

Mark A. Miller (#9563)
miller.mark@dorsey.com
Elliot Hales (#16684)
hales.elliott@dorsey.com
Olivia McQuarrie (#19621)
mcquarrie.olivia@dorsey.com
DORSEY & WHITNEY LLP
111 S. Main Street, Suite 2100
Salt Lake City, UT 84111
Telephone: (801) 933-7360
Facsimile: (801) 933-7373

Mike Keyes (pro hac vice)
keyes.mike@dorsey.com
DORSEY & WHITNEY LLP
701 Fifth Ave., Suite 6100
Seattle, WA 98104-7043
Telephone: (206) 903-8800
Facsimile: (206) 903-8820

Elissa Brockbank Reese (pro hac vice)
ereese@potomaclaw.com
POTOMAC LAW GROUP, PLLC
1717 Pennsylvania Avenue, NW, Suite 1025
Washington, DC 20006
Telephone: (202) 558-5557
Facsimile: (202) 318-7707

Ryan E. Hatch (pro hac vice)
ryan@hatchlaw.com
HATCH LAW PC
13323 Washington Blvd., Suite 302
Los Angeles, CA 90066
Telephone: (310) 279-5079
Facsimile: (310) 693-5328

Attorneys for Defendants Open Stories Foundation and John P. Dehlin

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

INTELLECTUAL RESERVE, INC., a Utah
non-profit corporation; THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS, a Utah corporation sole,

Plaintiffs,

vs.

OPEN STORIES FOUNDATION, an
Arizona non-profit corporation; JOHN P.
DEHLIN, an individual,

Defendants.

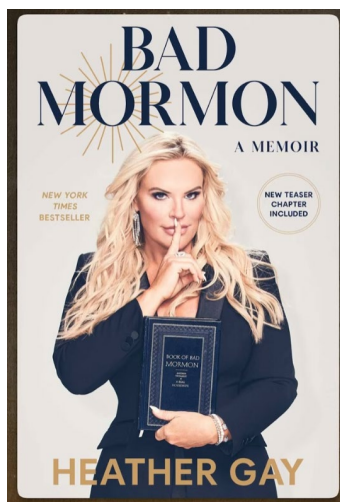
**DEFENDANTS' NOTICE
OF SUPPLEMENTAL
EVIDENCE IN FURTHER
SUPPORT OF MOTION TO
DISMISS**

Civil No. 2:26-CV-00321

Judge Robert J. Shelby
Magistrate Judge Jared C. Bennett

Defendants respectfully provide notice to the Court of recently discovered supplemental evidence that further supports Defendants' Motion to Dismiss (ECF 41; "Motion").

Two days after Defendants filed their Reply (ECF 73) in support of the Motion, a podcast interview of David Jordan, lead counsel for Plaintiffs (collectively "the Church"), was released wherein Mr. Jordan discussed the present lawsuit and the parties' prior settlement negotiations. *See* Keystone podcast, *Church's attorney DEBUNKS Mormon Stories lawsuit rumors* (<https://www.youtube.com/watch?v=eW0XiaJ0yA4>) (transcript attached as Exhibit L). In the interview, Mr. Jordan states, "And of course, nobody owns the word Mormon" and explains that this lawsuit is "not about the word Mormon. It's about using the word Mormon in a context like you've described, with color schemes, with font schemes, with light rays, with the copyrighted images. It's that context which gives rise to the likelihood of confusion, and that's what gives rise to a trademark claim." *Id.* at 9:07, 10:16. To give an example of a use of "Mormon" that does *not* infringe the Church's trademark rights, Mr. Jordan referred to the BAD MORMON name of a book by Heather Gay, using the image below, and stated, "If you see the words Bad Mormon, you're not thinking, oh, I bet that's affiliated with the Church." *Id.* at 26:40.



What Mr. Jordan withheld from the listening podcast audience, as he was admitting that BAD MORMON does *not* create confusion, is the fact that in 2022, the Church actually accused BAD MORMON of creating a likelihood of confusion and opposed Ms. Gay's trademark application for BAD MORMON on that basis. *See* Church Opposition Petition (Exhibit M).¹ Specifically, in the Church's October 2022 opposition petition, the Church alleged,

Likelihood of confusion is not diminished by Applicant's use of the word "bad" since the teachings of Opposer are directed to all persons good and bad and one of its primary religious beliefs is that those who have committed bad acts can be redeemed through repentance and adherence to those teachings.

* * * *

Applicant's alleged mark BAD MORMON, as applied to the goods and services identified in its application, so resembles Opposer's MORMON Marks as to be likely to cause confusion mistake, or to deceive, or to falsely suggest a connection with Opposer, or dilute the distinctive quality of Opposer's famous MORMON Marks.

Id. at ¶¶ 31-33. For a little more than a year, the Church's aggressive enforcement efforts apparently wore Ms. Gay down and she ultimately capitulated and voluntarily abandoned her trademark application to resolve the matter. *See* Request to Abandon Application (Exhibit N).²

The foregoing illustrates that *even when the Church knows there is no infringement or likely confusion*, as Mr. Jordan admits, the Church and its attorneys nonetheless intentionally misuse federal trademark law as a tool of coercion, wielding the burdensome *process* (rather than

¹ *See, e.g., Spice Merchs. Entities Corp. v. Pretty Colo., LLC*, 2024 WL 4844825, *5 (D. Colo. Nov. 20, 2024) (taking judicial notice of "trademark documents from the United States Patent and Trademark Office" in resolving a motion to dismiss under Rule 12(b)(6)).

² In addition to the BAD MORMON scenario, the records at the United States Patent and Trademark Office show that the Church has filed oppositions to trademark applications alleging confusion for names such as MORMON WHISKEY, MORMONS FOR THE DEVILS, MORMONBOYZ, and SECRET MORMON. *See* Exhibit O.

genuine merits) to compel changes and *control* how “Mormon” is used by others. Defendants present this evidence to emphasize the importance of their First Amendment defense as set forth in their Motion papers and to show that the Electronic Frontier Foundation’s concerns about “the coercive power of dubious trademark claims” is particularly salient here given the Church’s history of dubious enforcement. *See* ECF 70 at 8.

Dated: September 28, 2026

Respectfully submitted,

/s/ Mark A. Miller

Mark A. Miller
Elliot Hales
Olivia McQuarrie
Mike Keyes
Dorsey & Whitney, LLP

Elissa Brockbank Reese
Potomac Law Group, PLLC

Ryan E. Hatch
Hatch Law, PC

*Attorneys for Defendants Open Stories Foundation
and John P. Dehlin*

EXHIBIT L

Keystone - Church's attorney DEBUNKS Mormon Stories lawsuit rumors (2026-09-23)

Source: <https://www.youtube.com/watch?v=eW0XiaJ0yA4> (Keystone, uploaded September 23, 2026, 35 min)

Host: David Snell. Guest: David Jordan, attorney for the Church. Five short passages are clips of John Dehlin played within the video.

Machine transcript (AssemblyAI, September 23, 2026), unverified against the audio; speaker names assigned by voice and context. Not a Mormon Stories episode.

[0:00] David Jordan: It's not about the word Mormon. Nobody owns the word Mormon.

[0:04] David Snell: It's just that all of those things combined, that's the issue.

[0:09] David Jordan: Yeah. And let me give you some more examples from the mediation that will dispel the narrative that Mr. Dehlin has projected.

[0:16] David Snell: David Jordan is the former U.S. Attorney for the District of Utah, and he's the lead attorney in the Church's lawsuit against John Dehlin and the Open Stories Foundation. That's like the dominant narrative online right now, that it's this David and Goliath story where the Church is Goliath and just trying to shut down the little guy.

[0:37] David Jordan: That's just not true. We made it clear, include the verbal disclaimer and make a written disclaimer that people can actually find and see, we'll dismiss the case.

[0:47] David Snell: Why is the Church still moving forward with litigation even after John Dehlin has changed a lot of the problematic branding? I'm really interested in hearing the church's side of things in this interview. Could you give us a brief rundown of what has happened thus far in this story? And as you do that, we're going to jump into some of the more specific questions and allegations that I have seen floating around out there.

[1:19] David Jordan: There's some history before the lawsuit was filed, and it really begins with a very nicely worded letter from the church pointing out that Mr. DeLynn was using the church's trademarks in a way that mimicked the church's branding, and also that he was using copyrighted images, pictures that he was not authorized to use, and asking him to please stop doing those things. That led to an exchange of email communications and ultimately to a proposal by the church that the parties mediate to see if they could come to some amicable resolution of the dispute without the need for resort to the courts. Mediation is non-binding. You're not committed to do anything unless you reach a final resolution as a result of the mediation. We thought it might be helpful, and the Church even volunteered to pay all the costs of the mediation, which would include the fees of the mediator.

[2:35] David Snell: And who is the mediator in this kind of a scenario?

[2:40] David Jordan: Well, the mediator in this particular case was a very fine lawyer from Texas, not a member of the Church, who is an expert in intellectual property law, trademark law, What does mediation look like?

[2:57] David Snell: Because in my mind, I've been thinking you both sit down at a nice long mahogany table, one side on, on one side of the table, the other on the other, and then you've got the mediator, you know, sitting at the head of the table, just kind of like going back and forth between the two as you're talking at each other. What does it actually look like?

[3:15] David Jordan: Well, you could do it that way, but it's not usually done that way. Usually, and what happened in this circumstance, is that Mr. DeLynn and his lawyers were in one room, and I, with my client representative from the church, were in a different room. So we weren't together. And the mediator engages in what's sometimes referred to as shuttle diplomacy. She was moving from one room to the other room, shuttling proposals. from both sides and trying to encourage both sides to arrive at a compromised solution.

[3:57] David Snell: So you say a compromised solution. So this wasn't necessarily the church with a list of demands saying, you have to do this or we're going to take you to court, per se?

[4:09] David Jordan: No, it wasn't like that at all. It's a negotiation. And so you may start with one position as your initial proposal, And the other side may say, no, that's not acceptable, but what if we did this? And it goes back and forth. And there was a good deal of that over the course of the mediation. And some of the proposals that were made were in fact adopted by Mr. DeLind. So for example, I believe he's made certain changes to his website to remove some images that are copyrighted images belonging to the church. And he's also changed his logo, for example. His logo in many ways mimicked trademarks of the church in ways that if you looked at the complaint, there's actually a picture of his logo compared to other church logos for various programs. And the similarity is striking.

[5:10] David Snell: I agree with that. It was several, a few to several years ago when I saw that logo and I was like, hmm, that looks very, very similar to the church's branding. And I wonder, I wonder if that's going to fly for very long, which is part of the whole subject of this case.

[5:31] David Jordan: Well, you raise a really interesting point. I think Mr. DeLynn has projected that he's being singled out in some way. And that's not really true because the church often has to have conversations, which it tries to do in a friendly and gentle way, even with active members who, with no intent to take the church's intellectual property, will brand themselves in a way that is confusingly similar to the church's branding. And when that happens, we reach out to them and in the nicest way say, please don't do that. That's important because obviously the church is not a company. We're not selling something like Nike. And Nike is very defensive of their swoosh.

[6:27] David Snell: Yeah.

[6:27] David Jordan: And rightly so, because they want people to know when they see the swoosh that they're getting a Nike product. It's a little bit different for a church, for a religion, but every religion has a message that it wants to communicate. And you want to make sure that people who are looking for your message can find it and not have it confused with someone else's message. Right.

[6:57] David Snell: John Dehlin and many others have placed a very heavy emphasis on the idea that The church is simply trying to control the word Mormon and who can use it and who can't. In fact, I have a quote here from John Dehlin's video. He's talking about mediation.

[7:16] John Dehlin (clip played in the video): He said, When we got into mediation, they ended up asking for a list of what we felt were outrageous and unreasonable requests. Some of them included asking me To literally agree to never initiate any project ever again on the internet that used the word Mormon. My memory is that they asked us to agree that they own all the rights to the word Mormon and to its usages.

[7:43] David Snell: Is that accurate?

[7:44] David Jordan: It's not accurate. So let me give you some examples. There's a somewhat popular TV program called Secret Lives of Mormon Wives. You've probably heard of it. I've not seen an episode.

[7:58] David Snell: PTSD flashbacks. Insert the segment.

[8:01] David Jordan: You! You're a liar!

[8:04] David Snell: Whose idea was it to put stripper poles in buses? This group is so toxic! Yes, I'm vaguely familiar with it.

[8:13] David Jordan: All right, think about that for a minute. The church has— what network is that on? Netflix?

[8:19] David Snell: Hulu.

[8:19] David Jordan: Hulu?

[8:20] John Dehlin (clip played in the video): Yeah.

[8:20] David Jordan: Church has not written a letter to Hulu saying, you're infringing our trademarks.

[8:27] David Snell: Yeah.

[8:27] David Jordan: Because the heart of trademark law is confusion. Is there— is the mark being mimicked in such a way that it's likely to cause confusion to people? I don't think anybody sees an advertisement for Secret Lives of Mormon Wives on Hulu and thinks to themselves, I wonder if that's affiliated with the Church of Jesus Christ of Latter-day Saints. Right. They're not

thinking that. And there are lots of other people who use the word Mormon in contexts where it's not going to be confusing. And of course, nobody owns the word Mormon. You can use the word Mormon in an unlimited number of ways. It's when you use it as part of your brand And it causes confusion in the context in which it's used that then can give rise to a trademark infringement.

[9:32] David Snell: Like, that's like the dominant narrative online right now, that it's this David and Goliath story where the church is Goliath and just trying to shut down the little guy. And one of the questions that people have asked is, well, Mormon Stories has been operating for I don't know, 20 years now, and the church has never had a problem with the name Mormon Stories before. But what I'm hearing from you is that in the past, the name Mormon Stories hasn't necessarily been also combined with the Light Rays trademark and copyrighted images. It's just that all of those things combined, that's the issue, is what I'm understanding.

[10:16] David Jordan: That's certainly a significant part of the issue, and the Mormon Stories branding of 20 years ago is not like the Mormon Stories branding that was the subject of our mediation and our letter that preceded it, or even this litigation. Now it's been changed, and you can form your own conclusions about why Mr. DeLynn has changed it as a result of the discussions we've had with him. But it's not about the word Mormon. It's about using the word Mormon in a context like you've described, with color schemes, with font schemes, with light rays, with the copyrighted images. It's that context which gives rise to the likelihood of confusion, and that's what gives rise to a trademark claim.

[11:13] David Snell: I mean, I just, I feel like because there's such a distrust towards institutions in general, particularly religions, I feel like nowadays people are getting really defensive about this lawsuit and the motivations of the church for moving forward with it. But if it was Disney stories, like I would fully expect Disney to come in and protect their copyrighted No, I understand what you're saying.

[11:42] David Jordan: And let me give you some more examples from the mediation that will, I think, dispel the narrative that Mr. Dehlin has projected. At one point in the mediation, we suggested maybe a dozen different ways to add words to the title Mormon Stories That might mitigate the risk of confusion. We said, why don't you call it Former Mormon Stories? That will certainly mitigate the risk of confusion. We tried any number of those, and there was no interest in the other room in adopting any of those. Then we shifted gears in the negotiation and said, Well, perhaps the confusion can be mitigated by an appropriate disclaimer. And the disclaimer that we suggested was that in his podcast, Mr. Dehlin state, this podcast is not affiliated with, supported by, or endorsed by the Church of Jesus Christ of Latter-day Saints. I don't know how long it took me to say that. 5 seconds, maybe? And we talked about how often that should appear in the podcast verbally. And our initial proposal was we'll do it several times over the course of the mediation. And I think he's talked about that in some of the comments that he's made.

[13:14] David Snell: Several times over the course of each episode.

[13:16] David Jordan: Right. But as we went back and forth, the proposal we ultimately made was All right, just put it at the beginning, at the beginning of each podcast. It'll take you 5 seconds to say it in a podcast that's 2 hours long, and it's truthful in every way and will go a ways towards mitigating the risk of confusion. And that was unacceptable. And the heart of that particular proposal was You don't have to change your name. We'll resolve the case with you. It can still be Mormon Stories. Just include a verbal disclaimer of the kind we're describing right at the beginning of your podcast. And put a written disclaimer on your website or wherever you have a written version of your podcast.

[14:16] David Snell: So why isn't a written version enough? Or even on each YouTube video having it, you know, written at the bottom of the screen? Why does it need to be verbal?

[14:28] David Jordan: Well, you would know better than I, but as I understand it, if you went to certain social media platforms, you would never see anything in writing. You would just hear the podcast. And if all you do is hear the podcast, then a written disclaimer is of no effect at all. We did have discussions about, and negotiations about, the placement of a written disclaimer, and Mr. DeLynn wanted to put it down in the footer that would appear at the bottom of a webpage. Well, that's not really a place where viewers are going to find it. We suggested placing it more at the top of the webpage. So it would actually be a meaningful disclaimer in the sense that people would really have an opportunity to see it without having to search for it. And ultimately the mediation failed over the whole issue of disclaimers. But the idea that the last position in the negotiation was You have to say it multiple times. That's not the case.

[15:38] David Snell: I think that's really interesting because I have had in the past this idea of mediation as we're going to bring forth our demands and you either meet them or we're taking you to court. But what you're saying is that it's a conversation and there's going to be negotiating on both sides and malleability on both sides. And so I can see from John Dehlin's perspective why it would be frustrating to have to say, by the way, this is not endorsed or affiliated with the Church of Jesus Christ of Latter-day Saints. Having to say that every 10, 15 minutes, that would be frustrating, but the church isn't asking that anymore, or you guys recognize that and took it off the table. And I also think it's interesting that The intermediary is not just playing telephone, right? They're not just delivering messages between the two. They're also offering their own insights and coming up with some of their own solutions and suggestions. So I wonder also how many things might have come from the mediator that maybe have been portrayed as coming from the church itself. Is that a risk at all?

[16:56] David Jordan: I don't really think that's a significant risk, but you're right, David, to characterize it as a negotiation. And you're also right to say that the mediator will come up with her own suggestions about how either side might modify their position to make it more acceptable to the other side. And that certainly was the case in this mediation. When we initially proposed including a verbal disclaimer at multiple points in the course of a 2-hour podcast, she

communicated back to us, that's going to be a tough one for the other side to accept. And she encouraged us to soften that position to only require the verbal disclaimer at the very beginning of the podcast episodes. We agreed to that.

[17:53] David Snell: There's another quote from John Dehlin's video that I'd like to bring up that relates to this.

[17:57] John Dehlin (clip played in the video): He said, My memory is, is that they also wanted us to not only provide an audible disclaimer at the beginning of every Mormon Stories episode from now until the end of time, I believe my memory is, is that they also wanted it to be repeated Multiple times in each episode.

[18:21] David Snell: So you just answered that question that initially that was a request.

[18:25] David Jordan: Yes.

[18:26] David Snell: That you eventually softened on and took off the table. What I want to hone in on here is that he was asked to have an audible disclaimer at the beginning of every Mormon Stories episode from now until the end of time. In every episode here on out, is that what was asked?

[18:46] David Jordan: I don't think we ever got to the point of negotiating about how long it would last. We probably simply said we'd like this at the beginning of each podcast episode. It's important for you to know this as well. We recently filed our answer to Mr. DeLind's counterclaim. And in the introduction to the counterclaim response, the answer to the counterclaim, We made it clear what our proposal was that was on the table when the mediation ended. And we renewed the offer. And I think that's critical. We said, this was not only the offer then, it's still open. It's still available. If you would like to accept it now and include the verbal disclaimer and make a written disclaimer that people can actually find and see, On your website or other pages where you advertise your podcast, we'll dismiss the case. So when people talk about this is a David and Goliath story, or they talk about us trying to put Mr. DeLynn out of business, that's just not true. And think about it. It's an honest disclaimer. How does it in any way impact the content? of the Mormon Stories podcast for Mr. DeLind to say, this podcast is not affiliated with the Church of Jesus Christ of Latter-day Saints. It's just the truth.

[20:20] David Snell: Because it just seems interesting to me that, like, one, like you mentioned, it's true. The disclaimer is true. Like, they're not affiliated. On the other hand, I understand, you know, doing YouTube, the beginning of your episode is very important. And so I could see from his perspective not wanting to take time out of that beginning to insert a disclaimer. At the same time, it is a generally critical podcast of the church, right? If he wanted to, he could even make a joke out of it, couldn't he? Couldn't he just say, oh, by the way, so I don't get sued by the church, I have to tell you we're not affiliated with the church. Like, he could even do that, couldn't he?

[21:03] David Jordan: I think that would be pretty clear to the audience. Yeah.

[21:06] David Snell: I see ways that you could incorporate a disclaimer in there that would still be interesting to your audience, that wouldn't be compromising to you. But I don't know, I just find it interesting that that's the hill that they're gonna die on, so to speak. So this is a big one, and it's one that's on a lot of people's minds. Why is the church still moving forward with litigation Even after John Dehlin has changed a lot of the problematic branding?

[21:38] David Jordan: The missing piece is the disclaimer.

[21:41] David Snell: So why do we need the disclaimer when presumably the branding is now in the same type of situation that it was in 10 years ago?

[21:50] David Jordan: Because now there's been a history of confusion that's been embedded in people's minds.

[21:59] David Snell: Some people see some hypocrisy in this situation where several years ago President Russell M. Nelson kind of backed off from the term Mormon, and then you have the Church coming forward saying like, no, this is a protected trademark. This is one of our protected marks, and you need to be careful how you use it. How do you respond to those claims?

[22:19] David Jordan: Well, President Nelson did make it clear that the name of the Church is The Church of Jesus Christ of Latter-day Saints. Or sometimes just the Church of Jesus Christ. The Church even issued a style guide encouraging the media, for example, to refer to the Church in that way. That's the way we describe ourselves. But that's not the way other people describe us, and it's not the way other people know us. And even though the Church has issued a style guide for the media, Just look at any publication, any newspaper. They still call us the Mormon Church. And because that's the way we are branded by others, that's the way other people still recognize and know us, it's important for us to protect that trademark. Otherwise, people who don't know us as the Church of Jesus Christ of Latter-day Saints— will be easily confused. Think about this for a minute. I'm sure you've had the experience of talking to someone who's not a member of the Church, and they ask you the question, so what's your religion? And you say, I'm a member of the Church of Jesus Christ of Latter-day Saints. And they look at you blankly. And then you say, sometimes we're called the Mormons. and then the light comes on and they know who you are. You've probably had that experience, David.

[23:53] David Snell: Sure.

[23:53] David Jordan: That's because as much as we don't self-identify in that way, as President Nelson has encouraged us, others still identify us that way.

[24:06] David Snell: And I think that brings up a good point about brand confusion, because a lot of people are saying, oh, nobody would ever be confused by John Dehlin's content. Well, what people? You know, like members of the church? Members of the church in the United States?

What about non-members of the church in the United States? What about English-speaking non-members around the world as well? I think that maybe here within Utah, there might be a better general understanding of who John Dehlin is and what type of content he creates. And a little branch of Latter-day Saints in Zimbabwe might be more confused by Mormon Stories than my ward in Provo, Utah. You know what I mean? And so I think these are considerations that we don't always think about when it comes to brand confusion.

[25:07] David Jordan: It is a worldwide church, as you've correctly said. But there are a lot of people all over the country who are not members of the church who only know us as the Mormon Church.

[25:20] David Snell: Yeah.

[25:21] David Jordan: So you don't have to go all the way to Zimbabwe to be thinking about issues of confusion. That's— there's just a lot of history behind that name. And that's the way people think of us in their own minds. As much as we'd like for them to immediately recognize us when we say, I'm a member of The Church of Jesus Christ of Latter-day Saints, you'll still get a lot of blank looks when you say that.

[25:47] David Snell: What evidence of actual brand confusion has your team been able to uncover?

[25:54] David Jordan: So certainly we've had comments from multiple people over the years leading up to this litigation where they've reported to us, I thought this was in some way affiliated with the church, somehow sponsored by the church. And so there is that evidence of actual confusion. In a trademark case, the standard is not how much actual confusion can you actually show, it's what is the likelihood of confusion? That's the standard in the law. So there is certainly evidence of actual confusion. But I think if people just use their common sense and they say, okay, I see this blue circle, it's got these light rays in it, it has the word Mormon Stories in it, and the words Mormon Stories don't suggest anything about non-affiliation. If anything, they suggest affiliation to just a common person seeing those words. If you see the words bad Mormon, you're not thinking, oh, I bet that's affiliated with the church. Probably being too specific here. But if you see the word Mormonish, you're probably not thinking, I'll bet that the church chose that as an affiliated site. No. But if you see the words Mormon Stories, it might remind you of Book of Mormon Stories, or any other number of ways in which historically the word Mormon has been used. So it really is about likelihood of confusion.

[27:49] David Snell: And again, that is within the context of Mormon stories being paired with other branding elements that make that connection stronger.

[28:00] David Jordan: Yes, including, for example, copyrighted images taken without authorization from the church's website. I'll give this to you as an example. Some years ago, the church came up with a very iconic symbol to represent the church. It's an arched doorway that shows Christ emerging from that doorway, and underneath it, the words The Church of Jesus

Christ of Latter-day Saints appear. That icon was used by Mr. Dehlin in the background of his principal website for the Mormon Stories podcast. Now, that is a trademarked image, and using that exact image is not consistent with trademark law. Now, he stopped doing that at our request.

[28:53] David Snell: And I saw his defense in a way of that.

[28:57] John Dehlin (clip played in the video): Why would I put my face, someone who's noted and has been named out by the church publicly in a press release as the church's number one enemy? Why would I allow my face to be prevalent in all of our branding? If I wanted to fool and deceive people about whether or not the church owns and controls Mormon Stories podcast.

[29:23] David Snell: And it kind of presupposes, well, you're assuming that people know who you are, and people know that you're an excommunicated former member. To people who are not familiar with, with the content, they don't know that. That's—

[29:37] John Dehlin (clip played in the video): they—

[29:37] David Snell: you just look like a normal guy.

[29:39] David Jordan: I can just tell you this before I was engaged to help with this case, I couldn't have picked Mr. Dehlin out of a crowd.

[29:49] David Snell: So let's talk about fair use of the church's copyrighted images. Lots of people, frankly, use the church's images, friendly to the faith and also not so friendly to the faith. Why is it that John Dehlin is kind of singled out here amongst all the different people who who use those images?

[30:10] David Jordan: Well, he's not singled out, and people do use images, and the church puts some images on its website and makes them available for people to use for non-commercial purposes. So for example, the media can go to the website and they'll see that there's a license there that says if you're using this for non-commercial purposes, You have certain rights. It's all spelled out in writing on the church's website. But if you're going to make a commercial use of a copyrighted image, you don't have authority to just do that because it's on the church's website. The Salt Lake Tribune, as a media outlet, could use an image for non-commercial purposes consistent with the license language on the church's website that displays those images. But Mr. DeLynn is not within the language of that license. He's using them for a commercial purpose to promote his product and doing it without authorization. And that's a violation of copyright law.

[31:25] David Snell: But a lot of people do that, right? like just boots on the ground, a lot of people use these images when they technically probably shouldn't, but I don't see them getting sued for it. Is that just kind of a judgment call that the church has to make on, you know, hey, yes, they're doing it, but they don't have a logo that is mimicking the church's branding?

[31:47] David Jordan: It's partly that, and it's partly That when people make an isolated one-time use of a copyrighted image, it may not rise to the level of the church feeling like they have to do something to stop that conduct.

[32:10] David Snell: Yeah, just not worth the time and effort.

[32:13] David Jordan: Right. And it's not like the church can scour every corner of the internet to see whether or not people are doing that. But Mr. DeLynn has used scores and scores and scores of copyrighted images and not sort of a one-off or a two-off instance. It's something that has happened and continued to happen and continued to happen and continued to happen. That's just flaunting the license that's granted for non-commercial uses.

[32:49] David Snell: What would the consequences be for the Open Stories Foundation, for Mormon Stories podcast, if they lost this lawsuit? Like, are we looking at the end of Mormon Stories as we know it, if they should lose?

[33:04] David Jordan: Well, of course, that's up to a judge and a jury ultimately to decide if we can't resolve it by settlement. But there are a number of options that are open. So for example, the court can enter an injunction. An injunction is an order of the court saying don't do these things or do, do these things. For example, the court could order a disclaimer. The court could order a name change. The court could order any number of things that the court considered appropriate for an injunction to mitigate the likelihood of confusion. Juries also have the right under trademark and copyright statutes to award damages if they choose to. Now, you'll notice if you look at the Church's original complaint, we haven't asked for some number in damages. That's not What we're really trying to accomplish here, we're trying to eliminate confusion. We're not trying to stop his business.

[34:17] David Snell: So the church isn't looking for damages at all?

[34:20] David Jordan: It's certainly nothing that we've asked for to this point.

[34:24] David Snell: So if Mormon Stories loses this case, it could be something as simple as the court orders them to put that disclaimer at the beginning of their episodes?

[34:37] David Jordan: It could. It could be something as simple as the court ordering a name change. The jury has the right to award damages if they think that's an appropriate remedy. But we're, we're not looking for it to come to that. What we're looking for still is a way to resolve this short of going to a judge and a jury.

[35:00] David Snell: Guys, thanks for watching. Thanks for sticking with us. I hope this cleared up some questions that people have about this. While you're here, go check out this episode and I will see you there.

EXHIBIT M

Trademark Trial and Appeal Board Electronic Filing System. <https://estta.uspto.gov>ESTTA Tracking number: **ESTTA1241325**Filing date: **10/12/2022**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following parties oppose registration of the indicated application.

Opposers information

Name	Intellectual Reserve, Inc.
Granted to date of previous extension	10/12/2022
Address	50 EAST NORTH TEMPLE SALT LAKE CITY, UT 84150 UNITED STATES

Name	The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole
Granted to date of previous extension	10/12/2022
Address	50 EAST NORTH TEMPLE SALT LAKE CITY, UT 84150 UNITED STATES

Attorney information	MICHAEL A. GROW ARENTFOX SCHIFF LLP 1717 K STREET, NW WASHINGTON, DC 20006 UNITED STATES Primary email: michael.grow@afslaw.com Secondary email(s): elizabeth.cohen@afslaw.com, zachary.smith@afslaw.com, tmdocket@afslaw.com, teresa.myers@afslaw.com 202-857-6000
Docket no.	019526.00029

Applicant information

Application no.	90875090	Publication date	06/14/2022
Opposition filing date	10/12/2022	Opposition period ends	10/12/2022
Applicant	Heathertainment, Inc. 5496 S 900 E MURRAY, UT 84117 UNITED STATES		

Goods/services affected by opposition

Class 021. First Use: None First Use In Commerce: None

All goods and services in the class are opposed, namely: Mugs; Bottle openers; Beer mugs; Coffee mugs; Drinking bottles for sports; Plastic water bottles sold empty; Sports bottles sold empty; Squeeze bottles sold empty; Travel mugs

Class 025. First Use: None First Use In Commerce: None
All goods and services in the class are opposed, namely: Clothing, namely, shirts, sweaters, hats, scarfs, pants, shorts, socks, shoes, tank tops, jackets, coats, sweat pants, sweat shorts, sweat jackets, and sweat shirts

Class 041. First Use: None First Use In Commerce: None
All goods and services in the class are opposed, namely: Entertainment services, namely, providing podcasts in the field of religion, gossip, education, personal growth, current events, and social issues

Grounds for opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)
False suggestion of a connection with persons, living or dead, institutions, beliefs, or national symbols	Trademark Act Section 2(a)
Deceptiveness	Trademark Act Section 2(a)

Marks cited by opposer as basis for opposition

U.S. registration no.	5020314	Application date	06/24/2015
Register	Principal		
Registration date	08/16/2016	Foreign priority date	NONE
Word mark	MORMON MESSAGES		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: Jan 1, 2009 First Use In Commerce: Jan 1, 2009 Digital materials, namely, DVDs and downloadable video recordings featuring religious, inspirational, motivational, and self-improvement topics provided online, and downloadable videos featuring messages about values and principles important to society provided online Class 041. First use: First Use: Jan 1, 2009 First Use In Commerce: Jan 1, 2009 Educational and entertainment services, namely, providing messages via on-line non-downloadable videos about values and principles important to society		

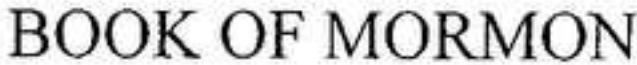
U.S. registration no.	5020309	Application date	06/23/2015
Register	Principal		
Registration date	08/16/2016	Foreign priority date	NONE
Word mark	MORMON CHANNEL		

Design mark	
Description of mark	NONE
Goods/services	Class 038. First use: First Use: May 18, 2009 First Use In Commerce: May 18, 2009 [Radio broadcasting services; webcasting services; streaming of audio, visual and data information via a global computer network, mobile applications or other electronic or digital communications network or digital communications device] Class 041. First use: First Use: May 18, 2009 First Use In Commerce: May 18, 2009 Entertainment and educational services, namely, providing continuing audio and video programs featuring music, talk, news, and religious data via a global computer network, mobile applications or other electronic or digital communications network or digital communications

U.S. registration no.	3715744	Application date	05/11/2007
Register	Principal		
Registration date	11/24/2009	Foreign priority date	NONE
Word mark	MORMON.ORG		
Design mark			
Description of mark	NONE		
Goods/services	Class 041. First use: First Use: Oct 31, 2001 First Use In Commerce: Oct 31, 2001 Providing information and instruction in the fields of religion, ethics, and moral and religious values; providing on-line religious instruction promoting family values; providing information in the field of parenting concerning education and entertainment of children; and providing courses of instruction in the field of marital relations		

U.S. registration	3239919	Application date	09/05/2002
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no.			
Register	Principal		
Registration date	05/08/2007	Foreign priority date	NONE
Word mark	MORMON		
Design mark			
Description of mark	NONE		
Goods/services	Class 041. First use: First Use: 1920 First Use In Commerce: 1920 Educational services, namely, providing classes, conferences, and institutes in the fields of history and religion Class 042. First use: First Use: Jun 1, 1833 First Use In Commerce: Jun 1, 1833 genealogy services		

U.S. registration no.	2883572	Application date	05/10/2002
Register	Principal		
Registration date	09/14/2004	Foreign priority date	NONE
Word mark	BOOK OF MORMON		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: 1977 First Use In Commerce: 1977 pre-recorded audio and video cassette tapes and compact discs featuring religious content Class 016. First use: First Use: 1830 First Use In Commerce: 1830 Printed matter; namely religious books, religious instructional pamphlets, and brochures; photographs, artist materials, instructional and teaching material, posters, engravings, prints of paintings, books		

U.S. registration no.	2913694	Application date	04/10/2003
Register	Principal		
Registration date	12/21/2004	Foreign priority date	NONE
Word mark	MORMON TABERNACLE CHOIR		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: Mar 2003 First Use In Commerce: Mar 2003 prerecorded [audiotapes, videotapes,] compact discs, and digital video discs		

	featuring musical entertainment incorporating religious, family, and educational themes Class 016. First use: First Use: Jun 2003 First Use In Commerce: Jun 2003 publications, namely, books featuring musical performances and featuring religious, family, and educational themes Class 041. First use: First Use: Mar 2003 First Use In Commerce: Mar 2003 entertainment services, namely, live performances by a musical performance group
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U.S. registration no.	2766231	Application date	11/20/2001
Register	Principal		
Registration date	09/23/2003	Foreign priority date	NONE
Word mark	MORMON TABERNACLE CHOIR		
Design mark			
Description of mark	NONE		
Goods/services	Class 009. First use: First Use: Nov 1973 First Use In Commerce: Nov 1973 Pre-recorded audio and audio-video [cassette tapes and] compact discs featuring musical entertainment incorporating religious, family, and educational themes Class 041. First use: First Use: Aug 1893 First Use In Commerce: Aug 1893 entertainment services, namely, live performances by a musical performance group		

Attachments	86671463#TMSN.png(bytes) 77179068#TMSN.png(bytes) 76405608#TMSN.png(bytes) 76340212#TMSN.png(bytes) Notice of Opposition - Intellectual Reserve and Church of Jesus Christ of Latter-day Saints v. Heattertainment Inc. - BAD MORMON SN 90875090 (3).pdf(161759 bytes)
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Signature	/Michael A. Grow/
Name	Michael A. Grow
Date	10/12/2022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application No. 90875090 for the mark BAD MORMON

INTELLECTUAL RESERVE, INC.	:	
	:	
and	:	
	:	
THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS	:	
	:	
Opposers	:	
	:	
v.	:	Opp. No. _____
	:	
HEATHERTAINMENT, INC.	:	
	:	
Applicant	:	

NOTICE OF OPPOSITION

Opposers Intellectual Reserve, Inc. and The Church of Jesus Christ of Latter-day Saints believe that they will be damaged by the registration of the above identified mark and hereby oppose the same under the provisions of Section 13 of the Trademark Act of 1946, 15 U.S.C. § 1063.

As grounds for the opposition, Opposers allege the following.

1. Intellectual Reserve, Inc. (“IRI”) is a nonprofit corporation organized under the laws of the state of Utah having a principal place of business at 50 East North Temple, Salt Lake City, Utah 84150.

2. The Church of Jesus Christ of Latter-day Saints (“CHC”) is a Utah corporation sole having a principal place of business at 50 East North Temple, Salt Lake City, Utah 84150.

3. The religious organization known as The Church of Jesus Christ of Latter-day Saints (the “Church”)(not the corporation sole CHC) was organized in 1830 shortly after the publication of the Book of Mormon by the Church’s founder Joseph Smith.

4. The Church is a community of people who believe that the Bible and the Book of Mormon are sacred scriptures containing the word of God, and they share the same religious doctrine, practice the same religious rites and ordinances, and are governed by the same ecclesiastical principles.

5. The Church has approximately 17 million members in over 31,000 congregations worldwide and. Church membership within the United States currently totals nearly 7 million.

6. IRI owns and manages intellectual property used by the Church and its affiliated legal entities, including CHC. (IRI, CHC, and their affiliates and predecessors are collectively referred to herein as “Opposer”).

7. Opposer has established common law trademark and trade name rights in and is the owner of all right, title, and interest in and to the mark MORMON, which is part of a family of marks containing the word MORMON (“Opposer’s MORMON Marks”).

8. The Patent and Trademark Office has recognized Opposer’s ownership rights and exclusive right to use many of the MORMON Marks by issuing the following registrations among others:

- Reg. No. 5020314, **MORMON MESSAGES**, issued August 16, 2016;
- Reg. No. 5020309, **MORMON CHANNEL**, issued August 16, 2016;
- Reg. No. 3715744, **MORMON.ORG**, issued on November 24, 2009;
- Reg. No. 3239919, **MORMON**, issued May 8, 2007;
- Reg. No. 2883572, **BOOK OF MORMON**, issued September 14, 2004;
- Reg. No. 2913694, **MORMON TABERNACLE CHOIR**, issued on December 21, 2004; and
- Reg. No. 2766231, **MORMON TABERNACLE CHOIR**, issued September 23, 2003.

9. The foregoing registrations are valid and subsisting, and some are incontestable. Thus, they provide prima facie and conclusive evidence of Opposer's ownership of and exclusive right to use Opposer’s MORMON Marks in commerce.

10. Opposer's MORMON Marks have been used continuously since at least as early as the respective dates of first use listed in the registrations.

11. Since long prior to the filing date of Applicant's BAD MORMON application, or any date of first use that Applicant may allege, Opposer's MORMON Marks have been the subject of extensive publicity and advertising, and Opposer has used the MORMON Marks in interstate and foreign commerce in connection with a variety of goods and services, including the sale of clothing.

12. Many people, including Church members and members of the media, refer to the Church as the "Mormon Church" even though the official name is The Church of Jesus Christ of Latter-day Saints.

13. Opposer's MORMON Marks are derived from the name of an ancient prophet who compiled and created an abridgement of many historical and religious records that now comprise The Book of Mormon which, along with the Bible, is regarded as a work of scripture and a source of knowledge about God and Jesus Christ.

14. The fame of the MORMON Marks is due in part to the fact that they have been used in connection with the performances, sound recordings and radio, televisions and streaming broadcasts of the 360 member tabernacle choir which have been disseminated weekly since 1929 from Temple Square in Salt Lake City, Utah, making this the longest continuing network broadcast in history.

15. Opposer's MORMON Marks also have become famous due to the fact that presidential candidates and many other prominent politicians, athletes, entertainers, artists, and writers are Church members, and these individuals frequently have been and are identified in the media as members of the "Mormon Church."

16. Even though Opposer has emphasized and encouraged use of its official name, Opposer has never abandoned its MORMON Marks, and these marks are used in connection with a wide variety goods and services offered to adults and younger people.

17. Because of their extensive advertising, publicity, and use, Opposer's MORMON Marks have become strong and famous, and they are entitled to a broad scope of protection.

18. For nearly 200 years, Opposer's MORMON Marks have been used extensively to identify and distinguish Opposer's goods and services and its doctrines and religious beliefs, which usage has been reported in numerous news articles and other publications; and this has caused the public to associate the mark MORMON and Opposer's other MORMON Marks with Opposer.

19. Opposer's MORMON Marks have become well-known and famous as symbols of the extensive goodwill and consumer recognition built up by Opposer through the substantial expenditure of time and resources in promotion and advertising.

20. Opposer has also used its MORMON Marks in connection with downloadable and non-downloadable videos covering a wide range of topics; providing information, and services via Internet websites; streaming of audio, visual and data information via the Internet, mobile applications or other electronic or digital communications networks and devices; publications, including books, pamphlets, photographs, instructional and teaching material, posters and prints of paintings; pre-recorded audio and audio video discs, entertainment services, textiles and other merchandise.

21. Opposer has released a series of streaming videos under the mark BOOK OF MORMON VIDEOS, which are intended for viewing by people of all ages, and which have been widely publicized. See <https://www.churchofjesuschrist.org/media/collection/book-of-mormon-videos-feature?lang=eng>;

22. Opposer has established common law rights in the mark I'M A MORMON, which has been used with a series of videos featuring people of all ages who are members of the Church and who share details about their everyday lives and their deep commitment to Jesus Christ.

23. On August 10, 2021, Applicant filed an intent to use application, Serial No. 90875090, seeking registration of the alleged mark BAD MORMON for “*Mugs; Bottle openers; Beer mugs; Coffee mugs; Drinking bottles for sports; Plastic water bottles sold empty; Sports bottles sold empty; Squeeze bottles sold empty; Travel mugs* in class 21; *Clothing, namely, shirts, sweaters, hats, scarfs, pants, shorts, socks, shoes, tank tops, jackets, coats, sweat pants, sweat shorts, sweat jackets, and sweat shirts* in Class 25;” and *Entertainment services, namely, providing podcasts in the field of religion, gossip, education, personal growth, current events, and social issues* “in Class 41 and Applicant declared under penalty of perjury it was the owner of the mark and that no other person had the right to use the mark or any similar mark.

24. On information and belief, Applicant made no use of its alleged mark in commerce prior to the filing date of its intent to use application.

25. On information and belief, Applicant’s mark was adopted with an intent to cause confusion, tarnishment and dilution and to falsely suggest a connection or affiliation with or approval or endorsement by Opposer or the Church.

26. On information and belief, Applicant was aware of Opposer’s MORMON Marks when Applicant began using and applied to register its alleged mark.

27. Applicant Heathertainment, Inc. is a Utah corporation, for which Heather Gay is listed as the Registered Agent and is presumably at least one of the founders and principals of Applicant.

28. On information and belief, Applicant’s registered agent participated in the filing of other applications for marks containing Opposer’s Mark including REAL MORMON and MORMON ROYALTY, and the Trademark Trial and Appeal Board sustained Opposer’s oppositions to both of these applications.

I. LIKELIHOOD OF CONFUSION - §2(d)

29. As a separate ground for this opposition, Opposer alleges that Applicant's mark is likely to cause confusion, mistake or deception with Opposer's MORMON MARKS within the meaning of Section 2(d) of the Trademark Act. Paragraphs 1 through 28 of this Notice of Opposition are incorporated by reference as part of this count.

30. The mark that Applicant seeks to register is identical to or so resembles Opposer's MORMON Marks that the use and registration thereof is likely to cause confusion, mistake, and deception as to the source or origin of Applicant's goods, and it will injure and damage Opposer and the goodwill and reputation symbolized by Opposer's MORMON Marks.

31. Likelihood of confusion is not diminished by Applicant's use of the word "bad" since the teachings of Opposer are directed to all persons good and bad and one of its primary religious beliefs is that those who have committed bad acts can be redeemed through repentance and adherence to those teachings.

32. Any goods bearing the alleged mark BAD MORMON are likely to pass through the same or similar channels of commerce to the same or similar classes of customers as the goods and services offered in connection with Opposer's MORMON Marks.

33. Applicant's alleged mark BAD MORMON, as applied to the goods and services identified in its application, so resembles Opposer's MORMON Marks as to be likely to cause confusion mistake, or to deceive, or to falsely suggest a connection with Opposer, or dilute the distinctive quality of Opposer's famous MORMON Marks.

34. Likelihood of confusion is enhanced in this case by the fame of Opposer's MORMON Marks and by the fact that consumers associate Opposer's MORMON Marks with goods and services sold, approved, or endorsed by Opposer.

35. Likelihood of confusion may be presumed in this case in light of the fact that Applicant obviously adopted an imitation of Opposer's MORMON Marks with prior knowledge of said marks and with an intent to cause confusion and to capitalize on the popularity of Opposer's MORMON Marks.

36. Because Applicant's mark is likely to cause confusion, mistake, or deception, Opposer will be damaged if the mark is registered, and registration of Applicant's mark should be denied pursuant to Section 2(d).

II. FALSE SUGGESTION OF CONNECTION - §2(a)

37. As a separate ground for this opposition, Opposer alleges that Applicant's mark falsely suggests a connection with Opposer or its institutions and beliefs within the meaning of Section 2(a) of the Trademark Act. Paragraphs 1 through 36 of this Notice of Opposition are incorporated by reference as part of this count.

38. Applicant's alleged mark so closely resembles Opposer's MORMON Marks that it falsely suggests a connection with Opposer or its institutions and beliefs in violation of Section 2(a) of the Trademark Act, because Applicant's alleged mark points uniquely to Opposer or its identity and purchasers will mistakenly assume that goods sold under Applicant's alleged mark are connected with Opposer.

39. Opposer is not connected with the activities performed by Applicant or the goods or services that Applicant intends to sell under its alleged mark.

40. The fame and reputation of Opposer and its MORMON Marks is such that, when Applicant's alleged mark is used with the goods or services listed in its application, a connection with Opposer or its institutions or beliefs will be presumed.

41. When Applicant's alleged mark is used on goods of the type described in the opposed application, purchasers will mistakenly assume that Opposer is endorsing, attempting to promote, or encouraging the sale of Applicant's goods by permitting the alleged mark to be used on such goods.

42. Applicant's alleged mark is the same as, or is a close approximation of, the name or identity of Opposer, which is often used by others to refer to Opposer.

43. Applicant's mark would be recognized as such, in that it points uniquely and unmistakably to Opposer and its institutions and beliefs.

44. Further evidence of Applicant's attempt to falsely suggest a connection with Opposer may be found in the fact that Applicant is seeking registration for service in Opposer's field of operation, namely, "providing podcasts in the field of religion."

45. Applicant's alleged mark also suggests a connection with Opposer's beliefs, many of which are contained in The Book of Mormon.

46. Because Applicant's alleged mark falsely suggests a connection with Opposer, Opposer will be damaged and registration should be denied.

III DECEPTION -§ 2(a)

47. As a separate ground for this opposition, Opposer alleges that Applicant's mark is deceptive within the meaning of Section 2(a) of the Trademark Act. Paragraphs 1 through 46 of this Notice of Opposition are incorporated by reference as part of this count.

48. Applicant's alleged mark is deceptive, false and misleading in that it falsely represents that Applicant has a connection with Opposer or with Opposer's institutions or beliefs or that Applicant is approved or endorsed by Opposer.

49. Applicant's use of the generic word "bad" is deceptive in that it falsely represents that Opposer, the Church or its members are bad or otherwise behaving immorally or contrary to the teachings of the Church.

50. Applicant has enhanced the deceptive nature of its alleged mark and its goods and services with an intent to advance its false suggestion of connection or by conveying stories of alleged former or existing members of the Church behaving immorally, badly or otherwise contrary to the teachings of the Church.

51. Applicant's false representations are material in that they misrepresent the nature of the Parties' goods and services and explicitly or implicitly state that Applicant's goods or services are of value to a Church member who is bad or in need of assistance in correcting his or her bad

behavior or that Opposer, the Church or its members are bad or otherwise behaving immorally or contrary to the teachings of the Church.

52. Use and registration of the mark BAD MORMON by Applicant will deprive Opposer of the ability to protect its reputation, persona, and goodwill.

53. Because of the deceptive nature of the mark sought to be registered by Applicant, Opposer and the goodwill symbolized by its MORMON Marks will be damaged in a cognizable way and registration of Applicant's alleged mark should be denied.

IV. DILUTION BY BLURRING AND TARNISHMENT - §§ 2 & 43(c)

54. As a separate ground for this opposition, Opposer alleges that Applicant's mark is likely to cause dilution by blurring or tarnishment of Opposer's famous MORMON Marks within the meaning of Sections 2 and/or 43(c) of the Trademark Act. Paragraphs 1 through 53 of this Notice of Opposition are incorporated by reference as part of this count.

55. Opposer's MORMON Marks became well-known and famous long before Applicant made any use of its alleged BAD MORMON mark and before Applicant filed any application to register its alleged mark.

56. The alleged mark shown in Applicant's application will cause dilution of the distinctive quality of Opposer's MORMON Marks.

57. Use or registration of Applicant's alleged mark will lessen the capacity of Opposer's famous MORMON Marks to identify and distinguish Opposer's goods and services.

58. Likelihood of confusion, dilution and deception is enhanced by the fact that Applicant's alleged mark is virtually identical to Opposer's MORMON Marks.

59. Use and registration of the alleged mark by Applicant will deprive Opposer of the ability to protect its reputation, persona and goodwill.

60. Applicant's use or registration of BAD MORMON will tarnish and denigrate Opposer, the Church, its leaders, its members, its teachings and beliefs, and will otherwise bring Opposer Church into contempt and disrepute in connection with the goods and services listed in Applicant's application will tarnish the goodwill symbolized by Opposer's MORMON Marks.

61. Likelihood of tarnishment and damage to Opposer's goodwill is enhanced by the fact that Opposer has no control over the nature and quality of any goods or services sold under Applicant's alleged mark, and prospective customers who encounter defects in the quality of Applicant's goods or services will attribute those defects to Opposer and this will further tarnish Opposer's goodwill.

62. Because Applicant's mark is likely to dilute Opposer's famous MORMON Marks by blurring and tarnishment, Opposer will be damaged if the mark is registered, and registration of Applicant's mark should be denied pursuant to Sections 2 and/or 43(c).

WHEREFORE, Opposer requests that this opposition be sustained and that registration be denied.

Respectfully submitted

INTELLECTUAL RESERVE, INC.

and

THE CHURCH OF JESUS CHRIST OF
LATTER-DAY SAINTS

By: /s/ Michael A. Grow

Michael A. Grow
Elizabeth H. Cohen
Zachary D. Smith
ARENTFOX SCHIFF LLP
1717 K Street, NW
Washington, DC 20006-5344
(202) 857-6000

Attorneys for Opposers

EXHIBIT N

ESTTA Tracking number:

ESTTA1332431

Filing date:

01/05/2024IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	91281170
Party	Defendant Heathertainment, Inc.
Correspondence address	CASEY W. JONES STRONG & HANNI 102 S 200 E, SUITE 800 SALT LAKE CITY, UT 84111 UNITED STATES Primary email: cjones@strongandhanni.com Secondary email(s): trademarkadmin@strongandhanni.com 801-532-7080
Submission	Other Motions/Submissions
Filer's name	Casey W. Jones
Filer's email	cjones@strongandhanni.com, cbecerra@strongandhanni.com, djohnson@strongandhanni.com
Signature	/Casey W. Jones/
Date	01/05/2024
Attachments	Request to Abandon Application.pdf(98175 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application Serial No.: 90875090
Trademark: BAD MORMON
Filed: October 12, 2022
Published in the Official Gazette on June 14, 2022

INTELLECTUAL RESERVE, INC., and THE
CHURCH OF JESUS CHRIST OF LATTER-DAY
SAINTS

Opposers,

v.

Opposition No. 91281170

HEATHERTAINMENT, INC.

Applicant.

REQUEST TO ABANDON APPLICATION

Applicant Heathertainment, Inc. (“Applicant”), by and through its undersigned counsel, and pursuant to 37 C.F.R. § 2.135, and TBMP § 602.01, hereby abandons Applicant’s Trademark Application Serial No. 90875090 for the BAD MORMON mark in its entirety. The abandonment is for all remaining classifications. Applicant respectfully requests the Board to grant its request to abandon Application Serial No. 90875090 in whole.

Dated: January 5, 2024.

Respectfully submitted,
STRONG & HANNI

/Casey W. Jones/
Casey W. Jones
Dustin M. Johnson
Strong & Hanni
Attorneys for Applicant

CERTIFICATE OF MAILING AND SERVICE

I hereby certify that a true and complete copy of the foregoing REQUEST TO ABANDON APPLICATION has been served on counsel listed below, by forwarding said copy on January 5, 2024 via email to:

Michael A. Grow
Elizabeth H. Cohen
Danielle W. Bulger
ARENTFOX SCHIFF LLP
1717 K Street, NW
Washington, DC 20006-5344
202-857-6000
Michael.grow@afslaw.com
Elizabeth.cohen@afslaw.com
danielle.bulger@afslaw.com
Attorneys for Opposer

By: /Casey W. Jones/
Casey W. Jones
Strong & Hanni
Attorneys for Applicant
102 South 200 East, Suite 800
Salt Lake City, UT 84111
cjones@strongandhanni.com
Tel: (801) 532-7080
Fax: (801) 596-1508

EXHIBIT O



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v2.9.0

Summary

Query: Document contains all words: MORMON
and Proceeding Status is: ALL
Number of results: 22

Proceeding Filing Date	Defendant(s), Property(ies)	Plaintiff(s), Property(ies)
91310526 09/21/2026	Jubeloo, LLC Mark: MORMON WHISKEY S#: 99441414	Intellectual Reserve, Inc., The Church of Jesus Christ of Latter-day Saints Mark: BOOK OF MORMON S#: 76405608 R#: 2883572 Mark: BOOK OF MORMON S#: 98880565 R#: 8018073 Mark: BOOK OF MORMON STORIES S#: 98702860 R#: 7840809 Mark: BOOK OF MORMON STORIES S#: 98702868 R#: 7840810 Mark: BOOK OF MORMON STORIES S#: 98702873 R#: 7840811 Mark: BOOK OF MORMON VIDEOS S#: 98551533 R#: 7822271 Mark: MORMON S#: 78977858 R#: 3239919 Mark: MORMON BATTALION S#: 98461347 R#: 7642460 Mark: MORMON CHANNEL S#: 86671463 R#: 5020309 Mark: MORMON HANDICRAFT S#: 73592324 R#: 1524555 Mark: MORMON MESSAGES S#: 86672722 R#: 5020314 Mark: MORMON TABERNACLE CHOIR S#: 76340212 R#: 2766231 Mark: MORMON TABERNACLE CHOIR S#: 76505493 R#: 2913694
99441414 04/21/2026	Jubeloo, LLC Mark: MORMON WHISKEY S#: 99441414	Intellectual Reserve, Inc. The Church of Jesus Christ of Latter-day Saints
99193381 12/04/2025	Mormon Discussion Inc. Mark: RADIO FREE MORMON S#: 99193381	The Church of Jesus Christ of Latter-day Saints Intellectual Reserve, Inc.
91296224 01/13/2025	Destroyer Promotional Products LLC Mark: MORMONS FOR THE DEVILS S#: 98278754	The Church of Jesus Christ of Latter-day Saints, Intellectual Reserve, Inc. Mark: BOOK OF MORMON S#: 76405608 R#: 2883572 Mark: BOOK OF MORMON S#: 98880565 Mark: BOOK OF MORMON STORIES S#: 98702860 Mark: BOOK OF MORMON STORIES S#: 98702868 Mark: BOOK OF MORMON STORIES S#: 98702873 Mark: MORMON S#: 78977858 R#: 3239919 Mark: MORMON BATTALION S#: 98461347

Proceeding Filing Date	Defendant(s), Property(ies)	Plaintiff(s), Property(ies)
		R#: 7642460 Mark: MORMON TABERNACLE CHOIR S#: 76340212 R#: 2766231 Mark: MORMON TABERNACLE CHOIR S#: 76505493 R#: 2913694
91281170 10/12/2022	Heathertainment, Inc. Mark: BAD MORMON S#: 90875090	Intellectual Reserve, Inc. and The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole Mark: BOOK OF MORMON S#: 76405608 R#: 2883572 Mark: MORMON S#: 78977858 R#: 3239919 Mark: MORMON CHANNEL S#: 86671463 R#: 5020309 Mark: MORMON MESSAGES S#: 86672722 R#: 5020314 Mark: MORMON TABERNACLE CHOIR S#: 76340212 R#: 2766231 Mark: MORMON TABERNACLE CHOIR S#: 76505493 R#: 2913694 Mark: MORMON.ORG S#: 77179068 R#: 3715744
90875090 07/13/2022	Heathertainment, Inc. Mark: BAD MORMON S#: 90875090	Intellectual Reserve, Inc. The Church of Jesus Christ of Latter-day Saints, a Utah corporation sole
91272948 11/16/2021	Frank William Gay III Mark: MORMON ROYALTY S#: 90173135	Intellectual Reserve, Inc., The Church of Jesus Christ of Latter-day Saints Mark: MORMON MESSAGES S#: 86672722 R#: 5020314 Mark: MORMON CHANNEL S#: 86671463 R#: 5020309 Mark: MORMON.ORG S#: 77179068 R#: 3715744 Mark: MORMON S#: 78977858 R#: 3239919 Mark: BOOK OF MORMON S#: 76405608 R#: 2883572 Mark: MORMON TABERNACLE CHOIR S#: 76505493 R#: 2913694 Mark: MORMON TABERNACLE CHOIR S#: 76340212 R#: 2766231 Mark: MORMON HANDICRAFT S#: 73592324 R#: 1524555
91272950 11/16/2021	Royer Gonzalez Mark: THE BOOK THAT MORMON ABRIDGED ESV S#: 88884208	Intellectual Reserve, Inc., The Church of Jesus Christ of Latter-day Saints Mark: MORMON MESSAGES S#: 86672722 R#: 5020314 Mark: MORMON CHANNEL S#: 86671463 R#: 5020309 Mark: MORMON.ORG S#: 77179068 R#: 3715744 Mark: MORMON S#: 78977858 R#: 3239919 Mark: BOOK OF MORMON S#: 76405608 R#: 2883572 Mark: MORMON TABERNACLE CHOIR S#: 76505493 R#: 2913694 Mark: MORMON TABERNACLE CHOIR S#: 76340212 R#: 2766231

Proceeding Filing Date	Defendant(s), Property(ies)	Plaintiff(s), Property(ies)
		Mark: MORMON HANDICRAFT S#: 73592324 R#: 1524555
88884208 08/18/2021	Royer Gonzalez Mark: THE BOOK THAT MORMON ABRIDGED ESV S#: 88884208	Intellectual Reserve, Inc.
91270201 06/30/2021	Gay, Frank Mark: REAL MORMON S#: 90179587	The Church of Jesus Christ of Latter-day Saints, Intellectual Reserve, Inc. Mark: MORMON MESSAGES S#: 86672722 R#: 5020314 Mark: MORMON CHANNEL S#: 86671463 R#: 5020309 Mark: MORMON.ORG S#: 77179068 R#: 3715744 Mark: MORMON S#: 78977858 R#: 3239919 Mark: BOOK OF MORMON S#: 76405608 R#: 2883572 Mark: MORMON TABERNACLE CHOIR S#: 76505493 R#: 2913694 Mark: MORMON TABERNACLE CHOIR S#: 76340212 R#: 2766231 Mark: MORMON HANDICRAFT S#: 73592324 R#: 1524555
90179587 03/29/2021	Gay, Frank Mark: REAL MORMON S#: 90179587	The Church of Jesus Christ of Latter-day Saints Intellectual Reserve, Inc.
91255444 04/23/2020	Metaventures, LLC Mark: MORMONBOYZ S#: 87907262	Corporation of the President of The Church of Jesus Christ of Latter-day Saints and Intellectual Reserve, Inc. Mark: MORMON.ORG S#: 77179068 R#: 3715744 Mark: MORMON MESSAGES S#: 86672722 R#: 5020314 Mark: MORMON CHANNEL S#: 86671463 R#: 5020309 Mark: MORMON S#: 78977858 R#: 3239919 Mark: BOOK OF MORMON S#: 76405608 R#: 2883572 Mark: MORMON TABERNACLE CHOIR S#: 76340212 R#: 2766231
91215064 02/24/2014	Jonathan Eller Mark: MORMON MATCH S#: 85949670	Intellectual Reserve, Inc. Mark: MORMON S#: 78977858 R#: 3239919 Mark: MORMON.ORG S#: 77179068 R#: 3715744 Mark: BOOK OF MORMON S#: 76405608 R#: 2883572 Mark: MORMON TABERNACLE CHOIR S#: 76340212 R#: 2766231 Mark: MORMON TABERNACLE CHOIR S#: 76505493 R#: 2913694 Mark: MORMON HANDICRAFT S#: 73592324 R#: 1524555 Mark: MORMON HANDICRAFT S#: 73592323 R#: 1527447
85949670 11/05/2013	Jonathan Eller Mark: MORMON MATCH S#: 85949670	Match.com, L.L.C. Intellectual Reserve, Inc. Corporation of the President of The Church of Jesus Christ of Latter-day Saints

Proceeding Filing Date	Defendant(s), Property(ies)	Plaintiff(s), Property(ies)
76714295 09/12/2013	Book of Mormon Broadway Limited Liability Company Mark: THE BOOK OF MORMON S#: 76714295	Intellectual Reserve, Inc. Corporation of the President of The Church of Jesus Christ of Latter-day Saints
91191016 07/13/2009	Kendal M. Sheets Mark: SECRET MORMON S#: 77337325	Intellectual Reserve, Inc. Mark: MORMON S#: 78977858 R#: 3239919 Mark: BOOK OF MORMON S#: 76405608 R#: 2883572 Mark: MORMON TABERNACLE CHOIR S#: 76340212 R#: 2766231 Mark: MORMON TABERNACLE CHOIR S#: 76505493 R#: 2913694 Mark: MORMON HANDICRAFT S#: 73592324 R#: 1524555 Mark: MORMON HANDICRAFT S#: 73592323 R#: 1527447 Mark: MORMON.ORG S#: 77179068
91186282 09/09/2008	Pam L. Hartnett Mark: MORMON CHICKS RULE. S#: 77203424	David & Goliath, Inc.
91186284 09/09/2008	Pam L. Hartnett Mark: MORMON CHICKS RULE. S#: 77203424	Intellectual Reserve, Inc., Corporation of the President of The Church of Jesus Christ of Latter-day Saints Mark: MORMON S#: 78977858 R#: 3239919 Mark: BOOK OF MORMON S#: 76405608 R#: 2883572 Mark: MORMON TABERNACLE CHOIR S#: 76340212 R#: 2766231 Mark: MORMON TABERNACLE CHOIR S#: 76505493 R#: 2913694 Mark: MORMON HANDICRAFT S#: 73592324 R#: 1524555 Mark: MORMON HANDICRAFT S#: 73592323 R#: 1527447 Mark: MORMON.ORG S#: 77179068
77203424 06/11/2008	Hartnett, Pam L. Mark: MORMON CHICKS RULE. S#: 77203424	Corporation of the President of The Church of Jesus Christ of Latter-day Saints Intellectual Reserve, Inc. David & Goliath, Inc.
78161091 10/12/2006		Intellectual Reserve, Inc. Mark: MORMON S#: 78161091
78167217 06/03/2003	Layton, Charai Mark: MORMON MOBILE S#: 78167217	INTELLECTUAL RESERVE, INC
91156481 05/09/2003	Layton, Charai Mark: YES, I AM MORMON S#: 78167224	Steve Varasteh Mark: CHRISTIAN MAN YES I AM S#: 78099543 R#: 2663356

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