

Exhibit A



United States Copyright Office

Library of Congress • 101 Independence Avenue SE • Washington DC 20559-6000 • www.copyright.gov

January 04, 2013

Foley & Lardner LLP
Attn: Jonathan Moskin
90 Park Avenue
New York, NY 10016
United States

Correspondence ID: 1-EFNBPX

RE: Assault Squad Shoulder Pads

Dear Jonathan Moskin:

We cannot register this work because it lacks the authorship necessary to support a copyright claim.

Copyright protects original works of authorship that are fixed in some physical form. See 17 U.S.C. §102(a). As used in the copyright context, the term "original" means that the work was independently created by the author (as opposed to copied from other works), and that it possesses at least a minimal degree of creativity. See *Feist Publications v. Rural Telephone Service Co.*, 499 U.S. 340 (1991).

To satisfy these requirements, a work of the visual arts must contain a minimum amount of pictorial, graphic or sculptural authorship. Copyright does not protect familiar symbols or designs; basic geometric shapes; words and short phrases such as names, titles, and slogans; or mere variations of typographic ornamentation, lettering or coloring. See 37 C.F.R. §202.1. Further, copyright does not extend to any idea, concept, system, or process which may be embodied in a work. 17 U.S.C. §102(b).

Neither the aesthetic appeal or commercial value of a work, nor the amount of time and effort expended to create a work are factors that are considered under the copyright law. See *Bleistein v. Donaldson*, 188 U.S. 239 (1903); *Feist Publications v. Rural Telephone Service Co.*, 499 U.S. 340 (1991). The question is whether there is sufficient creative authorship within the meaning of the copyright statute and settled case law.

After careful consideration, we have determined that this particular work will not support a claim to copyright for 2-Dimensional artwork or sculpture under the standards described above. Additionally, the text appears to be identical to the standard warning text included in another claim sent by the same party and can only be registered once. The photographs submitted are of the deposit materials and serve as identifying matter rather than photographic content that is part of the published unit. Therefore we cannot issue the registration which you requested. The copyright law requires that we retain the deposit of this work. 17 U.S.C. §704(a). The nonrefundable filing fee has been applied to administrative costs.

Jonathan Moskin

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1-EFNBPX

For more information on copyright, please visit our website at www.copyright.gov.

This letter is for your information only; no response is necessary.

Sincerely,

A handwritten signature in cursive script that reads "Carol Frenkel".

Carol Frenkel
Supervisory Registration Specialist
Visual Arts Division
U.S. Copyright Office

Enclosures:
Reply Sheet



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* 1 - E F N B P X *

Return this sheet if you request reconsideration.

How to request reconsideration:

- Send your request in writing. (It must be received in the Copyright Office not later than three months after the date on the Office’s refusal letter.)
- Explain why the claim should be registered or why it was improperly refused.
- Enclose the required fee – see below.
- Address your request to:

**Copyright RAC Division
P.O. Box 71380
Washington, DC 20024-1380**

Note: To expedite delivery, write “Reconsideration” on the outside of the envelope. Include the Correspondence ID Number (see above) on the first page. Indicate either “First Reconsideration” or “Second Reconsideration” as appropriate on the subject line.

Notification of decision: The Copyright Office will send a written notification of its decision, including an explanation of its reasoning.

First Request for Reconsideration: The Registration and Recordation Program Office considers the first request. If it upholds the refusal, you may submit a second request.

Second Request for Reconsideration: The Copyright Office Board of Review considers the second request. The Board consists of the Register of Copyrights and the General Counsel (or their respective designees), and a third member appointed by the Register. The Board’s decision constitutes final agency action.

FEES:

First Request	\$250
Additional claim in related group	\$25

Second Request	\$500
Additional claim in related group	\$25