

I would first like to address two portions of the trademark holder's statement in section (g), in which the trademark holder explains how they believe that the content listed in section (f) infringes on their trademark:

1) NFL Properties LLC states "This content infringes the trademark(s) listed above".

The list of trademarks includes 66 trademarks. The trademark infringement notification does not specify which trademark or trademarks are alleged to have been infringed upon. It is unreasonable to expect the Same Old Jets Store to defend itself against a trademark infringement notification without knowing which trademarks I am being alleged to have infringed upon. I can only dispute NFL Properties LLC's claims by making assumptions as to which of their trademarks they are alleging I infringed, which is not my responsibility to do. It is the responsibility of the trademark holder to clearly state which trademarks it believes are being infringed upon, which NFL Properties LLC does not do anywhere within its trademark infringement notification.

2) NFL Properties LLC states "consumers are likely to mistakenly believe that the products listed in part (f) above have been authorized, approved or sponsored by the NFL and/or one or more of its Member Clubs, or are otherwise affiliated with the NFL and/or one or more of its Member Clubs, when it is not".

It is a massive stretch to assert that consumer are "likely" to mistakenly believe that these products have been authorized, approved, or sponsored by the NFL or one if its Member Clubs. The trademark holder, NFL Properties LLC, has provided a list of links to all products on my store, with no indication as to how each product, evaluated on an individual basis, could be viewed as "likely" to confuse consumers to the point that they would believe that the products were authorized, approved, or sponsored by the NFL or one if its Member Clubs. They have simply stated that is the case without even the slightest attempt to back up that assertion with any sort of argument.

Without knowing how NFL Properties LLC has come to the conclusion that each of these products could be mistaken by consumers to have been authorized, approved, or sponsored by them, I am unable to adequately dispute these claims and it is unreasonable to expect me to do so.

--

That said, for the sake of addressing the trademark infringement allegation, I will

provide a more general dispute of the idea that my store and/or any of its products could confuse consumers to the point that they believe the NFL or one its Member Clubs has any associations with the store.

The term "Same Old Jets" has been used by New York Jets fans and the sports media alike for decades as a criticism of the team's poor performance. Examples include:

a) In a December 27, 1998 article published in Today's News Herald, then-New York Jets head coach Bill Parcells is quoted as stating at halftime of a game with a 27-3 lead that the team usually blew leads and needed to prove in the second half that it wasn't the "same old Jets."

b) In a September 20, 1998 article published in the New York Times, writer Gerald Eskenazi states: "It was the most hated phrase any of them knew: "Same Old Jets." You remember, those three little words that fans, announcers and headline writers paraded out at one of those customary Jets moments -- failure when victory was expected, and bizarre failure, at that." The article also quotes Parcells as using the phrase to motivate the team.

c) In a September 3, 2014 article published by the Observer, writer Gerald Eskenazi referenced the "Same Old Jets" moniker.

d) In an August 31, 2011 article published in SB Nation, writer Jeff Freier references the "Same Old Jets" nickname in reference to the team "coming up short" or "giving their fans a heart attack".

e) In a December 10, 2007 article published in the New York Daily News, reader "randyh44" is quoted as stating "Same old Jets" in reference to the team getting "embarrassed on the field".

f) In a March 27, 2010 article published in the New York Times, New York Jets owner Woody Johnson commented on the phrase "Same Old Jets", stating: "It's derisive. It's not good whether it applies to football, or business, the Same Old Johnsons, whatever. It's just disrespectful."

As the phrase "Same Old Jets" has been used by people including the New York Jets owner, a former New York Jets head coach, multiple mainstream media outlets, and New York Jets fans in the context of a criticism of the New York Jets organization, it is unreasonable to think that any consumer would mistakenly believe that a store titled "Same Old Jets Store" is in any way authorized, approved or sponsored by the NFL or the New York Jets. The Jets owner himself has disavowed the term in an interview with the New York Times, and no

reasonable person would mistakenly believe that the Jets or the NFL would authorize, approve or sponsor any merchandise under the brand name "Same Old Jets Store", as the phrase is highly critical of the New York Jets organization. Further, the same defense applies to any and all individual products that include the phrase "Same Old Jets" on them in any way. No reasonable person would mistakenly believe that the NFL or New York Jets would authorize, approve or sponsor merchandise featuring a phrase that has been used to mock the New York Jets organization for decades.

Regarding products listed on my store that don't say "Same Old Jets" on them, a similar argument applies. For example, I will address the product at the following link, which the trademark holder listed under section (f): <https://sameoldjetsstore.com/collections/sell-the-team-1/products/sell-the-team-hoodie>. This product says "Sell The Team" in a font similar to a font used on New York Jets merchandise. The phrase "Sell The Team" is clearly a request or demand that Jets owners Woody and Christopher Johnson sell the organization, which a significant number of New York Jets fans have consistently asked them to do for years due to the team's poor performance. Again, no reasonable person would mistakenly believe that the NFL or New York Jets would authorize, approve or sponsor merchandise featuring the phrase "Sell The Team" in reference to the Jets ownership.

Lastly, I am not using the NFL's name, the "New York Jets" name, or any of the trademarked logos held by NFL Properties LLC anywhere on my website or products. I am using an altered version of the New York Jets logo, which instead says "Same Old Jets". As I have established above, this phrase is used to ridicule the Jets, and as such, there should be no confusion for consumers. It is a clear and obvious parody of the New York Jets organization, and therefore is fair use and is not infringing upon any New York Jets-related trademarks.