Dear LSU Tiger Tailer,

LSU Trademark Licensing hopes that the new year is off to a good start for both you and your business. It was another good holiday season for the LSU football team who pummeled the Georgia Tech Yellow Jackets 38-3 in the Chick-fil-A Bowl. The Collegiate Licensing Company’s enforcement personnel and the Atlanta Police Department worked on behalf of LSU during the Chick-fil-A Bowl to protect the university’s marks and deter the sale of unlicensed merchandise. The combined efforts in Atlanta resulted in the seizure of nearly 500 unlicensed products in the city and around the Georgia Dome. We will continue to work hard in 2009 to stop the sale of unlicensed merchandise and we encourage you to report any potentially unlicensed merchandise via www.LSU.com.

**Campus Market Expo (CAMEX)**

LSU Trademark Licensing would like to remind you about the **CAMEX show in Anaheim from March 15-17**.

CAMEX is known as the premier trade show for collegiate retailers. The show combines a strong educational program designed for retailers with the opportunity to meet attendees from over 1100 college stores and view items in more than 90 product categories from over 700 companies. A lot of business is conducted during the three-day show—more than 92% of CAMEX 2008 attendees took advantage of vendors' trade show specials. To learn more about CAMEX, visit www.CAMEX.org, or call 800-622-7498.

**Inaugural Season for Facilities**

The highly ranked LSU Baseball team will open the new Alex Box Stadium on Friday, Feb. 20 vs. Villanova. The LSU Softball team will open the new Tiger Park on Wednesday, Feb. 11 vs. McNeese State. Inaugural season logos have been created for both facilities and are available for use on a variety of products.
At the end of December, the Collegiate Licensing Company (CLC) announced its top-selling CLC member institutions for the fiscal year-to-date. These rankings represent royalties reported October 1, 2008 through December 31, 2008 on all collegiate merchandise sold.

1) Texas  
2) Georgia  
3) LSU  
4) Florida  
5) Alabama  
6) Michigan  
7) Penn State  
8) North Carolina  
9) Notre Dame  
10) Tennessee  
11) Auburn  
12) Oklahoma  
13) Kentucky  
14) Wisconsin  
15) Arkansas  
16) Florida State  
17) West Virginia  
18) Illinois  
19) Nebraska  
20) Kansas  
21) Missouri  
22) South Carolina  
23) Clemson  
24) Purdue  
25) Miami  

Thank you for your work as an LSU Tiger Tailer!

Your efforts kept LSU at the #3 overall ranking in the CLC Consortium. This represents LSU’s highest ranking in the Trademark Licensing program’s history. LSU Trademark Licensing looks forward to working with you to continue to strengthen LSU’s retail presence in the future, and we thank you for your continued support of LSU.
From New Orleans, LA, comes the Officially Licensed Full Size Commercial Grade LSU Trashcans. The latest method to showcase your favorite college has successfully been licensed through CLC and LSU is the first school offered.

TrashTalker TeamCans are truly the first of their kind. These garbage cans offer commercial grade toughness backed by a 10 year manufacturer’s warranty. TrashTalker TeamCans, go through a dye infusion process and are not painted. The officially licensed LSU logo is heat stamped onto the can. Since it is not a sticker, the logo will not peel off or fade away.

TrashTalker TeamCans are designed for both manual and automated/mechanical service functionality, which allows them to be serviced by all trash haulers. This is the new ‘flag’ that fans and alums can show off in their neighborhood.

These unique TrashTalker TeamCans come in 3 different sizes, 32 gallon, 65 gallon, and a 96 gallon size. The different sizes offer versatility, meaning curbside trash service isn’t the only usage. Many satisfied customers use their TrashTalker TeamCans at tailgates, as a laundry hamper, toy bin, backyard/patio can, and much more.

TrashTalker TeamCans can be viewed online at [www.myteamcan.com](http://www.myteamcan.com). For additional information, please contact:

Rana Cabeceiras, 504-415-3638
Fax 504-459-8703
Email: ranacab@yahoo.com

Wallcrashers presents this 28” by 19” scoreboard/chalkboard that comes with 3 pieces of soft chalk and an eraser. The scoreboard/chalkboard is made from 6 mil self adhesive vinyl that can be removed and re-applied in different locations. Printed with a specially formulated ink to make it your own!

For ordering information, please contact Pat at 913-754-0707 or via e-mail at pat@wallcrashers.com.
New LSU licensee Noah’s Ark Animal Workshops is proud to introduce their officially licensed Mike the Tiger replica stuffed collectible. Mike the 16” plush Tiger is the perfectly sized take-along for every Tiger fan wanting to show their school spirit. No LSU fan of any age will want to be without one. Mike is available stuffed and Ready to Roar so fans can grab him and go cheer on the Tigers. Additionally, unstuffed Mike and stuffing materials can be pre-ordered for hand-stuffing where customers can bring Mike the Tiger to life at fun stuff-n-fluff in-store events. Mike’s #1 jersey is removable, and he will be entering the college football world around May 15th, 2009. To preorder or for additional questions, please contact Laurie Stein at 469-438-8899 or lauriemstein@gmail.com.

The Tiger Eye Lucky Charm was conceived by Baton Rouge’s Southern Plantation Shutters as a gift for family and friends interested in giving the LSU Tigers luck during athletic contests. Since the conception of the Tiger Eye Lucky Charm, LSU has won the National Championship in football, attended the College World Series in baseball, and enjoyed many successes in other men’s and women’s sports.

Fans can show their support for the Tigers with their own comfortable, lightweight Tiger Eye Lucky Charm in their pocket or purse. This handmade keepsake is carved into handsome Brazilian hardwood that has the look of tiger stripes. Choose from several designs and patterns for the Tiger Eye Lucky Charms or LSU knobs for furniture and cabinets.

For ordering information, contact Bart Talbot with Southern Plantation Shutters at 225-292-2278 or bartt@spshutters.com.

**LSU 15” Stuffed Mike the Tiger with #1 Jersey**

New LSU licensee Noah’s Ark Animal Workshops is proud to introduce their officially licensed Mike the Tiger replica stuffed collectible. Mike the 16” plush Tiger is the perfectly sized take-along for every Tiger fan wanting to show their school spirit. No LSU fan of any age will want to be without one. Mike is available stuffed and Ready to Roar so fans can grab him and go cheer on the Tigers. Additionally, unstuffed Mike and stuffing materials can be pre-ordered for hand-stuffing where customers can bring Mike the Tiger to life at fun stuff-n-fluff in-store events. Mike’s #1 jersey is removable, and he will be entering the college football world around May 15th, 2009. To preorder or for additional questions, please contact Laurie Stein at 469-438-8899 or lauriemstein@gmail.com.
SMACK Apparel Lawsuit

In a landmark case in trademark law, on November 25, 2008 the Fifth Circuit Court of Appeals affirmed a Louisiana federal district court’s decision in favor of LSU, CLC, Oklahoma, Ohio State, and Southern Cal. (The Tournament of Roses, an original plaintiff, settled prior to the decision.) On July 18, 2006 the District Court held that Smack Apparel was liable for intentional trademark infringement based on its use of the color combinations of the schools. The Fifth Circuit Appeals Court, in affirming the District Court’s decision in its entirety, has held that the schools own strong rights in their color schemes and other indicia and that Smack Apparel’s use of those colors and indicia constitutes trademark infringement as a matter of law.

By way of brief background, Smack Apparel has sold t-shirts featuring school color schemes along with designs and word content obviously referring to the athletic successes of particular teams, or with verbiage that taunts rival teams. Smack Apparel’s designs refer directly to the various collegiate institutions, but not necessarily by name. For example, shirts in LSU colors of purple and gold referred to the 2004 Sugar Bowl in New Orleans between Oklahoma and LSU, which was played to determine the BCS National Football Champion (see designs to the right). Smack Apparel has claimed in marketing materials to be “Licensed Only By the First Amendment.”

Post-Game Wrap

The Smack Apparel case is a significant victory for the schools that took action to protect their marks and the marketplace position of legitimate retailers and licensees. Those victories provide powerful precedent for collegiate institutions and other licensors, particularly since few courts across the country have directly addressed the issue of protecting color schemes as marks. This judicial recognition that the universities’ rights extend beyond registered marks -- i.e., to colors and other indicia in the context of merchandise referring to the universities -- should serve as a strong deterrent to future infringers. This decision should be quite a setback for Smack, which has heretofore taken a very narrow read of the District Court’s decision.

One very important element in proving that color schemes deserve trademark protection was the universities’ introduction of evidence of their widespread use of colors and public recognition of colors as source identifiers. This evidence came in the form of voluminous marketing materials and media stories about the prominence of school colors. Marketing programs designed to promote university colors substantially benefited the legal case, and the subsequent legal victory confirmed that those effective marketing efforts resonate.
SMACK Apparel Lawsuit (cont.)

**Smack Apparel’s Request for a Rehearing Denied**

Smack Apparel sought a rehearing before the full bench for the Court of Appeals, as the appeal was heard by a special panel of judges. On December 23, 2008, the Court denied Smack’s request. Smack’s only other option is to file a petition for a writ of certiorari to the U.S. Supreme Court, which we view as unlikely to be successful.

**Heisman Trophy Trust v. Smack Apparel**

On the heels of the successful Smack appellate decision discussed above, the Heisman Trophy Trust has followed suit by suing Smack Apparel for trademark infringement in the United States District Court for the Southern District of New York. Smack Apparel’s use of “Heisman” references in connection with its designs has increased over the past several years, and the Heisman Trophy Trust has sued to stop Smack Apparel from using its name, mark and similar references. To that end, the Heisman Trophy Trust was recently awarded a preliminary injunction against Smack Apparel, requiring Smack Apparel to cease the production and sale of any products using “Heisman” references. This is of course a great start to the litigation that moves forward.

**LSU Trademark Licensing Welcomes the Following New Licensees**

- Action Images Inc. (IL)
- Blakeway Worldwide Panoramas
- Body International USA LLC
- Burnes Home Accents LLC
- Crowd Products LLC
- Cyclone Enterprises
- Disruptive Media Publishers Inc.
- Heartland China of Kansas Inc.
- Legendary Sports Prints LLC
- Marketing Innovations
- Noah's Ark Animal Workshop Inc.
- North American Imports LLC
- Scrub Zone
- St. Berg Couture LLC
- Sun Mountain Sports/MT
- Susan Mango
- Waterford Wedgwood USA Inc.

Visit [www.LSU.com](http://www.LSU.com) to access the most up to date LSU Licensee Lists. The licensee lists are always evolving and are updated monthly.