

14. This action has been filed to combat online trademark infringers who trade upon Plaintiffs' reputation and goodwill and valuable intellectual property by selling and/or offering for sale unauthorized and infringing versions of the HACKY SACK Products (hereafter, "Infringing Products") in violation of Plaintiffs' federally registered trademark.

15. WHAM-O is the registered owner of U.S. Trademark Registration No. 1,183,855 (the "HACKY SACK Trademark").

Trademark	Registration No.	Goods and Services
HACKY SACK	1183855	IC 025: Clothing-Namely, Shirts. IC 028: Footbags Used in a Kicking Game. IC 041: Conducting Kicking Game Tournaments and Kicking Game Instructional Clinics.

1. The HACKY SACK Trademark is inherently distinctive and/or has acquired distinctiveness through extensive use in commerce.

2. The HACKY SACK Trademark registration is valid, subsisting, unrevoked, uncanceled, and incontestable pursuant to 15 U.S.C. § 1065. The registration constitutes prima facie evidence of the validity of the HACKY SACK Trademark, Plaintiffs' ownership thereof, and Plaintiffs' exclusive right to use the HACKY SACK Trademark in commerce and otherwise pursuant to 15 U.S.C. § 1057(b).

3. A true and correct copy of the registration certificate for the HACKY SACK Trademark is attached as Exhibit 1.

4. The HACKY SACK Trademark has been the subject of substantial and continuous marketing and promotion by Plaintiffs. Plaintiffs have and continue to widely market and promote