

UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 78/833,514
Filed. March 9, 2006
Serial No.: ORANGE

Examining Attorney:
Michael J. Souders
Trademark Law Office 115

AFFIDAVIT

STATE OF GEORGIA)
COUNTY OF COBB) ss:

Michael Drucker, being solemnly sworn hereby declares as follows:

1. I am the Vice President & Associate General Counsel in the Legal Department of The Collegiate Licensing Company (hereinafter "the CLC"), a Georgia Corporation, located at 290 Interstate North Circle, Suite 200, Atlanta, Georgia 30339. I have held this position since 1995 and I am familiar with the aspects of the Syracuse University's (hereinafter "the Applicant") collegiate trademarks and trademark licensing.

2. I am authorized to make this Affidavit on behalf of the Applicant and I do so from my own knowledge of the facts, discussions with others, and from a review or examination of the records of the Applicant, being records to which I have full access.

3. CLC is the nation's leading collegiate trademark licensing and marketing company, and currently manages a collegiate licensing program for nearly 200 colleges and universities, including the Applicant.

4. Since 1998, CLC has represented the Applicant in matters involving the protection, management, and development of the Applicant's trademarks. CLC is the sole licensor of the Applicant's trademarks, including the Applicant's "ORANGE" mark, and under such licenses collects royalties from the sale of goods bearing the Applicant's marks. CLC has actively licensed the Applicant's "ORANGE" mark and collected royalties from the sale of goods bearing the "ORANGE" mark since at least as early as 2004. In that time, Applicant has generated over \$5

million in royalties and payments from licensees who have licensed its marks, including its “ORANGE” mark.

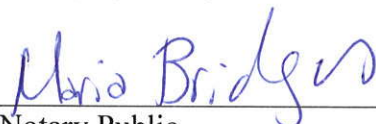
5. The Applicant’s use of its “ORANGE” mark is not merely descriptive of goods that are the color orange. Rather, Applicant’s “ORANGE” mark functions as an indication of source of goods as perceived by both licensees of the Applicant’s marks as well as by the consuming public. The Applicant’s customers – including the licensees of the Applicant’s “ORANGE” mark – recognize the mark’s significance as an indication that the Applicant is the source of goods bearing the mark.

WHEREFORE, for all the foregoing reasons, Applicant’s mark has acquired distinctiveness pursuant to Trademark Act Section 2(f) and Deponent respectfully requests that the Applicant’s “ORANGE” mark be approved for publication and registration.



Michael Drucker

Sworn to before me this
2nd day of July, 2010.



Notary Public

