

**TRADEMARK APPLICATION NO. 86442326 – WHITE HOUSE GIFT SHOP
and
TRADEMARK APPLICATION NO. 86442328 – WHITE HOUSE GIFT SHOP,
EST. 1946**

**DECLARATION OF ANTHONY GIANNINI IN SUPPORT OF APPLICANT'S
RESPONSE TO THE FEBRUARY 27, 2015 OFFICE ACTION**

I, Anthony Giannini, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am the Chief Executive Officer (“CEO”) of Giannini Strategic Enterprises, LLC (“GSE”). I have been involved in GSE since its inception. I have also been involved with GSE’s use of the mark WHITE HOUSE GIFT SHOP and WHITE HOUSE GIFT SHOP, EST. 1946 and trademark application nos. 86442326 for the mark WHITE HOUSE GIFT SHOP and 86442328 for the mark WHITE HOUSE GIFT SHOP, EST. 1946 since the applications were filed on November 2, 2014.

2. As the CEO of GSE, and as the individual involved with trademark application nos. 86442326 and 86442328, I have knowledge of the statements contained herein, and could and would testify competently as to them if called to do so in a court of law.

3. I submit this declaration ("Declaration") in support of Giannini Strategic Enterprises LLC’s Response to the February 27, 2015 Office Action for trademark application no. 86442326 for the mark WHITE HOUSE GIFT SHOP and trademark application no 86442328 for the mark WHITE HOUSE GIFT SHOP, EST 1946.

4. On information and belief, the White House Police Benefit Fund (“WHPBF”) was established on September 9, 1946. Exhibit 1, at 2.

5. On information and belief, on November 1, 1950, White House Police Officer Leslie Coffelt was killed defending President Truman from an assassination attempt. *Id.*

6. On information and belief, on December 15, 1950, after the assassination attempt on President Truman, the White House Security Fund (“WHSF”) was created. *Id.*, at 5. The purpose of the WHSF “was to provide for the spouses and children of any White House Police Officer who was killed or seriously injured in the performance of their duties.” *Id.*

7. On information and belief, in the early 1960’s the White House Police Benefit Fund, the White House Security Fund and the White House Pistol Match Fund were merged into the Uniformed Division Benefit Fund (“UDBF”). *Id.* at 6.

8. On information and belief, at that time the White House Gift Shop was operated in the basement of the Old Executive Office Building, as part of the White House complex. *Id.*

9. On information and belief, the White House Gift Shop has used the WHITE HOUSE GIFT SHOP mark since at least as early as November 28, 1999. Attached as Exhibit 2 is a printout from the Wayback Machine for the White House Gift Shop from November 28, 1999 showing use of the mark WHITE HOUSE GIFT SHOP. Exhibit 2.

10. In December 2011, the United States Secret Service Uniformed Division Benefit Fund (“USSSUDBF”)/The White House Gift Shop (WHGS) wanted “an independent contractor/business to manage all operational aspects excluding centralized financial management of the USSSUDBF/WHGS enterprise known as the USSSUDBF White House Gift Shop (whitehousegiftshop.com)”. Exhibit 3, at 1.

11. On December 27, 2011, Giannini Strategic Enterprises, LLC (“GSE”) and the United States Secret Service Uniformed Division Benefit Fund (“USSSUDBF”)/The White House Gift Shop (“WHGS”) entered into an Agreement and Understanding whereby on January 1, 2012, GSE assumed “responsibilities for all operational functions of the USSSUDBF/WHGS

e-business known as The White House Gift Shop – United States Secret Service Uniformed Division Benefit Fund.” *Id.*

12. Under the Agreement and Understanding, GSE was to, and did, “issue a certified cashier’s check payable to USSSUDBF in the amount of \$30,000.00 U.S. to USSSUDBF on or before 29 December 2011”. *Id.*

13. Under the Agreement and Understanding, GSE was to, and did, “access all USSSUDBF/WHGS orders via the USSSUDBF/HWGS current website (whitehousegiftshop.com), process as necessary, carefully package, and properly ship USSSUDBF/WHGF orders from GSE’s distribution locations in Pennsylvania most currently from 301 Front St., Lititz, PA 17543.” *Id.*

14. Under the Agreement and Understanding, GSI was to, and did/does, “perform its duties on behalf of USSSUDBF/WHGS with timeliness, accuracy, and the highest standards of customer fulfillment and relations.” *Id.*

15. Under the Agreement and Understanding, GSE was to “create new products at its discretion and with consent by USSSUDBF/WHGS on behalf of USSSUDBF/WHGS and offer such products for sale on the USSSUDBF/WHGS website.” *Id.* at 2.

16. Under the Agreement and Understanding, GSE “is allowed to create and market via the USSSUDBF/WHGS online store all back years of USSSUDBF Holiday ornaments and products known as ‘Easter Eggs’”. *Id.* at 3.

17. Under the Agreement and Understanding, GSE agreed, and did, share its profits with USSSUDBF/WHGS. *Id.*

18. Under the Agreement and Understanding, GSE was not permitted to “market to retailers or any operations that would conflict or compromise the reputation or products USSSUDBF/WHGS in any manner, whatsoever.” *Id.*

19. Under the Agreement and Understanding, “USSSUDBF/WHGS agree[d] to transfer approximately \$20,000.00 in its own inventory to assist startup operations by GSE . . .” *Id.*

20. Under the Agreement and Understanding, USSSUDBF/WHGS had the option to “send any of its own staff or Board Members to review GSE’s operations at any time with a three day notice to GSE to allow GSE to plan for such meetings.” *Id.* at 4.

21. Prior to March 3, 2012, I agreed to be the Project Manager for the USSSUDBF on-line store. Exhibit 4, at 1

22. On June 1, 2012, Mr. Sean Lynch, the Vice-Chairman of the Uniformed Division Benefit Fund, provided “a list of the inventory being transferred from the Uniformed Division Benefit Fund/White House Gift Shop to Giannini Strategic Enterprise in accordance with the agreement between [their] organizations.” Exhibit 5, at 1.

23. On March 13, 2013, Mr. Sean Lynch sent an e-mail to Mr. Anthony Giannini of GSE and Ms. Jackie Camara of ChemArt making introductions between Mr. Giannini and Ms. Camara. Exhibit 6.

24. Within Mr. Lynch’s March 13, 2013 e-mail, he stated “As we have been discussing separately the UDBF will be shutting down in the very near future. Prior to doing that the White House Gift Shop will be transferred over to Tony (Giannini Strategic Enterprises). We the Board of Directors would like to give his company permission to purchase any past year

ornaments and to purchase the 2013 ornaments that has already been designed.” *Id.* He continued the e-mail by stating “Tony, feel free to contact Jackie to begin your purchases.” *Id.*

25. On March 19, 2013, Mr. Sean Lynch transferred full ownership rights of the www.whitehousegiftshop.com Volusion account to Anthony Giannini (GSE).” Exhibit 7.

26. As a result of the transfers by Mr. Sean Lynch, GSE acquired all rights to the mark WHITE HOUSE GIFT SHOP and all goodwill associated with this mark.

27. Since January 1, 2012, GSE has been operating the White House Gift Shop and has been using the WHITE HOUSE GIFT SHOP mark. Examples of several of the orders received for goods bearing the WHITE HOUSE GIFT SHOP mark are attached as Exhibit 8. Notably, GSE’s use of the WHITE HOUSE GIFT SHOP has been recognized by many U.S. Embassies and other U.S. government entities.

28. Since approximately June of 2011, GSE has been using the WHITE HOUSE GIFT SHOP, EST. 1946 mark. At that time, USSSUDBF agreed that GSE could begin to sell products under the WHITE HOUSE GIFT SHOP, EST. 1946 mark.

29. Customers who purchase products bearing the WHITE HOUSE GIFT SHOP and/or WHITE HOUSE GIFT SHOP, EST. 1946 from GSE include:

- a. The White House;
- b. Executive Office of the President;
- c. Office of the Vice President;
- d. The State Department;
- e. U.S. Federal Courts;
- f. National Security Agency;
- g. Department of Homeland Security;

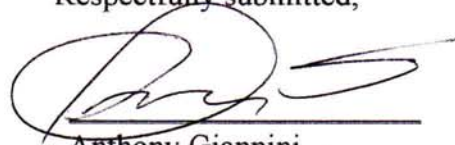
- h. U.S. Patent & Trademark Office;
- i. National Institute of Health;
- j. U.S. House of Representatives;
- k. U.S. Senate;
- l. Congress;
- m. U.S. Secret Service;
- n. U.S. Treasury;
- o. U.S. Postal Service;
- p. NASA;
- q. U.S. Department of Agriculture;
- r. Department of Veteran Affairs;
- s. Department of Transportation;
- t. Internal Revenue Service;
- u. Department of Energy; and
- v. Office of Budget & Management.

30. It is my understanding that many of the products purchased by the entities identified in paragraph 29 are used as gifts by the government for events within the government or for foreign dignitaries and often heads-of-states.

31. The mark WHITE HOUSE GIFT SHOP has become distinctive of the goods and/or services through applicant's substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.

I declare under penalty of perjury that to the best of my knowledge the forgoing is true and correct and that this declaration was executed on the 27th day of August 2015.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anthony Giannini', written over a horizontal line.

Anthony Giannini

CEO

Giannini Strategic Enterprises, LLC