

U.S. Department of Justice

Civil Division, Appellate Staff 950 Pennsylvania Ave., N.W., Rm. 7228 Washington, D.C. 20530-0001

June 28, 2017

By ECF

Patricia S. Connor, Clerk of Court U.S. Court of Appeals for the Fourth Circuit Lewis F. Powell, Jr. U.S. Courthouse & Annex 1100 East Main Street, Suite 501 Richmond, VA 23219

Re: Pro-Football, Inc. v. Blackhorse, 15-1874

Dear Ms. Connor:

The United States respectfully responds to this Court's order of June 21, 2017, directing the parties to state their positions on the need for oral argument in the above-captioned case.

The United States concurs with appellant Pro-Football, Inc., that oral argument is unnecessary. The Supreme Court's decision in *Matal v. Tam*, No. 15-1293 (U.S. June 19, 2017), controls the disposition of this case. Consistent with *Tam*, the Court should reverse the judgment of the district court and remand the case with instructions to enter judgment in favor of Pro-Football.

Sincerely,

<u>s/ Mark R. Freeman</u>

MARK R. FREEMAN U.S. Department of Justice Appellate Staff, Civil Division (202) 514-5714

CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2017, I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system. I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Mark R. Freeman
MARK R. FREEMAN