;
- k). The Applicant then applied for the B'Klyn Pro-Sports Association's Trademark on April 15<sup>th</sup>., 2003 and received its Trademark Certificate on May 17<sup>th</sup>., 2004 from the Louisiana Office of Trademarks;
- l). The Applicant then applied for the Brooklyn-Nets' Federal Trademark in June 28<sup>th</sup>., 2006, met all USPTO requirements under Sect. 1(a) and the www.Brooklyn-Nets.tv (Brooklyn-Nets) Mark was published on 4/19/11 which gives priority rights to the Applicant not the Opposer: the NJNets and/or the NBA; and
- m). All above Louisiana Trademarks were issued under the Applicant's 34-year-old Parent Corporation: the Dr. Cassagnol Institute of Research, Inc., founded in 1979 and the Applicant, Ambassador Dr. François de Cassagnol, a certified NYS MBE also fully owns this entity and its Federal Trademark Reg. # 4,326.200.

VIII: The Opposer's Non-Existent False Legal Standing and its First Use in Commerce till April 30, 2012

- a). Please be informed that the Applicant has already made a formal request for Cmsr. Cohn, for Acting Under Sec.

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Rea, for any concerned third party and/or any other agencies having supervisory and enforcement authorities over USPTO and the Trademark Trial & Appeal Board or any other individual party or entity as indicated in the Applicant's Jan. 29<sup>th</sup>. 2012's meeting with Cong. Crowley for the purpose finding ways to immediately resolve the issues in re. to the piracy of the Applicant's Global Brooklyn Nets' iSignature Brands and the Applicant's pending federal Brooklyn-Nets' trademark by the NBA. Again, please review and focus on the following chronological points of the Applicant's Brooklyn-Nets' Global Marks which have being in commercial use on and off the Internet since 2003 for almost 10 years. Applicant also found out while he was watching for the NJNets' abandoned trademark applications # 77413958 and 77418775, the Opposer was able to file and bombarded the USPTO's Trademark System with over 38 different applications as previously noted and obtained 7 Brooklyn Nets' Registrations during our current TTA Board's proceeding. The Applicant finds it to be extremely wrong since it's very apparent that any such authorizations to them, put the Applicant at extreme disadvantage, which is extremely unfair. It's like an individual, who went to a hospital and kidnapped a baby, the individual was apprehended and while on bail, was able to adopt another baby, with the adoption system in complete disregard of the criminal act of kidnapping by that individual, thereby, it was patently wrong for any USPTO's Examiners to approve any Brooklyn Nets' Trademark Requests for the NJNets' Organization since they're disputing and opposing the Applicant's 10-year- old Brooklyn Nets' iSignature Brands and since the Applicant has been the sole owner of the Dr. Cassagnol Designer's Made in America \$1 Billion Global Brooklyn Nets' iSignature Brands, its 21 Registered Louisiana Brooklyn Nets Marks and its pending federal Brooklyn-Nets' Mark. Thereby, based on the above factual contents of this brief, the above noted opposition is meriting immediate dismissal based on the facts that Ambassador Dr. François de Cassagnol, the sole owner of The Dr. Cassagnol Organization and its parent corporation: The Dr. Cassagnol Institute of Research, Inc. a Delaware and is respectfully requesting added considerations should be given by the TTA Board to attach this dismissal to all NJNets' live Brooklyn Nets and Nets B Brooklyn's applications and registrations in order to prevent any other Trademark Examiners from making the same capital mistakes of approving such additional Brooklyn Nets and Nets B Brooklyn Marks without paying attention to existing issues of the Dr. Cassagnol Designer's Brooklyn-Nets iSignature Brands since the Applicant's TM applications was tagged as Brooklyn-Nets in order to make it easier for all concerned parties to be fully aware of the Brooklyn-Nets Mark was under considerations for the CyberVillage Corporation, a La. TM of The Institute not the NJNets nor the NBA; and

b). Applicant has never seen any individual the like of the Opposer's Attorney, Mr. Anil V. George with the kind of denial mechanism permitting him to spew the falsehood as cited in the Opposer's Brief noting that the Applicant's Marks are NOT marks in use, Mr. George is acting like a magician not an attorney because Applicant has met all of the USPTO's requirements for the Brooklyn-Nets' Mark up to its publication in the USPTO Official Gazette, followed by their opposition which gives priority rights to the Applicant since the Opposer has never use such mark;

c). The Opposer's Attorney, Mr. George has spewed pure lies in re. to the \$1 Billion asking price for the Brooklyn Nets Entertainment Network including its Louisiana's Brooklyn Nets Trademarks and its pending Federal Brooklyn Nets' Mark. Applicant would like to issue a challenge to Mr. George to possibly identify when and where that offer was made

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by the Applicant, because the Applicant never made that \$1 Billion sale request to anyone including the NBA, period;

d). Noticing that the Applicant has used its Brooklyn-Nets Marks in conjunction with its parent corporation's logo and other related Dr. Cassagnol Designer's Marks for the last 10 years thru the following marketing tools and media platforms thru the following trademarked avenues:-

On its Brooklyn Nets' Organizational Web Site and related Web Network, on its corporate letter heads, on its Brooklyn Nets' Business Cards, on its Brooklyn Nets' Note Pads, in its eMail Signature, on its Brooklyn Nets' Stickers & Mailing Labels, Brooklyn Nets' Envelopes, Brooklyn Nets' Organizational Banners, Brooklyn Nets' Web Advertisements, Real Brooklyn Nets Facebook Page, Brooklyn Nets' US Postal Mailing Stamps, Real Brooklyn Nets' Twitter Page, Google+ Real Brooklyn Nets' Icon, part of the Applicant's 333+ Dr. Cassagnol Designer's Domain Name Portfolio and Web Network, Real Brooklyn Nets' LinkedIn Profile, on Brooklyn Nets' Hats, Pen, promotional items, tote bags, folders, Real Brooklyn Nets' Blog Page, Internet Key Words, Print Brooklyn Nets' Advertisements, multiple Brooklyn Nets' registrations in several foreign countries, and Embedded in photos & Real Brooklyn Nets' artworks part of the Dr. Cassagnol Publishing House, Studios & Museum's Multi-Million-Dollar Commercial Art Library & Music Album; and

e). Applicant does not have any clue in which planet that Mr. George is on since there is evidence on files at the USPTO and at the TTAB that the Applicant has maintained extensive pre-paid accounts since the beginning of the Internet at first with SRSPPlus, at the .TV Network and currently at GoDaddy's Registrar since 2001 as evident by latest bill reflecting the Applicant's GoDaddy's Account from 2001 to now with incurred expenses totaling over \$27,383.86 as of 4/10/13 and the Applicant's Brooklyn Nets' Hosting plan created upon transfer from the .TV Network, then has accumulated similar pre-paid expenses and are fully paid until 12/16/2017 and thereby the Opposer's position that the Brooklyn Nets' Global Brands and Marks are not being used for purpose intended, is purely against logics since a huge amount of resources have been used by Applicant to promote its Brooklyn Nets' Mark in connection with the Dr. Cassagnol Publishing House, Studios and Museum's Federally registered Mark and logo marketing the Brooklyn Nets' Global Brands as a global promotion group under its Federally Registered Mark: USPTO Reg. # 4,326,200.

**IX. THE OPPOSER'S x2-FACE ABOUT THE APPLICANT'S FULL OWNERSHIP OF THE DR. CASSAGNOL 'S BROOKLYN NETS GLOBAL BRANDS**

Just before the Opposer filed its opposition of the Applicant's 10-year-old Brooklyn Nets' Mark, the Applicant had 2 phone conversations with Mr. George, the main NBA Properties' (NBAP) Attorney and Applicant has a record of such conference between Mr. George, Tony, its NBAP's underling, and the Applicant and both have tried to convince the Applicant to extend their time for their opposition and to continue to intimidate the Applicant in letting them use the Applicant's Brooklyn Nets Brands for multiple lines of Brooklyn Nets' Clothing in exchange for dropping their opposition of the Applicant's pending Brooklyn Nets' Mark. Applicant refuses to accept their "Don Corleone's Approach" toward resolving the issues and at that time there was no mention of the rights to such since the only way that the Opposer was going to have access to the Applicant's Intellectual Assets, was thru a financial settlement of a partnership,

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period. Thereby Applicant can't see how the Opposer can overcome these steps since the Applicant has followed all of the USPTO's Rules and applicable TM Practices toward reaching a level where the Applicant's Federal Brooklyn Nets' Mark is pending. One should pay attention to the Opposer's fraudulent manners of obtaining these Brooklyn Nets' Marks as noted since those marks were published far before their first use in commerce in April 30, 2012 and if the TM Examiners had done their due diligence in detecting that the Applicant's USPTO's application was tagged under: Brooklyn-Nets. It's noticeable that the Opposer did not need to do a comprehensive clearance TM search since the Opposer knew of the Applicant's priority rights all the ways back from 2003 to present, and the Opposer decided to willfully infringe on the Applicant's Intellectual Property Rights. While we're at property rights, the Applicant would like to bring to the attention of the TTA Board that the NBA Properties fighting for control of the Brooklyn Nets' Mark, appears to be a front entity for the NBA, not for the NJNets' Organization because it appears to be clear that the NJNets does not control its intellectual properties but the NBAP, a separate entity, a front for the NBA, controls the NJNets' Intellectual Assets, if we're looking at an organized efforts to take over the Applicant's intellectual assets, if we look very close, it's right here. Thereby it's clear that the TTA Board should refer these flagrant organized behaviors of the Opposer to the NY, NJ and to the US AGs. for civil and criminal action under the RICO Act. In addition the Applicant may file a Freedom of Information's (FoI) Request with USPTO in order to find out thru a FoI Request, the manners that the TM Examiners have issued those Brooklyn Nets' Marks to the NJNets since those marks were publishing far before their use in commerce in April 30, 2012 and if intimidation was involved by the Opposer in the pursuit of the Brooklyn Nets' Marks by not obeying or neglecting all USPTO's Rules and Practice.

X. REVIEW OF FACTUAL BACKGROUND OF THE DR. CASSAGNOL REAL BROOKLYN-NETS BRANDS

IN REVIEWING THE OPPOSER'S NON-EXISTENT BROOKLYN NETS' MARKS UNTIL 2012 IN ITS FIRST USE IN COMMERCE WHILE THE APPLICANT HAS BEEN USING ITS BROOKLYN-NETS' GLOBAL BRANDS SINCE 2003, ALMOST 10 YEARS, NOT TO FORGET THAT THE APPLICANT'S BROOKLYN-NETS BRANDS ARE USED IN CONJUNCTION WITH THE DR. CASSAGNOL INSTITUTE OF RESEARCH, INC.'S DR. CASSAGNOL PUBLISHING HOUSE, STUDIOS & MUSEUM'S LOGO AND ITS REGISTERED FEDERAL SERVICE MARK: FEDERAL REGISTRATION # 4,326,200 AND THE BROOKLYN NETS ENTERTAINMENT NETWORK WITH A BONA FIDE STATE OF LOUISIANA TRADEMARK VALID UNTIL 2022.

A. STARTING WITH THE OPPOSER'S FIRST USE OF THE BROOKLYN NETS' MARK IN 2012, OPPOSER STARTED TO USE THE APPLICANT'S BROOKLYN-NETS GLOBAL BRANDS WHICH ARE INDENTICAL TO THE APPLICANT'S APPLICATION TAGGED UNDER THE BROOKLYN-NETS MARK AS REGISTERED WITH USPTO;

B. OPPOSER WILLFULLY VIOLATE AND INFRINGE ON APPLICANT'S BROOKLYN-NETS' GLOBAL BRANDS BY MARKETING SUCH OBTAINING ITS SO CALLED BROOKLYN NETS' MARKS BEFORE THE OPPOSER'S ACQUISITION IN ERRORS AND ITS FIRST USE IN COMMERCE IN 2012 AND UNDER FALSE PRETENSE, VIOLATED USPTO'S RULES UNDER ITS 18 U.S.C. §§1001;

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- C. THE OPPOSER NEVER HAD ANY CONNECTION TO BROOKLYN OR TO THE APPLICANT'S BROOKLYN NETS' BROOKLYN NETS' BRANDS UNTIL ITS RELOCATION IN 2011 AND ITS ILLEGAL FIRST USE OF THE APPLICANT'S BROOKLYN-NETS' BRANDS UNTIL 2012;
- D. THE OPPOSER FALSELY SUGGESTS ITS OWNERSHIP OF THE APPLICANT'S BROOKLYN-NETS' GLOBAL BRANDS BEFORE THEIR ILLEGAL FIRST USE IN COMMERCE IN 2012 AND ITS ACQUISITION OF SUCH IN BAD FAITH, THE OPPOSER HAS CONTINUED TO DO SO ALL DURING THE CURRENT TTAB PROCEEDING WITHOUT PERMISSION OF THE APPLICANT;
- E. APPLICANT NEVER MADE ANY FALSY CONNECTION TO THE OPPOSER'S NETS' BRANDS SINCE THE OPPOSER NEVER ACQUIRED ANY RIGHTS TO THE APPLICANT'S 10-YEAR-OLD BROOKLYN-NETS GLOBAL BRANDS BUT HAS ISSUED MULTIPLE CEASE AND DESIST NOTICES TO STOP THEIR UN-AUTHORIZED USAGE OF SUCH OF THE APPLICANT'S REAL BROOKLYN NETS' BRANDS;
- F. FOR THE LAST 2 YEARS, OPPOSER HAS BEING INVOLVED IN TRADEMARK INTIMIDATION, TRADEMARK HARRASMENT AND ASKING OTHERS LIKE TUNECORE AND OTHERS NOT TO DISTRIBUTE THE APPLICANT'S REAL BROOKLYN NETS' PRODUCTS ON AND OFF THE WEB;
- G. APPLICANT HAS MADE SEVERAL PROPOSALS TO THE NJNETS' ORGANIZATION, TO THE NBA FOR CO-DEVELOPMENT OF THE APPLICANT'S BROOKLYN-NETS GLOBAL BRANDS FROM 2005 TO 2011 BUT TO NO AVAIL BECAUSE OPPOSER HAS HAD NO INTEREST IN CO-USING THE APPLICANT'S 10-YEAR-OLD GLOBAL BROOKLYN-NETS BRANDS UNTIL THE OPPOSER STARTED PIRATING THE APPLICANT'S BROOKLYN-NETS' BRANDS ON AND OFF THE INTERNET IN 2011; AND
- H. APPLICANT HAS BEEN USING ITS BROOKLYN-NETS BRANDS FOR ALMOST 10 YEARS AS A SERVICE MARK ON AND OFF THE WEB AND THE OPPOSER DID NOT START PIRATING THE APPLICANT'S BROOKLYN-NETS' GLOBAL BRANDS UNTIL 2011, CONSTITUTES VIOLATION OF THE APPLICANT'S EXISTING INTELLECTUAL RIGHTS AND INFRINGEMENT OF THE APPLICANT'S PRIORITY INTELLECTUAL RIGHTS TO THE REAL BROOKLYN NETS' GLOBAL BRANDS AND PENDING FEDERAL TRADEMARK RIGHTS IN CONNECTION WITH THE APPLICANT'S BUNDLING OF THE BROOKLYN-NETS' MARKS WITH THE FEDERALLY REGISTERED: DR. CASSAGNOL PUBLISHING HOUSE, STUDIOS AND MUSEUM'S MARK REG. # 4,326,200 AND ITS DR. CASSAGNOL DESIGNER'S GLOBAL BRANDS.

XI: CONCLUSION OF THE APPLICANT'S REAL BROOKLYN-NETS BRANDS & PENDING FEDERAL MARK

In conclusion, the files at the USPTO and the TTAB have already demonstrated that the Applicant has

been uniquely using its Dr. Cassagnol Designer's Brooklyn Nets' Global Brands and pending federal Brooklyn-Nets' Mark to clearly have complete priority rights to such, since Applicant acquires such intellectual rights by starting to establish such Brooklyn Nets' Brands thru its first pro-sports' Louisiana Trademark in 1996, converted such thru its application for a set of Brooklyn-Nets' Louisiana Marks in 2003 and received its set of Brooklyn-Nets' State Marks in 2004 and that set of trademarks, was later converted into The Brooklyn Nets Entertainment Network with a certificate valid until 2022. Opposer has registered its Brooklyn Nets' Marks during the TTAB's proceeding in bad faith and Opposer willfully violate USPTO's Rules under its 18 U.S.C. §§1001 and such willful false statement filed under 15 U.S.C. §§ 1051(b) meriting fine or imprisonment or both, thereby the Opposer ought to be referred to the appropriate civil and criminal authorities for appropriate civil and criminal action. Furthermore, based on the above facts enunciated by the Applicant, the Opposer does not deserve any priority rights according to its first use in commerce of the Brooklyn Nets' Mark starting April 30, 2012, while the Applicant has been using its Brooklyn Nets Global Brands and Louisiana's Marks for over 10 years thru promoting others the like of the candidacies of then Sen. Hillary R. Clinton, then Sen. Barack Obama, not forgetting promotion of other minority businesses in New York City using the Dr. Cassagnol Designer's extensive lines of products in fine arts thru the Applicant's multi-million-dollar commercial art library. Lately the Applicant has been involved in the promotion of an immediate resolution of the issues affecting the Dreamers and the Un-Registered Immigrants thru The Global Diaspora SuperPAC. The applicant finds it unbelievable that the Opposer and its group would have such amount of brass to claim any priority rights to the Applicant's 10-year-old Brooklyn Nets' Intellectual Assets. Since the Opposer has been acting like Pirates, the Applicant has released 3 Real Brooklyn Nets' Music Tracks depicting the Opposer and its group for what they're: High Tech Pirates, infringing on the Applicant's 10-year-old Brooklyn Nets' Intellectual Rights. It should be noted that the Applicant has already filed Petitions in front of the TTAB in order to cancel the NJNets' Brooklyn Nets' and the Nets B Brooklyn's Registrations. One should also understand that the Nets B Brooklyn's Marks appear to be a fraudulent and tactical reversal of the Applicant's Brooklyn Nets' Brands and its pending Federal Brooklyn-Nets' Mark. Accordingly, Applicant is respectfully requesting that the TTA Board dismisses the New Jersey Basketball, LLC's Opposition with prejudice and issue the Real Brooklyn-Nets' Mark to CyberVillage Corporation, a registered Louisiana trademark of the Dr. Cassagnol Institute of Research, Inc., its 34-year-old parent corporation in connection with its bundling commercial use thru its Dr. Cassagnol Publishing House, Studios and Museum, a fully registered federal trademark with Registration # 4,326,200 on file with the TTA Board as attachments to the Applicant's Petitions for the NJNets' Brooklyn Nets and Nets B Brooklyn's Marks that these opposing marks ought to be cancelled under 15 U.S.C. §§ 1051(b) of the Federal Trademark Act in conjunction with this opposition.

Respectfully Submitted,

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By: 

Ambassador Dr. François de Cassagnol

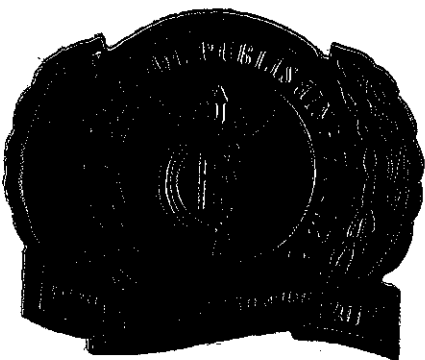
Founder & Chairman of the Board of Directors

The Brooklyn Nets Entertainment Network

Dr. Cassagnol Institute of Research, Inc.

[www.Brooklyn-Nets.tv](http://www.Brooklyn-Nets.tv)

The Dr. Cassagnol Publishing House, Studios & Museum Group





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

**TTAB**

SERIAL NO. : 76/662.605  
MARKS : WWW.BROOKLYN-NETS.TV

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:  
**NEW JERSEY BASKETBALL, LLC** :  
**Opposer** :  
:  
**- against-** :  
:  
**CYBERVILLAGE CORPORATION** :  
**(The Brooklyn Nets Entertainment Network)** :  
**both Registered Louisiana Trademarks of:** :  
**Dr. Cassagnol Institute of Research, Inc.** :  
**Applicant** :  
-----X


**Opposition No.: 91201370**



**APPLICANT'S TESTIMONY AFFIDAVIT OF:-**  
**Ambassador Dr. Francois de Cassagnol**

Applicant: CyberVillage Corporation (The Brooklyn Nets Entertainment Network) pursuant to the stipulation as reflected in the Dec. 14<sup>th</sup>. 2011 TTAB Order. The Applicant has withdrawn his consent for such because the Opposer wanted testimonies by Affidavit ONLY and the Applicant required Deposition to reconfirm that the Opposer has had no interest in this mark as noted in previous filings and the Opposer refused to be subjected to any deposition as requested multiple times by Applicant to prove that Opposer did not show any interests in the Applicant's Brooklyn Nets' Brands/Marks after 2011, when the Opposer started to use the Applicant's Brooklyn Nets' Brands without the Applicant's permission.

Respectfully Submitted By:

  
\_\_\_\_\_  
**Ambassador Dr. Francois de Cassagnol**  
**Founder & Chairman of the Board of Directors**  
**CyberVillage Corporation**  
**The Brooklyn Nets Entertainment Network**  
**Dr. Cassagnol Institute of Research, Inc.**  
**P.O. Box 740 Bronx, New York 10467-0740**  
**1-516-3-Museum (368-7386)**

Date: 10/1/12



\*10-09-2012\*

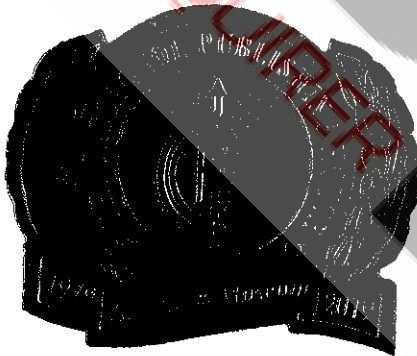


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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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MARKS : WWW.BROOKLYN-NETS.TV

-----X  
NEW JERSEY BASKETBALL, LLC  
Opposer

- against-

CYBERVILLAGE CORPORATION  
(The Brooklyn Nets Entertainment Network)  
both Registered Louisiana Trademarks of:  
Dr. Cassagnol Institute of Research, Inc.  
Applicant  
-----X

Opposition No.: 91201370



**AFFIDAVIT OF:-**

**Ambassador Dr. François de Cassagnol**  
**Behavioral Scientist & Designer**  
**Ordained Multi-Faith Minister for Life**

I, Ambassador Dr. Francois de Cassagnol, a Licensed New York City Ordained Minister for Life, hereby declare and affirm as follows:

1). I'm the Founder & Chairman of the Board of Directors of a 33-year-old corporation registered in Delaware and is currently permitted to do business in Louisiana as a Foreign Corporation and both entities are presently in good standing and of which the CyberVillage Corporation and The Brooklyn Nets Entertainment Network are both legally registered and bona fide Louisiana Trademarks registered thru the Dr. Cassagnol Institute of Research, Inc. with its Updated State of Louisiana Certification & Validation # 10244605#DSL73, its Brooklyn Nets' Louisiana Trademark expires in 2022, ten years from now. All corporate assets from this 33-year-old corporation, are fully owned and control by Ambassador Dr. François de Cassagnol, a Certified New York State Minority Business Enterprise and the principal applicant and listed owner of this Brooklyn Nets' Mark # 76/662.605.

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2). Numerous proposals were presented by me to the NJNets' Organization and to the NBA and my proposals were labeled for FYE (For Your Eyes Only), CONFIDENTIAL and were tagged as: Any Reproduction For Any Other Purpose is STRICTLY PROHIBITED, thereby the Opposer has had NO PERMISSION to file such privileged materials in front of any entity, and if Opposer has used such confidential materials without my explicit authorization, specially since the Interlocutor Baxley has directed the Opposer not to use any financial info reflected to him outside of the Appeal Board's Proceedings: EXHIBIT A, and thereby Attorney Anil V. has disregarded Attorney Baxley's directives and flagrantly included my old corporate financial statements in his 9/10/12's filings: for this action alone, I'm asking the Appeal Board to take severe action vs. the Opposer by dismissing this opposition with prejudice and I've additionally asked Cmsr. Deborah Cohn: EXHIBIT B to refer Attorney Anil V. George to the US Dept. of Justice for possible CRIMINAL ACTION and to the American Bars for appropriate civil and administrative action.

3). My Multiple Brooklyn Nets' Brands are currently registered live Louisiana Trademarks and were registered with the Louisiana Office of Trademarks since 2003-04 calendar year, almost ten years ago and my Louisiana Trademarks cover all of the 20+ Web Extensions that are fully registered on and off the Internet since their inception and I've maintained my portfolio of Web Addresses with GoDaddy.Com Registrar and I've had a Long Term Pre-Paid DeLuxe Top Rated Web Hosting Contract with GoDaddy and it's pre-paid until 2017: EXHIBIT C, our contractual Web Hosting arrangements are good for an additional 5+ years from now.

4). I've continuously used my Brooklyn Nets' Network On and Off the Internet thru my Commercial ArtWorks, my Music promoting others thru my Dr. Cassagnol Designer's Artworks and related Musikal Tracks and this is to confirm that any day from now, a series of our Dr. Cassagnol Designer's Products: EXHIBIT C will globally reach our targeted markets thru the Apple Stores' and the TuneCore Stores' & related Commercial Platforms.

5). For the last 10 years, I've continuously tried to work with these parties opposing my Brooklyn Nets' Brands/Marks and I've NOT been successful in establishing an equitable relationship with them but I've refused to give any permission to the Opposer or any other party, thereby, I've NOT given any rights to any person or any entity to use my established Brooklyn Nets' Brands and thereby, any such use without my authorization constitutes theft by deception of my personal and my corporate assets and my intellectual properties.

6). On 9/12/05: EXHIBIT D, I met with VP Randall Toure of Forest City Ratner Companies, the Developer of the Brooklyn Arena, LLC, and that meeting was arranged by the Developer 's sister: Madame Ellen F. Ratner. The meeting with VP Toure resulted from his request to continue to work Ms. Ratner under the conditions that she will get 10% of my project which was not acceptable to me and a counter proposal was issued to all concerned parties that I'm willing to use Ms. Ratner as a Consultant or place her in a position of Vice Chairman of my Brooklyn Nets' Project but a working and an earning executive position,

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not getting access to 10% of my assets without earning it and my counter proposal resulted from Dev. Bruce Ratner's email communication: "What is this" and "Not to have anymore contact or communication with them".

7). It should be noted from 2003 to 2011 that no one from the Opposer's side had any interest in working together with me or to further place anyone in a position to co-implementing my Brooklyn Nets' initiatives until 2011 when the Opposer started their Opposition of my Brooklyn Nets' Application/Registration and it's based on communication and contacts that I've personally had with:-

a). Mr. Randall Toure, VP of Community Affairs of Forest City Ratner Companies;

b). Numerous direct personal and indirect contacts that I had with NBA VP for Talents' Management, Ms. Chrysa Chin that she assured me numerous times that the NBA plans to use their New York Nets' already established Brand and they did start using it for a while and had dropped it and thereafter started using my Brooklyn Nets' Brands, without my authorization;

c). I also had two phone conversations with NJNets' Pres. Irina Pavlova and again reassured me that they do not plan to use my Brooklyn Nets' Brands as represented in their communication but please keep in mind that I've proposed a comprehensive \$1 Billion Project to the NJNets' Organization, thereafter, the same was also proposed to the NBA and all documents that I've filed with the Appeal Board and the USPTO will reflect that the Brooklyn Nets' initiatives to use my Brooklyn Nets' Brands and/or Marks, were mine not the NJNets Organization neither the NBA and neither any other third party; and

d). Based on all of the contacts and communication from all concerned parties, it's apparent that officials of the NBA and NJNets' Organization were lying to me and the Appeal Board and Cmsr. Deborah Cohn are required to treat these folks as liars, pretenders, pirates and swindlers based on the facts as enumerated. In my book, it's a case of theft by deception by Mr. M. Prokhorov, the Majority Owner of the NJNets by deceiving the public at large in English and in Russian that he owns the Brooklyn Nets' Brands and Marks.

8). Since numerous requests to the Opposer, have been made to have its people, available for deposition, were completely ignored, but I still plan to file Criminal Complaints and Criminal Charges vs. Attorney George based on its conversion of my \$1 Billion Proposal, its use of the Brooklyn Nets' Brands are based on my ideas on my proposed co-implementations of the Brooklyn Nets' Business Concept, as well as Privileged Materials presented to the Opposer for partnership but the Opposer turned my initiatives into Theft of my Personal and Corporate Properties and the Opposer's plan to use my proposal as it wishes, which is in violation of my federal privacy and related New York State laws and their theft of my personal and corporate properties of my \$1 Billion Biz Proposal as enunciated in multiple Cease & Desist Notices to the Opposer because the

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**Confidential \$1 Billion Biz Proposal was presented to the Arena Developer in 2005, re-introduced to the NJNets in 2010 and same final proposal was made to the Cmsr. David Stern in 2011 and these initiatives were outside of the Appeal Board's proceedings and had nothing to do with the proceedings of this Appeal Board. Info provided by the Opposer to the Appeal Board, is purely baseless since financial info is not reflecting my real financial network based on inflation and I've always affirmed my full ownership of the Brooklyn Nets' Brands/Marks for almost 10 years. That's why my multiple proposals have been issued to all top executives of the Opposer's Organization in order to develop a partnership but not letting them use my Brooklyn Nets' Brands for nothing.**

**9). Lastly, I've issued numerous Cease & Desist Notices to all concerned parties as noted coupled with a long list of officials to be deposed by me and my legal team as follows:-**

- a). Developer Bruce Ratner, Sr. VP Randall Toure, Madame Ellen F. Ratner, and Executive Staff of the Arena Development in Brooklyn and coordinating Arena's Staff with NJNets;**
- b). Majority Owner Mikhail Prokhorov, NJNets Pres. Irina Pavlova, Minority Owner Mr. S. "Jay-Z" Carter and NJNets' Executive Staff with direct contact with my \$1 Billion Proposal;**
- c). Executive Staff at Barclay's Bank with pertinent info on the Arena Development in Brooklyn and the Barclay's past involvement in International Commerce of Slavery since the Bank's Logo will be inscribed on the Arena on public viewing and in the faces of the majority of players which happen to be a majority African Americans;**
- d). Additional Staff of the NBA and the NBA Properties with direct knowledge of my \$1 Billion Brooklyn Nets' Biz Proposal presented to Cmsr. David Stern in 2011; and**

**all of my requests were ignored by the Opposer preventing me from deposing all as noted above.**

**10). The Opposer has not had NO public association with Brooklyn before 2011 and the Opposer has had NO interest and/or any use in relationship of my Brooklyn Nets' Brands, until Jay-Z started using the Brooklyn Nets' Label/Brand as a slogan in 2011 for the transfer of the NJNets to Brooklyn for the purpose of marketing their relocation and their 2012's Season and it was extremely clear that Jay-Z appears to misrepresent the NJNets by stating in the Public Media that the NJNets has been changed to Brooklyn Nets which is pure misrepresentation in its purest forms since no researched materials are showing that such change has been legally done by the NJNets except thru Attorney Anil V. George's misrepresentation that the Opposer can use the Brooklyn Nets' Mark without any USPTO's registration during the extended Discovery Conference Call on Wed. Dec. the 14<sup>th</sup>. 2011. Again this group is out of control without any regards to the Appeal Board' Proceedings and the Applicant's Legal Rights to a Pending Brooklyn Nets' Mark and its fully registered Louisiana Brooklyn Nets' Trademarks & its Brooklyn Nets' Brands as a valid and bona fide set of Brooklyn Nets' Marks/Brands as registered thru the State of Louisiana Trademark Office, and valid until 2022 thru the Applicant's 33-year-old parent corporation: the Dr. Cassagnol Institute of Research, Inc..**

**11). If Interlocutor Baxley does a quick review of the USPTO and the Appeal Board's Case Files on**

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my Application and the Opposer, it would be extremely easy to see that from 1979 to 2012 for 33 years that the Dr. Cassagnol Institute of Research, Inc. has had the Brooklyn Nets' Brands and the Brooklyn Nets' Marks under the organizational umbrella of its parent corporation for almost 10 years but to the contrary the Opposer's historical and marketing materials up to its opposition, has for 35 years: **EXHIBIT E**, from 1977 to 2012, the Opposer has been using NJNets (New Jersey Nets) ONLY, thereby, it's inconceivable that the Opposer will have any claim on my Brooklyn Nets' Brands and Brooklyn Nets' Marks since the Opposer's historical marketing evolution and logos have NOT shown any of it as represented before the Opposer started its opposition in 2011.

12). It's imperative that Interlocutor Baxley and the Appeal Board in recognizing these present legal trademark opposing situations for what they're pure intimidation, harassment and bullying by preventing Attorney Anil V. George from making a mockery of these proceedings of its Appeal Board because it's extremely apparent that the Opposer is using all existing legal loopholes to bully its ways into future usage of my Bona Fide Brooklyn Nets' Brands and our legally valid Louisiana Brooklyn Nets' Marks that I've been using for more than 9 years under the organizational umbrella of my 33 years old parent corporation, the Dr. Cassagnol Institute of Research, Inc., a Delaware Corporation registered in Louisiana as a Foreign Corporation.

13). I've issued numerous Cease & Desist Notices to the NBA, to NBAP, to the NJNets' Organization and all other Concerned Parties in re. to their usage of my Brooklyn Nets' Global Brands and my Brooklyn Nets' Marks as reflected on attachments:-

- 1). **EXHIBIT F: The Dr. Cassagnol Designer's Product-Lines/Marketing Artwork (1 Page);**
- 2). **Exhibit G: Dr. Cassagnol Designer's Ensemble Brooklyn Nets' Artworks as 3 Web Pages;**
- 3). **Exhibit H: The Brooklyn Nets Entertainment Network's List of Global Brands (3 Pages);**
- 3). **Exhibit I: Multiple Cease & Desist Notices to the NJNets' Organization & Others (3 Pages);**
- 5). **And Exhibit J: Multiple Louisiana Trademark Documents & Others (6 Pages);**

representing a listing of contacts and correspondence showing that the Opposer has had nothing to do with my Brooklyn Nets' Brands. Further noticing their pirating activities of my Brooklyn Nets' Brands and that's why I wanted to depose all concerned parties in order for the Opposer to state clearly why the Opposer would start using my Brooklyn Nets' Brands only after 2011 and to have opportunities to justify their flagrant infringement of my Intellectual Properties since if one looks at my chronological contacts with the Opposer and its group, one can easily see that in 2005 when I made my Brooklyn Nets' Proposal to the Arena's Developer, the CEO of the Brooklyn Arena, LLC) as noted on attachments of 9/12/2005, there was no indication that my Brooklyn Nets' Brands and my Brooklyn Nets' Marks will be used by Developer Bruce Ratner, and thru several of my Brooklyn Nets' Proposals introduced to the NBA and the NJNets' Organization, again, there was no interest in using my Brooklyn Nets' initiatives as presented but from 2011 to 2012, the Opposer has maneuvered to start using the Brooklyn Nets' Brands without my permission even though it was my original idea to the Developer and my sole initiatives to others to co-develop and/or co-use the Brooklyn Nets' Brands but my Brooklyn Nets' Brands have never being theirs, thereby, it's a clear case of piracy,, fragrant misrepresentation of ownership, apparent fraudulent usage of my Brooklyn Nets Marks and my Brooklyn Nets' Brands and the Opposer's illegal

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conversion of my Intellectual Properties, manipulating the public by giving to the public and to the media, the false impression that the NJNets' Organization and Mr. M. Prokhorov own the Brooklyn Nets' Mark and their conspiracy to steal my Personal and Corporate Intellectual Properties, purely based on deception and misrepresentation of their ownership of my trademark.

14). I would also like to bring to the Board's attention that I'm patiently waiting for their final order in order to pursue civil and criminal charges vs. the Opposer and its group and I would furthermore like to remind the Board that the Opposer has followed its own rules thru these proceedings and the Opposer's behaviors are a principle case of completely involving in trademark bullying, performing trademark intimidation and carrying out trademark harassment vs. me as I've indicated during the Discovery Conference on Dec. 14<sup>th</sup>, 2011.

15). As previously indicated, I've made multiple requests for the Opposer's Executives to be deposed but to no avail since Attorney Anil V. George has ignored all of my past requests of all concerned parties of the NJNets' Organization, the NBA, the NBAP, Dev. Bruce Ratner and its Arena's Group, The Barclays Center's Executives and staff, and other concerned parties with direct knowledge of my \$1 Billion Brooklyn Nets' Proposal presented as my Brooklyn Nets' Biz Initiatives not theirs and by deposing them I would have opportunities to disprove that the Opposer has had no interest in my Brooklyn Nets' Brands and my Brooklyn Nets' Marks until 2011, almost 10 years that I've had full ownership of such Brooklyn Nets' Marks, from which 21 of my global Web Addresses and extensions are registered thru major Internet Registrars in the US, in China, in Europe, in the Pacific Islands and in Canada and I've maintained full control of these Brooklyn Nets' Entertainment Network's Trademarks that are valid until 2022 thru my trademarks registered thru the Louisiana Office of Trademark.

16). And therefore, I would moreover like to reiterate my interests as previously recommended to the Board and to the Opposer to find ways to settle this case since these issues are not going to go away without a final resolution and because it's fully known to the public at large that the Opposer has maneuvered to link its logo to the "B" word which in the public knowledge, means bitches, prostitutes and drug dealings and by doing so, the Opposer has directly and indirectly maliciously and injuriously linked my 33-year-old organization to this negative labels and thereby the Opposer is currently involved in marketing activities denigrating my Brooklyn Nets' Brands and my original Organizational Marks. That is why I would like the Interlocutor and the Appeal Board to encourage the Opposer to immediately resolve all outstanding issues and settle this case. Otherwise I will have no other choice but to file a slew of civil complaints and criminal charges vs. all concerned parties in front of the US Dept. of Justice. Because it should be crystal clear to all concerned parties that the Opposer's Refusal to be deposed, it's already vividly reflecting the Opposer's lack of honesty, deficit of truthfulness and its inability to disprove any intellectual property rights to my rightful possession of my Brooklyn Nets' Brands and related Louisiana's Marks that I've had full ownership of such Brooklyn Nets' brands for almost 10 years.

17). I similarly would like to point out to the Board that the current Intellectual Property Act and related property laws did not intend for the Opposer to abuse the system thru its Trademark Bullying and Trademark Harassment but the Opposer is redefining its application thru its legal maneuvers and it's sad that I've had to go thru these legal hoops in order to reach a final

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resolution of this trademark application's process and its appeal proceedings.

18). Therefore, I'm imploring the TTA Board to look into why an Intent to Use the Brooklyn Nets Mark was issued by the USPTO to the NJNets while the proceedings were still on because it's vs. standard legal protocols and human logics for a challenger to obtain a permit to use right while an Applicant is under consideration for the same pending right to be issued to the rightful party.

19). Please note that when Attorney Anil V. George had tried to set up the Dec. 14<sup>th</sup>. Discovery Conference, Attorney George had no difficulties contacting me back and forth but when he had to schedule the Opposer's Executives as listed above for their deposition, Attorney George has completely ignored my multiple requests for such. Thereby, I'm requesting the Appeal Board to penalize the Opposer for not following the trademark rules and to dismiss its opposition with prejudice. I would moreover love to send to the Board and to the Opposer, advanced samples of a series of my Designer's Products to be on the global markets any day from now but based on my experience and knowing Attorney Anil V. George's MOs., he will NOT hesitate to release them for me without my authorization before their near official launch and it's very sad to feel that way because of my direct experience with Attorney George, he gives me the impression that he's NOT the kind of person that I would have lunch with, because I've the strongest fear and his modalities of wining by any means, that he will put something in my foods. Since the Opposer started to use my Brooklyn Nets' Brands after 2011, the Opposer's action maybe classified under what I call: **The Squatter's Doctrine**, whereas I've a Summer House in the Hamptons on Long Island, I used the Summer House only on Weekend and the Opposer decided to use my Summer House, when I'm NOT using it and in our case by using my Summer House without my authorization, is purely criminal, period. Another example as well put by Former Gov. David Paterson, is a **Reserved Parking Space's Doctrine** in Brooklyn, New York City, whereas I've had a Reserved Annually Pre Paid Parking Space at a Condo Building for almost 10 years and a Russian Billionaire moved from New Jersey to Brooklyn and tried to convince the Condo's Board to assist him in taking over my pre-paid long term parking space because my parking space is well located and extremely convenient for him and it's very well within the range of illegality since I've had that parking space for almost 10 years and figuratively that is exactly what the NJNets' Organization and Majority Owner M. Prokhorov would like the Appeal Board and USPTO to assist them in illegally taking over my established Brooklyn Nets' Brands i.e. my fully registered and bone fide Louisiana Brooklyn Nets' Marks, period.

20). Please also notice that the Opposer has been extremely overzealous in using my Brooklyn Nets' Brands since Attorney had arrogantly issued an ultimatum to me that they will use the Brooklyn Nets' Mark without or without my permission and started doing so during 2011 and continue to so during this year before the final order of the Appeal Board. Again, Attorney George has been extremely disrespectful to me, extremely condescending by littling me in his small ways, to me it's pure insanity since I was educated in New York City thru the City University of New York, with a professional graduate degree from Long Island University and my doctoral and post doctoral works done at New York University School of Education and Technology, in addition to specialties in international business law, I find it extremely ironic that Attorney George would act like is more educated than me because I speak more than 3 languages and lived as a behavioral scientist in Asia and Eastern Europe for 6 years. As a scientist, I feel strongly that Attorney George

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has a lot of difficulties dealing with me since he's accustomed to deal with these young black players and instruct them what the NBA and he wants to do, that's why he had called me and arrogantly directed me to extend its time of opposition of this mark, and I found it a lack of culture to address someone the like of myself by his first name since he and I've not been friendly to each other and his overzealous efforts in conspiring to steal my Brooklyn Nets' Brands, thereby it's extremely criminal in my book, period.

21). I'm also strongly requesting that the Opposer's Intent to Use of Brooklyn Nets' Mark to be reversed ASAP and its revocation be implemented, immediately. Again, the Board should look at the Opposer's illegal maneuvers to take over my bona fide Brooklyn Nets' Marks. Accordingly, I pray that the Board finally rejects and dismisses this opposition by the NJNets and by issuing a definitive rejection and/or a full dismissal to the Opposer with prejudice since the Opposer has categorically and has continuously refused to follow the Trademark Rules & Practice of the Board. Furthermore, the Opposer has also ignored the Applicant's multiple requests for their officials in past contacts with me to be deposed in order for me to reconfirm and to further prove that the Opposer has had zero interest in the Brooklyn Nets' Brands until 2011 while I've had full functional control and full intellectual property rights of the Brooklyn Nets' Brands under Louisiana Trademark Law, and the Opposer is in full contempt of using my corporate materials that the Opposer was not permitted to use against Interlocutor Baxley's directives, thereby, I'm again respectfully asking Attorney Andrew Baxley to ask the TTA Board to dismiss this opposition with prejudice on basis of the truth and facts as enunciated above.

Respectfully Submitted By Affiant:

Ambassador Dr. François de Cassagnol  
Founder & Chairman of the Board of Directors  
CyberVillage Corporation  
The Brooklyn Nets Entertainment Network  
Dr. Cassagnol Institute of Research, Inc.  
P.O. Box 740 Bronx, New York 10467-0740  
1-516-3-Museum (368-7386)

Date: 10/1/12

STATE Of New York )  
COUNTY OF THE BRONX ) S.S.:

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Ambassador Dr. François de Cassagnol, being first duly sworn on oath according to law, affirms that he has read the foregoing Affidavit of Ambassador Dr. François de Cassagnol by his subscribed and that the matters stated herein, are true to the best of his information, knowledge and belief.

SUBSCRIBED AND SWORN to before me, this 1<sup>st</sup> Day of October, 2012

NOTARY PUBLIC

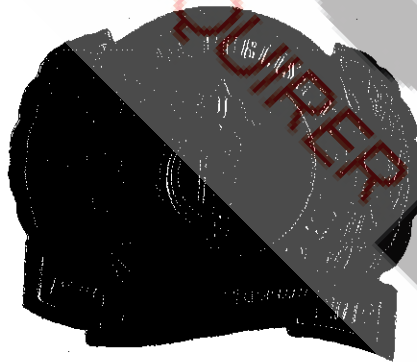


**EXHIBIT: P**

**Page (s):** ..... **9** .....

*MC.*

*11/13/13*



# Office of the Comptroller, City of New York

## NOTICE OF CLAIM

**CERTIFIED & TRUE COPY  
OF ORIGINAL DOCUMENT**

### CLAIMANT'S INFORMATION:-

**CLAIMANT'S NAME: Ambassador Dr. François de Cassagnol**

**Tel. # (516)-3-MUSEUM (368-7386) & (718) 874-6439**

**Official Mailing Address: P.O. Box 740 CyberVillage Corporation**

**The B'klyn Nets Entertainment Network**

**www.Brooklyn-Nets.tv**

**WilliamsBridge Station, Bronx, New York 10467-0740**

**The Dr. Cassagnol Organization (DrCO) Tax I.D. Numbers:-**

**I.D. # [REDACTED] (Dr. Cassagnol Foundation, Inc.) NYC Vendor # 0001211997-1  
DBA The Afro-Hispanic American Chambers of Commerce and The B'klyn-Nets Pro-  
Sports' Association: www.Brooklyn-Nets.org; and**

**I.D. # [REDACTED] (Dr. Cassagnol Institute of Research, Inc.) NYC Vendor #  
0001211869-1 DBA The Dr. Cassagnol Publishing House, Studios & Museum Group in  
connection with The Global Diaspora PAC, Inc. and CyberVillage Corporation (The  
B'klyn-Nets Entertainment Network): www.Brooklyn-Nets.tv and its 19 other  
extensions noted as per attachments.**

**The Dr. Cassagnol Institute of Research, Inc., their parent corporation is a MBE Certified  
thru the New York State MBE Certification Program (File # 8944) and registered with The  
New York City Mayor's Office of Contracts and NYC-FMS Vendor Program as per the 2  
attached letters of Enrollment.**

**The Dr. Cassagnol Organization (DrCO) was established in 1979 by Amb. Dr. François de  
Cassagnol, its Founder & Chairman of its Board of Directors. The Institute, the Foundation  
and The Global Diaspora PAC are incorporated with the State of Delaware but the Dr. Cassagnol  
Foundation is a non-profit corporation with a 501(c)(3) Tax-Exempt Status as a Charitable,  
Religious, Educational and Scientific Foundation and The Global Diaspora PAC is classified as a  
501(c)(4) Tax-Exempt PAC fully registered as a Tax-Exempt Political Action Corporation with  
the United States Federal Election Commission.**

**CERTIFIED & TRUE COPY  
OF ORIGINAL DOCUMENT**

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## CLAIM'S INFORMATION:-

**City Agencies Involved:** New York City Economic Development Corp., The Deputy Mayor's Offices for Economic Development and related NYS, Federal & NYC Economic Development Agencies of The City of New York presently involve with the NJNets' Arena and the NBA in Brooklyn.

## NATURE OF CLAIM:-

- 1). On April 19<sup>th</sup>. 2011, the US Patent & Trademark Office (USPTO) published in its Official Gazette, our [www.Brooklyn-Nets.tv](http://www.Brooklyn-Nets.tv) and indicated their intent to issue a Certificate of Registration to CyberVillage Corporation within 30 days if there was no opposition but within that 30 days time line, NJNets filed for an extension to oppose and after the end of the 90 days accorded to them, a voicemail was left for me by NBA with their intent to work something out with me in order to get another 30 or 60 days extension to oppose me but NBA failed to propose any strategies to resolve pertinent issues, therefore I was left with no other option but to reject their request for another extension since the NBA had more than 6 years to collaborate with me in addition to the 90 days given to them by the Trademark Trial & Appeal Board. Please note that their Attorney Mr. Anil V. George has used all of the legal ruses to get my permission to challenge my own Brooklyn Nets' Trademark but to no avail. All during that time, Attorney George has been pretending that they own the Brooklyn Nets' Mark but to the best of my knowledge, he has filed intent to use the Brooklyn Nets and the New York Nets, that does not give them rights over the 2 marks, even though all concerned have been fully aware of my full use of the Brooklyn Nets' Mark thru my Brooklyn Nets Entertainment Network, on and off the Internet;
- 2). It's clear that thru Attorney Anil V. George's correspondence of August 31<sup>st</sup>., 2011, that they are completely neglecting that the facts on the evolution of the The B'klyn Nets Entertainment Network and its 20 Web Addresses in the following manners:-
  - a). Our first application to form a National Sports' Team, was respectively in 1982, 1993, 1996, 2003 and 2004 which commensurate our efforts in the development of the B'klyn Nets' Entertainment Network has been promoting New York City as the Pro-Sports' Capital of the World in front of the International Olympic Organization in our last community efforts to bring the Olympics to New York City and our involvement has been noted in promoting other economic development activities in Harlem and the Bronx Empowerment Zone Programs and their development;
  - b). On 9/12/05, I met with Randall Toure, a Sr. VP of Dev. Bruce C. Ratner and thru his sister Ellen F. Ratner to see how feasible to develop a partnership and to support their efforts to bring NJNets to Brooklyn and I did my part in support them in front of the MTA but later on I find out that their only reason that they've met with me, was to collect info about my organization and to obtain my support for them to bring the NJNets to Brooklyn and this was one more of their ruses;
  - c). For the last 6+ years I've reached out to the Developer, the NJNets' Organization and to the

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OF ORIGINAL DOCUMENT**

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NBA's Cmsr. but to no avail and it came out crystal clear that their only purpose is to hijack my Brooklyn Nets' Mark into their complete use without my collaboration and compensation and every reason on their sides will come out when I get to depose all of them in order to expose their misdeeds; and

d). The main purpose of this Notice of Claim is to get the City of New York's attention not to be part of NJNets' Organization and the NBA's deceptive tactics in registering the Brooklyn Nets' Mark with different NYC, NYS and Federal Agencies without them knowing the NBA Attorney route's in trying to use the back door to claim rights to a Brooklyn Nets' Mark that is currently in dispute in front of the Trademarks Trial & Appeal Board. And for some reason beyond my comprehension as a scientist, the NBA & the NJNets's Organization have refused to understand that I own a priceless mark and they're the challenger, not the owner; and

3). A CONFIDENTIAL \$1+ Billion Business Proposal was presented to Dev. Bruce Ratner, later on to the NJNets Organization and to the NBA Cmsr. But within the last 6 years in lieu of working with the Dr. Cassagnol Organization, they've been involved in a campaign to be little me and my organization and thereby my intent is to pursue a \$1 Billion lawsuit if these issues are not successfully resolved and therefore this notice is given a chance to The City of New York not to be engaging in any supporting activities in re. to their quest to use the Brooklyn Nets' Mark without my collaboration as the legal owner since 1983 and thru its usages throughout the last 6+ years of my ownership. After the NBA Cmsr.'s receipt of a Confidential Business Package on May 27<sup>th</sup>., 2011 and it may take deposing the Cmsr. to find out if the package was not used for purpose un-intended since Attorney Anil V. George has been extremely desperate to using ways to take over my Brooklyn Nets' Mark without any compensation to our organization because again, their intent is not to collaborate with our organization as the legitimate owner of the Brooklyn Nets' Mark registered thru the Trademark Office of the State of Louisiana in April 15<sup>th</sup>., 2003, our TradeMark Reg. # is RRO 58-2434 issued in May 17<sup>th</sup>., 2004 as per attachments and it was also filed with same The US Patent & TradeMark Office in 2006. Thereby it's very apparent that the NBA and NJNets' Organizational intent to use the Brooklyn Nets' Mark in lieu of using the Nets' Mark or the New York Nets as intended which could be a clear violation of our intellectual rights. Although we've made countless efforts in reaching directly to all concerned parties but they've neglected to reach out to us in clarifying their position in the acquisition and/or co- development of the Brooklyn Nets Entertainment Network as proposed thru our \$1 Billion Business Proposal.

Therefore in order to protect our rights, we've filed this Notice of Claim for the same \$1 Billion amount as previously proposed thru 2011. Please note that we've attached numerous pieces of documentation confirming the potential losses of our intellectual properties and the unintended uses of our business proposals which violate our intellectual and property rights thru our exclusion as original creator and developer of the Brooklyn Nets' conceptual framework outlined on our final proposal to the NBA Cmsr.. Thereby if the issues are resolved thru The United States Trademark Trial & Appeal Board ACS Process, I plan to file a lawsuit vs. all concerned parties in the Bronx County Court System, in addition to ask the NYS MBE Program to look at the Arena's MBE Community Participation and to also ask:-

D). the NYS Attorney Gen.'s Office and NYC Public Advocate's Office to investigate the following:-

9/26/11  
CERTIFIED TRUE COPY  
OF ORIGINAL DOCUMENT  
MC

II). Barclays' past involvement in the international slavery trade to the Americas and to look if it's fitting for their logo to be on a major sports' arena in Brooklyn, New York; and

III). to look at Its Majority Owner, Chairman Mikhail Prokhorov's riches from being a communist in the 90ies. toward becoming a multi-billionaire in just less than 20 years thru the Soviet and Russian Biz System of doing business and where the money is from that he had invested in the NJNets because I plan to depose all of the concerned parties from Cmsr. David Stern & Staff to Chairman Mikhail Prokhorov, Pres. Irina Pavlova & Staff; from Dev. Bruce Ratner, his sister and Staff to Barclays' Leadership and Staff; and other concerned parties pertinent to this case and in their efforts in depriving me and my organization of our rights to take advantages of our intellectual and property rights attached to our Brooklyn Nets' Louisiana's Trademark.

**TOTAL AMOUNT CLAIMED: \$1+ Billion (One Plus Billion Dollars)**

Claimant's Signature: *F. de Cassagnol*

Ambassador Dr. François de Cassagnol  
Licensed NYC Ordained Multi-Faith Minister for Life  
NYC Office of the City Clerk ID # 1438531  
Behavioral Research Scientist & Designer  
ACADEMICIAN  
J.D., International Business Law

**CERTIFIED & TRUE COPY  
OF ORIGINAL DOCUMENT**

SS: STATE OF NEW YORK  
City of New York

**CERTIFIED & TRUE COPY  
OF ORIGINAL DOCUMENT**

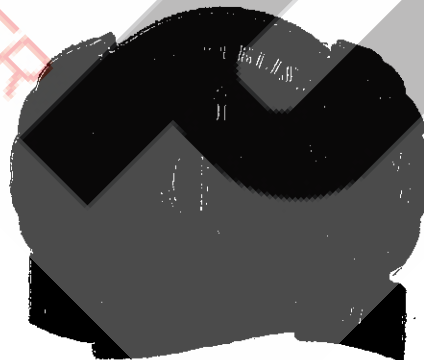
DEMA FRANCE  
Notary Public, State of New York  
No. 0179623003  
Qualified in Essex County  
Term Expires 12/31/12

Subscribed And Sworn To Before Me.

This 26<sup>th</sup> Day Of SEP, 2011

*Dema France*  
NOTARY

To: Office Of The Comptroller  
Division of Law - Room 1225  
South 1 Centre Street, New York, NY 10007  
Tel. # (212) 669-4736



Copies were served to:-

- 1). USPTO-TTA Board;
- 2). Attorney Anil V. George, NBAP; and
- 3). All Other Concerned Parties.





**NOTICE OF PUBLICATION UNDER §12(a)**

**MAILING DATE: Mar 30, 2011**

**PUBLICATION DATE: Apr 19, 2011**

The mark identified below will be published in the Official Gazette on Apr 19, 2011. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Certificate of Registration.

To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

SERIAL NUMBER: 76662605  
MARK: WWW.BROOKLYN-NETS.TV  
OWNER: CYBERVILLAGE CORPORATION

**COPY**



**COPY**

*MC.*

★ **Abb. Dr. Francois de Cassagnol**  
**P.O. Box 740 CyberVillage Corporation**  
**The Dr. Cassagnol Publishing House**  
**Studios & Museum Group, Bronx, NY 10467**

YOUR ONE STOP FOR EVERYTHING HIP HOP

# Dr. Cassagnol B'klyn Nets Web Trade Names



**www.Brooklyn-Nets.tv**

www.BrooklynNets.tv

**www.Brooklyn-Nets.us**

www.BrooklynNets.us

**www.Brooklyn-Nets.shop**

www.BrooklynNets.shop

**www.Brooklyn-Nets.ws**

www.BrooklynNets.ws

**www.Brooklyn-Nets.cn**

www.BrooklynNets.cn

**www.Brooklyn-Nets.game**

www.BrooklynNets.game

**www.Brooklyn-Nets.info**

www.BrooklynNets.info

**www.Brooklyn-Nets.club**

www.BrooklynNets.club

**www.Brooklyn-Nets.agent**

www.BrooklynNets.agent

**www.Brooklyn-Nets.sport**

www.BrooklynNets.sport

**www.Brooklyn-Nets.biz**

www.Brooklyn-Nets.org



**Amb. Dr. François de Cassagnol**

Designer & Chief Architect

**CyberVillage Corporation**

**The B'klyn Pro-Sports' Association**

11/8/05

MC.

STATE OF LOUISIANA  
SECRETARY OF STATE

COMMERCIAL DIVISION

Uniform Commercial Code

(225) 342-5542

Fax

(225) 342-7011

Administrative Services

(225) 925-4704

Fax

(225) 925-4728

Corporations

(225) 925-4704

Fax

(225) 922-0435

W. FOX McKEITHEN  
SECRETARY OF STATE

HELEN J. CUMBO  
ADMINISTRATOR



May 17, 2004

58-2434

Dr. Cassagnol  
P.O. Box 740  
Broux, New York 10467-0740

Dear Sir/Madam:

THE B'KLYN PRO-SPORTS ASSOCIATION WWW.BROOKLYN-NETS.TV;  
.INFO;.US;.ORG;.WS;BIZ;.SHOP; AND ALL... PROMOTING NEW YORK  
CITY AS THE PRO-SPORTS CAPITAL OF THE WORLD! & LOGO

It has been a pleasure to approve and place on file your  
Trademark. The appropriate evidence is attached for your  
files, and the original has been placed on file in this  
office.

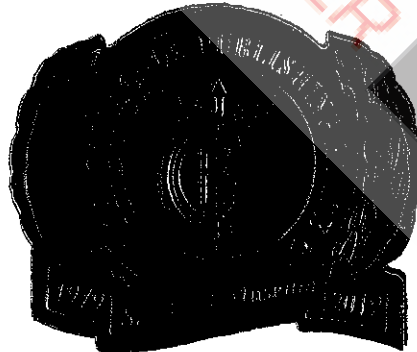
Payment of the filing fee is acknowledged by this letter.

If we can be of further service at any time, please let us  
know.

Sincerely,

Helen J. Cumbo

RRO



W. Fox McKeithen  
Secretary of State



**APPLICATION TO REGISTER TRADE NAME,  
TRADEMARK OR SERVICE MARK**  
(Pursuant to R.S. of 1950, Title 51, Chapter 1, Part VI as amended)

Enclose \$50.00 filing fee  
Make remittance payable to  
Secretary of State  
Do not send cash

Return to: Commercial Division  
P.O. Box 94125  
Baton Rouge, LA 70804-9125  
Phone (225) 925-4704  
Web Site: www.sec.state.la.us

STATE OF LOUISIANA

PARISH/COUNTY OF Bossier/Caddo

Check One: ( ) Trade Name (  ) Trademark ( ) Service Mark

Check One: (  ) Original Filing ( ) Renewal

1. Name of person(s), Corporation, Limited Liability Company or Partnership applying for registration: DR. CAS-

SAGNOL INSTITUTE OF RESEARCH, INC.

2. If applicant is a corporation, list state of incorporation: DELAWARE, USA

3. Full street address and P. O. Box address, city, state, and zip of applicant: LA PLAZA # 37

P.O. Box 5454 BOSSIER CITY, LOUISIANA 71111-5454

4. Name of trade name, trademark or service mark to be registered. If logo is included, please describe. If the LOGO of your trade name, trademark or service mark is part of your registration, attach 3 copies of design. : THE B'KLYN

PRO-SPORTS ASSOCIATION; WWW.BROOKLYN-NETS-TV

AND ALL: PROMOTING NEW YORK CITY AS THE SPORTS CAPITAL OF THE WORLD!

5. Type of business or list of goods or services to which the trade name, trademark or service mark is applied: Misc. :-

B'klyn Pro-Sports Products/Services & Related NYC Promotion,

6. Enter class(es) in which trademark or service mark is registered: # 35: Misc. Pro-Sports

PRODUCTS & RELATED PRO-SPORTS WEB BROADCASTING SERVICES

Class list on reverse side. There is a \$50 registration fee for each class number registered.

7. Date trade name, trademark or service mark first used by applicant: MARCH 13<sup>th</sup>, 1993

Month, Day, Year

8. Date trade name, trademark or service mark first used in Louisiana: FEB. 14<sup>th</sup>, 1996

Month, Day, Year

I, the applicant, am the owner of the trade name, trademark or service mark sought to be registered and no other person, firm, association, union or corporation has the right to such use in such class, either in the identical form hereinabove described, or in any such resemblance thereto as may be calculated to deceive, and the facsimiles or counterparts herein filed are true and correct.

Sworn to and subscribed before me, the undersigned Notary Public, on this date: APRIL 15<sup>th</sup>, 2003

The below named person swears that he is the applicant, or an authorized representative of the applicant, named in the foregoing application, and that the facts alleged in said application are true.

Dena France  
Notary

**DENA FRANCE**  
Notary Public, State of Louisiana  
No. 0174862  
Qualified in Bossier Parish  
Term Expires: 10/31/06

Submitt. Mr  
Applicant or Authorized Representative  
AND DR. F de CASSAGNOL  
FOUNDER & CHAIRMAN  
Title  
BROOKLYN-NETS-TV

UNITED STATES OF AMERICA  
State of Louisiana



**Joy McKeithen**

**SECRETARY OF STATE**

*As Secretary of State, of the State of Louisiana, I do hereby Certify that*

DR. CASSAGNOL INSTITUTE OF RESEARCH, INC., located at P.O. BOX 5454, BOSSIER CITY, LA 71111,

Has filed for record in this department an application for the trade mark

THE B'KLYN PRO-SPORTS ASSOCIATION WWW.BROOKLYN-NETS.TV; .INFO; .US; .ORG; .WS; BIZ; .SHOP; AND ALL... PROMOTING NEW YORK CITY AS THE PRO-SPORTS CAPITAL OF THE WORLD! & LOGO

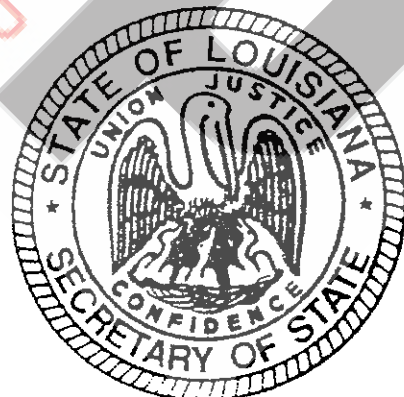
Which was first used in the State of Louisiana on February 14, 1996, for Class 35, Miscellaneous,

Said application was filed and recorded in this Office on May 17, 2004, which recordation is for a term of ten years from the date hereof.

*In testimony whereof, I have hereunto set my hand and caused the Seal of my Office to be affixed at the City of Baton Rouge on,*  
May 17, 2004

*Joy McKeithen*  
RRO 58-2434

*Secretary of State*



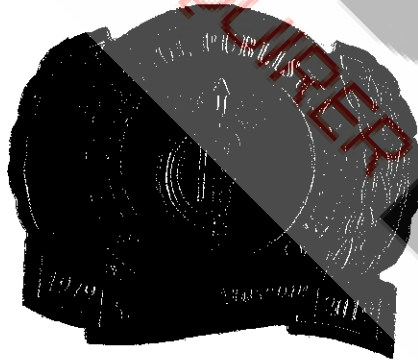


**EXHIBIT: Q**

Page (s): ..... **5** .....

*M.A.*

*11/13/13*





**www.Brooklyn-Nets.tv**

**The Dr. Cassagnol Publishing House, Studios & Museum Group**  
® ... Developing a Dr. Cassagnol's iConic Made in America \$1 Billion Global Signature Brand™  
in connection with The Global Diaspora SuperPAC Fund



*Ambassador Dr. Francois de Cassagnol*

**Behavioral Research Scientist & Designer**

*Ordained Multi-Faith Minister for Life*

**Founder & Chairman of the Board of Directors**

*Dr. Cassagnol Foundation Incorporated*

*... a 501(c)(3) Non-Profit, Tax-Exempt, Charitable, Educational, Scientific & Economic Development Organization!*

**www.Brooklyn-Nets.org**

**The Brooklyn Nets Entertainment Network**

*P.O. Box 740 @ Williams Bridge Station, Bronx, New York 10467-0740 U.S.A.*



**To: Mr. Shawn "Jay-Z" Carter, Minority Owner,  
The NJNets' Basketball Team, C/O 40/40 Club  
1115 Broadway, NY, NY 10010**



**Copied to: Madame Irina Pavlova, President, NJNets' Organization  
Billy King, NJNets' General Manager; Avery Johnson, NJNets' Coach;  
Brett Yormack, NJNets' Chief Executive Officer; Lead Attorney Jeffrey B. Gewirtz;  
and to the Attn. Of All Other Concerned Parties**

**Transmitted Via USPS Certified Mail & Return Mail Receipt #**

**7011-3500-0003-6657-0333**

**Re.: The Very Last Cease & Desist Notices issued to All Concerned Parties in regards to  
Unauthorized Use of the Dr. Cassagnol Institute of Research., Inc. (The Institute)  
DBA CyberVillage Corp.'s Brooklyn Nets' Marks and/or Brooklyn Nets' Global Brands.**

**Dear Mr. Shawn "Jay-Z" Carter:**

*This is to remind you that I met you and your Mom at the NYC Council, years and years ago, and at that time, I gave you my biz card and I had a chance to introduce myself as the full MBE owner of the Brooklyn Nets' Brands and related Brooklyn Nets' Marks and it's disheartening to me to see you, representing yourself and the NJNets in relationship to my Brooklyn Nets' Brands because since 2003-2005 to present, all concerned parties knew that I've fully Owned the Brooklyn Nets Brands or Marks and its 21 Web Addresses which are fully registered as my Trademarks with the Secretary of State of the State of Louisiana Trademark Office.*

*From 2003-2005 to present, I've had a trail of contacts with the Arena Developer, with the NJNets Organization and other local officials from BP Marty Markowitz, the Mayor's Office, the Governor's Office, other leaders of the*

**8/27/12**

**M.P.**

NY City Council, the NYS Assembly and NYS Senate, therefore, it's mind-boggling to me: why would you audaciously misrepresenting my ownership of the Brooklyn Nets' Brands & Marks since the Brooklyn Nets' Mark has been under proceedings thru the US Trademark Trial & Appeal Board and it's clearly noted as per attachments that it's my pending certificate of trademark registration not yours or the NJNets. The NJNets is the Challenger or the Opposer and I'm the Owner and/or the Applicant, thereby, you and others must be on another planet to think that you can audaciously use my Brooklyn Nets' Intellectual Assets without the appearance of pirating or stealing my intellectual properties or without my explicit authorization which I've NOT given to any third party.

It's beyond my comprehension as a Scientist, as an Academician and as an expert in International Law, how you guys will have a proper defense in the Courts of Law, i.e. why you're illegally using my Brooklyn Nets' Brands, right now in 2012 since I've had full ownership of the Brooklyn Nets' Brands for almost 10 years and Attorney George, Dev. Ratner and all other related parties knew about my Brooklyn Nets' activities from the very beginning of the development of the Arena in Brooklyn, please also note that during my numerous meetings with the Developer's Staff and they've asked me to support their relocation to Brooklyn and our organization did just that in front of the New York City Metropolitan Transportation Authority and at that time no one challenged my ownership of the Brooklyn Nets' Entertainment Network since 2003 or from the start of the Arena's Development. In regard to any possible settlement activities, I've spoken to several top level officials of the NY City Council and the NYS Legislature and they're on standby to mediate any real proposed offer of settlement by you or any other party on behalf of the NBA, the NBAP and the NJNets Organization and there must be NO pre-conditions and everything must be on the table and if you do not offer a real settlement offer very soon, please get ready to notice a list of NBA, NJNets Organization that my legal team would like to start deposing:-

- 1). You as a Minority Owner in order to establish: how much that you've earned thru illegally using my Brooklyn Nets' Brands, one example is thru a Budweiser's promotion during the Olympics and for you to explain to me, why you're letting the NJNets' Organization using you at the expenses of the Dr. Cassagnol's Organization, a Certified NYS Minority Business Enterprise;
- 2). Majority Owner M. Prokhorov, NJNets' Organization & Its Senior Officials to find out why that the Team should be profiting from using my Brooklyn Nets' Brands before the Trademark Appeal Board's final end of the year's Decision; and
- 3). We would like to know why that the NJNets' Organization had made the strategic decision to use the "B" word in your logo which is fully connected with Bitches, Prostitutes and Drug Dealers and linking it to our Brooklyn Nets' Global Brands before the end of this year's final decision of the US Trademark Trial & Appeal Board.

I've made it extremely clear to all concerned parties that if we can't reach an amicable settlement, I will have no choice but to ask the US Department of Justice to look at your activities under the Racketeer Influenced & Corrupt Organizations (RICO Statute and/or Act) in regards to:-

- 1). Trademark Bullying & Malicious Intimidation, Piracy & Grand Theft of my Brooklyn Nets' Global Brands & Marks registered in Louisiana and its pending registration thru the USPTO and in front of the TM Trial & Appeal Board;
- 2). Fragrant Public Misrepresentation of your ownership of the Brooklyn Nets' Brands & Marks as Apparent Fraud;
- 3). Illegal Conversion of my Brooklyn Nets' Corporate Assets & Personal Properties thru Trademark Bullying;
- 4). And thru carrying out Multiple PR, Marketing activities and promoting sale of Brooklyn Nets' Products and using the leadership of the NJNets's Organization contributing to conspiracy to commit frauds thru using the Institute's almost 10 year-old Brooklyn Nets' Global Brands & Marks registered thru its 33-year-old parent organization.

It's extremely apparent that every top level officials of the NJNets' Organization knew of my full ownership of the Brooklyn Nets' Brands and there is no legal defense for such piracy but again Irina and others have reassured me that there was no plan to rename the NJNets, The Brooklyn Nets and at least one other NBA's Sr. Official went further and told me that the NJNets will be renamed the NY Nets NOT the Brooklyn Nets. Therefore you must Cease & Desist all of your future activities thru using my Brooklyn Nets' Brands and/or Marks.

I think strongly that you've been misguided by NBA's Lawyers in making you to think that you can use my 10 years

COPY

8/27/12

MI.



old Brooklyn Nets' Brands without my approval but you're wrong since my Brooklyn Nets' Brands have been linked to my 33 years old Corporation. Thereby, I strongly recommend that you immediately cease and desist from using my established 10 years old Brooklyn Nets' Brands, otherwise, I will file a slew of civil complaints and criminal charges vs. you and your group. I must tell that it's going to be extremely painful for me to do so since you're doing extremely well and you do not need to pirate my Brooklyn Nets' Brands because it seems to me to be pure 24K greed in order to help your friends at the NJNets' Organization and automatically increase your equity participation with the team as a minority owner because you've made the calculus to screw me up and forgetting that you're picking a fight with someone the like of my stature as a prominent American Scientist with enormous intellectual capabilities to even go to the Supreme Court to prove that you're extremely wrong and you're illegally using my Brooklyn Nets' Brands without my approval and you know how you would classify someone using your assets without your permission or providing any due compensation, it's pure theft of Intellectual properties, in this case you're using assets which are mine not yours, period.

I'm hoping that you guys are paying attention to last week's Apple vs. Samsung's Verdict, where Apple was awarded \$1.05 Billion and this case will surely help me in court, solidifying my case for your pirating of my 10 years old Brooklyn Nets' Brands which has been linked with my 33 years old parent corporation from its inception in addition that you've decided to link my Brooklyn Nets' Brands with the "B" word which has tarnished my overall branding as a Designer and polluting my Intellectual properties to your degree of willful infringement of my Brooklyn Nets' Marks which are fully registered with the USPTO and the State of Louisiana Office of Trademarks.

Based on the above points, it's apparently clear that you've pirating and/or stealing my Intellectual properties without my permission, thereby, if you don't stop immediately, I will have no other choice but to ask the Court for their judicial intervention in order for the Court to issue an Order to seize all of the Brooklyn Nets' Products that you guys have on the global markets On and Off the Internet.

Therefore, it would be helpful to you and others to encourage the NBA, NBAP, the NJNets' Organization and others the like of President Irina Pavlova and Majority Owner M. Prokhorov to find ways to settle this case with me, ASAP. But what I do not understand as a Behavioral Scientist, why that you've had an extremely non-traditional business background and you're extremely lucky to be in your present position and you've represented yourself to become extremely successful. You've a very nice family together with an extremely successful wife that I think strongly that she one of the greatest successful young stars and she looks like she is related to me in addition that if she is in a room with me, others would think that she is my daughter and for the life of me, why would you put yourself in a corner for me to file a criminal complaint vs. you and your group thru the US Justice Dept. under the RICO Act, it's sad since you do not need that kind of aggravation for you to put your family thru this kind of situation and it's very, very sad.

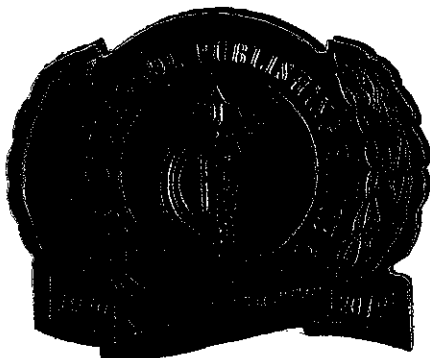
Respectfully Yours,

*Dr. François de Cassagnol* 8/27/12

**Ambassador Dr. François de Cassagnol**  
Founder & Chairman of the Board of Directors  
**The Brooklyn Nets Entertainment Network**  
**CyberVillage Corporation**  
in connection with  
**The Global Diaspora SuperPAC**

**1-516-3-Museum**

**COPY**



Ambassador Dr. François de Cassagnol  
P.O. Box 740 The Global Diaspora  
The Dr. Cassagnol Publishing House  
Museum Group, Bronx, New York 10460





**N.B.: This is for comparison only!!!**

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 For delivery information visit our website at [www.usps.com](http://www.usps.com)

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Postage	\$	\$2.30	0113
Certified Fee	\$	\$2.95	411 30
Return Receipt Fee (Endorsement Required)	\$	\$2.35	4112
Restricted Delivery Fee (Endorsement Required)	\$	\$0.00	06/27/2012
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$7.60</b>	

Sent To: **Mr. Shawn "Jay-Z" Carter**  
 Street, Apt. No.:  
 or PO Box No.  
 City, State, ZIP+4

PS Form 3800, August 2005 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
**Mr. Shawn "Jay-Z" Carter**  
**40/40 Club**  
**115 Broadway**  
**N.Y., N.Y. 10010**

2. Article Number (Transfer from service label)  
**7011 3500 0003 6654 0333**

PS Form 3811, February 2004 Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.  
 Restricted Delivery? (Extra Fee)  Yes

102895-02-M-1540

**1/13/13** **EXHIBIT 9 - PAGE 2** **NO.**

EXHIBIT 9  
M.C.

# Sold for a song

## Kidd buys Net shares from Jay Z

**"I used to have Erectile Dysfunction."**

It started after I got diagnosed. I was at the gym, pumping and pumping, and my wife says I was not in the zone. I realized the doctor at the time, Dr. [Name], told me I had Erectile Dysfunction. He said I was not in the zone, and my wife says I was not in the zone. I was not in the zone, and my wife says I was not in the zone.

Dr. [Name] says I was not in the zone, and my wife says I was not in the zone.



...the deal was a surprise. Jay Z, who has sold more than 10 million albums, was selling his stake in the company for a reported \$1 billion. The deal was a surprise because Jay Z had been rumored to be planning to launch a new record label, and the sale of his stake in the company was seen as a sign that he was preparing to do so.

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Dr. [Name] says I was not in the zone, and my wife says I was not in the zone.

# Singapore swing for Nets babes



NEW ORLEANS (AP) — The New Orleans Pelicans' first-round pick in the 2013 NBA draft, forward Anthony Davis, is expected to be a key player for the team. Davis is a highly touted prospect and is expected to be a key player for the team. He is expected to be a key player for the team.

...the deal was a surprise. Jay Z, who has sold more than 10 million albums, was selling his stake in the company for a reported \$1 billion. The deal was a surprise because Jay Z had been rumored to be planning to launch a new record label, and the sale of his stake in the company was seen as a sign that he was preparing to do so.

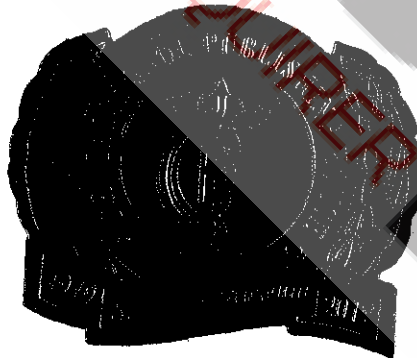


**EXHIBIT: R**

**Page (s):** ..... 1 .....

MC

11/19/13



*A Global Request to Pope Francis to pray for The Brooklyn Nets' Pirates in Brooklyn and @ the Olympic Tower in New York City*

*God, we need your divine intervention to please send a Strong Message to the Brooklyn Nets' Pirates in Brooklyn and in New York City at the Olympic Tower that you, God has NOT given to them, any God Given Rights to pirate the Dr. Cassagnol Brooklyn Nets' Global Brands and ripping off Minister Dr. de Cassagnol, every day on and off the Internet specially in Brooklyn, New York;*

*God, we need your divine intervention to please bring a bright light on these Brooklyn Nets' Pirates in Brooklyn and in New York City that we've begged them to work with us but in lieu of collaborating with us, these pirates have decided to pick our pocket by continuing to pirating the Brooklyn Nets' Global Brands without permission or authorization from Minister Dr. de Cassagnol;*

*God, we need your divine intervention to please bring some clarity to their frame of mind that the Bible made it very clear: Thy Should Not Steal, thereby, God, you should send a Very Strong Message to these Brooklyn Nets' Pirates that since every day they're picking the pockets of these Minority Basketball Players and they're getting away with it, thereby they must understand that they can't continue to take advantage of other minorities in the ways that Brian G. has labeled them as "slaves' owners and/or slaves' plantation overseer";*

*God, we need your divine intervention to please lead the Brooklyn Nets' Pirates in Brooklyn and in New York City to do the right thing by stopping with their flagrant piracy and theft of Dr. Cassagnol Brooklyn Nets' Global Brands; and*

*Pope Francis, please ask everyone in the world, specially in New York City and in Brooklyn to pray for these Brooklyn Nets' Pirates because these folks have a lot of difficulties understanding that the Dr. Cassagnol's Intellectual Assets are NOT theirs for their taken and they must take financial responsibilities of their misuse and abuses of the Dr. Cassagnol trademarked Brooklyn Nets' global brands and again Pope Francis, please ask God to pray for these pirates in order to stop abusing and pirating our Global Brands without any permission.*

*9/10/13*

*MC.*



**EXHIBIT: S**

Page (s): .....**2**.....

*M.*

*11/13/13*



# Gumbel: David Stern 'eager to be viewed as modern plantation overseer'

PUBLISHED 10 hours and 38 minutes ago

LAST UPDATED 7 hours and 13 minutes ago

16

Staff report Sporting News  
Text size ▲ ▲ ▲

HBO's Bryant Gumbel directed some pointed remarks at David Stern during Tuesday night's edition of "Real Sports," likening the NBA commissioner to a slave owner, whose bigger priority is to "demean" players, rather than find a solution to the league's lockout.

"If the NBA lockout is going to be resolved any time soon, it seems likely to be done in spite of David Stern, not because of him," Gumbel said. "I say that because the NBA's infamously egocentric commissioner seems more hellbent lately on demeaning the players than resolving his game's labor impasse."



EXHIBIT S -  
M.C.  
PAGE: 1

In remarks he acknowledges will make people 'cringe,' HBO's Bryant Gumbel likens NBA commissioner David Stern to a slave owner, who treats players like 'his boys.' (AP Photo)

"How else to explain Stern's rants in recent days? To any and everyone who'd listen, he has alternatively knocked union leader Billy Hunter, said the players were getting inaccurate information and started sounding Chicken Little claims about what games might be lost if players didn't soon see things his way.

"Stern's version of what's been going on behind closed doors has, of course, been disputed. But his efforts were typical of a commissioner who has always seemed eager to be viewed as some kind of modern plantation overseer, treating NBA men as if they were his boys.

"It's part of Stern's M.O., like his past self-serving edicts on dress code or the questioning of officials, his moves are intended to do little more than show how he's the one keeping the hired hands in their place.

"Some will, of course, cringe at that characterization, but Stern's disdain for the players is as palpable and pathetic as his motives are transparent. Yes, the NBA's business model is broken, but to fix it maybe the league's commissioner should concern himself most with the solution and stop being part of the problem."

*Quotes for this report were provided by SportsBusiness Daily, a sister publication of Sporting News.*

NBA

# LOCKOUT IS JUST START OF NBA'S LABOR PAINS

**W**hile announcing yesterday that his owners had decided to lock out the players, David Stern managed to come up with one piece of good news on an otherwise brutal day for his NBA.

Stern will not resort to going without a shave as long as the two sides can't agree on a new collective bargaining agreement. Pro basketball fans might not remember, but when the commissioner and his owners locked the players out in 1998, he didn't pick up his razor during the 204-day work stoppage.

"I won't be doing that again," he said. "Sorry, it was really ugly."

Aside from having problems with his appearance, Stern has good reason not to start growing a "lockout" beard. The way this one is shaping up, he could be looking like Rip

## Mitch Lawrence



Van Winkle by the time his owners and players reach an agreement.

"We have a huge philosophical divide," Stern said.

Do they ever.

Owners say the current economic system is broken. All it does is assure them of red ink on their books, and they're tired of losing their shirts.

Players counter that the current system is fine, but they think that owners throw away millions with bad signings, as Isiah Thomas made a career doing when he ran the Knicks.

A plague on both their mansions!

But this is why we're in Day 1 of an NBA lockout, why Stern was talking about all the negative fallout that is coming his way.

"I'm not scared," he said. "I'm resigned to the potential damage it can cause to our league."

There was damage in 1999, with the league needing a good two years to rebuild its goodwill with millions of fans. That's where the two sides are headed again, because they haven't found a way to divide \$4.2 billion.

"Our differences are mammoth," said Billy Hunter, executive director of the Players Association.

Here's what is particularly troubling, but not surprising: Everybody has known about the great philosophical divide ever since owners and players decided to start negotiating in 2009. Yet, they have done nothing in all this time to get on the same page.

As Stern admitted yesterday, maybe they need to chuck everything they've done so far and just start over when talks resume in perhaps another two weeks.

In case you really thought the two sides were speaking the same language, the players' last offer yesterday put that to rest. This is where Stern got the players, got them good.

## FAST BREAKDOWN

Here are the main sticking points in the dispute between NBA owners and players, as the league imposed a lockout this morning at 12:01 a.m.:

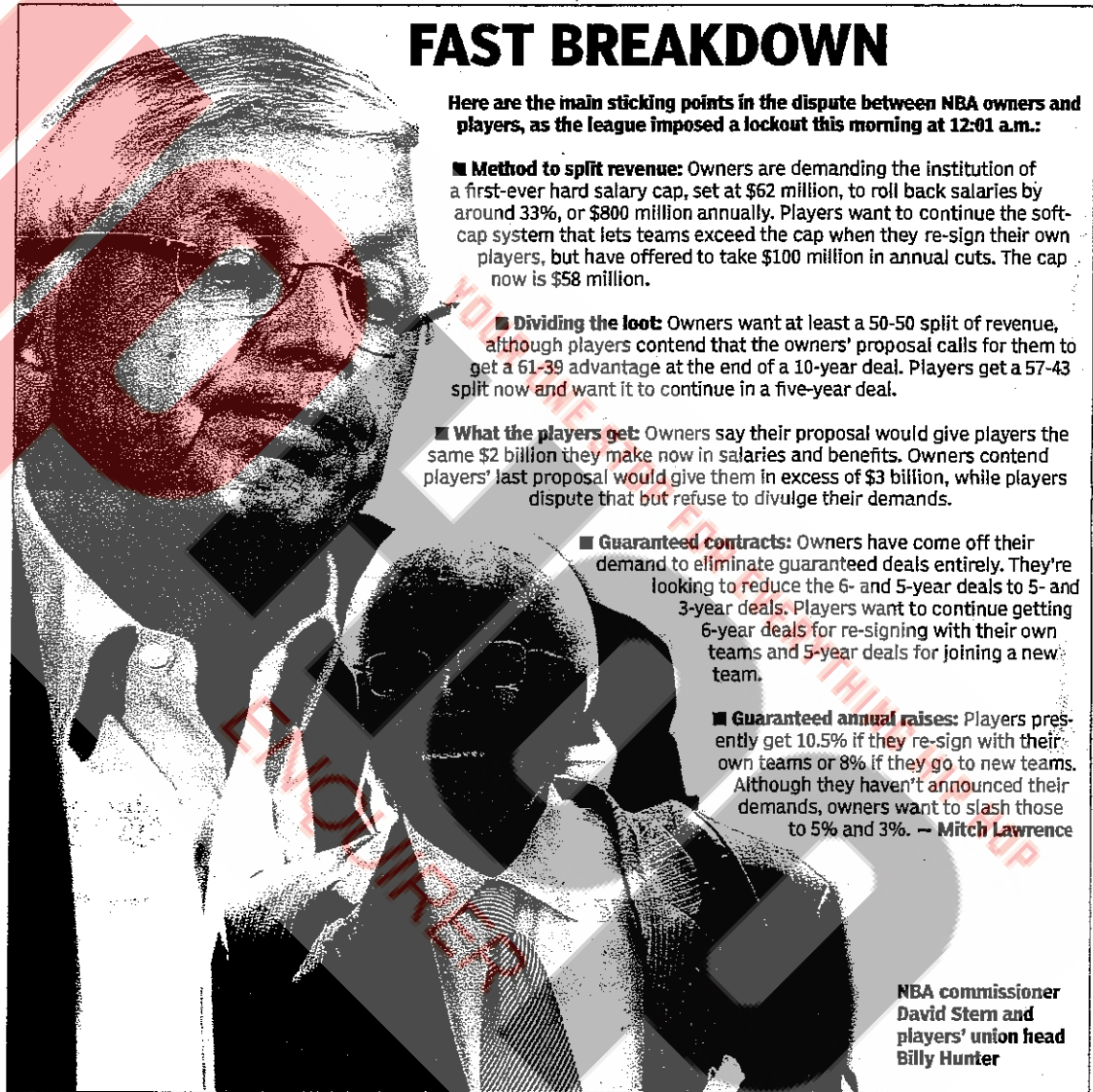
■ **Method to split revenue:** Owners are demanding the institution of a first-ever hard salary cap, set at \$62 million, to roll back salaries by around 33%, or \$800 million annually. Players want to continue the soft-cap system that lets teams exceed the cap when they re-sign their own players, but have offered to take \$100 million in annual cuts. The cap now is \$58 million.

■ **Dividing the loot:** Owners want at least a 50-50 split of revenue, although players contend that the owners' proposal calls for them to get a 61-39 advantage at the end of a 10-year deal. Players get a 57-43 split now and want it to continue in a five-year deal.

■ **What the players get:** Owners say their proposal would give players the same \$2 billion they make now in salaries and benefits. Owners contend players' last proposal would give them in excess of \$3 billion, while players dispute that but refuse to divulge their demands.

■ **Guaranteed contracts:** Owners have come off their demand to eliminate guaranteed deals entirely. They're looking to reduce the 6- and 5-year deals to 5- and 3-year deals. Players want to continue getting 6-year deals for re-signing with their own teams and 5-year deals for joining a new team.

■ **Guaranteed annual raises:** Players presently get 10.5% if they re-sign with their own teams or 8% if they go to new teams. Although they haven't announced their demands, owners want to slash those to 5% and 3%. — Mitch Lawrence



NBA commissioner David Stern and players' union head Billy Hunter

Hunter and his guys had already left the building when Stern revealed that their last offer, made in the three-hour negotiating session leading up to the midnight expiration of the CBA, actually would have increased the average salary from \$5 million this season to \$7 million.

How do you think that will that play in America today?

Do you think that will help the players, who already are considered overpaid and greedy?

Both sides are going to catch hell for this. Not now, when basketball fans can live without the NBA for a few months. There won't be summer leagues now and free agency is getting delayed, but so what?

But fall will eventually roll around, and fans will start wondering how LeBron James is going to recover from his colossal Finals flop. They're going to begin to ponder if Mike Brown is going to be a good fit with Kobe Bryant. Knicks fans will be consumed with whether Mike D'Antoni can teach defense, and whether Carmelo Anthony and Amar'e Stoudemire will try to play that end of the court.

And when those issues begin to be raised when camps would be starting, at the beginning of October, and there's still no agreement, then the players will get the backlash. They always do.

But as for now, it won't hurt the players. That was evident during a surreal scene yesterday in the lobby of a midtown hotel, when

Hunter and player president Derek Fisher were met by a mob of reporters, minutes after they left the last, futile negotiating session.

For a few minutes, reporters and fans mixed and that's never a good combination, especially when there's breaking news. Fisher had just said that owners were still insisting on a hard cap and was about to make another point when a fan walked right into the discussion and rudely interrupted.

"Big fan, Derek!" the fan said. "Can I get a picture?"

Fisher, of course, complied. Because he gets it.

Today, tomorrow and next week, the fan will treasure the shot. But by the start of next season, if there's still no deal, you can bet he'll be using it for a dart board.



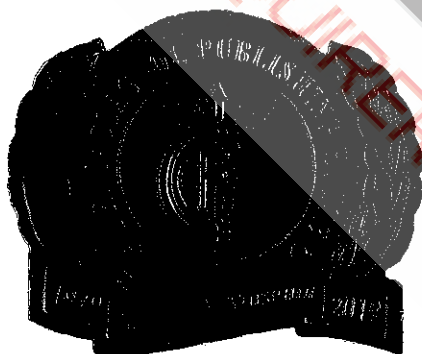
HIP HOP YOUR ONE STOP FOR EVERYTHING HIP HOP

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Ambassador Dr. François de Cassagnol is the Founder & Chairman of the Board of The Dr. Cassagnol Publishing House, Studios & Museum Group and CEO of CyberVillage Corporation. Dr. Cassagnol is a uniquely qualified Academician and Entrepreneur. He has developed a huge Internet infrastructure of over 333 Web Trademarks and as a Designer by skills, he has created a huge Multi-Million-Dollar Multicultural Commercial Art Library. As an Internet Investor, he has developed a set of global business strategies to reach every market on the Internet. As a Behavioral Scientist by Education and as a Minority Entrepreneur, Ambassador de Cassagnol has also fully developed his solid and exceptionally international qualifications thru the full assemblage of eight (8) projects of over \$1 Billion worth in Asia and in the former USSR. Amb. Dr. de Cassagnol has been working on the implementation of a \$1+ Billion Economic Development Project in affiliation with The Afro-Hispanic American Chambers of Commerce, to be fully implemented when Cuba is fully open to American Investors and awaiting Cuba's full development of a free market economy.

**EDUCATION:-**

AS., BS.: Occupational Therapy/Liberal Arts with the City University of New York (Distinguished Alumnus of LaGuardia Community College) and The University of the State of New York, New York (1977); MPS.; Professional Master's Degree in Health Care Administration as Health Care Administrator C W Post, Long Island University, New York (1978); Ph.D. as a Behavioral Scientist with SouthEastern University (1979) Doctoral & Post

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MC.

Doctoral Specialization (1978-79) thru New York University, New York City in Vocational and Industrial Education with a NYS Licensed Bilingual Special Education Evaluator; further expertise in U.S. High Technology Transfer; and additional specialization in Commercial & International Banking with a J.D. in International Business Law and an Ed.D. in International Business Management (1986). New York City Licensed Ordained Multi-Faith Minister for Life.

**EXPERTISE:-**

With over 34 years of international executive management experience, he has participated in two foreign business missions in Southeast Asia, People's Republic of China and the former Soviet Union through The People To People Ambassador Program. His expertise is coupled with over 6 years living business and academic experience in Asia and Russia. The Dr. Cassagnol Institute of Research, Inc., founded since 1979, is currently a Certified MBE by the State of New York (File # 8944). The Institute has also been a registered organizational Consultant with the World Bank, the U.S. Agency For International Development and The Resolution Trust Corporation. His Special Multilingual Skills are English, Haitian-Creole, French, Spanish and some Russian & Asian Dialects. The Institute has been included in D&B Million Dollar Directory (DUN # 12-262-2004). The Dr. Cassagnol Foundation Incorporated founded since 1979, is a 501(c)(3) Tax-Exempt, Charitable, Educational, Scientific and Socioeconomic Development Entity and The Global Diaspora SuperPAC, a 501(c)(4) Tax-Exempt PAC. For the last 34 years, all 3 minority business corporations have collaborated in developing eight (8) overseas' projects over \$1 Billion worth and have also been involved in the creation and the full economic development of the NYS/NYC Empowerment Zone Programs in the Bronx and Harlem.

**PAST AND/OR PRESENT MEMBERSHIP:-**

Founder & Chairman of The Afro-Hispanic American Chambers of Commerce, a division of Dr. Cassagnol Foundation Incorporated and Membership with The American Bar Association (ID # 02035953) and Founding Member of The NYTech Council, Member of the Intellectual Property Owners Association. Membership with The Greater New York Chamber of Commerce, The Greater Harlem Chamber of Commerce, The Caribbean American Chamber of Commerce & Industry (CACCI), the NAN, NAACP (Silver Life), & the AARP. Distinguished Fellow of The Museum of Modern Art and the Metropolitan Museum of Art. The CEO Clubs. The Republican Governors' Association. The American Civil Liberties Union. The Union of Concerned Scientists. The 2000 & 2001's Member of the Governor's Club & The 1999's Member of the "Governor's Leadership Circle" (NYS Gov. George E. Pataki). Member of the Bronx Democratic Party and NYS Democratic Party. The RNC President's Club 2000 Award & the RNC Honor's Roll. The 1997-98's Eisenhower Commission. The New York Republican Party & The President's Club of the RNC. The Presidents' Association: The CEO's Division of the American Management Association. The Valdosta & Lowndes County and The Shreveport & Bossier Chambers of Commerce. Chairman, Small Business Education & Entrepreneurial Training of the 1986's Louisiana Delegation to The White House Conference on

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Small Business & The Minority Business Delegates' Caucus. The U.S. Technology Transfer Society & its Task Force/Council for U.S. Technology Transfer. The U.S. People to People Ambassador Program. The U.S. Congressional Advisory Board. The U.S. Senatorial Club. Notary Public of the State of Georgia (91-95).

### **SPECIAL HONORS & MAJOR INCLUSIONS:-**

Attended the Mayor-Elect Bill de Blasio's Election Victory Party. Participated @ The Denver's '08 Democratic Convention and attended the Spitzer-Paterson Governor's Inaugural Festivities & Sen. Clinton's 2006 Election Gala. Attended the 2004's Republican Convention as a VIP Guest of Gov. Pataki and Governor Pataki's New York State Economic Summit For Women (1997). Recipient of the 1995's The President's Club/RNC HONORABLE EISENHOWER COMMISSION. Attended the 1995's National Republican Inaugural Activities & Gala. Attended the 1994 & 1998's Inauguration Ceremonies of NYC Mayor Rudolph W. Giuliani. Inclusion in Who's Who in the South & Southwest (22nd. Edition: 1991\_92) Who's Who in America. 1991's Presidential Order of Merit & U.S. Capitol's Flag by President George H. Bush. Special Honor Guest at the 51st. Presidential Inauguration of President George H. Bush. 1988's Presidential Gold Medal of Merit by President Ronald Reagan. Special Honor Guest at the 1988's GOP Convention in New Orleans, Louisiana. 1987's Presidential Honor Roll by President Ronald Reagan. 1986's Peace through Strength Silver Star Award by the U.S. Congressional Advisory Board. 1985's American Management Associations Presidents' Association & CEO's Award. The State of Louisiana's Ambassadorial Proclamation (1986) and The City of Shreveport & Bossier City's Honorable Ambassador of Goodwill of the State of Louisiana (1986 to present).

Contact Info:-

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Senator Ruth Hassell-Thompson, Conference Chairwoman  
36th SENATE DISTRICT

February 12<sup>th</sup>, 2010

Honorable Kirsten Gillibrand  
United States Senator (D) New York  
478 Russell Senate Bldg  
Washington, DC 20510-0001

COPY

Dear Senator Gillibrand:

This is a request for you and your office to nominate Ambassador Dr. Francois de Cassagnol for an appointment as a U.S. Ambassador. For over 20 years, I have known Dr. De Cassagnol to be an active constituent in my district, as well as a strong supporter of the Democratic Party.

Dr. De Cassagnol has been on the White House Personnel Listing since 1989 for an Ambassadorship At-Large in the area of Economic Development. Doctor De Cassagnol has expressed his interest in this position to many presidential administrations, from U.S. President George H. Bush to the current administration. He has also voiced this interest to President Obama and Secretary of State Hillary Clinton, while they were the democratic candidates during the 2008 Presidential Campaign. I strongly believe that the opportunity to pursue this position has now presented itself. At this moment in time, Doctor De Cassagnol has asked me to reintroduce him to your office and to the Obama-Biden Administration.

Therefore, on behalf of Honorable Carl E. Heastie, the Chairman of the Bronx Democratic County Committee, we support Dr. Francois De Cassagnol for the Ambassadorial nomination and his appointment as a U.S. Ambassador.

Very Respectfully Yours,

Endorsed By,

NYS Senator Ruth Hassell-Thompson

NYS Assemblyman Carl E. Heastie  
Chairman, Bronx Democratic County Committee

COPY

JS 44 (Rev. 1/2013)

### CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**  
 DR. FRANCOIS DE CASSAGNOL 1P.O. BOX 740 WILLIAMSBRIDGE  
 STATION BRONX NY 10467-0740

**DEFENDANTS**  
 NBS,NBAP, MR. SHAWN"JAY-Z"CARTER DEV. BRUCE RATNER  
 AND AFFILIATED COMPANIES NEW JERSEY BASKETBALL LLC

(b) County of Residence of First Listed Plaintiff

County of Residence of First Listed Defendant

(EXCEPT IN U.S. PLAINTIFF CASES)

(IN U.S. PLAINTIFF CASES ONLY)

**CV 13 6929**

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Attorneys (If Known)  
 AKA "THE NBA'S GROUP" BRET YOMACK, BARCLAYS CENTER

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15USC1072  
 Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMANDS CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions): JUDGE RANDOM DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

469 306 7659

**CERTIFICATION OF ARBITRATION ELIGIBILITY**

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, \_\_\_\_\_, counsel for \_\_\_\_\_, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- the complaint seeks injunctive relief,
- the matter is otherwise ineligible for the following reason

**DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1**

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

**RELATED CASE STATEMENT (Section VIII on the Front of this Form)**

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that " A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

**NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)**

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? NO
- 2.) If you answered "no" above:
  - a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? NO
  - b) Did the events of omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? YES

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? \_\_\_\_\_

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

**BAR ADMISSION**

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

- Yes
- No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

- Yes (If yes, please explain)
- No

I certify the accuracy of all information provided above.

Signature: \_\_\_\_\_