

Paul D. Bangor, Jr.
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ATTORNEYS AT LAW SINCE 1895

**WITHOUT PREJUDICE
SUBJECT TO FEDERAL RULE OF EVIDENCE 408
NOT ADMISSIBLE AS EVIDENCE**

VIA ELECTRONIC DELIVERY

August 17, 2011

www.thepensblog.com

Re: Oakmont Country Club - Article entitled "*Mario Lemieux Probably Would Have Won the 2007 U.S. Open*" with Associated Blog
Intellectual Property Infringement of OAKMONT and OAKMONT COUNTRY CLUB marks

To Whom It May Concern:

This firm represents Oakmont Country Club ("OCC") in a variety of legal matters. OCC is the owner of the exclusive right to the Federally Registered Trademark "OAKMONT COUNTRY CLUB" (USPTO Registration No. 1,295,036), and the Federally Registered Trademark "OAKMONT" (USPTO Registration Nos. 1,784,136 and 1,289,121) (collectively referred to herein as the "Marks"). Copies of USPTO datasheets for the Registrations of the Marks are attached as Exhibit A.

OCC uses the Marks in the United States in conjunction with entertainment services, including country club services and conducting golf tournaments, and goods, including leather goods, house wares, clothing, and sporting goods, and has been doing so since at least as early as 1973. As a result of OCC's continuous and long-term use of the Marks, there is substantial good will and public recognition associated with such Marks. Furthermore, the Marks qualify as a famous marks under the federal ant-dilution law, namely, 15 U.S.C. § 1125(c).

It has recently come to our attention that www.thepensblog.com ("TPB") has published, on August 1, 2011, an article entitled "*Mario Lemieux Probably Would Have Won the 2007 U.S. Open*" with an associated blog (the "Article"). A copy of the Article is attached hereto. In addition to posting, without OCC's permission, sensitive club information including, without limitation, a listing of OCC members and their respective GHIN Numbers, the Article inaccurately portrays the conditions and operations of OCC's famous golf course generally, as well as during the playing of national tournaments held at OCC.

In view of the above, the Article dilutes the value of and tarnishes the Marks, thereby reducing the value of OCC's rights therein. Such unauthorized use is also likely to cause confusion, to cause mistake, or to deceive as to an affiliation, connection, or sponsorship

{01265172}

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www.thepensblog.com
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August 17, 2011

by or between OCC and TPB, or as to the origin, sponsorship or approval of the Article by OCC. Such unauthorized use of the Marks by TPB constitutes, at a minimum, unfair competition under Section 43 of the Lanham Act, and dilution of the Marks by blurring and by tarnishment in violation of the federal anti-dilution law, 15 U.S.C. § 1125(c).

The Lanham Act provides numerous remedies for unfair competition and dilution including, but not limited to, preliminary and permanent injunctive relief and monetary damages.

Accordingly, OCC hereby demands that TPB, its employees, representatives and agents immediately cease and desist from any and all use of the Marks including, without limitation, the taking down of the Article and associated blog. Please provide me with written assurances from TPB, sent to the address set forth herein, by August 24, 2011, that TPB, its employees, representatives and agents have complied with the above request.

This letter has been written and sent subject to the provisions of Rule 408 of the Federal Rules of Evidence and does not constitute, nor is it intended to constitute, a complete statement of OCC's rights. This letter shall not be construed as a waiver of any of OCC's legal or equitable rights or remedies, all of which are expressly reserved.

If you have any questions please do not hesitate to contact me. Thank you for your cooperation.

Very truly yours,



Paul D. Bangor, Jr.

PDB/nws
Enclosures (copies of registrations)
(copy of webpages)

cc: Robert H. Shoop, Jr.

Int. Cls.: 41 and 42

Prior U.S. Cls.: 100 and 107

United States Patent and Trademark Office

Reg. No. 1,295,036

Registered Sep. 11, 1984

SERVICE MARK
Principal Register



Oakmont Country Club

Oakmont Country Club (Pennsylvania corporation)
Hulton Rd.
Oakmont, Pa. 15139

For: ENTERTAINMENT SERVICES—NAME-
LY, PROVIDING COUNTRY CLUB SERVICES
AND CONDUCTING GOLF TOURNAMENTS, in
CLASS 41 (U.S. Cl. 107).

First use Dec. 1, 1973; in commerce Dec. 1, 1973.

For: PREPARATION AND SERVING OF
FOOD AND BEVERAGE TO OTHERS AND
LOUNGE SERVICES, in CLASS 42 (U.S. Cl. 100).

First use Dec. 1, 1973; in commerce Dec. 1, 1973.

No claim is made to the exclusive right to use the
words "Country Club", apart from the mark as
shown.

The lining is a feature of the mark.

Sec. 2(f).

Ser. No. 393,777, filed Sep. 29, 1982.

RUSS HERMAN, Examining Attorney

Int. Cls.: 18, 21 and 28

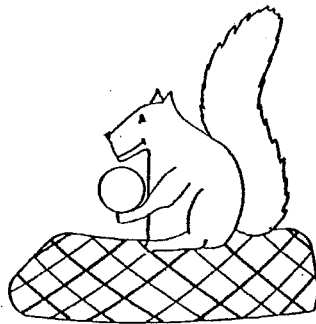
Prior U.S. Cls.: 2, 3, 22, 33, 41 and 50

United States Patent and Trademark Office

Reg. No. 1,784,136

Registered July 27, 1993

**TRADEMARK
PRINCIPAL REGISTER**



Oakmont

OAKMONT COUNTRY CLUB (PENNSYLVANIA NONPROFIT CORPORATION)
HULTON ROAD
OAKMONT, PA 15139

FOR: SUIT BAGS FOR TRAVEL, TOTE BAGS, CARRY ALLS, GARMENT BAGS FOR TRAVEL, SHOE BAGS FOR TRAVEL, DUFFLE BAGS, POUCHES, BRIEFCASES, TEXTILE GIFT BAGS, AND WOMEN'S PURSES, GOLF UMBRELLAS, IN CLASS 18 (U.S. CLS. 3 AND 41).

FIRST USE 11-30-1981; IN COMMERCE 11-30-1981.

FOR: MUGS, ICE BUCKETS, DECORATIVE PLATES, DRINKING GLASSES AND CERAMIC AND METAL COASTERS, IN CLASS 21 (U.S. CLS. 2, 33 AND 50).

FIRST USE 11-30-1981; IN COMMERCE 11-30-1981.

FOR: GOLF CLUBS, GOLF BALLS, GOLF BAGS, GOLF PUTTERS, GOLF BAG TAGS, GOLF DIVOT TOOLS, GOLF BALL MARKERS, AND COMBINATION GOLF BAGS AND CARRY-ALLS, IN CLASS 28 (U.S. CL. 22).

FIRST USE 11-30-1981; IN COMMERCE 11-30-1981.

OWNER OF U.S. REG. NOS. 1,289,121 AND 1,295,036.

THE LINING IN THE DRAWING IS A FEATURE OF THE MARK AND IS NOT INTENDED TO INDICATE COLOR.

SEC. 2(F) AS TO "OAKMONT".

SER. NO. 74-294,036, FILED 7-14-1992.

JERI J. FICKES, EXAMINING ATTORNEY

Int. Cl.: 25

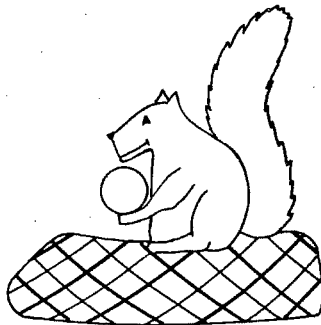
Prior U.S. Cl.: 39

United States Patent and Trademark Office

Reg. No. 1,289,121

Registered Aug. 7, 1984

TRADEMARK
Principal Register



Oakmont

Oakmont Country Club (Pennsylvania corporation)
Hulton Rd.
Oakmont, Pa. 15139

For: MEN'S SHIRTS, MEN'S SWEATERS,
WOMEN'S BLOUSES, WOMEN'S SWEATERS,
WOMEN'S SOCKS, WIND JACKETS, BELTS, T-
SHIRTS, NECKTIES, HATS AND VISORS, in
CLASS 25 (U.S. Cl. 39).

First use Dec. 1, 1973; in commerce Dec. 1, 1973.

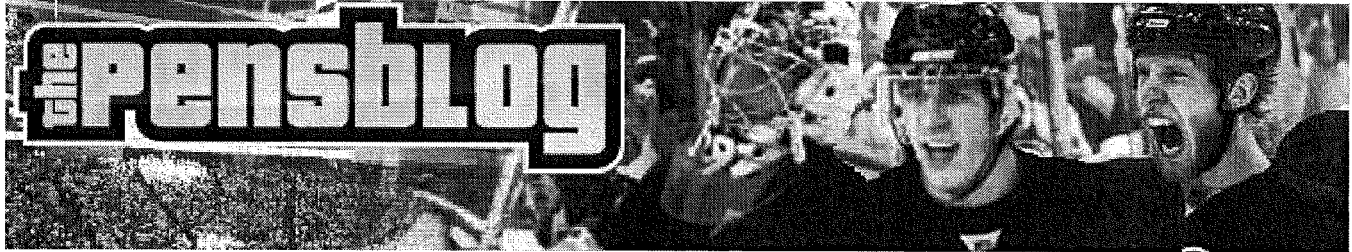
The lining is a feature of the mark and is not
intended to indicate color.

Sec. 2(f) as to "Oakmont".

Ser. No. 392,812, filed Sep. 29, 1982.

RUSS HERMAN, Examining Attorney

Network Roster



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Mario Lemieux Probably Would Have Won The 2007 U.S. Open

MONDAY, 01 AUGUST 2011 21:19 | WRITTEN BY TPB STAFF

From reader Daniel P.:

66 days till you realize that no matter what, lemieux is better than you.

when: 2 weeks ago

where: outside of pro shop at Oakmont CC

what: go find lemieux's name on the bi-weekly handicap posting sheet. notice that he shoots to a 1 handicap at Oakmont, perhaps the most challenging course on the planet.

remind yourself that he is god.

Network Roster

Oakmont Country Club
Official Handicap Report
 Revision Effective: 05/15/2011

Service No. 1 - Mens 18

Name	OBIN #	11	12	Name	OBIN #	11	12
Kirk, Philip	4281620	19.8	19	McConock, Jeffrey	3124519	13.7	13
Krohn, Kevin	3532359	8.8	10	McConock, Patrick J	2204222	18.7	18
Krohn, Di Frank	4281621	19.9	24	McDonnell, Patrick Jr	1888790	4.1	4
Kyrie, Keith	4281823	20.5	12	McDonough, Charles	4284315	17.8	17
Kyrtman, Tim	4440124	1.9	2	McDonough, Michael	4284317	24.7	24
Kurzman, William	4474283	8.5	8	McDonough, David	4284318	3.0	3
Kubota, Dennis	3195292	7.0	8	McDonough, Michael E	3273209	16.6	16
Lambert, William	2717690	15.1	14	McDonough, Tom	4818555	8.3	8
Lambert, Scott	3541585	41.5	42	McDonough, Bruce	4284321	7.2	7
Lancaster, Robert	4281825	4.5	6	McDonnell, Regis III	4284326	9.9	9
Lake, Ray	5681681	8.8	9	McDonnell, Donald	4284329	13.8	13
Lambert, Alan	3490553	14.5	15	McDonnell, Jim	4448128	4.9	4
Lambert, James	4816527	12.8	13	McDonnell, Stephen	2834237	14.9	14
Lambert, Thomas	3281638	3.8	3	McDonnell, Steve	2283148	22.1	22
Leah, Benjamin	4281826	15.0	17	McDonnell, Daniel	4284332	5.5	5
Leah, Jonathan	3282583	16.5	18	McDonnell, Robert	2217525	15.8	15
Leah, William	3532356	13.9	15	McDonnell, Michael	5682021	5.1	5
Leah, Tom	3541586	28.2	28	McDonnell, John Jr	3532357	12.1	12
Lemieux, Mario	4281527	11.1	11	McDonnell, Glen	4284338	12.2	12
Lemieux, James	4281528	28.4	28	McDonnell, Alan	3283128	8.8	8
Lemieux, Robert	4281529	11.5	11	McDonnell, Daniel	4284342	4.3	4
Lemieux, Eric	1754264	4.8	6	McDonnell, David Jr	3418687	7.5	7
Lemieux, Vincent	3271500	11.8	12	McDonnell, John William	4419828	22.3	22
Leah, Bill	4474284	21.2	22	McDonnell, Gregory	4284352	11.9	11
Lepore, Jack	4181533	26.8	27	McDonnell, James	1718883	4.1	4
Lepore, Art	4451478	4.1	5	McDonnell, John	4488791	17.1	17
Lepore, Ronald	4191834	27.8	28	McDonnell, John	2115412	17.1	17
Lepore, Robert	4281830	6.7	8	McDonnell, Matthew	4284358	4.8	4
Lepore, David	3795510	28.1	28	McDonnell, George	2178887	10.9	10
Lepore, Joseph	4451479	18.8	22	McDonnell, George	4284359	2.9	2
Lepore, Paul	1891511	12.1	11	McDonnell, Gary	4284361	11.1	11
Lepore, Charles	1891512	12.1	11	McDonnell, Gary	2115409	24.1	24
Lepore, John	4282283	11.8	12	McDonnell, John	2782138	15.2	15
Leah, Di William	3288810	11.8	14	McDonnell, John	4284364	15.2	15
Leah, William	2284326	17.8	18	McDonnell, Andrew	4184365	15.2	15
Leah, Michael	2181542	18.2	15	McDonnell, David	1021488	1.5	1
Leah, David	1828185	25.2	26	McDonnell, Brian	4179888	13.1	13
Leah, Scott	4281832	27.7	27	McDonnell, Brian	4184366	16.1	16
Leah, Christopher	4281833	28.1	28	McDonnell, Paul	4284367	14.1	14
Leah, Matt	2718200	4.2	5	McDonnell, Paul	1281487	28.2	28
Leah, William	4284378	23.2	23	McDonnell, Tom	4284368	12.1	12
Leah, Joe	3281587	28.2	28	McDonnell, Tom	4284369	12.1	12
Leah, John	4284379	28.1	28	McDonnell, Tom	4284370	12.1	12
Leah, John	4281588	14.8	15	McDonnell, Tom	4284371	12.1	12
Leah, John	4281589	14.8	15	McDonnell, Tom	4284372	12.1	12
Leah, John	4281590	14.8	15	McDonnell, Tom	4284373	12.1	12
Leah, John	4281591	14.8	15	McDonnell, Tom	4284374	12.1	12
Leah, John	4281592	14.8	15	McDonnell, Tom	4284375	12.1	12
Leah, John	4281593	14.8	15	McDonnell, Tom	4284376	12.1	12
Leah, John	4281594	14.8	15	McDonnell, Tom	4284377	12.1	12
Leah, John	4281595	14.8	15	McDonnell, Tom	4284378	12.1	12
Leah, John	4281596	14.8	15	McDonnell, Tom	4284379	12.1	12
Leah, John	4281597	14.8	15	McDonnell, Tom	4284380	12.1	12
Leah, John	4281598	14.8	15	McDonnell, Tom	4284381	12.1	12
Leah, John	4281599	14.8	15	McDonnell, Tom	4284382	12.1	12
Leah, John	4281600	14.8	15	McDonnell, Tom	4284383	12.1	12

Oakmont Country Club
 Official Handicap Report
 Revision Effective: 05/15/2011

...considering that the USGA had to make the course easier for the Open than what the members regularly play, and considering that as a 1-handicapper Buries It should on average shoot 4-over over 4 rounds...

he would have won by a stroke.

Looked up the 2007 Men's U.S. Open. Daniel was right.

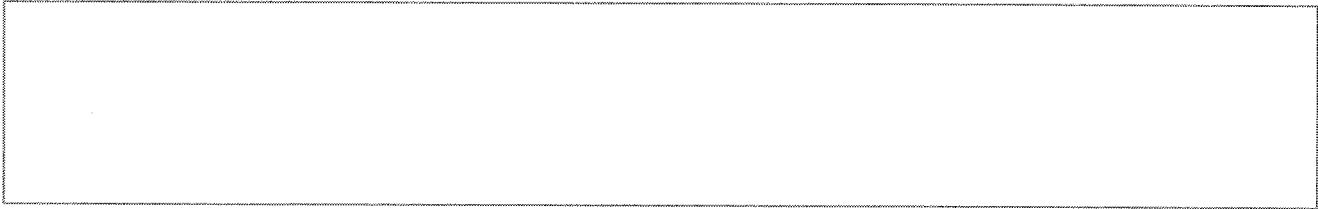
Angel Cabrera won the Open at +5.

Man. Go pens

86 comments **Network Roster** ng



livefyre



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David Boyd 5 pts

Nobody does it better...

1 DAY AGO

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Moves66 43 pts

Those handicap numbers are from the blue tees which plays a good 500 yards fewer then the tips (green tees). Also, for members the par is 71 (#9 is a par 5 for members par 4 for the pros) so actually he would've tied and taken Cabrera to a playoff

2 DAYS AGO

[Like](#) [Reply](#)



iacas 60 pts

Ignoring the obvious faults with that logic, he'd have shot +8, not taken Cabrera to a playoff. That one shot would multiply by four rounds. :-P

This may be the single dumbest post the Pensblog has ever published. It'd be one thing if they were totally joking but they're not. :-P

1 DAY AGO

[Like](#) [Reply](#)



iacas 60 pts

And by "the Pensblog" I mean "Daniel P." :-)

1 DAY AGO

[Like](#) [Reply](#)



Moves66 43 pts

[iacas](#) I can do calculus but i suck at counting ;) good call out

1 DAY AGO

[Like](#) [Reply](#)

iacas 60 pts

He
su
Up



Uh, they're **Network Roster** sh GHIN numbers. With a GHIN number and someone's last name, you can "post" scores. The GHIN number is kinda like the golfer's social security number. Sharing it publicly is dumb.

2 DAYS AGO

[Like](#) [Reply](#)**vdub71** 29 pts

[iacas](#) It is a "private club" so they can do that because no one is supposed to see this besides members. If they knew this was online right now they would not be happy.

2 DAYS AGO

[Like](#) [Reply](#)**iacas** 60 pts

[vdub71](#) I know it's private. Played there a few times, attended the 2007 U.S. Open, am a teaching pro in Erie, blah blah blah. Even still private clubs don't tend to print out the GHIN numbers anywhere that's public, because they can have some nasty side effects. If you want to screw with your friend Philip Kreis, well, you can put in a series of 73s or 74s and, well, his handicap index ain't gonna be high enough for him to win much money for awhile...

1 DAY AGO

[Like](#) [Reply](#)**vdub71** 29 pts

I caddie at Oakmont and Daniel is completely wrong about the condition of the course during the open. The rough was higher, the greens were faster and par was one less during the open than it is for member play.

2 DAYS AGO

[Like](#) [Reply](#)**Moves66** 43 pts

[vdub71](#) compared to this year, you're absolutely correct. But they are babyinn the course this year bc of what happened to the greens last year. They generally slow the greens down for the Open but everything thing else is as hard or maybe a little harder then normal conditions

2 DAYS AGO

[Like](#) [Reply](#)**GeorgeBertha** 5 pts

Wow! Perhaps he should go to Q-school and get a tour card! Could help out w/the salary cap, lol!

2 DAYS AGO

[Like](#) [Reply](#)**hate_3_putts** 5 pts

Any single-digit handicap is a testament to a superior level of skill, but let's keep it real. Since you were kind enough to show his GHIN number, you can look it up to see that none of the 20 scores that make up his 0.1 index were played at Oakmont (slope 147) 19 were at Nevillewood (142), and 1 at Wildwood (132). I believe Mr. Cabrera's title would've been safe. Happy trails.

2 DAYS AGO

[Like](#) [Reply](#)

