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"Rummaging in the government's attic"

Description of document: Department of Agriculture (USDA) Records relating to Unauthorized Use of the Smokey the Bear Character 2014-2021

Requested date: 02-August-2021

Release date: 14-July-2022

Posted date: 02-October-2023

Source of document: Freedom of Information Act Request
Department of Agriculture
Departmental FOIA Officer
1400 Independence Avenue, SW
Room 4039-A
Washington, DC 20250-0706
[USDA Public Access Link \(PAL\)](#)
Email: USDAFOIA@usda.gov

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United States
Department of
Agriculture

Office of the General Counsel
1400 Independence Ave. SW
Washington, DC 20250-1400

July 14, 2022

Delivered via Electronic Mail

**Re: Freedom of Information Act (FOIA) Request No. 2021-OGC-05282-F
Final Response**

This is the final response to the above-referenced August 2, 2021, FOIA request submitted to the U.S. Department of Agriculture (USDA). The Office of Information Affairs (OIA), FOIA Division, processed your request. The OIA is under the purview of the Office of General Counsel (OGC) and serves as the focal point for USDA's FOIA program. It provides coordination and ensures agency-wide compliance with the FOIA. Additionally, the OIA processes requests and appeals on behalf of the Office of the Secretary (OSEC); the Under Secretaries; USDA's staff offices; and the Research, Education and Economics and Trade and Foreign Agricultural Affairs mission areas.

This response is being provided on behalf of the OGC, for your request seeking records, from 2018 to present, from the General Law and Research Division, regarding:

- 1) Cease and Desist (or similar) Letters sent out regarding unauthorized use of the Smokey Bear character or the Forest Service Insignia.
- 2) Copies of GLRD memos regarding unauthorized use of the Smokey Bear character or Forest Service Insignia as constrained by First Amendment and fair use principles.
- 3) Copies of other records regarding unauthorized use of the Smokey Bear character.

This request is being processed under the FOIA, 5 U.S.C. § 552.

Searches for responsive records were conducted by the OIA's telecommunications provider, the Client Experience Center (CEC). The CEC provides comprehensive, fee-for-service information technology (IT) associated operations, security, and technical support services to USDA end users. The CEC also implements and manages enterprise IT solutions for users Department-wide. We have located three hundred and three (303) pages of responsive records for this final response.

Following a review of the responsive records, the OIA has determined that certain information contained therein should be withheld pursuant to 5 U.S.C. § 552(b)(5) and (b)(6), (FOIA Exemptions 5 and 6). Below is an explanation of the information that has been withheld.

FOIA Exemption 5 – Pre-decisional/Deliberative and Attorney Client Privilege

FOIA Exemption 5 protects from disclosure those “inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency.” One of the frequently invoked FOIA Exemption 5 privileges is the deliberative process privilege. To fall within FOIA’s deliberative process privilege, the records must be both pre-decisional and deliberative; the records must precede the adoption of an agency policy and include the opinions, recommendations, or deliberations on a legal or policy matter.

In this instance, the OIA is withholding portions of emails containing discussions about future agency actions, draft letters, draft talking points, colleague and interagency review of policy, responses, and/or recommendations between USDA attorneys and their clients. Disclosure of such information would have a chilling effect on the ability of agency officials to engage in free and frank discussions regarding policy but also may cause confusion on the agency’s actual position on the policy at issue. Specifically, release of this information would reveal the USDA’s deliberative and pre-decisional discussions of policies that were not adopted in part (or in full) and/or contemplations of legal and policy matters that were not yet acted on or not adopted.

The OIA is also withholding information under the attorney-client privilege. This privilege protects confidential communication between an attorney and his/her client relating to a legal matter for which the client has sought professional advice. Although this privilege fundamentally applies to facts divulged by a client to his/her attorney, this privilege also encompasses any opinion given by an attorney to his/her client based upon those facts, as well as communications between attorneys that reflect client supplied information. In this instance, the OIA is withholding information shared internally whereby legal advice is being sought from and provided by the Department’s counsel.

These confidential communications are shielded from disclosure in order to encourage open and frank discussions between the Department and its legal advisors. Additionally, conversations discussing legal strategy between Department attorney’s is being withheld where they are discussing legal strategy and matters of law. Ensuring the Department receives sound legal advice promotes public policy, and this advice depends on counsel being fully informed. The release of these confidential communications would inhibit the Department’s ability to provide pertinent information and would impair the Department’s counsel from making well-informed legal decisions.

FOIA Exemption 6

Exemption 6 generally is referred to as the “personal privacy” exemption. It provides that the disclosure requirements of the FOIA do not apply to “personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” Application of the exemption involves balancing the public’s interest in disclosure against individuals’ privacy interests.

The information withheld under Exemption 6 consists of mobile telephone numbers, unpublished direct-dial phone numbers, and the identity of third-party citizens alerting the USDA to potential trouble. This information qualifies as “similar files” because it is information in which individuals have a privacy interest. Releasing mobile phone numbers, and email addresses for individuals could subject the individuals to unwarranted or unsolicited communications and would not shed additional light on governmental operations. Releasing the identity of a citizen alerting the Department to a potential legal issue would unnecessarily discourage this type of useful engagement with the public who may fear personal retribution. Because there are viable privacy interests that would be threatened by disclosure, Exemption 6 authorizes this office to withhold the information. Accordingly, we have determined that the public interest in the information’s release does not outweigh the overriding privacy interests in keeping it confidential.

You may appeal this response by email at USDAFOIA@usda.gov. Your appeal must be in writing, and it must be received electronically no later than 90 calendar days from the date of this letter. The OGC will not consider appeals received after the 90 calendar-day limit. Appeals received after 5:00 p.m. EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above, a copy of the original request, the OIA’s response to your original request, and a statement explaining the basis of your appeal. For quickest possible handling, the subject line of your email should be marked “Freedom of Information Act Appeal.” You should also reference FOIA No. 2021-OGC-05282-F.

You may seek dispute resolution services from the OIA’s FOIA Public Liaison, Ms. Melanie Enciso. Ms. Enciso may be contacted by telephone at (202) 720-9425, or electronically at Melanie.Enciso@usda.gov or USDAFOIA@usda.gov.

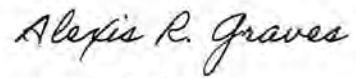
You also have the option to seek assistance from the Office of Government Information Services (OGIS). Please visit <https://www.archives.gov/ogis/mediation-program/request-assistance> for information about how to request OGIS assistance in relation to a FOIA request.

Provisions of the FOIA allow us to recover part of the cost of processing your request. In this instance, no fees will be charged.

If you have any questions regarding this letter, please contact Mr. Jeff Crile at 202-720-7732 or electronically at Jeffrey.Crile@usda.gov or at USDAFOIA@usda.gov.

The OIA-FOIA appreciates the opportunity to assist you in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Alexis R. Graves".

Alexis R. Graves
Director
Office of Information Affairs

Enclosures: (303 pages)

From: [Dellinger, John - OGC, Washington, DC](#)
To: [Shaw, Lesley - OGC, Washington, DC](#)
Subject: Forest Service Insignia
Date: Thursday, February 27, 2020 8:43:33 AM
Attachments: [image001.png](#)
[image002.png](#)

Good morning,

So here's my query-- (b)(5) Deliberative Process, (b)(5) Attorney Client

[REDACTED]

[REDACTED]

[REDACTED]

A sign on the side of a snow covered slope Description automatically generated



(b)(5) Deliberative Process, (b)(5) Attorney Client

[REDACTED]



[REDACTED]

[REDACTED] ?

[REDACTED]

[REDACTED] ?



John D. Dellinger
Patent Attorney
General Law and Research Division
Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Avenue SW
Room 3311-S, Stop 1415
Washington, DC 20250-1415
 202-239-4531 (Voice)
844-354-1113 (Fax)
 John.Dellinger@usda.gov

From: [Dellinger, John - OGC Washington, DC](#)
To: [John - OGC Washington, DC](#)
Subject: FW: [Website feedback] logo infringement
Date: Thursday, July 16, 2020, 2:50:00 PM

(b) (5) DPP, (b) (5) ACP?

John D. Dellinger
 Patent Attorney
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 U.S. Department of Agriculture
 100 Independence Avenue SW
 Room 3311-S, Stop 1-15
 Washington, DC 20250-1115
 202-239-5311 (Voice)
 800-351-1113 (Fax)
John.Dellinger@usda.gov

-----Original Message-----

From: Cumberland, Dominic JFS <dominic.cumberland@usda.gov>
 Sent: Thursday, July 16, 2020, 11:23 AM
 To: Fado, John - OGC Washington, DC <john.fado@usda.gov>; Shaw, Lesley - OGC Washington, DC <lesley.shaw@usda.gov>; Dellinger, John - OGC Washington, DC <ohndellinger@usda.gov>
 Subject: FW: [Website feedback] logo infringement

Morning John, Lesley and John

While considering our general Forest Service webmaster inbox, this issue was passed on to me; see original message below.

(b) (5), Deliberative Process Privilege, Attorney-Client Privilege

Dominic Cumberland
 Visitor Services Information Assistant
 Forest Service
 National Headquarters, Office of Communication
 P.O. Box 205-0857
 F-202-205-0855
dominic.cumberland@usda.gov
 2011 14th Street SW, Suite SE
 Washington, DC 20002
<https://go2.safehills.protection.outlook.com/?url=http%3A%2F%2Fwww.fs.fed.us%2F&data=02%7C01%7C%7C709df681d%205b1a3%20d0848299c2%2013%7Ced5b36e701ee%20ebc867ee03cfa0d%20697%7C00%7C00%7C63730509789%2008%2070&sdata=8JNckKjRKF2zlg12HjNn%2Fw27met7681%20MqQPLw0Qk%3D&reser=ed=0>

Caring for the land and serving people

-----Original Message-----

From: SMFS webmaster@usda.gov [usda@usda.gov]
 Sent: Wednesday, July 15, 2020, 7:33 PM
 To: FS Webmaster <SMFS-webmaster@usda.gov>
 Subject: [Website feedback] logo infringement

Message

(b) (5)

<https://go2.safehills.protection.outlook.com/?url=https%3A%2F%2Fwww.facebook.com%2Fgroups%2F906915212975055%2F%3Fref%3Dshare&data=02%7C01%7C%7C709df681d%205b1a3%20d0848299c2%2013%7Ced5b36e701ee%20ebc867ee03cfa0d%20697%7C00%7C00%7C63730509789%2008%2070&sdata=2g0b6ARVQ6LZcy%2B2upBle8Nj8Tf%20Ty0wry%2FR%3D&reser=ed=0>

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Cc: [Fado, John - OGC, Washington, DC](#)
Subject: FW: Another Smokey Violation
Date: Thursday, July 12, 2018 10:28:57 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.jpg](#)
[image006.jpg](#)
[image007.jpg](#)
[image008.jpg](#)

John,

(b)(5) DPP ACP ? I will be in Madison next week for a meeting but maybe we can talk more the following week.

Thanks tom

From: Beavans, Gwen -FS
Sent: Wednesday, July 11, 2018 6:09 PM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Subject: FW: Another Smokey Violation

Tom,

(b)(5) Deliberative Process

Thank you,
Gwen



[RealMen SmokeCigars](#)

• [July 9 at 8:48 PM](#) •

This came out incredible. Smokey The Bear is complete now. As shown on the Biker Stripes Royal & Black. <http://www.realmensmokecigars.com/smokeythebear.html>

No automatic alt text available.



From: Lowery, Mason - FS
Sent: Wednesday, July 11, 2018 3:39 PM
To: Beavans, Gwen -FS <gbeavans@fs.fed.us>
Subject: Another Smokey Violation

Hi Gwen, (b)(5) Attorney Client [REDACTED] ? [REDACTED] .

Smokey image abuse: <https://www.facebook.com/1399353880362918/posts/1888426214789013/>

The answer, from
https://www.smokeybear.com/guidelines/SmokeyBearUseGuidelines_Nov2016.pdf:

Violations

Items produced for commercial sale that contain or use the Smokey Bear image, name, or message without benefit of a license violate Public Law 82-359, as amended by P.L. 93-318. Report suspected violations directly to the national CFFP Program Manager, who shall take action necessary, up to and including civil and criminal court actions, to stop the violator.



Mason Lowery
Assistant Director
Corporate and Digital Engagement
USDA Forest Service
Office of Communication
<https://www.fs.fed.us/inside-fs>

p: [REDACTED] 6

c: (b) (6) [REDACTED]

f: 2
masonlowery@fs.fed.us

201 14th Street SW, Ste 4 SE
Washington, DC 20252
www.fs.fed.us



Caring for the land and serving people

From: [Shaw, Lesley - OGC, Washington, DC](#)
To: [Garrett, Mark - OGC, Washington, DC](#); [Fado, John - OGC, Washington, DC](#)
Subject: FW: cease and desist letter verbiage
Date: Friday, October 30, 2020 3:20:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[dtp.shaw - draft letter.docx](#)
[image003.jpg](#)
[image004.jpg](#)

Mark and John

(b)(5) DPP ACP

Lesley



Lesley Shaw
 Patent Attorney
 General Law and Research Division
 Office of the General Counsel
 U.S. Department of Agriculture
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 Washington DC 20250
 ☎ 202-720-6035 (Voice)
 (b) (6) (Mobile)
 844-354-1113 (Fax)
 ✉ lesley.shaw@usda.gov

From: Shaw, Lesley - OGC, Washington, DC
Sent: Thursday, October 29, 2020 10:03 AM
To: Paur, Kenneth - OGC, Lakewood, CO <kenneth.paur@usda.gov>
Cc: Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Garrett, Mark - OGC, Washington, DC <mark.garrett@usda.gov>
Subject: RE: cease and desist letter verbiage

(b)(5) DPP ACP



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 844-354-1113 (Fax)
 ✉ lesley.shaw@usda.gov

From: Paur, Kenneth - OGC, Lakewood, CO <kenneth.paur@usda.gov>
Sent: Wednesday, October 28, 2020 8:20 PM
To: Shaw, Lesley - OGC, Washington, DC <lesley.shaw@usda.gov>; Garrett, Mark - OGC, Washington, DC <mark.garrett@usda.gov>; Fado, John - OGC, Washington, DC <john.fado@usda.gov>
Subject: RE: cease and desist letter verbiage

(b)(5) DPP ?



Kenneth D. Paur
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 Mountain Region
 Office of the General Counsel
 U.S. Department of Agriculture
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 ✉ Kenneth.paur@usda.gov

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From: Paur, Kenneth - OGC, Lakewood, CO
Sent: Thursday, October 8, 2020 12:16 PM
To: Shaw, Lesley - OGC, Washington, DC <lesley.shaw@usda.gov>; Garrett, Mark - OGC, Washington, DC <mark.garrett@usda.gov>; Fado, John - OGC, Washington, DC <john.fado@usda.gov>
Subject: RE: cease and desist letter verbiage

Thanks (b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege



Kenneth D. Paur
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 Mountain Region
 Office of the General Counsel

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From: Shaw Lesley - OGC Washington DC <lesley.shaw@usda.gov>
Sent: Thursday October 8 2020 11 53 AM
To: Paur Kenneth - OGC Lakewood CO <kenneth.paur@usda.gov>; Garrett Mark - OGC Washington DC <mark.garrett@usda.gov>; Fado John - OGC Washington DC <john.fado@usda.gov>
Subject: RE cease and desist letter verbiage

Ken

(b)(5) Deliberative Process, (b)(5) Attorney Client

Thank you
Lesley Shaw



Lesley Shaw
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✉ lesley.shaw@usda.gov

From: Paur Kenneth - OGC Lakewood CO <kenneth.paur@usda.gov>
Sent: Tuesday October 6 2020 11 27 AM
To: Shaw Lesley - OGC Washington DC <lesley.shaw@usda.gov>; Garrett Mark - OGC Washington DC <mark.garrett@usda.gov>; Fado John - OGC Washington DC <john.fado@usda.gov>
Subject: FW cease and desist letter verbiage

(b)(5) Attorney Client, (b)(5) Deliberative Process



Kenneth D. Paur
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From: Symonds Jennifer M -FS <jennifer.symonds@usda.gov>
Sent: Tuesday October 6 2020 9 25 AM
To: Paur Kenneth - OGC Lakewood CO <kenneth.paur@usda.gov>
Subject: RE cease and desist letter verbiage

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks,



Jennifer Symonds, D.O.
Fire & Aviation Management Medical Officer
Fire Medical Qualifications Program Manager
USDA Forest Service
Washington Office, Fire & Aviation Management
p: 208 387 5978
c: (b) (6) js@usda.gov
jen
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From: Paur Kenneth - OGC Lakewood CO <kenneth.paur@usda.gov>
Sent: Tuesday October 6 2020 8 36 AM
To: Symonds Jennifer M -FS <jennifer.symonds@usda.gov>
Cc: Domitrovich Joseph W -FS <joseph.domitrovich@usda.gov>
Subject: RE cease and desist letter verbiage

(b)(5) DPP, ACP



Kenneth D. Paur
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From: Symonds, Jennifer M -FS <jennifer.symonds@usda.gov>
Sent: Monday, October 5, 2020 9:34 AM
To: Paur, Kenneth - OGC, Lakewood, CO <kenneth.paur@usda.gov>
Cc: Domitrovich, Joseph W -FS <joseph.domitrovich@usda.gov>
Subject: cease and desist letter verbiage

Ken,

Forgive my lack of legal-eze ability. Not sure I will ever find that ability. (b) (5), Deliberative Process Privilege, Attorney-Client Privilege

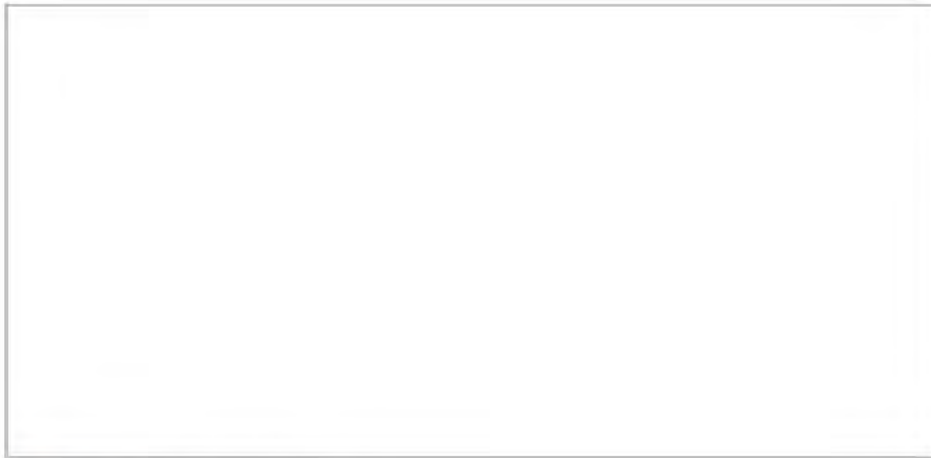
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





Jennifer Symonds, D.O.
Fire & Aviation Management Medical Officer
Fire Medical Qualifications Program Manager
USDA Forest Service
Washington Office, Fire & Aviation Management

p: 208 387 5978
c: [REDACTED]
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Caring for the land and serving people

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(b)(5) DPP ACP

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: FW: complaint about Smokey Bear shirts
Date: Wednesday, September 19, 2018 10:53:36 AM
Attachments: [image001.jpg](#)

(b) (5), Deliberative Pro

From: Beavans, Gwen -FS
Sent: Friday, May 25, 2018 4:06 PM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Subject: FW: complaint about Smokey Bear shirts
Tom,

(b) (5), Deliberative Process Privilege

Here is the page showing the t-shirts and pins he is making and selling:

<https://copasquattoys.bigcartel.com/products?search=Trump>

Image of Resist Trump Bear Lapel Pin & Sticker Pack



From: Beavans, Gwen -FS
Sent: Tuesday, May 22, 2018 9:57 AM
To: Beavans, Gwen -FS <gbeavans@fs.fed.us>
Subject: complaint about Smokey Bear shirts
Anti-trump shirts and hats.

Adam Saul

(b) (6)

Allien Silkscreen

Copasquattoys.com

Salem, VA

Through Big Cartel.com

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: FW: FOR REVIEW: (b) (5), Deliberative Process Privilege, Attorney Client Privilege
Date: Wednesday, August 14, 2019 4:07:37 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
(b) (5), Deliberative Process Privilege, Attorney Client Privilege -Draft.docx


John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

From: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>
Sent: Wednesday, August 14, 2019 2:54 PM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: RE: FOR REVIEW: (b) (5), Deliberative Process Privilege, Attorney Client Privilege



Maureen Brooks
Wildfire Prevention Specialist
Smokey Bear Licensing Program
Forest Service
Fire and Aviation, Landscapes and Partnerships
p: 202-604-2237
maureen.t.brooks@usda.gov
201 14th Street, SW, Mail Stop 1107
Washington, DC 20250
www.fs.fed.us

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(b)(5) DPP ACP

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Cc: [Fado, John - OGC, Washington, DC](#)
Subject: FW: Forest Service Defunded - T-shirt
Date: Monday, July 30, 2018 1:51:23 PM
Attachments: [IMG950219.jpg](#)

John,
Attached is another one.

Thanks tom

-----Original Message-----

From: Beavans, Gwen -FS
Sent: Monday, July 30, 2018 1:25 PM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Subject: FW: Forest Service Defunded - T-shirt

Tom,
Office of Communications has forwarded this one.
Thank you,
Gwen

-----Original Message-----

From: O'Connor, Kathryn -FS
Sent: Monday, July 9, 2018 6:46 AM
To: Beavans, Gwen -FS <gbeavans@fs.fed.us>
Cc: Sebrechts, Marie - FS <msebrechts@fs.fed.us>
Subject: FW: Forest Service Defunded - T-shirt

FYA

Katie O'Connor
Acting Communication Director
USDA Forest Service
Washington Headquarters
p: 202-205-3643
c: (b) (6)
kathrynoconnor@fs.fed.us

-----Original Message-----

From: Sebrechts, Marie - FS
Sent: Friday, July 06, 2018 10:55 AM
To: O'Connor, Kathryn -FS <kathrynoconnor@fs.fed.us>
Cc: Lowery, Mason - FS <masonlowery@fs.fed.us>
Subject: FW: Forest Service Defunded - T-shirt

Katie,

Another Smokey Bear t-shirt; someone found this on Facebook. M

Marie Therese Sebrechts
Regional Director, Communication & Engagement USDA Forest Service Southwestern Region

p: 505-842-3290

c: (b) (6)

msebrechts@fs.fed.us

Caring for the land and serving people

ONLY YOU CAN PREVENT FOREST FIRES



SERIOUSLY, WE'VE BEEN DEFUNDED
IT'S JUST YOU NOW

SERIOUSLY, WE'VE BEEN DEFUNDED
IT'S JUST YOU NOW
SERIOUSLY, WE'VE BEEN DEFUNDED
IT'S JUST YOU NOW
SERIOUSLY, WE'VE BEEN DEFUNDED
IT'S JUST YOU NOW

From: [Dellinger, John - OGC, Washington, DC](#)
To: [Fado, John - OGC, Washington, DC](#)
Subject: FW: I am reporting massive illegal use of national symbol/s
Date: Wednesday, June 27, 2018 8:45:15 AM
Attachments: [image001.png](#)

(b)(5) ACP

From: Moreland, Thomas - FS
Sent: Wednesday, June 27, 2018 8:42 AM
To: Dellinger, John - OGC
Subject: RE: I am reporting massive illegal use of national symbol/s

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

[REDACTED]

[REDACTED]

Thanks tom

From: Dellinger, John - OGC
Sent: Wednesday, June 27, 2018 8:27 AM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Cc: Beavans, Gwen -FS <gbeavans@fs.fed.us>
Subject: RE: I am reporting massive illegal use of national symbol/s

Thanks Tom. (b)(5) DPP ACP

[REDACTED]

[REDACTED]



John D. Dellinger
 Patent Attorney
 General Law and Research Division
 Office of the General Counsel
 U.S. Department of Agriculture
 1400 Independence Avenue SW
 Washington, DC 20250-1400
 ☎ (b) (6) (Voice)
 844-354-1113 (Fax)
 ✉ John.Dellinger@ogc.usda.gov

From: Moreland, Thomas - FS

Sent: Wednesday, June 27, 2018 8:14 AM
To: Dellinger, John - OGC
Subject: FW: I am reporting massive illegal use of national symbol/s

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks tom

From: Beavans, Gwen -FS
Sent: Tuesday, June 26, 2018 5:48 PM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Subject: FW: I am reporting massive illegal use of national symbol/s

(b) (5), Deliberative Process Privilege

Thanks for your help,
 Gwen

From: AT [mailto:(b) (6) @comcast.net]
Sent: Tuesday, June 26, 2018 3:41 PM
To: Beavans, Gwen -FS <gbeavans@fs.fed.us>
Subject: I am reporting massive illegal use of national symbol/s

I am very disgusted with the current illegal use of the Smokey Bear logo for extreme political purposes and commercial use. I have always been a fan of Smokey Bear and I am sickened that the US government is permitting the continued misuse of one of our most sacred symbols. Please enforce the law and stop this type of use. Please see the law and violators via the links below.

Please keep my personal information anonymous including my email address and any other identifiable information.

Thank you.

https://smokeybear.com/guidelines/SmokeyBearUseGuidelines_Nov2016.pdf

Violations

Items produced for commercial sale that contain or use the Smokey Bear image, name, or message without benefit of a license violate Public Law 82-359, as amended by P.L. 93-318. Report suspected violations directly to the national CFFP Program Manager, who shall take action necessary, up to and including civil and criminal court actions, to stop the violator.

<https://www.facebook.com/SmokeyTheResistanceBear/>

https://www.amazon.com/RESIST-Smokey-Bear-Window-Decal/dp/B0758CY8V9/ref=sr_1_39?ie=UTF8&qid=1530037423&sr=8-39&keywords=smokey+bumper+stickers

https://www.amazon.com/RESIST-Smokey-Window-Decal-Color/dp/B074RZ7ZY7/ref=sr_1_7?ie=UTF8&qid=1530039585&sr=8-7&keywords=smokey+bumper+stickers

https://www.amazon.com/PREVENT-FASCIST-Smokey-Resist-Premium/dp/B078BDV243/ref=sr_1_10?ie=UTF8&qid=1530039622&sr=8-10&keywords=smokey+bumper+stickers

<http://www.ebay.com/itm/like/182611991477>.

<https://www.amazon.com/smokey-bear-resist/s?page=1&rh=i%3Aaps%2Ck%3Asmokey%20bear%20resist>

<http://thesiskiyoucrest.blogspot.com/2017/01/smokey-bear-says-resist.html>

From: [Dellinger, John - OGC, Washington, DC](#)
 To: [Ferro, John - OGC, Washington, DC](#)
 Subject: FW: Illegal use of Smokey Bear
 Date: Tuesday, January 29, 2019 9:33:58 AM
 Attachments: [image1.jpg](#)
[image001.png](#)

Hi John,

(b)(5) Deliberative Process, (b)(5) Attorney Client

[REDACTED]

Best
 John D



John D. Dellinger
 Patent Attorney
 General Law and Research Division
 Office of the General Counsel
 U.S. Department of Agriculture
 1400 Independence Avenue SW
 Washington, DC 20250-1400
 ☎ 202-239-4531 (Voice)
 844-354-1113 (Fax)
 ✉ John.Dellinger@ogc.usda.gov

From: Moreland, Thomas - FS
 Sent: Friday, January 18, 2019 4:00 PM
 To: Beavans, Gwen -FS <gbeavans@fs.fed.us>; fromero@frontiernet.net; Romero, Francisco - FS <fromero@fs.fed.us>
 Cc: Dellinger, John - OGC <John.Dellinger@ogc.usda.gov>; Hecker, Linda -FS <lhecker@fs.fed.us>; karyn_ferro@nps.gov
 Subject: Re: Illegal use of Smokey Bear

Gwen,
 (b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

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From: Beavans, Gwen -FS
 Sent: Friday, January 18, 2019 3:50:12 PM
 To: fromero@frontiernet.net; Romero, Francisco - FS
 Cc: Moreland, Thomas - FS; Dellinger, John - OGC; Hecker, Linda -FS; karyn_ferro@nps.gov
 Subject: FW: Illegal use of Smokey Bear

Frankie,
 (b) (5), Deliberative Process Privilege

[REDACTED]

Thank you
 Gwen

From: Moreland, Thomas - FS
 Sent: Thursday, January 17, 2019 12:16 PM
 To: Beavans, Gwen -FS <gbeavans@fs.fed.us>
 Subject: Re: Illegal use of Smokey Bear

Gwen,
 Thanks (b) (5), Deliberative Process Privilege

Tom

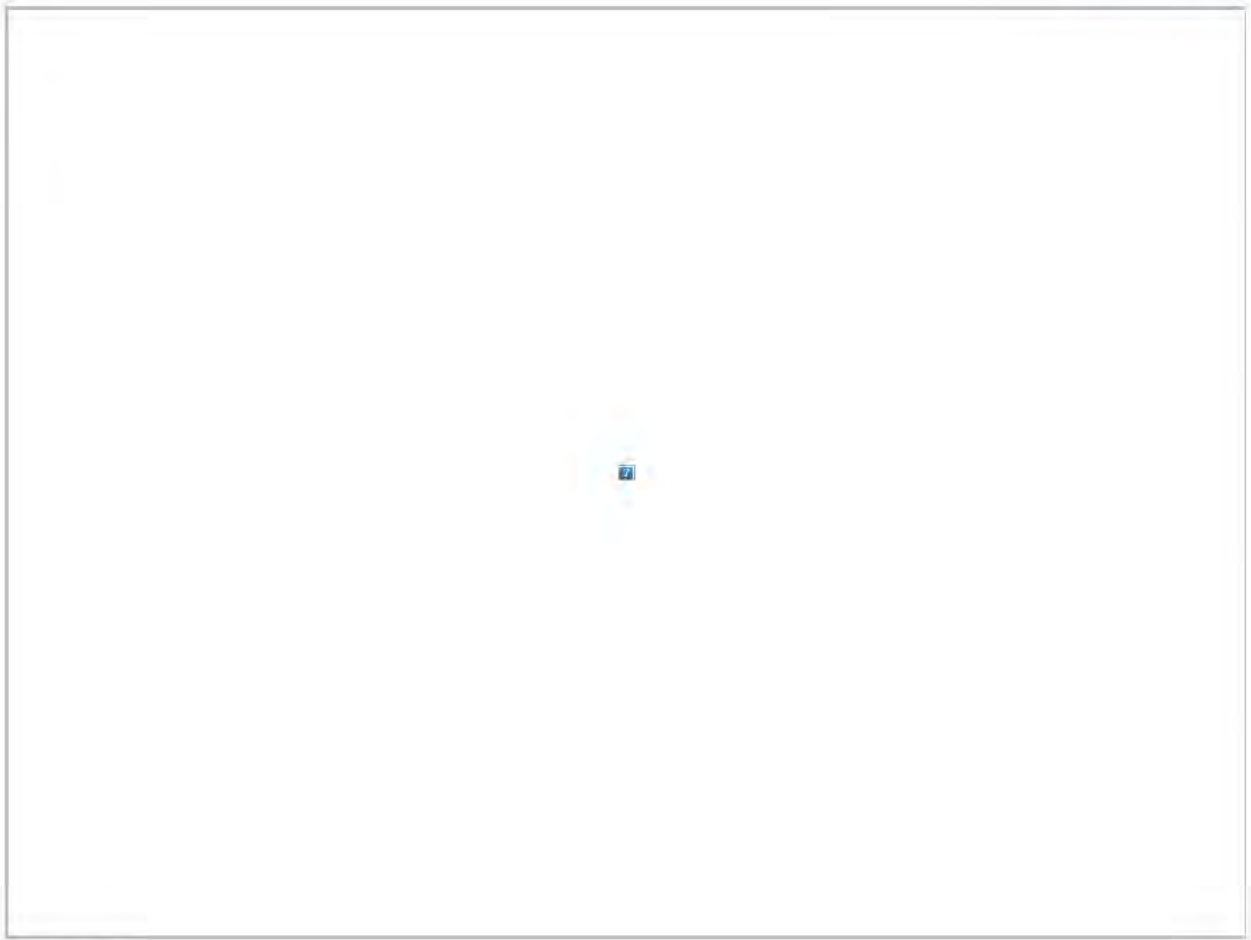
Get [Outlook for iOS](#)

From: Beavans, Gwen -FS
 Sent: Thursday, January 17, 2019 11:23:09 AM
 To: Moreland, Thomas - FS
 Subject: FW: Illegal use of Smokey Bear

FYI

From: Linda Hecker [[mailto:\(b\) \(6\) @gmail.com](mailto:(b) (6) @gmail.com)]
 Sent: Thursday, January 17, 2019 10:50 AM
 To: nffnews@nffe.org
 Cc: Beavans, Gwen -FS <gbeavans@fs.fed.us>; mbrooks@fs.fed.us
 Subject: Illegal use of Smokey Bear

The use of Smokey's image on your sign is an illegal use. You have not been given authority by the USDA Forest Service to use his image. I've cc those in our Washington office who manage the use of Smokey's image.



Sent from my iPhone

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: FW: Infringers
Date: Tuesday, August 20, 2019 9:47:30 AM
Attachments: [SB Infringer Notice 081919-002.pdf](#)
[SB Infringer Notice 081919-001.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

From: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>
Sent: Tuesday, August 20, 2019 7:53 AM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: FW: Infringers



Maureen Brooks
Wildfire Prevention Specialist
Smokey Bear Licensing Program

Forest Service
Fire and Aviation, Landscapes and Partnerships

p: 202-604-2237
maureen.t.brooks@usda.gov

201 14th Street, SW, Mail Stop 1107
 Washington, DC 20250
www.fs.fed.us



Caring for the land and serving people

From: David Milch [[mailto:\(b\) \(6\)@perpetuallicensing.com](mailto:(b) (6)@perpetuallicensing.com)]
Sent: Monday, August 19, 2019 5:13 PM
To: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>
Cc: Todd Lustgarten <[\(b\) \(6\)@perpetuallicensing.com](mailto:(b) (6)@perpetuallicensing.com)>
Subject: Infringers

Hi Maureen

Two more infringers

Best,

D

David Milch

PERPETUAL LICENSING

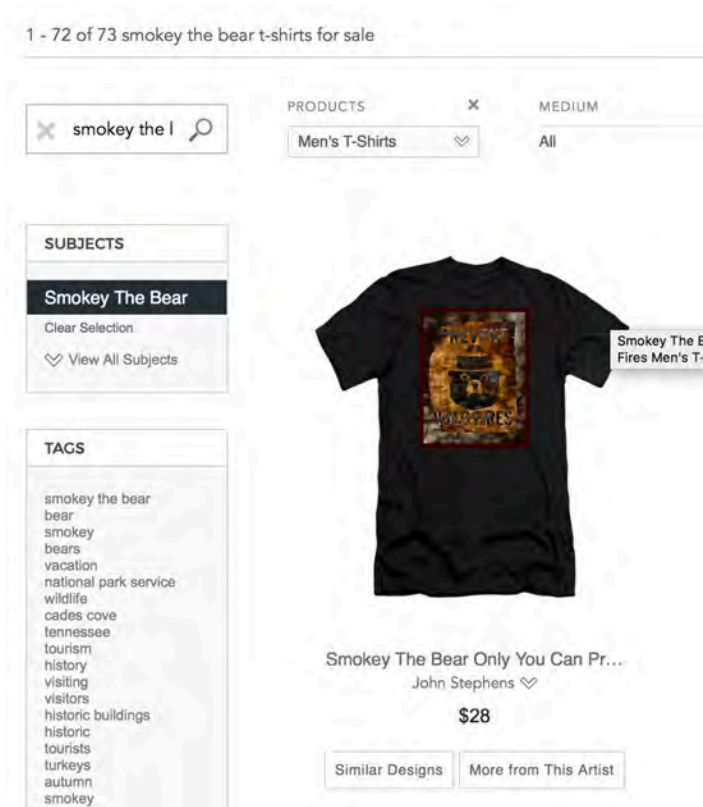
Brand Representation | Manufacturer Representation | Brand Licensing Consulting

[\(b\) \(6\)@perpetuallicensing.com](mailto:(b) (6)@perpetuallicensing.com)
www.PerpetualLicensing.com



Licensing Program Infringer Notice

Date: August 19, 2019
Notice #: 081919-001
Platform: Online Retailer
Company: Fine Art America
Company url: www.fineartamerica.com
Product #: N/A
Infringing Url: <https://fineartamerica.com/shop/tshirts/smokey+the+bear>
Image:



Notes: Unapproved use of SB
Not an authorized licensee



Licensing Program Infringer Notice

Date: August 19, 2019

Notice #: 081919-002

Platform: Online Retailer

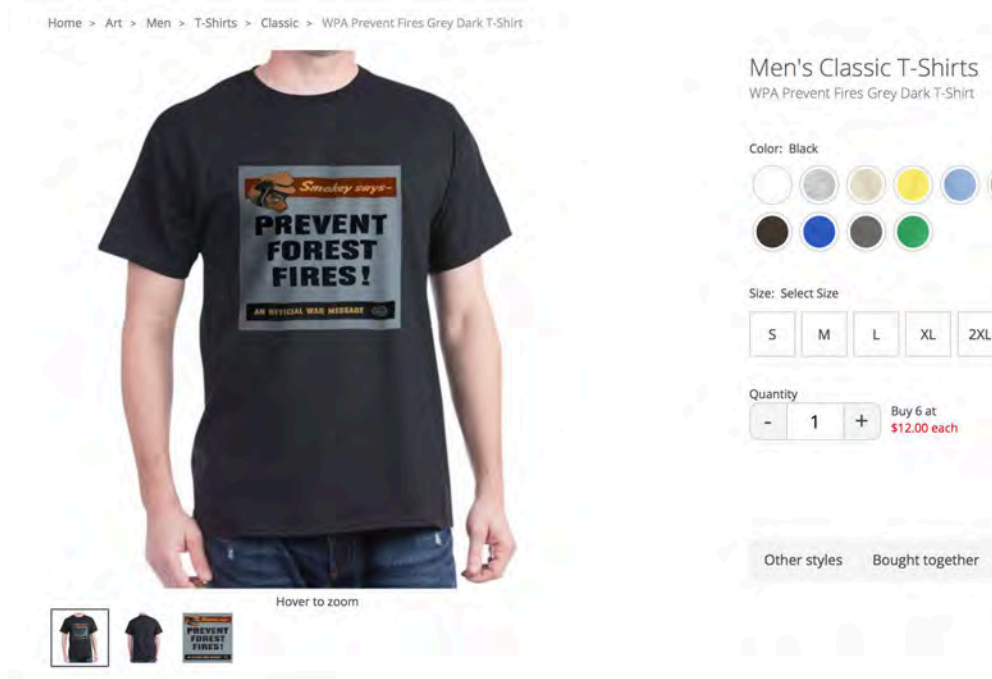
Company: Café Press

Company url: www.cafepress.com

Product #: N/A

Infringing Url: https://www.cafepress.com/mf/55453036/10x10apparelwpasmokeygrey_tshirt?productId=549260928

Image:



Notes: Unapproved use of SB
Not an authorized licensee

From: [h - h](#)
To: [Young Benjamin - OGC Washington DC](#)
Cc: [Dudling John - OGC Washington DC](#)
Subject: W cons ng of ingment
Date: Wednesday, June 26, 2019 2:49:40 M
Attachments: [Smolary missio J G](#)

Benny

(b) (5), Deliberative Process

John F

-----Original Message-----

From Moreland Thomas - FS
Sent Tuesday, June 25, 2019 6:56 AM
To Fado John - OGC Washington DC <john.fado@usda.gov>; Dellinger John - OGC Washington DC <john.dellinger@usda.gov>
Subject FW: Licensing infringement

John & John

(b) (5), Deliberative Process Privilege, Attorney

tom

-----Original Message-----

From Brooks Maureen T -FS
Sent Monday, June 2, 2019 5:05 PM
To: Moreland Thomas - FS <thomas.moreland@usda.gov>
Subject: FW: Licensing infringement

FYI see below

Maureen Brooks
Wildfire Prevention Specialist
Smokey Bear Licensing Program
Forest Service
Fire and Aviation Landscapes and Partnerships
p 202-606-2237
maureen.t.brooks@usda.gov
2011 14th Street SW Mail Stop 1107
Washington DC 20250
www.fs.fed.us

Caring for the land and serving people

-----Original Message-----

From Fairchild1755 [mailto:(b) (6)@neonlogic.com]
Sent Friday, June 1, 2019 2:5 PM
To FS-SB License <SBL.cense@fs.fed.us>
Subject: L. censing nfringement

I would like to alert you to a licensing infringement on Facebook.

[illegible]

I have also included a JPG file of the altered photo.

I appreciate your efforts to have this political group immediately stop the use of Smokey Bear for their own purpose which has nothing to do with fire prevention activities.

If you have any questions, please contact me.

Scott Fairchild
Former WV Division of Forestry employee

Photos from WV Senate Democrats's post

in Timeline Photos



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Options

Send in Messenger



WV Senate Democrats

2021-OGC-05282-F

Like This Page · 20 hrs

We definitely could use your help with this one.

#wvpol #DitchMitch #55United AFT-West Virginia
Dedicated Teachers West Virginia School Service
Personnel Association WV Elementary Principals
Organization WVAEMSP wvprincipals.org

160

4 Comments 23 Shares

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Most Relevant



Amy Fairchild Pretty sure Smoky is copyrighted. Might want to be careful violating laws.

Like · Reply · 2h

000027



Write a comment...



From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: FW: LRM [RD-116-1] DUE 02/1 @ Noon OMB Request for Views on HR498 Clean Up the Code Act of 2019
Date: Tuesday, February 5, 2019 11:09:10 AM

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

From: Fado, John - OGC
Sent: Tuesday, February 05, 2019 11:02 AM
To: Dellinger, John - OGC <John.Dellinger@ogc.usda.gov>; Moreland, Thomas - FS <twmoreland@fs.fed.us>
Subject: FW: LRM [RD-116-1] DUE 02/1 @ Noon OMB Request for Views on HR498 Clean Up the Code Act of 2019

John / Tom,

(b)(5) DPP ACP, (b) (6)

John Fado

From: Hetrick, Julie - OBPA, Washington, DC
Sent: Monday, February 4, 2019 4:02 PM
To: Fado, John - OGC <JOHN.FADO@OGC.USDA.GOV>; MONFORT, LORI - OGC <LORI.MONFORT@OGC.USDA.GOV>; Donnay, Jacob S -FS <jacobsdonnay@fs.fed.us>; Stull, Josh - NIFA <JStull@nifa.usda.gov>
Subject: FYI: LRM [RD-116-1] DUE 02/1 @ Noon OMB Request for Views on HR498 Clean Up the Code Act of 2019
FYI:

From: Damis, Rody EOP/OMB (b) (6)

Sent: Monday, February 4, 2019 3:46 PM
To: Hetrick, Julie - OBPA, Washington, DC <Julie.Hetrick@obpa.usda.gov>
Subject: RE: LRM [RD-116-1] DUE 02/1 @ Noon OMB Request for Views on HR498 Clean Up the Code Act of 2019

Great. Thanks very much, and no worries, Julie. (b)(5) Deliberative Process

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] OMB

The Department of Justice has this comment on H.R. 498, the Clean Up the Code Act of 2019:

(b)(5) Attorney Client

(b) (5). Deliberative Process Privilege

A large rectangular area of the document is completely redacted with a solid black fill.

OMB

From: Hetrick, Julie - OBPA, Washington, DC <Julie.Hetrick@obpa.usda.gov>

Sent: Monday, February 4, 2019 2:54 PM

To: Damis, Rody EOP/OMB <(b) (6)>

Subject: RE: LRM [RD-116-1] DUE 02/1 @ Noon OMB Request for Views on HR498 Clean Up the Code Act of 2019

(b) (5). Deliberative Process Privilege

A large rectangular area of the document is completely redacted with a solid black fill.

Thank you for the opportunity to provide USDA comments.

From: Damis, Rody EOP/OMB <(b) (6)>

Sent: Tuesday, January 29, 2019 3:03 PM

To: OBPA-USDA-LEG <OBPA-USDA-LEG@obpa.usda.gov>; 'COMMERCE' <clrm@doc.gov>; 'EPA' <epalrm@epamail.epa.gov>; 'INTERIOR' <ocl@ios.doi.gov>; 'JUSTICE' <justice.lrm@usdoj.gov>

Subject: LRM [RD-116-1] DUE 02/1 @ Noon OMB Request for Views on HR498 Clean Up the Code Act of 2019

DEADLINE: Noon Friday, February 01, 2019

Attached for your review, please find the text (4 pages) of H.R. 498 - Clean Up the Code Act of 2019 which was passed by the House on 1/22/2019 by voice vote. Among other things, the bill would repeal specified sections of the federal criminal code, including provisions that prohibit the: (1) interstate transport of alligator grass, water chestnut plants, or water hyacinth plants; (2) fraudulent use of the 4-H club emblem (i.e., the green four-leaf clover); (3) unauthorized use of the Smokey Bear character or name; and (4) unauthorized use of the Woodsy Owl character, name, or slogan.

Please review the attached bill text and provide your agency's views by the deadline above. Thanks.

LRM ID: RD-116-1

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET

LEGISLATIVE REFERRAL MEMORANDUM
Monday, January 28, 2019

TO: Legislative Liaison Officer - See Distribution

FROM: Ventura, Alexandra (for) Assistant Director for Legislative Reference
SUBJECT: LRM [RD-116-1] DUE 02/1 @ Noon OMB Request for Views on HR498 Clean Up the Code Act of 2019

OMB CONTACT: **Rody Damis**

E-Mail: (b) (6)

PHONE (b) (6)

In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. By the deadline above, please reply by e-mail or telephone, using the OMB Contact information above.

Please advise us if this item will affect direct spending or receipts for the purposes of the Statutory Pay-as-You-Go Act of 2010.

Thank you.

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

From: [Dellinger, John - OGC, Washington, DC](#)
To: [Fado, John - OGC, Washington, DC](#)
Cc: [Moreland, Thomas - FS](#)
Subject: FW: misuse of Smokey
Date: Wednesday, April 24, 2019 9:04:17 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
(b) (5), Discretionary Process Privilege, Attorney Client Priv
[image005.png](#)

Hi John,

(b)(5) DPP ACP

Best
John D



John D. Dellinger
 Patent Attorney
 General Law and Research Division
 Office of the General Counsel
 U.S. Department of Agriculture
 1400 Independence Avenue SW
 Room 3311-S, Stop 1415
 Washington, DC 20250-1415
 ☎ **202-239-4531 (Voice)**
 📠 **844-354-1113 (Fax)**
 ✉ John.Dellinger@usda.gov

From: Dellinger, John - OGC, Washington, DC
Sent: Monday, April 15, 2019 9:40 AM
To: Fado, John - OGC, Washington, DC <john.fado@usda.gov>
Cc: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: FW: misuse of Smokey

Hi John,

(b)(5) DPP ACP

(b)(5) DPP ACP

Best
John D



John D. Dellinger
 Patent Attorney
 General Law and Research Division
 Office of the General Counsel
 U.S. Department of Agriculture
 1400 Independence Avenue SW
 Room 3311-S, Stop 1415

Washington, DC 20250-1415
 ☎ 202-239-4531 (Voice)
 844-354-1113 (Fax)
 ✉ John.Dellinger@usda.gov

From: Moreland, Thomas - FS
Sent: Monday, April 15, 2019 9:10 AM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: FW: misuse of Smokey

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks tom

From: Beavans, Gwen -FS
Sent: Friday, April 12, 2019 3:24 PM
To: Geringer-Frazier, Barbara - FS <bgeringerfrazier@fs.fed.us>; Brooks, Maureen T -FS <mtbrooks@fs.fed.us>
Cc: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Subject: RE: misuse of Smokey

Thank you for sharing.

(b) (5), Deliberative Process Privilege

From: Geringer-Frazier, Barbara - FS
Sent: Wednesday, April 10, 2019 3:59 PM
To: Beavans, Gwen -FS <gbeavans@fs.fed.us>; Brooks, Maureen T -FS <mtbrooks@fs.fed.us>
Subject: FW: misuse of Smokey

(b) (5), Deliberative Process Privilege



Barb Geringer
EMS Program Manager

U.S. Forest Service/National Park Service

c (b) (6)
bgeringerfrazier@fs.fed.us
 201 14th St. SW, 1SC-01H, Washington DC, 20227
www.fs.fed.us



Caring for the land and serving people

From: Tim [mailto:(b) (6)@qnet.com]
Sent: Wednesday, April 10, 2019 3:55 PM
To: Geringer-Frazier, Barbara - FS <bgeringerfrazier@fs.fed.us>
Subject: misuse of Smokey

Dear Barb,

I thought you might be interested in seeing what I came across on Amazon in regards to Smokey: "Only You Can Prevent Fascism"that's a new one on me!

https://www.amazon.com/Prevent-Fascism-National-Service-Activism/dp/B07JKK27M7/ref=sr_1_27_sspa?hvadid=174223079207&hvdev=c&hvlocphy=9031764&hvnetw=g&hvpos=1t1&hvqmt=b&hvrnd=5301042264364512978&hvtargid=kwid-45055033&keywords=smokey+bear+hat&qid=1554924867&s=gateway&sr=8-27-spons&psc=1

Sincerely,
 Tim McMullen
 (Ret DC, Inyo NF, Mammoth RD)

(b)(5) DPP ACP

(b)(5) DPP ACP

From: [Cumberland, Dominic -FS, DISTRICT OF COLUMBIA, DC](#)
To: [Shaw, Lesley - OGC, Washington, DC](#)
Subject: FW: Reference email sent on 7-2-14 / Subject: Concern about apparent likeness / use of Forest Service insignia
Date: Thursday, July 19, 2018 10:29:19 AM
Attachments: [tioga-sequoia.jpg](#)
[Danner logo.jpg](#)

Hello Ms. Shaw,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege



Thank you.

Dominic Cumberland
Visitor Services Information Assistant
Forest Service
Office of Communication
p: 202-205-0857
f: 202-205-0885
dcumberland@fs.fed.us
201 14th St. S.W.
Washington, DC 20024
www.fs.fed.us

Caring for the land and serving people

-----Original Message-----

From: Cumberland, Dominic -FS
Sent: Wednesday, October 22, 2014 2:38 PM
To: SHAW, LESLEY - OGC <LESLEY.SHAW@OGC.USDA.GOV>
Subject: Reference email sent on 7-2-14 / Subject: Concern about apparent likeness / use of Forest Service insignia

Hello Ms. Shaw,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege



Thank you for your time,

Dominic P. Cumberland
Visitor Services Information Assistant

Office of Communication
USDA Forest Service
National Headquarters
p: 202-205-0857
f: 202-205-0885
dcumberland@fs.fed.us
1400 Independence Ave, SW,
Mailstop 1111
Washington, DC 20250

-----Original Message-----

From: Cumberland, Dominic -FS
Sent: Wednesday, July 02, 2014 10:24 AM
To: SHAW, LESLEY - OGC
Subject: Concern about apparent likeness / use of Forest Service insignia

Hello Ms. Shaw,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

A large rectangular area of the document is redacted with a solid black box.A single line of text is redacted with a solid black box.A large rectangular area of the document is redacted with a solid black box.A single line of text is redacted with a solid black box.

Thank you for your time

Dominic P. Cumberland
Visitor Services Information Assistant
USDA Forest Service, Office of Communication
1400 Independence Avenue, SW
Mailstop: 1111
Washington, DC 20250-1111
202-205-0857

2021-OGC-05282-F



000038



2021-OGC-05282-F

Brewery/BeerGarden : 559.486.2337



search site

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About

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Tioga-Sequoia Brewing Company was founded in 2007 with a mission of producing world class beers that could bring awareness and resources to the preservation of the Southern Sierra Nevada mountains in California. The Southern Sierras run along the Eastern side of the San Joaquin Valley and include such landmarks as Yosemite National Park, Sierra National Forest, Sequoia National Park, Kings Canyon National Park, and Sequoia National Forest. Every time you purchase our craft beers, you are helping to preserve the natural beauty of the Southern Sierra... now and for future generations. We donate a portion of our yearly proceeds to non profit organizations that help this worth cause.

Our award-winning Brewmaster, Kevin Cox, has been spent over 20 years in the brewing industry. He began his career as a cellar master/production manager for Heitz Wine Cellars in the Napa Valley from 1979-1989. He then moved to Fresno to help in the founding of Butterfield Brewing Company, a San Joaquin Valley favorite for many years. After leaving Butterfield in 2003, Kevin became the head brewmaster at Tioga-Sequoia Brewing Company. He has won five gold medals at the Great American Beer Festival in Denver, Colorado, as well as numerous regional and State awards.

000039

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: FW: runny the bear
Date: Monday, April 1, 2019 8:29:58 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

John,

Good morning (b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks tom

From: Brooks, Maureen T -FS
Sent: Monday, April 01, 2019 8:23 AM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Subject: FW: runny the bear

Hi Tom,

See the attached link – (b) (5), Deliberative Process Privilege

Maureen



Maureen Brooks
Wildfire Prevention Specialist
Smokey Bear Licensing Program
Forest Service
Fire and Aviation, Landscapes and Partnerships

p: 202-604-2237

maureen.t.brooks@usda.gov

201 14th Street, SW, Mail Stop 1107
Washington, DC 20250

www.fs.fed.us



Caring for the land and serving people

From: Turck, Fred X [<mailto:fred.turck@dof.virginia.gov>]
Sent: Saturday, March 30, 2019 11:15 AM
To: Brooks, Maureen T -FS <mtbrooks@fs.fed.us>
Subject: runny the bear
 have fun with this one
<https://runpa.org/tshirt-drawer/runny-the-bear-mens-tee>
 Fred

--

Fred X. Turck

Prevention Program Manager- Emergency Response Branch

Firewise-WU/Wildfire Prevention Education/Prescribed Fire/Dry Hydrants

Virginia Department of Forestry

900 Natural Resources Drive

Charlottesville, VA 22903

Office: 434-220-8052

Cell: (b) (6)

FAX: 434-977-9839

fred.turck@dof.virginia.gov

www.dof.virginia.gov

Proudly Protecting and Serving since 1914

From: [Dellinger, John - OGC, Washington, DC](#)
To: [Moreland, Thomas - FS](#)
Subject: RE: Smoke shop using Smokey
Date: Tuesday, July 17, 2018 2:27:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Thanks Tom.

From: Moreland, Thomas - FS
Sent: Tuesday, July 17, 2018 2:24 PM
To: Dellinger, John - OGC
Cc: Fado, John - OGC
Subject: FW: Smoke shop using Smokey

John,

More Smokey Bear issues. (b) (5), Deliberative Process Privilege

Thanks tom

From: Beavans, Gwen -FS
Sent: Tuesday, July 17, 2018 8:17 AM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Subject: Fwd: Smoke shop using Smokey

Tom,

(b) (5), Deliberative Process Privilege

Thank you,

Gwen

Gwen Beavans

National Wildfire Prevention Branch Chief

Forest Service

Washington Office, Fire and Aviation Management

P: 202-205-1488

C: (b) (6)

gbeavans@fs.fed.us

201 14th Street, SW

Washington, DC 20250

www.fs.fed.us

"Caring for the Land and Serving People"

Sent from my iPad

Begin forwarded message:

From: "Geringer-Frazier, Barbara - FS" <bgeringerfrazier@fs.fed.us>
Date: July 15, 2018 at 1:00:22 PM EDT
To: "Beavans, Gwen -FS" <gbeavans@fs.fed.us>, FS-SB License
 <SBLicense@fs.fed.us>
Subject: FW: Smoke shop using Smokey

See below.



Barb Geringer
Emergency Management Specialist (Detail)
All-Hazard and International Fire Support

Forest Service
Fire and Aviation Management

c: (b) (6)
bgeringerfrazier@fs.fed.us

1400 Independence Ave SW
Washington, DC 20250
www.fs.fed.us



Caring for the land and serving people

From: Teri Wilson [[mailto:\(b\) \(6\)@gmail.com](mailto:(b) (6)@gmail.com)]

Sent: Saturday, July 14, 2018 1:19 PM

To: Geringer-Frazier, Barbara - FS <bgeringerfrazier@fs.fed.us>

Subject: Fwd: Smoke shop using Smokey

I tried to send this to the Metis Group but got an auto response that they no longer handle Smokey the Bear licensing.

Thank you!

Teri Wilson
Mobile Notary Public and
Certified Doc Signing Agent
Hemet, Ca

(b) (6)

----- Forwarded message -----

From: Teri Wilson <(b) (6)@gmail.com>

Date: Sat, Jul 14, 2018 at 10:13 AM

Subject: Smoke shop using Smokey

To: <SmokeyBear@themetisgroup.com>

image.png



This is a new dispensary that popped up on the Northeast corner of Lincoln Ave and Florida Ave (aka Hwy 74) in the unincorporated area of Riverside County, California, East of the city of Hemet.

Thank you!
Teri Wilson
Mobile Notary Public and
Certified Doc Signing Agent
Hemet, Ca
(b) (6)

From: [Dellinger, John - OGC, Washington, DC](#)
To: [Fado, John - OGC, Washington, DC](#)
Subject: FW: Smokey // Unlicensed t-shirts
Date: Monday, September 24, 2018 2:09:56 PM
Attachments: [image001.png](#)
(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product.docm
[image001.png](#)

Hi John,

(b)(5) DPP ACP

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thoughts?



John D. Dellinger
 Patent Attorney
 General Law and Research Division
 Office of the General Counsel
 U.S. Department of Agriculture
 1400 Independence Avenue SW
 Washington, DC 20250-1400
 ☎ **202-239-4531 (Voice)**
844-354-1113 (Fax)
 ✉ John.Dellinger@ogc.usda.gov

From: Moreland, Thomas - FS
Sent: Monday, September 24, 2018 1:56 PM
To: Dellinger, John - OGC <John.Dellinger@ogc.usda.gov>
Subject: FW: Smokey // Unlicensed t-shirts

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

[REDACTED]

Tom

From: Beavans, Gwen -FS
Sent: Monday, September 24, 2018 8:17 AM

To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Cc: Brooks, Maureen T -FS <mtbrooks@fs.fed.us>
Subject: Re: Smokey // Unlicensed t-shirts

On Aug 8, 2018, at 6:45 PM, David Imani <(b) (6)@AdCouncil.org> wrote:

Hi there,

Michael from HelpGood flagged the link below to a company selling Smokey shirts that are certainly unlicensed, you'll see why as soon as you click on it. Wanted to bring this to your attention in case you'd like to take any action.

<https://rockingthetees.com/return-fire?s=hanes-5250&c=Black&p=BACK>

David Imani

PR & Social Media

The Ad Council

(b) (6)

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Thank you in advance for your cooperation.

Sincerely,
USDA Forest Service

Tracy Hancock
Director Knowledge Management and Communications

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: FW: Smokey // Unlicensed t-shirts
Date: Wednesday, September 19, 2018 10:48:29 AM
Attachments: [image1.png](#)

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

From: Beavans, Gwen -FS
Sent: Thursday, August 09, 2018 2:27 PM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Subject: FW: Smokey // Unlicensed t-shirts
FYI... (b) (5), Deliberative Process Privilege

From: Whitney Forman-Cook [[mailto:\(b\) \(6\)@stateforesters.org](mailto:(b) (6)@stateforesters.org)]
Sent: Thursday, August 9, 2018 12:08 PM
To: David Imani (b) (6) <(b) (6)@AdCouncil.org>
Cc: Beavans, Gwen -FS <gbeavans@fs.fed.us>; Amy Gibson-Grant <(b) (6)@AdCouncil.org>; Zach Williams (b) (6) <(b) (6)@AdCouncil.org>; Monica Hunter (b) (6) <(b) (6)@AdCouncil.org>; Ben Dorf (b) (6) <(b) (6)@AdCouncil.org>
Subject: Re: Smokey // Unlicensed t-shirts

I couldn't help it, the ad for the shirts popped up in my newsfeed...

Also, Gwen, have we established an interim office for misuse complaints like this yet? I know Metis used to be our go-to.

image1.png



Sent from my iPhone

On Aug 8, 2018, at 6:45 PM, David Imani <(b) (6)@AdCouncil.org> wrote:

Hi there,

Michael from HelpGood flagged the link below to a company selling Smokey shirts that are certainly unlicensed, you'll see why as soon as you click on it. Wanted to bring this to your attention in case you'd like to take any action.

<https://rockingthetees.com/return-fire?s=hanes-5250&c=Black&p=BACK>

David Imani

PR & Social Media

The Ad Council

(b) (6)

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From: [Moreland, Thomas - FS](#)
To: [Dallinger, John - DGC, Washington, DC](#)
Subject: FW: Smokey bear infringement
Date: Tuesday, June 25, 2019 7:08:36 AM
Attachments: [Screenshot_0195023-101309_Face_pg_1.jpg](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

John

(b) (5), Deliberative Process Priv.

Tom

From: Brooks, Maureen T - FS
Sent: Monday, June 24, 2019 12:31 PM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: Smokey bear infringement

Hi Tom

(b) (5), Deliberative Process Privilege

Thanks so much

Maureen



Maureen Brooks
Wildfire Prevention Specialist
Smokey Bear Licensing Program
Forest Service
Fire and Aviation, Landscapes and
Partnerships
p: 202 604 2237
maureen.t.brooks@usda.gov
201 14th Street, SW, Mail Stop 1107
Washington, DC 20250
www.fs.fed.us
[f](#) [t](#) [in](#)
Caring for the land and serving people

From: Mahoney, Patrick <Patrick.Mahoney@freshfromflorida.com>
Sent: Monday, June 24, 2019 6:15 AM
To: Brooks, Maureen T - FS <maureen.t.brooks@usda.gov>
Subject: FW: Thought you might want to see this if you haven't already.
From: Patrick Mahoney <(b) (5) <[yahoo.com](mailto:(b) (5)@yahoo.com)>>
Sent: Sunday, June 23, 2019 10:14 AM
To: Mahoney, Patrick <Patrick.Mahoney@freshfromflorida.com>
Subject:



[Sent from Yahoo Mail on Android](#)

From: [Dellinger, John - OGC, Washington, DC](#)
To: [Fado, John - OGC, Washington, DC](#); [Shaw, Lesley - OGC, Washington, DC](#)
Subject: FW: Smokey Bear law change
Date: Tuesday, February 5, 2019 10:23:00 AM
Attachments: [Talking points Proposal to Repeal sec.711 of SB Law 12-1-15.doc](#)
[image001.png](#)
[image002.png](#)

Hi,
 In case you haven't seen this, Smokey, Woodsy, and 4-H crimes are up for repeal apparently.
 Best
 John



John D. Dellinger
 Patent Attorney
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 Office of the General Counsel
 U.S. Department of Agriculture
 1400 Independence Avenue SW
 Washington, DC 20250-1400
 ☎ 202-239-4531 (Voice)
 844-354-1113 (Fax)
 ✉ John.Dellinger@ogc.usda.gov

From: Moreland, Thomas - FS
Sent: Tuesday, February 5, 2019 9:32 AM
To: Dellinger, John - OGC <John.Dellinger@ogc.usda.gov>
Subject: Smokey Bear law change

John,

Below is the link to the proposed change to the use of Smokey Bear and Woodsy Owl. Also, I attached what the FS response was. (b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

<https://govtrackinsider.com/clean-up-the-code-act-would-repeal-nine-random-extremely-minor-crimes-which-are-never-prosecuted-6fca11fe6c16>



Thomas Moreland
 Technology Transfer Coordinator
 Forest Service
 KMC, WO, Research & Development
 443-677-6858

thomas.moreland@usda.gov
 1400 Independence Ave. SW
 Washington, DC 20250

Mailing Address:

201-14th Street SW
 Washington, DC 20024

Please remember “Safety and Safety Equipment are Critical”
www.fs.fed.us



USDA Forest Service Fire and Aviation Management Talking Points



Date December 1, 2015

Talking Points on Proposal to repeal title 18 USC Section 711 relating to Smokey Bear Act P.L. 82-359 Ch. 327

- 88% of wildland fires (nearly nine out of ten) on all lands (federal, state and private) are human-caused, according to *1984-1990* and *1991-1997 Wildland Fire Statistics* USDA Forest Service, and unpublished fire statistics 1998-2003
- The leading human-causes of wildfires in the United States are debris burning, campfires, equipment use and arson.
- The Cooperative Forest Fire Prevention (CFFP) Committee, (USDA Forest Service, National Association of State Foresters, and the Advertising Council) was formed in 1942 to create wildfire prevention messages that target specific human-caused wildfire ignitions. Smokey Bear is a crucial element of these wildfire prevention messages. Keeping Smokey's image and message protected under law is the key to success of the CFFP's wildfire prevention campaign.
- For-profit use of Smokey Bear's image and name is allowed if a license is obtained by adhering to the CFFP rules, regulations and licensing process as identified in 36 CFR 271 "Use of Smokey Bear."
- Royalties paid by Smokey Bear licensees to the Forest Service are reinvested into wildfire prevention programs, education materials, and other CFFP campaign products.
- P.L.82-359, the Smokey Bear Act of May 23, 1952 states that those who do not receive proper approvals from the CFFP for use of Smokey Bear's image or name shall be fined not more than \$250 or imprisoned not more than six months, or both."
- P.L. 82-359 states that the Secretary of Agriculture may authorize use of Smokey Bear "for a period not to exceed one hundred and eighty days, expiring no later than one year after the enactment" of this act. This was in an effort to mitigate substantial loss if an agreement of use was made prior to this enactment.
- Sec. 3 of P.L. 82-359 also states in Sec. 3 that funds received from fees collected under Smokey Bear regulations, shall be put in a special account and used to further "the nation-wide forest-fire prevention campaign."
- Public Law 93-318, the Woodsy Owl Act of June 22, 1974, identifies the name and character of "Smokey Bear" as property of the United States, in essence taking Smokey Bear out of public domain and inserted "and for profit" to describe the type of Smokey Bear use where fines and imprisonment shall be considered.

- In 1994, Public Law 103-322 substituted the following wording in P.L. 82-359 “fined under this title” for “fined not more than \$250” and struck out the element of permission to use for 180 days, since that time had clearly passed.
- 18 USC Ch. 33 - Emblems, Insignia, and Names documents in Sec. 711 P.L. 82-359 and amendments to P.L. 103-22 and P.L. 93-318.

(b) (5), Deliberative Process Privilege, Attorney Client Privilege



From: [Dellinger, John - OGC, Washington, DC](#)
To: [Robinson, Antonio - OGC, Washington, DC](#)
Subject: FW: Smokey Bear Licensing and Enforcement- ATTORNEY CLIENT PRIVILEGE
Date: Wednesday, April 4, 2018 10:35:00 AM
Attachments: [Smokey Documents.pdf](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

Hi Antonio,

(b) (5), Deliberative Process Privilege, Attorney Work Product Privilege

[REDACTED]

[REDACTED]

Best

John D

From: Dellinger, John - OGC
Sent: Monday, August 28, 2017 11:54 AM
To: Fado, John - OGC
Cc: SHAW, LESLEY - OGC
Subject: FW: Smokey Bear Licensing and Enforcement- ATTORNEY CLIENT PRIVILEGE

Hi John,

(b) (5), Deliberative Process Privilege, Attorney Work Product Privilege, Attorney Client Privilege

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Best

John D

From: Dellinger, John - OGC
Sent: Tuesday, June 20, 2017 8:30 AM
To: Fado, John - OGC
Subject: RE: Smokey Bear Licensing and Enforcement- ATTORNEY CLIENT PRIVILEGE

John,

(b) (5), Deliberative Process Privilege, Attorney Work Product Privilege, Attorney Client Privilege

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5), Deliberative Process Privilege, Attorney Work Product Privilege, Attorney Client Privilege

Best

John D



John D. Dellinger
Patent Attorney
General Law and Research Division
Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Avenue SW
Stop 1415
Washington, DC 20250-1415
☎ 202-239-4531 (Voice)
844-354-1113 (Fax)
✉ John.Dellinger@ogc.usda.gov

From: Fado, John - OGC

Sent: Monday, June 19, 2017 4:49 PM

To: Kurth, Laurie -FS <lkurth@fs.fed.us>

Cc: Dellinger, John - OGC <John.Dellinger@ogc.usda.gov>

Subject: RE: Smokey Bear Licensing and Enforcement- ATTORNEY CLIENT PRIVILEGE

Laurie,

(b) (5), Deliberative Process Privilege, Attorney Work Product Privilege, Attorney Client Privilege

John D. Fado

Deputy Assistant General Counsel
General Law and Research Division
USDA Office of the General Counsel
202-720-2421

From: Kurth, Laurie -FS

Sent: Friday, June 16, 2017 8:39 AM

To: Fado, John - OGC <JOHN.FADO@OGC.USDA.GOV>

Cc: Dellinger, John - OGC <John.Dellinger@ogc.usda.gov>; SHAW, LESLEY - OGC
<LESLEY.SHAW@OGC.USDA.GOV>

Subject: RE: Smokey Bear Licensing and Enforcement- ATTORNEY CLIENT PRIVILEGE

Good morning John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thank you



Laurie Kurth
Assistant Director, Landscapes
and Partnerships

Forest Service
WO Fire and Aviation
Management

p: 202-205-1511

c: (b) (6)
lkurth@fs.fed.us

201 14th St., SW
 Washington, DC 20024
www.fs.fed.us



Caring for the land and serving
people

From: Fado, John - OGC

Sent: Friday, May 05, 2017 5:14 PM

To: Kurth, Laurie -FS <lkurth@fs.fed.us>

Cc: Dellinger, John - OGC <John.Dellinger@ogc.usda.gov>; SHAW, LESLEY - OGC
 <LESLEY.SHAW@OGC.USDA.GOV>

Subject: RE: Smokey Bear Licensing and Enforcement- ATTORNEY CLIENT PRIVILEGE

Good afternoon Laurie,

(b) (5), Deliberative Process Privilege, Attorney Work Product Privilege, Attorney Client Privilege

[Redacted]

John D. Fado

Deputy Assistant General Counsel
 General Law and Research Division
 USDA Office of the General Counsel
 202-720-2421

From: Kurth, Laurie -FS

Sent: Friday, April 14, 2017 3:34 PM

To: Dellinger, John - OGC <John.Dellinger@ogc.usda.gov>; Fado, John - OGC
 <JOHN.FADO@OGC.USDA.GOV>

Cc: YOUNG, BENJAMIN, JR. - OGC <BENJAMIN.YOUNG@OGC.USDA.GOV>; SHAW, LESLEY - OGC
 <LESLEY.SHAW@OGC.USDA.GOV>; Donnay, Jacob S -FS <jacobsdonnay@fs.fed.us>; Steffey, Kay -FS
 <ksteffey@fs.fed.us>; Beavans, Gwen -FS <gbeavans@fs.fed.us>

Subject: RE: Smokey Bear Licensing and Enforcement- ATTORNEY CLIENT PRIVILEGE

Good Afternoon John and John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[Redacted]

Laurie Kurth
Assistant Director, Landscapes



and Partnerships
Forest Service
WO Fire and Aviation
Management

p: 202-205-1511

c: (b) (6)
lkurth@fs.fed.us

201 14th St., SW
Washington, DC 20024
www.fs.fed.us



Caring for the land and serving
people

From: Dellinger, John - OGC

Sent: Monday, April 03, 2017 11:47 AM

To: Kurth, Laurie -FS <lkurth@fs.fed.us>; Beavans, Gwen -FS <gbeavans@fs.fed.us>

Cc: Fado, John - OGC <JOHN.FADO@OGC.USDA.GOV>; YOUNG, BENJAMIN, JR. - OGC
<BENJAMIN.YOUNG@OGC.USDA.GOV>; SHAW, LESLEY - OGC <LESLEY.SHAW@OGC.USDA.GOV>;
Donnay, Jacob S -FS <jacobsdonnay@fs.fed.us>; Steffey, Kay -FS <ksteffey@fs.fed.us>

Subject: Re: Smokey Bear Licensing and Enforcement- ATTORNEY CLIENT PRIVILEGE
ATTORNEY-CLIENT PRIVILEGE

Dear Ms. Kurth:

(b) (5), Deliberative Process Privilege, Attorney Work Product Privilege, Attorney Client Privilege

[REDACTED]

(b) (5), Deliberative Process Privilege, Attorney Work Product Privilege, Attorney Client Privilege

Thank you for bringing this to our attention. We look forward to receiving the requested information.

Best,

John Dellinger

John Dellinger

USDA Office of the General Counsel • General Law and Research Division • 1400 Independence Avenue SW • Room 3311-S • Washington, DC 20250-1415

From: SHAW, LESLEY - OGC

Sent: Friday, March 31, 2017 8:53 AM

To: Dellinger, John - OGC <John.Dellinger@ogc.usda.gov>

Cc: Fado, John - OGC <JOHN.FADO@OGC.USDA.GOV>

Subject: FW: litigation with illegal Smokey Bear use issue

Importance: High

FYI, John D.

From: Beavans, Gwen -FS

Sent: Thursday, March 30, 2017 9:36 PM

To: HORNSTEIN, ELLEN R. - OGC <ELLEN.HORNSTEIN@OGC.USDA.GOV>; (b) (6), (b) (7)(C) -FS < [\(b\) \(6\), \(b\) \(7\)\(C\)@fs.fed.us](mailto:(b) (6), (b) (7)(C)@fs.fed.us)>; Fado, John - OGC <JOHN.FADO@OGC.USDA.GOV>; SHAW, LESLEY - OGC <LESLEY.SHAW@OGC.USDA.GOV>

Cc: Steffey, Kay -FS <ksteffey@fs.fed.us>; Kurth, Laurie -FS <lkurth@fs.fed.us>

Subject: RE: litigation with illegal Smokey Bear use issue

Importance: High

John and Lesley,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thank you,

Gwen



Gwen Beavans
National Wildfire Prevention Program
Manager

Forest Service
Washington Office, Fire and Aviation
Management

p: 202-205-1488

c: (b) (6) <gbeavans@fs.fed.us>

201 14th street, SW

Washington, DC 20250
www.fs.fed.us



Caring for the land and serving people

From: HORNSTEIN, ELLEN R. - OGC

Sent: Monday, March 20, 2017 9:12 AM

To: (b) (6), (b) (7)(C) -FS (b) (6), (b) (7)(C) <[@fs.fed.us](mailto:fs.fed.us)>; Beavans, Gwen -FS <gbeavans@fs.fed.us>; Fado, John - OGC <JOHN.FADO@OGC.USDA.GOV>; SHAW, LESLEY - OGC <LESLEY.SHAW@OGC.USDA.GOV>

Subject: RE: Possible litigation with illegal Smokey Bear use

(b) (6), (b) (7)(C) and Gwen, (b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

[Redacted]

From: (b) (6), (b) (7)(C) -FS

Sent: Friday, March 17, 2017 1:45 PM

To: Beavans, Gwen -FS <gbeavans@fs.fed.us>

Cc: HORNSTEIN, ELLEN R. - OGC <ELLEN.HORNSTEIN@OGC.USDA.GOV>

Subject: RE: Possible litigation with illegal Smokey Bear use

Hi Gwen,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[Redacted]

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

Acting, Assistant Director for Enforcement and Liaison

Forest Service

Law Enforcement and Investigations, Washington Office

(b) (6), (b) (7)(C)

[Redacted]

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From: Beavans, Gwen -FS

Sent: Thursday, March 16, 2017 3:21 PM

To: (b) (6), (b) (7)(C) <[@fs.fed.us](mailto:fs.fed.us)>

Subject: Possible litigation with illegal Smokey Bear use

Hi Curtis,

Thanks for taking time to speak with me. As the national wildfire program manager we have a contract with The Metis Group to manage our license program for Smokey Bear. She is also responsible for sending Cease and Desist letters when there are illegal commercial uses of Smokey's

name, image, slogan or likeness. (b) (5), Deliberative Process Privilege

[REDACTED]

you can give me.

Thank you,

Gwen



Gwen Beavans
National Wildfire Prevention Program
Manager

Forest Service
Washington Office, Fire and Aviation
Management

p: [REDACTED] 8

c: (b) (6)
gbeavans@fs.fed.us

201 14th street, SW
Washington, DC 20250
www.fs.fed.us



Caring for the land and serving
people

Dellinger, John - OGC

From: Kurth, Laurie -FS
Sent: Friday, April 14, 2017 3:34 PM
To: Dellinger, John - OGC; Fado, John - OGC
Cc: YOUNG, BENJAMIN, JR. - OGC; SHAW, LESLEY - OGC; Donnay, Jacob S -FS; Steffey, Kay -FS; Beavans, Gwen -FS
Subject: RE: Smokey Bear Licensing and Enforcement- ATTORNEY CLIENT PRIVILEGE
Attachments: OGC information request 4_14_2017.pdf

Good Afternoon John and John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege



Laurie Kurth
 Assistant Director, Landscapes
 and Partnerships
 Forest Service
 WO Fire and Aviation Management
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 Caring for the land and serving
 people

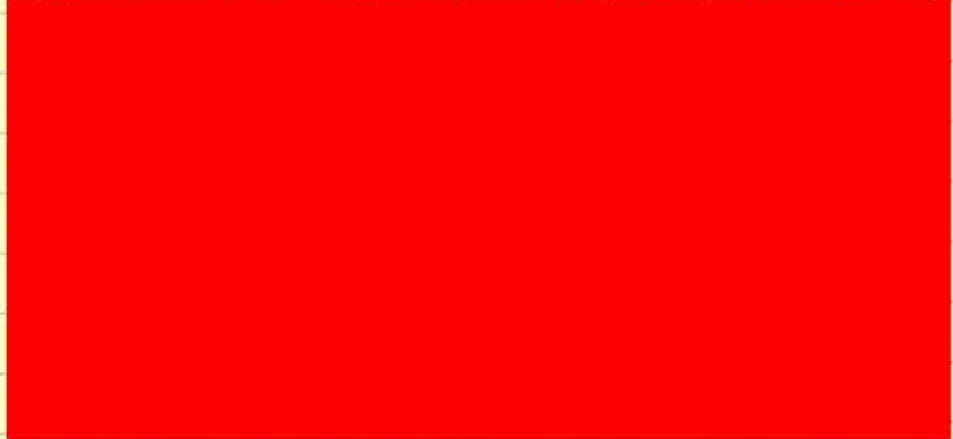
From: Dellinger, John - OGC
Sent: Monday, April 03, 2017 11:47 AM
To: Kurth, Laurie -FS <lkurth@fs.fed.us>; Beavans, Gwen -FS <gbeavans@fs.fed.us>
Cc: Fado, John - OGC <JOHN.FADO@OGC.USDA.GOV>; YOUNG, BENJAMIN, JR. - OGC <BENJAMIN.YOUNG@OGC.USDA.GOV>; SHAW, LESLEY - OGC <LESLEY.SHAW@OGC.USDA.GOV>; Donnay, Jacob S -FS <jacobsdonnay@fs.fed.us>; Steffey, Kay -FS <ksteffey@fs.fed.us>
Subject: Re: Smokey Bear Licensing and Enforcement- ATTORNEY CLIENT PRIVILEGE

ATTORNEY-CLIENT PRIVILEGE

Dear Ms. Kurth:

(b) (5), Deliberative Process Privilege, Attorney Work Product Privilege, Attorney Client Privilege

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege





T: 202.822.5080
F: 202.822.5082
W: www.themetisgroup.com

Cotton Bureau
Attn: Messrs. Jay Fanelli and Nate Peretic
2000 Smallman Street, Suite 203A
Pittsburgh, PA 15222
Via Email: us@cottonbureau.com and designs@cottonbureau.com

RE [REDACTED]ful use of Smokey Bear

Dear Messrs Fanelli and Peretic:

Our firm, [REDACTED] together, with the
Forest Service [REDACTED] image of
Smokey Bear - America's icon for wild fire prevention.

It has come to my attention that you have made an unauthorized use of the copyrighted image of Smokey Bear. The Smokey Bear name, character and slogan are property of the United States government. The act of June 22, 1974 (88 Stat. 244; 31 U.S.C. 488a; 488b-6; 18 U.S.C. 711) authorizes the collection of royalties and criminal penalties of six months imprisonment and/or fines for commercial use of the Smokey Bear symbol and slogan.

As you neither asked for nor received permission to use Smokey Bear as the basis for the Resist t-shirt, nor to make or distribute copies, including electronic copies, of same, you have willfully infringed on the rights of a licensor under 17 U.S.C. Section 101 et seq. and could be liable for statutory damages as high as \$150,000 as set forth in Section 504(c)(2) therein.



I demand that you immediately cease the use and distribution of all infringing works, and all copies, including electronic copies, of same, that you deliver to me, if applicable, all unused, undistributed copies of same, or destroy such copies immediately and that you desist from this or any other infringement of these rights in the future.

If I have not received an affirmative response from you by 5:00 PM ET Wednesday, March 15, 2017 indicating that you have fully complied with these requirements, I shall send this matter to the U.S. Forest Service for further action. Please call me at 202.822.5080 if you have any questions. Thank you in advance for your cooperation.

Sincerely,
The Metis Group LLC

A handwritten signature in cursive script, appearing to read 'Libby Kavoulakis'.

by

Smokey Bear Licensing Program
Libby Kavoulakis

CC: Gwen Beavans - USDA Forest Service

Attachments: *infringing work(s)*



The Metis Group



The Viral T-Shirts of the Trump Resistance Are Made Right Here in Pittsburgh

Reid Frazier February 24, 2017 Culture

Inside a sprawling industrial building below a Pittsburgh police station, Jay Fanelli stands next to a big wheel-like structure stamping a red-white-and-blue pattern on grey t-shirts.

The t-shirts say “Thanks Obama” with stars-and-stripes lettering. Since the election of Donald Trump, Fanelli’s t-shirt company, Cotton Bureau, has looked for designs that oppose the president. And they’ve been flooded with requests for t-shirts, like the Thanks Obama tees, which were designed by a Pittsburgh artist.

“People on the other side politically use ‘Thanks Obama’ as an insult,” says Fanelli, a self-described liberal. “And we’ve seen a couple people use Cotton Bureau t-shirts to try to take [the phrase] back a little and use it as a compliment.”

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Sporting a black hoodie, shaved head, beard and glasses, Fanelli is standing at the printing presses of Clockwise printshop, which is just a few feet down a hallway from Cotton Bureau's warehouse and delivery space.

It's been an unlikely journey for Fanelli and his custom-print t-shirt business into the role of clothier for the Trump resistance. Fanelli and his partners owned a graphic design business. But they wanted to make t-shirts for fun, so they founded Cotton Bureau almost four years ago as a way to make and sell t-shirts for designers and illustrators. The business grew, and eventually the team closed the graphic design business.

The artists submit their designs, and if Cotton Bureau accepts them, the company prints and sells them on its web site. Often the shirts are sold to raise money for charities like medical research or promoting STEM education.



Photo: Reid Frazier

But the business plan changed in November. Fanelli and co-founder Nate Peretic made the decision to focus on anti-Trump shirts, not necessarily because of his policies, but due to what Fanelli calls the “undermining of democratic norms” — things like the potential conflicts of interest posed by the president’s many business ties around the world.

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“We felt like we couldn’t be neutral,” says Fanelli, who is also the company’s lead designer. “We didn’t come out as a company in favor of Hillary Clinton. We’re coming out against Donald Trump.”

A week after the inauguration, the company received an email from someone affiliated with the @RogueNASA Twitter account, one of many alternative government accounts created to oppose the administration. It tweets often about climate change, which Trump has called a hoax.

Their contact at RogueNASA (they don’t know the person’s identity) wanted a t-shirt to sell for charity. The logo Fanelli helped design uses NASA’s “meatball” logo — a simple blue circle with white stars and red arrow, with the word “Rogue” on it. It went up for sale on Cotton Bureau’s web site, then all hell broke loose.

“It went live and it crashed our site,” Fanelli says. “We’ve never had that happen before.”

They sold 14,000 RogueNASA shirts. That’s nearly three times the previous highest order on the site.



Cotton Bureau co-founders, Nate Peretic (left) and Jay Fanelli, hold up a couple of their best sellers at their Pittsburgh warehouse. Photo: Reid Frazier



The Metis Group

They've sold t-shirts for Pod Save America, a podcast run by former Obama aides and speechwriters. And the investigative website ProPublica commissioned a "We're not shutting up" shirt in response to Trump adviser Stephen Bannon's statement that the media should keep quiet. One of the best sellers was a t-shirt with the word "Resist" emblazoned on the hat of a character resembling a displeased Smokey Bear. That t-shirt — titled "Only You Can Prevent Alt Facts" — will benefit national parks, though it's not affiliated with any federal agency. So far, they've sold over 9,000 of that one.

All this means a lot of work for Fanelli and his small crew.

"The most t-shirts we've packed in a short amount of time is 15,000. It's going to be about 50,000 over the next three or four weeks," Fanelli says. "We're not only all hands on deck; we're asking anybody who has a brother or boyfriend or coworker who has a few hours to spare to help get these orders out."

In Cotton Bureau's small warehouse space next to the printing press, Nate Peretic's brother, Joel, sorts through a pile of packaged Smokey shirts ready to ship to various places — everywhere from Fairfield, Ohio to Brooklyn and France.

"We get orders from all over the place," says Joel Peretic. "We get a lot of Asian countries. We ship to every continent."

"We felt like we couldn't be neutral. We didn't come out as a company in favor of Hillary Clinton. We're coming out against Donald Trump."

Fanelli says it's not surprising that t-shirts referencing agencies that study climate science and promote conservation have sold well. "Science and environmentalism have been under attack from the right for years. I don't think it's any coincidence these two shirts have become lightning rods for that kind of activism."

Fanelli says they've lost customers with their foray into activism, but not nearly as many as they've gained. In any other election, he says, the company probably would have tried to stay in the middle. But with this president — Fanelli isn't sure there is a middle ground.

"It's a little bit morally conflicting to know that things are going so well for our business and that's because we have the president we have."

(b) (5), Deliberative Process Privilege, Attorney Work Product Privilege, Attorney Client Privilege



Wed 3/15/2017 5:24 PM

Andrew Bridges (b) (6) @fenwick.com

Cotton Bureau adv. The Metis Group and USDA Forest Service

(b) (6) @themetisgroup.com; gbeavans@fs.fed.us; SmokeyBear@themetisgroup.com

Message forwarded 3/16/2017 12:43 PM

By email to (b) (6) @themetisgroup.com

Ms. Libby Kavoulakis
The Metis Group LLP
1900 M Street, N.W.
Washington, DC 20036

Dear Ms. Kavoulakis:

Fenwick & West LLP represents Cotton Bureau, which has forwarded to us your March 8, 2017 threat and demand about the "Resist t-shirt."

The design of the t-shirt makes an obvious political statement by placing the word "resist" on the helmet of a bear and coupling that image and word with the phrase "Only You Can Prevent Alt Facts." If it were not obvious enough, the article you attached to your letter should have explained it sufficiently.

For the record: the shirts you have challenged feature expressions and symbols to suggest both (1) that resistance to Donald Trump is vital to serve the purposes for which Smokey Bear is a symbol and (2) citizens must be vigilant in combatting lies and propaganda by an increasingly authoritarian Trump Administration. Many persons fear that personnel appointments and budget cuts of the Trump Administration are jeopardizing our environment in many ways, including efforts to prevent fires. See, for example, <https://insideclimatenews.org/news/06022017/sonny-perdue-georgia-usda-agriculture-secretary-national-forest-service-climate-change>. The Resist t-shirt both expresses support for the purposes that Smokey Bear stands for and promotes standing up for those purposes, and against lies and government propaganda, under the current Administration.

Metis Group and you individually have made it clear that you are both acting as agents for the government on this matter. You have made threats on the government's behalf with specific reference to criminal penalties and threats of legal action.

As an agent of the United States Government invoking the law on its behalf, you should have reasonably known that there is a strong First Amendment right to engage in the expression that the "Resist t-shirt" (as you described it) embodies. That First Amendment right has been clearly established. The article that you attached to your letter could not have made the First Amendment issues any clearer.

Your letter refers to sections 488a and 489b-6 of Title 31 of the United States Code. Have you read those sections lately? They have not existed since the mid-1980s. Your company and you sent a harassing threat without any familiarity with the relevant current statute or attention to the First Amendment of the United States Constitution. Cotton Bureau assumes that your company and you sent the letter without even consulting with competent legal counsel. A competent lawyer would have called your attention to the NSA's and Department of Homeland Security's misguided effort to enjoin a parody use of the NSA logo. A competent lawyer would also have alerted you to *Lighthawk v. Robertson*, 812 F.Supp. 1095 (W.D. Wash.), which ruled unconstitutional, as in violation of the First Amendment, the application of statutes restricting use of the Smokey Bear character in circumstances similar to those here.

Your allegation of a violation of the Copyright Act exhibits a similar disregard of the fair use provisions of the Copyright Act. Sections 106 and 107 of the Copyright Act establish that *fair use is not an infringement of copyright*. Fair use is an important provision that ensures First Amendment protection against the statutory monopoly of copyright. Criticism is an explicit paradigmatic fair use under section 107.

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

Your reckless actions have damaged Cotton Bureau by (a) forcing it to spend money to consult with a lawyer to receive legal assurance that its conduct enjoys clear First Amendment protection, (b) intimidating it and thus chilling Cotton Bureau's speech when it temporarily halted availability of the Resist t-shirt pending legal analysis in the face of your threats

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

Cotton Bureau demands that your company and you expressly withdraw your threats and offer an apology for your unconstitutional and illegal actions by 5:00 pm on March 22, 2017, or you will force Cotton Bureau to evaluate all causes of action and remedies available to it. Any further harassment by your company and you will constitute further, willful, violations of Cotton Bureau's Constitutional rights and interference with its business.

By copy of this communication Cotton Bureau also puts Ms. Beavans on notice of this matter so that she, and the Forest Service, are fully aware of this unconstitutional and illegal conduct in the name of the United States Government.

Yours very truly,

Andrew P. Bridges
Fenwick & West LLP – San Francisco

(admitted in California; not in NY)

T +1 415 875 2389

M (b) (6)


www.fenwick.com/andrewbridges

(b) (6) @fenwick.com

Cc: Gwen Beavans (gbeavans@fs.fed.us)

Smokey Bear Licensing Program personnel (SmokeyBear@themetisgroup.com)

(b) (5) Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege



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U.S. Forest Service
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SECTION B
DESCRIPTION OF SERVICES

REQUEST FOR QUOTATION

To: GSA Contractors under Schedule 00CORP
Subject: Request for Quotation No. AG-0248-S-16-0024

The USDA Forest Service National Wildfire Prevention Program has a requirement for Smokey Bear Licensing Services. This Request for Quotations (RFQ) is prepared in accordance with FAR Subpart 8.4, and solicits General Service Administration (GSA) Federal Supply Schedule (FSS) schedule The Professional Services Schedule (PSS) 00CORP contractors. You are hereby invited to submit a quotation in response to this notice. Proposed pricing is to be offered against your current GSA Schedule contract. If you are interested in this acquisition, you may participate by submitting your response in accordance with the instructions that follow.

Contractors are requested to submit a firm fixed price (FFP) solution to provide the services outlined in the performance work statement.

The FFP offer shall be based on the prices in the schedule contract and shall consider the mix of labor categories and level of effort required to perform the services described in the statement of work. The firm fixed price of the order should also include any travel costs or other direct charges related to performing the services ordered, unless the order provides for reimbursing travel costs at the rates provided in the federal travel or joint travel regulations.

All terms and conditions of your GSA contract shall apply to the resulting task order. In responding to this RFQ, it is the contractor's responsibility to provide current, relevant, complete, and accurate information in their quotation.

Please provide a quotation for the items identified in the attachment(s) hereto.

_____ Contracting Officer

_____ Date

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SECTION B
DESCRIPTION OF SERVICES

CONTRACT ADMINISTRATION DATA

Contract administration matters will be handled by:

(1) CONTRACTOR (Name & Address):

DUNS Number: _____

Contract Number: _____ (TBD)

Effective dates of Contract: _____ (TBD)

Contractor Authorized Representative:

Point of Contact /Title

Telephone Number _____

Fax Number _____

Email _____

(2) GOVERNMENT (Contract Administration Office):

United States Forest Service; Incident Support Branch
3833 S. Development Avenue
Owyhee Building MS 1100
Boise, ID 83705-5354

Kay Steffey; Contracting Officer
(208) 387-5757
Fax (208) 387-5384
ksteffey@fs.fed.us

The Metts Group LLC

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**SECTION B
DESCRIPTION OF SERVICES**

B.1 SUPPLIES OR SERVICES AND PRICES

NOTE: For Item Numbers 103, 203, 303, 403 and 503 in Column C – Bidders are requested to provide a quote based on a percentage of the approximated annual royalty fees. (At present there are approximately one hundred (100+) licensing agreements currently in force that generate \$75,000 to \$100,000 gross royalty fees annually.)

For Item Numbers 100, 200, 300, 400 and 500 in Column D – Bidders are requested to provide a small base fixed amount quote for creating/maintaining a website, paying dues or membership fees in licensing organizations, and other administrative actions.

For Item Numbers 101, 201, 301, 401 and 501 in Column D – Bidders are requested to provide a quote for representing Smokey Bear at licensing programs/events.

1.1 BASE YEAR -

ITEM NO.	SUPPLIES/SERVICES	ROYALTY PERCENTAGE	AMOUNT
(A)	(B)	(C)	(D)
100	Smokey Bear Licensing Program – Management Assistance of Licensing Program in accordance with Performance Work Statement. Period of Performance: 1 MAY 16 – 30 APRIL 17		\$12,800 ⁰⁰
101	Represent Smokey Bear at Annual International Licensing Expo. Period of Performance: 1 MAY 16 – 30 APRIL 17		\$3,500 ⁰⁰
102	Travel IAW Federal Travel Regulations preapproved by the CO/COR to be cost reimbursed.		
103	Smokey Bear Royalties: 1 MAY 16 – 30 APRIL 17	35%/\$00.00	
	TOTAL AMOUNT		\$16,300 ⁰⁰

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SECTION B
DESCRIPTION OF SERVICES

1.2 OPTION YEAR ONE -

ITEM NO.	SUPPLIES/SERVICES	ROYALTY PERCENTAGE	AMOUNT
(A)	(B)	(C)	(D)
200	Smokey Bear Licensing Program – Management Assistance of Licensing Program in accordance with Performance Work Statement. Period of Performance: 1 MAY 17 – 30 APRIL 18		\$13,120 ⁰⁰
201	Represent Smokey Bear at Annual International Licensing Expo. Period of Performance: 1 MAY 17 – 30 APRIL 18		\$3,600 ⁰⁰
202	Travel IAW Federal Travel Regulations preapproved by the CO/COR to be cost reimbursed.		
203	Smokey Bear Royalties: 1 MAY 19 – 30 APRIL 20	% 35% / \$6.00	
	TOTAL AMOUNT		\$16,720 ⁰⁰

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1.3 OPTION YEAR TWO -

ITEM NO.	SUPPLIES/SERVICES	ROYALTY PERCENTAGE	AMOUNT
(A)	(B)	(C)	(D)
300	Smokey Bear Licensing Program – Management Assistance of Licensing Program in accordance with Performance Work Statement. Period of Performance: 1 MAY 18 – 30 APRIL 19		\$13,448 ⁰⁰
301	Represent Smokey Bear at Annual International Licensing Expo. Period of Performance: 1 MAY 18 – 30 APRIL 19		\$3,700 ⁰⁰
302	Travel IAW Federal Travel Regulations preapproved by the CO/COR to be cost reimbursed.		
303	Smokey Bear Royalties: 1 MAY 18 – 30 APRIL 19	%35% / \$0.00	
	TOTAL AMOUNT		\$17,148 ⁰⁰

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1.4 OPTION YEAR THREE -

ITEM NO.	SUPPLIES/SERVICES	ROYALTY PERCENTAGE	AMOUNT
(A)	(B)	(C)	(D)
400	Smokey Bear Licensing Program – Management Assistance of Licensing Program in accordance with Performance Work Statement. Period of Performance: 1 MAY 19 – 30 APRIL 20		\$13,785 ⁰⁰
401	Represent Smokey Bear at Annual International Licensing Expo. Period of Performance: 1 MAY 19 – 30 APRIL 20		\$3,800 ⁰⁰
402	Travel IAW Federal Travel Regulations preapproved by the CO/COR to be cost reimbursed.		
403	Smokey Bear Royalties: 1 MAY 19 – 30 APRIL 20	% 35% / 40.2	
	TOTAL AMOUNT		\$17,585 ⁰⁰

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1.5 OPTION YEAR FOUR -

ITEM NO.	SUPPLIES/SERVICES	ROYALTY PERCENTAGE	AMOUNT
(A)	(B)	(C)	(D)
500	Smokey Bear Licensing Program – Management Assistance of Licensing Program in accordance with Performance Work Statement. Period of Performance: 1 MAY 20 – 30 APRIL 21		\$14,136 ⁰⁰
501	Represent Smokey Bear at Annual International Licensing Expo. Period of Performance: 1 MAY 20 – 30 APRIL 21		\$3,900 ⁰⁰
502	Travel IAW Federal Travel Regulations precapproved by the CO/COR to be cost reimbursed.		
503	Smokey Bear Royalties: 1 MAY 20 – 30 APRIL 21	% 35% / \$0 ⁰⁰	
	TOTAL AMOUNT		\$18,030 ⁰⁰

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SECTION B DESCRIPTION OF SERVICES

B.2 BACKGROUND

The USDA Forest Service (USFS) Cooperative Forest Fire Prevention (CFFP) Program is a comprehensive information and education awareness program that uses Smokey Bear as a vehicle for wildfire prevention messages. The program uses a variety of techniques and approaches to stimulate active support and cooperation with other public agencies, educators, business industry, and organizations in working to prevent human caused wildfires. Smokey Bear's prevention messages were introduced in 1944. The Smokey Bear Act, Public Law (PL) 82-359 as amended by PL 93-318 were passed to provide protection for his image and use and allow for the collection of royalties.

The law permits the Secretary of Agriculture to license the commercial use of Smokey Bear and to collect royalties and secure them in a fund to be used only for the prevention of wildfires. That authority is delegated to The USFS who manages the program, in consultation with the Ad Council and the National Association of State Foresters. Commercial licensing ventures must retain the original purpose of the symbol, which is wild fire prevention, and his current message "Only You Can Prevent Wildfires." The image and appearance of all licensee products must meet established guidelines and standards for quality control. This includes review and approval of all artwork, costume, association, context and presentation of the federally protected symbol.

B.3 SCOPE

The purpose of this performance work statement is to manage certain aspects of the commercial licensing of Smokey Bear and his message to increase awareness of human-caused fires through message exposure and to generate royalties for wildfire prevention program initiatives.

B.4 APPLICABLE DOCUMENTS

(a) Public Law 82-359, the Smokey Bear Act as amended by PL 93-318, protects the image of Smokey Bear and allows for certain commercial uses and for the collection of royalties.

(b) USDA Forest Service regulation at 36 CFR 271 "Use of 'Smokey Bear' Symbol" provides for the commercial use of the character and name of Smokey Bear. The regulations can be viewed at the Electronic Code of Federal Regulations website: <https://www.gpo.gov/fdsys/pkg/CFR-2012-title36-vol2/pdf/CFR-2012-title36-vol2-part271.pdf>. Part 271 specifies the conditions for public service, the commercial use of the Smokey Bear symbol and slogans, and establishes conditions for revocation of licenses.

(c) USFS program policy and guidelines at FSM Chapter 3110 <http://www.fs.fed.us/about-agency/regulations-policies>, "Cooperative Forest Fire Prevention" and "Wildland Fire Prevention Handbook", Chapter 20, Smokey Bear Program http://www.fs.fed.us/cgi-bin/Directives/get_dirs/fsh?5109.18 governs public

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SECTION B DESCRIPTION OF SERVICES

service advertising, Smokey Bear program educational activities, commercial licensing of Smokey Bear name and artwork, image and appearance of Smokey Bear, and Smokey Bear awards program.

(d) Website www.smokeybear.com provides background on the Smokey Bear wildland fire prevention campaigns.

B.5 SUMMARY OF REQUIREMENTS

(a) The requirements of the commercial licensing for Smokey Bear are to:

- (i) Work with the USFS in the commercial aspects of the Smokey Bear program.
- (ii) Manage the licensing vendors, keep applications current, and review new products and opportunities.
- (iii) Research and promote products that communicate a clear wildfire prevention message.
- (iv) Protect the image and integrity of Smokey Bear as a wildfire prevention symbol.
- (v) Encourage private enterprise by providing potential licensees with marketing advice and product placement.
- (vi) Provide income to the USFS by negotiating royalties with new licensees and ensure existing licensees send their royalties to the USFS; royalties are in turn used for wildfire prevention programs.
- (vii) Maintain image and appearance of all licensee products within the intent of the Smokey Bear wildfire prevention program.

(b) Images of Smokey Bear are property of the USFS. The image and appearance of all licensee products must meet established guidelines and standards for quality control. This includes review and approval of all artwork, costumes, associations, context, and presentations of the federally protected symbol by the USFS. Commercial licensing ventures must retain the original purpose of the symbol and its current message: "Only You Can Prevent Wildfires." Initial and Final approval of all proposals, products, and licensing are the responsibility of the USFS, Director of Fire and Aviation Management (FAM). Contractor will present all such requests for approvals from licensees to the USFS within 5 business days. Contractor will ensure that any new artwork of Smokey by a licensee is given to the USFS (licensee waives ownership- see license agreement). Contractor will ensure that any terminated licensee returns all digital or hardcopy images of Smokey. The Contractor shall use the license agreement developed by the USFS.

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(c) The Contractor must maintain a publicly accessible website which contains a current list of all licensed companies and their contact information. The website must also provide information about the licensing program, instructions on how to apply for a license, and license application forms. The Contractor must also provide a secure electronic site that contains all approved images of Smokey Bear; this site cannot be made available to the general public.

(d) The Contractor must have the computer hardware, software, and telecommunication equipment that is no older than the current USFS software package in order to prepare license agreements and send and receive electronic communications.

B.6 PERFORMANCE:

(a) The Contractor must proactively market the licensing program to seek potential new licensees and maintain the current licensees through timely renewals. The contractor must also maintain complete, accurate, and up-to-date licensee files by individual licensee. These files are the property of the USFS and must be returned to the USFS at the termination of this contract or at the written request of the USFS.

(b) (75) *Debitative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege*

appropriate, license the product. The Contractor shall participate in licensing events and conventions, and shall prepare and submit an annual report of their marketing activities and an annual marketing plan to the USFS by September 30 of each year. The Contractor must be or become a member of relevant associations.

(1) The Contractor shall address each of the following and demonstrate how each shall be achieved in the annual marketing plan:

- (i) Reach and penetrate the target markets for children and adults, and actively seek licenses that provide products for those markets.
- (ii) Increase Smokey Bear visibility with the public through the promotion of quality wildfire prevention products; and,
- (iii) Increase revenue via the royalties received from licensees by maintaining the current licensee agreements and seeking new licensees.

(b) The Contractor shall provide technical assistance and advice to licensees and to the USFS on marketing and licensing of Smokey Bear within the law and the wildfire prevention goals of the symbol.

(c) In accordance with this task order, the Contractor shall provide a plan for outgoing transition for transitioning work from an active task order to a follow-on contract/order or to a Government entity. This transition may be to a Government entity, another Contractor, or the incumbent Contractor under a new contract/order. The Contractor shall assist the Government in planning and implementing a complete transition from this contract and/or order issued under this contract to the follow-on entity.

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B.7 DELIVERABLES

(a) Licensees shall send a copy of their royalty reports no later than 30 days after the quarter to the contractor. Quarterly report inputs (Current Licensee List Report, Licensee Website Update, Licensee Royalty Report, Marketing and Outreach Activities Contact Log, and Unlicensed Products Investigation Report) shall be put in the same quarterly report (e.g. Master Excel Workbook) and are due not later than 45 days after the end of the fiscal quarter to the USFS FAM Contracting Officer Representative (COR). Fiscal quarter(s) end on March 31, June 30, September 30, and December 31 of each year. If COR indicates corrections are needed to the submitted quarterly royalty report, a final and correct quarterly report is due within 60 days of the end of the fiscal quarter.

(b) Files and Licensee Agreements: The Contractor shall maintain accurate, complete, and up-to-date records/files and shall prepare license agreements and files for each and all licensees who are either renewing or submitting new agreements for approval. The Contractor shall submit all documents, reports, and advice electronically to USFS, FAM COR.

(c) Submit quarterly current Licensee List on a spread sheet (e.g. Master Excel Workbook) in the quarterly report due as listed in section B.9, which shall include: Licensee company name, contact name, contact telephone number, contact email address, business website if applicable, license number, effective and end dates of agreement, products licensed, and status (e.g., reports submitted, agreements, royalty payment current).

(d) Each license agreement shall have a cover page which includes the Smokey Bear head image; the licensee's name and address, contact name, contact telephone number, contact email address, license number, effective and end dates of contract; a listing of the products authorized by this license; the negotiated royalty percentage; and the approval date. The Contractor will use the current license agreement developed by the USFS.

(e) Contractor shall prepare and maintain all license agreements and files for licensees who are either renewing or submitting new license agreements for approval. Proposed license agreements shall be submitted, electronically to the USFS for review and approval within 15 working days of submission from the licensee to the Contractor. The Contractor will notify the licensee applicant (with an electronic copy to the USFS) within five (5) business days after receiving approval or disapproval from the USFS.

(f) Contractor shall maintain an accurate and up-to-date (updated at least quarterly) website with listings of licensees, contact information, and their licensed products so that the public can contact the licensee to buy products. Information about the licensing program will be available, including all necessary forms, on the website. The Contractor must also provide a secure electronic site that contains all approved images of Smokey Bear; this site cannot be made available to the general public.

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(g) The license agreement files maintained by the contractor are the property of the USFS and must be returned to the USFS at the termination of this contract or at the written request of the USFS.

B.8 OUTREACH AND MARKETING

The Contactor shall demonstrate outreach and marketing accomplishments.

(a) The Contractor shall submit a quarterly contact log (e.g., containing marketing and outreach efforts in the quarterly report due as listed in section B.9

(b) The Contractor shall forward all proposed potential license products within 15 business days of receipt to the USFS. After receiving approval or denial from the USFS the Contractor shall generate notifications of approval or denial to licensees of proposed products (with an electronic copy to the USFS) within 5 working days of approval or denial.

(b) (5), Deliberative Process Privilege, Attorney C

ict Privilege

(d) The Contractor shall maintain a log of reports, investigations, outcomes, and shall submit a quarterly log in the quarterly report due as listed in section B.9 on any investigations of unlicensed products and the outcome to the USFS.

(e) Review of Current Licensees: The Contractor shall conduct a review of licensee agreements including approved product lines at regular intervals and submit a quarterly log of Smokey Bear Licensees in the quarterly report due as listed in section B.9 and advise the COR of any necessary remedial actions for any licensee in noncompliance with the royalties.

If needed, each year, one on-site review of a selected licensee will be conducted by the Contractor accompanied by the USFS COR. The National Association of State Foresters

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and the Advertising Council shall attend the review if they desire, at their expense. The Contractor will provide a report of findings and recommendations to the USFS within 30 days of the last day of the on-site inspection.

B.9 SERVICE DELIVERY SUMMARY (SDS)

PWS Paragraph	Performance Objective	Performance Threshold
B.6(a)	Marketing Activities Report and Marketing Plan due each 30 September	No more than five (5) work days late
B.7(c)	Quarterly Current Licensee List Report	One missed suspense per year
B.7(e)	Notify licensee applicant of approval or disapproval within 5 business days License applications to COR within 15 days. Notify licensee within 5 days of decision (with a copy to the COR).	One missed suspense per quarter
B.7(f)	Quarterly update of Licensee website	One missed suspense per year
B.7(a) (g)	Quarterly Licensee Royalty Report Within 45 days of end of quarter (draft) and within 60 days final.	One missed suspense per year One report per year more than 5 days late for either draft or final.
B.8(a)	Quarterly Marketing and Outreach Activities Contact Log	One missed suspense per year
B.8(b)	Submission of Approval or Rejection Correspondence within 15 working days. New product request to COR within 15 days. Licensee notified within 5 days of decision (with a copy to the COR).	Two missed suspense per year One missed suspense per quarter.
B.8(d)	Quarterly Unlicensed Products Investigation Report	One missed suspense per year
B.8(e)	Quarterly Review of Current Licensees and Report	One missed suspense per year

B.10 QUALITY ASSURANCE PLAN

(a) The Government intends to utilize a Quality Assurance Surveillance Plan (QASP) to monitor the quality of the contractor's performance. The oversight provided for in the order and in the QASP will help to ensure that service levels reach and maintain the required levels throughout the contract term. Further, the QASP provides the COR with a proactive way to avoid unacceptable or deficient performance, and provides verifiable input for the required Past Performance Information Assessments. The QASP will be finalized immediately following award and a copy provided to the Contractor after

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award. The QASP is a living document and may be updated by the Government as necessary.

(b) Contractor progress shall be monitored on a regular basis by the USFS, FAM COR. Program elements will be discussed with the Contractor and includes the following:

- Contractor submission of quarterly reports
- Maintenance of licensee listing and web page
- Prompt and accurate submission of applications and license agreements
- Outreach efforts
- Prompt and accurate correspondence and response to licensees and USDA Forest Service, and response to inappropriate uses of Smokey Bear
- Prompt and accurate correspondence and response of contractor receiving the preapproval designs, actual prototype, production articles, and face to face meetings for USDA Forest Service to approve products. Face to face meetings may be requested on a routine basis to approve designs and contracts and discuss licensee management.

(c) The USFS shall document contractor performance annually, and narrative will be captured in the Contractor Performance Assessment Reporting System (CPARS)

B.11 REVIEW OF LICENSES

(a) Director, FAM shall cooperate with the National Association of State Foresters and the Advertising Council and for this purpose may review with these organizations as to the nature and status of licenses granted under these regulations in this part.

B.12 GOVERNMENT-FURNISHED PROPERTY

Not applicable.

B.13 GOVERNMENT FURNISHED EQUIPMENT (GFE)/ INFORMATION (GFI)/FACILITIES

Unless directly related to this task order, the Contractor and any employees or consultant of the Contractor are prohibited from using U.S. Government facilities (such as office space or equipment) or U.S. Government clerical or technical personnel in the performance of the services not specified in the task order.

B.14 PERIOD OF PERFORMANCE:

The period of performance shall be for one (1) Base Year of 12 months and four (4) 12-month option years.

B.15 PLACE OF PERFORMANCE

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The work shall be performed at the Contractor's site. Meetings and project planning activities will be performed normally in the Washington DC area at the USFS Offices or at the Contractor's office which should be within a reasonable commute of the USFS Washington DC Office.

B.16 TRAVEL

Arrangements for and costs of all travel, transportation, meals, lodging, and incidentals are the responsibility of the Contractor. Travel costs, including lodging and meals, shall be incurred and billed in accordance with FAR Part 31. Costs for these expenses will be reviewed, certified, and approved by the COR. All travel and transportation shall utilize commercial sources and carriers. The government will not pay for business class or first-class travel.

B.17 INSPECTION AND ACCEPTANCE

The COR for this task order is a government official who has been delegated specific technical, functional and oversight responsibilities for this task order.

B.18 RESPONSIBILITIES FOR CONTRACT ADMINISTRATION

The Contracting Officer has the overall responsibility for the administration of this contract. The Contracting Officer, without delegation, is authorized to take actions on behalf of the Government to amend, modify or deviate from the contract terms, conditions, requirements, specifications, details and/or delivery schedules. However, the Contracting Officer may delegate certain other responsibilities to his/her authorized representative (COR).

This contract will be administered by:
USDA Forest Service, Incident Support Branch
ATTN: A Kay Steffey, Contracting Officer
3833 S Development St
Boise, ID 83705
Telephone: 208-387-5757
Fax: 208-387-5384
E-mail: ksteffey@fs.fed.us

Written communications shall make reference to the contract number and shall be mailed or emailed to the above address.

B.19 CONTRACT ADMINISTRATION

The Contractor's representative to be contacted for all contract administration matters: (Bidder is to provide this information in their proposal):

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Name: Address: Voice: Fax: Mobile: Email:

The Contractor's representatives shall be responsible for all contract administration issues and shall act as the central point of contact with the Government for all such issues. The representative shall have full authority to act for the Contractor in all contractual matters. The representative shall be able to fluently read, write, and speak the English language.

B.20 RELEASE OF CLAIMS

Prior to final payment, the Contractor shall furnish to the Contracting Officer, a release of claims against the United States arising out of the contract, other than claims specifically excluded from the operation of the release. Copies of the required form may be obtained from the Contracting Officer at the address listed in Section B.18.

B.21 SPECIAL CONTRACT REQUIREMENTS

All terms and conditions applicable under the applicable GSA Schedule contract are applicable. If there is a conflict between the Schedule contract and this document, items in this document take precedence.

B.22 KEY PERSONNEL

(a) The Project Manager, or an individual designated, who is capable of committing the Contractor, shall be considered key personnel for this contract. The Project Manager shall be the overall manager of the contract and single point-of-contact for resolution of contract-related issues. The Contractor may provide one resource, if qualified, to perform two key personnel positions upon Government approval of qualifications.

(b) For any key personnel positions identified in the vendor proposal, a resume and description of their role must be included.

(c) Substitutions will not be accepted unless specifically agreed upon in writing by the CO or designee. During the first one hundred eighty (180) days of the contract performance period, no key personnel substitutions will be permitted unless such substitutions are necessitated by an individual's sudden illness, death, or termination of employment or as otherwise approved by the CO or designee. In any of these events, the Contractor shall promptly notify the CO or designee and provide any information required. After the initial one hundred eighty (180) day period, all proposed substitutions of key personnel must be submitted in writing, at least thirty (30) Business Days in advance of the proposed substitution, to the CO or designee. This provision also applies to people engaged by the Contractor or subcontractors if they are designated as key personnel.

B.23 ORGANIZATIONAL CONFLICT OF INTEREST

(a) The Contractor warrants that, to the best of the Contractor's knowledge and belief, there are no relevant facts or circumstances, which could give, rise to an organizational

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conflict of interest, as defined in FAR Subpart 9.5, or that the Contractor has disclosed all such relevant information.

(b) The Contractor agrees that if an actual or potential organizational conflict of interest is discovered after award, the Contractor will make a full disclosure in writing to the Contracting Officer. This disclosure shall include a description of actions, which the Contractor has taken or proposes to take, after consultation with the Contracting Officer, to avoid, mitigate, or neutralize the actual or potential conflict.

(c) Remedies: The Government may terminate this contract for convenience, in whole or in part, if it deems such termination necessary to avoid an organizational conflict of interest. If the Contractor was aware of a potential organizational conflict of interest prior to award or discovered an actual or potential conflict after award and did not disclose or misrepresented relevant information to the Contracting Officer, the Government may terminate the contracts for default, or pursue such other remedies as may be permitted by law or this contract.

(d) The Contractor further agrees to insert in any subcontract or consultant agreement hereunder, provisions which shall conform substantially to the language of this clause, including this paragraph.

(e) At the individual level, the Contractor will be required to warrant that, to the best of its knowledge and belief, and except as otherwise set forth in this contract, it does not have any organizational conflict of interest as defined in FAR 2.101 and FAR Subpart 9.5.

(f) The Contractor agrees that, if after placement of a this contract it discovers an organizational conflict of interest with respect to the Contract, the Contractor shall make an immediate and full disclosure in writing to the Contracting Officer that shall include a description of the action that the Contractor has taken or proposes to take to avoid, eliminate or neutralize the conflict. The Government may, however, terminate the Contract for the convenience of the Government if it would be in the best interest of the Government.

(g) Undisclosed Organization Conflicts of Interest will be grounds for Termination for Default.

B.24 STANDARDS OF CONDUCT

In performing the contract(s), Contractor personnel may be required to interact with Government officials and non- Government officials at various levels.

The Contractor shall ensure that all its personnel assigned to this contract conduct their work in a courteous, professional and responsible manner, both in appearance and in deed.

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(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

B.26 FREEDOM OF INFORMATION ACT (FOIA) REQUESTS

Notwithstanding any other provision in this contract or any statement or restriction in the Contractor's proposal, by entering into this contract, the Contractor acknowledges that the Government will release the contract unit prices contained in Section B of this contract in their entirety in response to Freedom of Information Act (FOIA) requests without giving the Contractor advance notice of the release. With respect to a FOIA request for any part of the Contractor's technical proposal that is either set forth or incorporated by reference in this contract, before responding to the FOIA request the Government will afford the Contractor an opportunity to explain why it believes some or all of the relevant parts of the technical proposal may be exempt from release under the FOIA.

B.27 SUBCONTRACTS AND CONTRACTING OFFICER (CO) CONSENT

Subcontracting is not restricted under the contract if it does not adversely affect the quality or delivery of the final product or service. The CO shall have the right to restrict subcontracting if it is determined that such an action is in the best interest of the Government.

B.28 CONTRACTOR RELATIONSHIPS

(a) The Government and the Contractor understand and agree the services to be delivered under the contract(s) by the Contractor are nonpersonal services and the parties recognize and agree that no employer-employee relationships exist or will exist under the contract between the Government and the Contractor and/or between the Government and the Contractor's employees.

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

(2) Be placed in a staff or policy making position; or

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(3) Be placed in a position of supervision, direction, or evaluation over Government personnel, or personnel of other contractors, or become a part of an organization.

B.29 CONTRACTING OFFICER'S REPRESENTATIVE (COR)

(a) The COR is designated by the Contracting Officer to perform technical liaison between the contractor's management and the Contracting Officer in routine technical matters constituting general program direction within the scope of the contract/task order. Under NO circumstances is the COR authorized to effect any changes in the work required under this contract/task order whatsoever, or enter into any agreement that has the effect of changing the terms and conditions of this Task Order, or that causes the contractor to incur any costs.

(b) In addition, the COR will NOT supervise, direct, or control contractor employees. Notwithstanding this provision, to the extent that contractor accepts any direction that constitutes a change to his contract/task order without prior written authorization of the Contracting Officer, costs incurred in connection therewith are incurred at the sole risk of the contract, and if involved under this Task Order will be disallowed.

(c) On all matters that pertain to the contract terms, the contractor must communicate with the Contracting Officer. Whenever, in the opinion of the contractor, the COR requests efforts beyond the terms of the contract, the contractor shall so advise the Contracting Officer. If the COR persists and there still exists a disagreement as to the proper contractual coverage, the Contracting Officer will be notified immediately, preferably in writing.

**SECTION C
CONTRACT CLAUSES****C.1 ADDENDUM TO FAR 52.212-4 (G) INVOICES**

Invoices in support of the US Forest Service shall be submitted to the following:

The Contractor must follow the instructions on how to register and submit invoices via the Department of Treasury's Internet Payment Platform (IPP) as prescribed in the previous communications from USDA and Treasury. All invoices are to be submitted via the electronic invoice processing platform. This is a mandatory requirement initiated by the U.S. Department of Treasury and you can find more information at this website <https://www.ipp.gov/index.htm>. Please make sure that your company has registered at <https://www.ipp.gov/vendors/enrollment-vendors.htm> to establish your account.

C.2 FAR 52.252-2 CLAUSES INCORPORATED BY REFERENCE (FEB 1998)

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address (es): www.arnet.gov/far/
www.usda.gov/procurement/policy/agar.html

FEDERAL ACQUISITION REGULATION (48 CFR CHAPTER 1) CLAUSES

52.203-5	Covenant Against Contingent Fees (APR 1984)
52.203-12	Limitation on Payments to Influence Certain Federal Transactions (SEP 2005)
52.204-6	Data Universal Numbering System (DUNS) Number (APR 2008)
52.209-6	Protecting the Government's Interest when Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (MAY 2008) (Applicable if contract exceeds \$30,000)
52.215-8	Order of Precedence—Uniform Contract Format (OCT 1997)
52.217-5	Evaluation of Options (JUL 1990)
52.222-50	Combating Trafficking in Persons (SEP 2007)
52.223-2	Affirmative Procurement of Biobased Products Under Service and Construction Contracts (DEC 2007)
52.223-6	Drug-Free Workplace (MAY 2001)
52.232-1	Payments (APR 1984)
52.232-8	Discounts for Prompt Payment (FEB 2002)
52.232-11	Extras (APR 1984)
52.232-18	Availability of Funds (APR 1984)
52.232-19	Availability of Funds for the Next Fiscal Year (APR 1984)
52.232-23	Assignment of Claims (JAN 1986)
52.232-25	Prompt Payment (OCT 2008)
52.233-2	Service of Protest (SEP 2006)
52.244-6	Subcontracts for Commercial Items (MAR 2009)
52.253.1	Computer Generated Forms (JAN 1991)

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C.3 AGRICULTURE ACQUISITION REGULATION (48 CFR CHAPTER 4)

452.237-75 Restrictions against Disclosure (FEB 1988)

452.224-70 Confidentiality of Information (FEB 1988)

C.4 52.217-8 -- OPTION TO EXTEND SERVICES. (NOV 1999)

The Government may require continued performance of any services within the limits and at the rates specified in the contract. These rates may be adjusted only as a result of revisions to prevailing labor rates provided by the Secretary of Labor. The option provision may be exercised more than once, but the total extension of performance hereunder shall not exceed six (6) months. The Contracting Officer may exercise the option by written notice to the Contractor within 60 days prior to the expiration of the option period.

C.5 52.217-9 -- OPTION TO EXTEND THE TERM OF THE CONTRACT (MAR 2000)

The Government may extend the term of this contract by written notice to the Contractor within 10 calendar days prior to the end of the base period provided that the Government gives the Contractor a preliminary written notice of its intent to extend within 60 days before the contract expires. The preliminary notice does not commit the Government to an extension.

If the Government exercises this option, the extended contract shall be considered to include this option clause.

The total duration of this contract, including the exercise of any options under this clause, shall not exceed five (5) years and six (6) months.

C.6 NOTICE OF CONTRACTOR PERFORMANCE ASSESSMENT REPORTING SYSTEM (JULY 2010)

(a) The US Forest Service has implemented the Contractor Performance Assessment Reporting System (CPARS) for reporting all past performance information. One or more past performance evaluations will be conducted in order to record your contract performance as required by FAR 42.15.

(b) The past performance evaluation process is a totally paperless process using CPARS. CPARS is a web-based system that allows for electronic processing of the performance evaluation report. Once the report is processed, it is available in the Past Performance Information Retrieval System (PPIRS) for Government use in evaluating past performance as part of a source selection action.

(c) We request that you furnish the Contracting Officer with the name, position title, phone number, and email address for each person designated to have access to your

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firm's past performance evaluation(s) for the contract no later than 60 days after award. Each person granted access will have the ability to provide comments in the Contractor portion of the report and state whether or not the Contractor agrees with the evaluation, before returning the report to the Assessing Official. The report information must be protected as source selection sensitive information not releasable to the public.

(d) When your Contractor Representative(s) (Past Performance Points of Contact) are registered in CPARS, they will receive an automatically-generated email with detailed login instructions. Further details, systems requirements, and training information for CPARS are available at <http://www.cpars.csd.disa.mil/>. The CPARS User Manual, registration for On Line Training for Contractor Representatives, and a practice application may be found at this site.

(e) Within 60 days after the end of a performance period, the Contracting Officer will complete an interim or final past performance evaluation and the report will be accessible at <http://www.cpars.csd.disa.mil/>. Contractor Representatives may then provide comments in response to the evaluation, or return the evaluation without comment.

Comments are limited to the space provided in Block 22. Your comments should focus on objective facts in the Assessing Official's narrative and should provide your views on the causes and ramifications of the assessed performance. In addition to the ratings and supporting narratives, blocks 1 – 17 should be reviewed for accuracy, as these include key fields that will be used by the Government to identify your firm in future source selection actions.

If you elect not to provide comments, please acknowledge receipt of the evaluation by indicating "No comment" in Block 22, and then signing and dating Block 23 of the form. Without a statement in Block 22, you will be unable to sign and submit the evaluation back to the Government. If you do not sign and submit the CPAR within 60 days, it will automatically be returned to the Government and will be annotated: "The report was delivered/received by the contractor on (date). The contractor neither signed nor offered comment in response to this assessment." Your response is due within 60 calendar days after receipt of the CPAR.

(f) The following guidelines apply concerning your use of the past performance evaluation:

- (1) Protect the evaluation as "source selection information." After review, transmit the evaluation by completing and submitting the form through CPARS. If for some reason you are unable to view and/or submit the form through CPARS, contact the Contracting Officer for instructions.
- (2) Strictly control access to the evaluation within your organization. Ensure the evaluation is never released to persons or entities outside of your control.

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(3) Prohibit the use of or reference to evaluation data for advertising, promotional material, preaward surveys, responsibility determinations, production readiness reviews, or other similar purposes.

(g) If you wish to discuss a past performance evaluation, you should request a meeting in writing to the Contracting Officer no later than seven days following your receipt of the evaluation. The meeting will be held in person or via telephone or other means during your 60-day review period.

(h) A copy of the completed past performance evaluation will be available in CPARS for your viewing and for Government use supporting source selection actions after it has been finalized.

C.7 AFFIRMATIVE PROCUREMENT OF BIO BASED PRODUCTS UNDER SERVICE AND CONSTRUCTION CONTRACT (FAR 52.223-2) (SEPT 2013)

(a) In the performance of this contract, the contractor shall make maximum use of bio based products that are United States Department of Agriculture (USDA)-designated items unless—

(1) The product cannot be acquired—

(i) Competitively within a time frame providing for compliance with the contract performance schedule;

(ii) Meeting contract performance requirements; or

(iii) At a reasonable price.

(2) The product is to be used in an application covered by a USDA categorical exemption (see 7 CFR 3201.3(e)). For example, all USDA-designated items are exempt from the preferred procurement requirement for the following:

(i) Spacecraft system and launch support equipment.

(ii) Military equipment, i.e., a product or system designed or procured for combat or combat-related missions.

(b) Information about this requirement and these products is available at <http://www.biopreferred.gov>.

(c) In the performance of this contract, the Contractor shall—

(1) Report to <http://www.sam.gov>, with a copy to the Contracting Officer, on the product types and dollar value of any USDA-designated biobased products purchased by the Contractor during the previous Government fiscal year, between October 1 and September 30; and

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(2) Submit this report no later than—

- (i) October 31 of each year during contract performance; and
- (ii) At the end of contract performance.

C.8 ASSURANCE REGARDING FELONY CONVICTION OR TAX DELINQUENT STATUS FOR CORPORATE APPLICANTS (AGAR 452.209 – 71)(DEVIATION 2012-01) ALTERNATE 1 (FEB 2012)

(a) This award is subject to the provisions contained in the Consolidated Appropriations Act, 2012 (P.L. No. 112-74), Division E, Sections 433 and 434 regarding corporate felony convictions and corporate federal tax delinquencies. Accordingly, by accepting this award the Contractor acknowledges that it –

(1) does not have a tax delinquency, meaning that it is not subject to any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, and

(2) has not been convicted (or had an officer or agent acting on its behalf convicted) of a felony criminal violation under any Federal law within 24 months preceding the award, unless a suspending and debarring official of the United States Department of Agriculture has considered suspension or debarment of the awardee, or such officer or agent, based on these convictions and/or tax delinquencies and determined that suspension or debarment is not necessary to protect the interests of the Government.

(b) If the awardee fails to comply with these provisions, the Forest Service may terminate this contract for default and may recover any funds the awardee has received in violation of sections 433 or 434. (End of Provision)

C.9 RESTRICTIONS AGAINST DISCLOSURE (AGAR 452.237-75)(FEB 1988)

(a) The Contractor agrees, in the performance of this contract, to keep all information contained in source documents or other media furnished by the Government in the strictest confidence. The Contractor also agrees not to publish or otherwise divulge such information in whole or in part in any manner or form, or to authorize or permit others to do so, taking such reasonable measures as are necessary to restrict access to such information while in the Contractor's possession, to those employees needing such information to perform the work provided herein, i.e., on a “need to know” basis. The Contractor agrees to immediately notify in writing, the CO, named herein, in the event that the Contractor determines or has reason to suspect a breach of this requirement.

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National Office

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(b) The Contractor agrees not to disclose any information concerning the work under this contract to any persons or individual unless prior written approval is obtained from the CO. The Contractor agrees to insert the substance of this clause in any consultant agreement or subcontract hereunder.

C.10 INSPECTION AND ACCEPTANCE (AGAR 452.246-70) (FEB 1988)

The Contracting Officer or the Contracting Officer's duly authorized representative will inspect and accept the supplies and/or services to be provided under this contract.

C.11 INQUIRIES (AGAR 452.204-7)(FEB 1988)

Inquiries and all correspondence concerning this solicitation should be submitted in writing to the Contracting Officer. Bidders should contact only the Contracting Officer issuing the solicitation about any aspect of this requirement prior to contract award.

C.12 IT SECURITY REQUIREMENTS

(a) By accepting this contract/agreement, the Contractor and other external organizations (hereafter called Contractor) providing Information Technology (IT) services to the US Department of Agriculture and its Agencies and office, agrees to comply with the applicable IT security policy as outlined in this document. The Contractor and other external organizations will be responsible for IT security for all systems connected to the Agency network or operated by the Contractor and other external organizations for the Agency, regardless of location. This clause is applicable to all or any part of the contract that includes IT resources or services in which the Contractor and other external organizations must have physical or electronic access to Agency sensitive information that directly support the mission of the Agency. The term 'information technology', as used in this clause, means any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. This includes both major applications and general support systems as defined by OMB Circular A-130.

(b) The Contractor shall be responsible for properly protecting all information used, gathered, or developed as a result of work under this task. The Contractor shall also protect all unclassified Government data, equipment, etc., by treating information as sensitive business, confidential information, controlling and limiting access to the information, and ensuring the data and equipment are secured within their facility.

(c) The Contractor or other external organization will not publish or disclose in any manner, without the FS Contracting Officer's written consent, the details of any programs, documentation, data, or safeguards either designed or developed by the Contractor or other external organization under this Contract or otherwise provided by the Government. Contractor may be required to sign non-disclosure or other appropriate security agreements. A written agreement between the Agency and any contractors and

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other external organizations will be entered into before Agency data and information otherwise exempt from public disclosure may be disclosed to the contractors and other external organizations. The contractor and other external organizations will agree to establish and follow security precautions considered by the Agency to be necessary to ensure proper handling of data and information. As may be identified elsewhere in this contract, the Contractor agrees that:

(d) The draft and final deliverables and all associated working papers and other materials deemed relevant by the COR that have been generated by the Contractor in the performance of this contract are the property of the U.S. Government and must be submitted to the COR at the conclusion of the tasks.

(e) All documents produced for this project are the property of the U.S. Government and cannot be reproduced or retained by the Contractor.

(f) To the extent required to carry out a program of inspection to safeguard against threats and hazards to the security, integrity, and confidentiality of Government data, the Contractor will afford the Government access to the Contractor's or other external organization's facilities, installations, technical capabilities, operations, documentation, records, and databases. The Contractor will cooperate with Federal agencies and their officially credentialed representatives during official inspections or investigations concerning the protection of Agency information. Cooperation may include providing relevant documentation showing proof of compliance with federal and agency requirements, and rendering other assistance as deemed necessary.

(g) If new or unanticipated threats or hazards are discovered by either the Government or the Contractor or other external organization, or if existing safeguards have ceased to function, the discoverer will immediately bring the situation to the attention of the other party. The Contractor will report real or suspected incidents or violations to the Agency Computer Incident Response Team (CIRT), by e-mail. Contact the Agency's computer incident response team (e.g., CIRT@fs.fed.us for FS incidents).

(h) The Contractor shall insert these clauses in all subcontracts when the subcontractor is required to have routine physical access to a federally controlled facility and/or routine access to a Federally-controlled information system. Failure to comply with said requirements will constitute cause for termination.

(i) The Contractor Agrees To –

(1) Comply with the Privacy Act of 1974 (the Act) and the agency rules and regulations issued under the Act in the design, development, or operation of any system of records on individuals to accomplish an agency function when the contract specifically identifies—

(i) The systems of records; and

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(ii) The design, development, or operation work that the contractor is to perform;

(2) Include the Act notification contained in this contract in every solicitation and resulting subcontract and in every subcontract awarded without a solicitation, when the work statement in the proposed subcontract requires the redesign, development, or operation of a system of records on individuals that is subject to the Act; and

(3) Include this clause, including this paragraph (3), in all subcontracts awarded under this contract, which requires the design, development, or operation of such a system of records.

(j) In the event of violations of the Act, a civil action may be brought against the agency involved when the violation concerns the design, development, or operation of a system of records on individuals to accomplish an agency function, and criminal penalties may be imposed upon the officers or employees of the agency when the violation concerns the operation of a system of records on individuals to accomplish an agency function. For purposes of the Act, when the contract is for the operation of a system of records on individuals to accomplish an agency function, the Contractor is considered to be an employee of the agency.

(k) Definitions of the clause:

“Operation of a system of records,” as used in this clause, means performance of any of the activities associated with maintaining the system of records, including the collection, use, and dissemination of records.

“Record,” as used in this clause, means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, education, financial transactions, medical history, and criminal or employment history and that contains the person’s name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a fingerprint or voiceprint or a photograph.

“System of records on individuals,” as used in this clause, means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.

The contractors and other external organizations will ensure that the following banner is displayed on all Agency systems that contain Privacy Act information operated by the contractors and other external organizations prior to allowing anyone access to the system:

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“This system contains information protected under the provisions of the privacy act of 1974 (public law 93-579). Any privacy information displayed on the screen or printed must be protected from unauthorized disclosure. Employees who violate privacy safeguards may be subject to disciplinary actions, a fine of up to \$5,000, or both.”

C.13 DATA RIGHTS

The Government has unlimited rights to all documents/material provided and produced under this contract, as well as all contract-related data stored during the duration of the contract. All documents and materials, to include the source codes of any software, produced under this contract shall be Government owned and are the property of the Government with all rights and privileges of ownership/copyright belonging exclusively to the Government. These documents and materials may not be used or sold by the Contractor without written permission from the Contracting Officer. All materials supplied to the Government shall be the sole property of the Government and may not be used for any other purpose. This right does not abrogate any other Government rights.

C.14 SECTION 508 REQUIREMENTS

(a) The future Performance Work Statement is subject to Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d) as amended by the workforce Investment Act of 1998 (P.L. 105-220). Specifically, subsection 508(a)(1) requires that when the Federal Government procures Electronic and Information Technology (EIT), the EIT must allow Federal employees and individuals of the public with disabilities comparable access to and use of information and data that is provided to Federal employees and individuals of the public without disabilities.

(b) The EIT accessibility standards at 36 CFR Part 1194 were developed by the Architectural and Transportation Barriers Compliance Board ("Access Board") and apply to contracts and task/delivery orders, awarded under indefinite quantity contracts on or after June 25, 2001.

(c) Each Electronic and Information Technology (EIT) product or service furnished under this contract shall comply with the Electronic and Information Technology Accessibility Standards (36 CFR 1194), as specified in the contract, as a minimum. If the Contracting Officer determines any furnished product or service is not in compliance with the contract, the Contracting Officer will promptly inform the Contractor in writing. The Contractor shall, without charge to the Government, repair or replace the non-compliant products or services within the period of time to be specified by the Government in writing. If such repair or replacement is not completed within the time specified, the Government shall have the following recourses:

(1) Cancellation of the contract, delivery or task order, purchase or line item without termination liabilities; or

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(2). In the case of custom Electronic and Information Technology (EIT) being developed by a contractor for the Government, the Government shall have the right to have any necessary changes made or repairs performed by itself or by another firm for the noncompliant EIT, with the contractor liable for reimbursement to the Government for any expenses incurred thereby.

(d) The contractor must ensure that all EIT products that are less than fully compliant with the accessibility standards are provided pursuant to extensive market research and are the most current compliant products or services available to satisfy the contract requirements.

(e) For every EIT product or service accepted under this contract by the Government that does not comply with 36 CFR 1194, the contractor shall, at the discretion of the Government, make every effort to replace or upgrade it with a compliant equivalent product or service, if commercially available and cost neutral, on either a contract specified refresh cycle for the product or service, or on a contract effective option/renewal date; whichever shall occur first.

C.15 CONTRACTOR EMPLOYEES

The contractor shall ensure that contractor personnel identify themselves as contractors when attending meetings, answering government telephones, providing any type of written correspondence, or working in situations where their actions could be construed as official government acts.

From: [Dellinger, John - OGC, Washington, DC](#)
To: [Fado, John - OGC, Washington, DC](#)
Subject: FW: Smokey logo misuse
Date: Monday, September 24, 2018 10:59:02 AM
Attachments: [image1.jpeg](#)
[image2.jpeg](#)
[Cease and desist letters Smokey Shop.docm](#)
[image001.png](#)

Hi John,

(b) (5), Deliberative Process Privilege, Attorney Work Product Privilege, Attorney Client Privilege

[REDACTED]

[REDACTED]

[REDACTED]

Best
John D



John D. Dellinger
 Patent Attorney
 General Law and Research Division
 Office of the General Counsel
 U.S. Department of Agriculture
 1400 Independence Avenue SW
 Washington, DC 20250-1400
 ☎ (b) (6) Voice
 844-354-1113 (Fax)
 ✉ John.Dellinger@ogc.usda.gov

From: Moreland, Thomas - FS
Sent: Monday, September 24, 2018 10:25 AM
To: Dellinger, John - OGC <John.Dellinger@ogc.usda.gov>
Subject: FW: Smokey logo misuse

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

Tom

From: Beavans, Gwen -FS
Sent: Tuesday, July 17, 2018 4:51 PM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Subject: Fwd: Smokey logo misuse

Tom,

(b) (5), Deliberative Process Privilege

[REDACTED]

Thank you,
Gwen

Gwen Beavans
National Wildfire Prevention Program Manager
Land: 202-205-1488
Cell: (b) (6)

Sent from my iPhone

Begin forwarded message:

From: "Whitney Forman-Cook" (b) (6) <(b) (6)@stateforesters.org>
To: "Beavans, Gwen -FS" <gbeavans@fs.fed.us>, "Zach Williams" (b) (6) <(b) (6)@AdCouncil.org>
Subject: Fw: Smokey logo misuse

Hi Gwen and Zach,

What do we do when we're notified of Smokey's image being misused? There's a smoke shop not far from the entrance to the San Bernardino National Forest that's named "Smokey'z" and has a big sign with Smokey's face on it.

The address is 44518 East Florida Ave, Hemet, California. The building was recently put up - Google maps only shows a vacant lot.

Best,
Whitney

Whitney Forman-Cook
Communications Director
National Association of State Foresters
444 N. Capitol St NW, Suite 540 | Washington DC, 20001
(202) 624-5417 office | (b) (6) cell
www.stateforesters.org

From: Alice Scavarda (b) (6) <(b) (6)@gmail.com>
Sent: Tuesday, July 10, 2018 4:35 PM
To: Whitney Forman-Cook
Subject: Smokey logo misuse

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

Thank you in advance for your cooperation.

Sincerely,
USDA Forest Service

Tracy Hancock
Director Knowledge Management and Communications

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: FW: Smokey T-shirt
Date: Thursday, January 2, 2020 8:45:50 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

[REDACTED]

Tom

From: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>

Sent: Thursday, January 2, 2020 8:17 AM

To: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Subject: FW: Smokey T-shirt

(b) (5), Deliberative Process Privilege - ktshirt.

M



Maureen Brooks
Wildfire Prevention Specialist
Smokey Bear Licensing Program
Forest Service
Fire and Aviation, Landscapes and Partnerships

p: 202-604-2237

maureen.t.brooks@usda.gov

201 14th Street, SW, Mail Stop 1107

Washington, DC 20250

www.fs.fed.us



Caring for the land and serving people

From: Beavans, Gwen -FS

Sent: Tuesday, December 31, 2019 11:34 AM

To: Anderson, Babete R -FS <babete.anderson@usda.gov>; Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>

Cc: Cumberland, Dominic -FS <dominic.cumberland@usda.gov>; Haynes, John S -FS <john.haynes@usda.gov>

Subject: RE: Smokey T-shirt

Thanks Babete,

(b) (5), Deliberative Process Privilege

Gwen

From: Anderson, Babete R -FS

Sent: Wednesday, December 11, 2019 2:58 PM

To: Beavans, Gwen -FS <gwen.beavans@usda.gov>; Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>
Cc: Cumberland, Dominic -FS <dominic.cumberland@usda.gov>; Haynes, John S -FS <john.haynes@usda.gov>

Subject: FW: Smokey T-shirt

Good afternoon,

Sending your way - from the field.



Babete Anderson
National Press Officer
Forest Service
Washington Office

p: 202-205-1782

c: (b) (6)

f: 202-205-0885

babete.anderson@usda.gov

201 14th Street, SW, Suite 4 SE
 Washington, DC 20024

www.fs.fed.us



Caring for the land and serving people

From: Smith, Thomas - FS <thomas.d.smith@usda.gov>

Sent: Wednesday, December 11, 2019 2:51 PM

To: Anderson, Babete R -FS <babete.anderson@usda.gov>; Haynes, John S -FS <john.haynes@usda.gov>

Subject: FW: Smokey T-shirt

(b) (5), Deliberative Process Privilege

Thanks!

David



T. David Smith
Director, Public & Governmental Relations
Forest Service
Northern Region

p: 406-329-3472

c: (b) (6)

thomas.d.smith@usda.gov

26 Fort Missoula Rd
 Missoula, MT 59804

www.fs.fed.us



Caring for the land and serving people

From: King, Julie K -FS

Sent: Thursday, December 5, 2019 1:25 PM

To: McKay, Tod G -FS <tod.mckay@usda.gov>; Smith, Thomas - FS <thomas.d.smith@usda.gov>

Subject: Smokey T-shirt

Hi Tod and David, **(b) (5), Deliberative Process Privilege**

(b) (5), Deliberative Process Privilege

Thanks, jk

<https://www.ktshirt.shop/search/smokey%20bear>



Julie K. King
National WCM Program Manager
Forest Service
WWSR, Washington Office

c: (b) (6)
julie.king@usda.gov

26 Fort Missoula RD
Missoula, MT 59804
www.fs.fed.us



Caring for the land and serving people

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC Washington, DC](#)
Subject: FW: Smokey use
Date: Wednesday, October 23, 2019 8:32:07 AM
Attachments: [output.jpg](#)
[image001.png](#)
[image002.jpg](#)
[image003.png](#)
[image004.jpg](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

From: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>
Sent: Tuesday, October 22, 2019 9:56 AM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: FW: Smokey use

Tom,

(b) (5), Deliberative Process Privilege

Thanks,
Maureen



Maureen Brooks
Wildfire Prevention Specialist
Smokey Bear Licensing Program

Forest Service
Fire and Aviation, Landscapes and Partnerships

p 202-604-2237

maureen.t.brooks@usda.gov

201 14th Street, SW, Mail Stop 1107

Washington, DC 20250

www.fs.fed.us



Caring for the land and serving people

From: Aaron.Kloss@dnr.state.oh.us [<mailto:Aaron.Kloss@dnr.state.oh.us>]
Sent: Tuesday, October 22, 2019 9:42 AM
To: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>; fred.turck@dof.virginia.gov
Subject: Smokey use

Potential violation? See below.

Thanks,

Aaron



Aaron Kloss

Program Administrator – Ohio Division of Forestry

Ohio Department of Natural Resources

2045 Morse Road H-1

Columbus, OH 43229

Office Number: 614-265-6896

aaron.kloss@dnr.state.oh.us

forestry.ohiodnr.gov



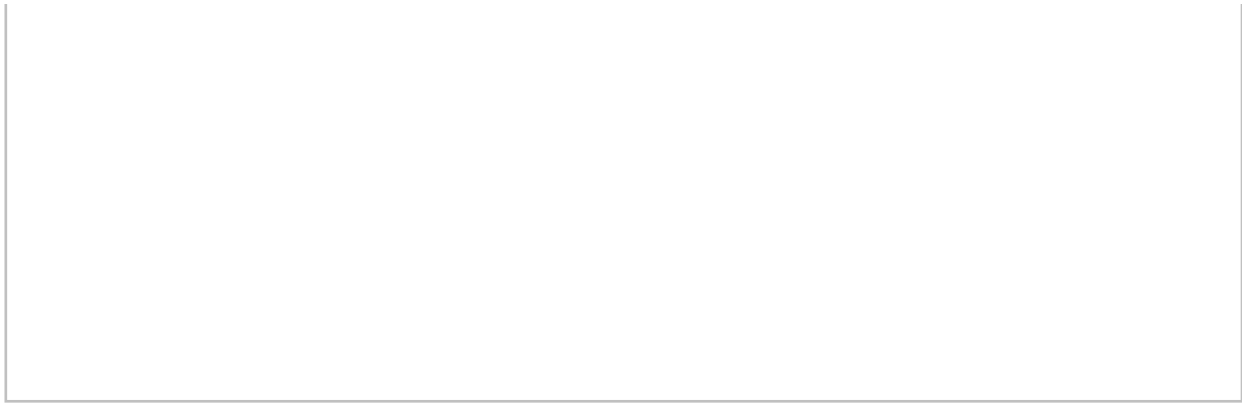
This message is intended solely for the addressee(s). Should you receive this message by mistake, we would be grateful if you informed us that the message has been sent to you in error. In this case, we also ask that you delete this message and any attachments from your mailbox, and do not forward it or any part of it to anyone else. Thank you for your cooperation and understanding.

Please consider the environment before printing this email.

From: Aaron Kloss <(b) (6) @yahoo.com>
Sent: Tuesday, October 22, 2019 9:40 AM
To: Kloss, Aaron <Aaron.Kloss@dnr.state.oh.us>
Subject: output.jpg

cid:c8c9cf7f-21b5-46e3-8565-d19b4c0d3267@namprd09.prod.outlook.com





Sent from my iPhone

From: [Moreland Thomas - FS](#)
 To: [Beavans Gwen - FS](#)
 Cc: [John - OGC Washington DC](#)
 Subject: FW: Smokey z Smokeshop Fwd: FW:
 Date: Thursday July 12 2018 12:32:55 PM
 Attachments: [Smokey2.jpg](#)
[Smokey2.jpg](#)
[Smokey2.jpg](#)
[Smokey2.jpg](#)

John

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks tom

From: Beavans Gwen -FS
 Sent: Thursday July 12 2018 12:06 PM
 To: Moreland Thomas - FS <tmoreland@fs.fed.us>
 Subject: FW: Smokey z Smokeshop Fwd: FW:

Tom

(b) (5), Deliberative Process Privilege

Thank you
 Gwen

From: Cumberland Dominic -FS
 Sent: Wednesday July 11 2018 11:36 AM
 To: Beavans Gwen -FS <gbeavans@fs.fed.us>
 Subject: FW: Smokey z Smokeshop Fwd: FW:

Hello Gwen

(b) (5), Deliberative Process Privilege

Thank you.

 **Dominic Cumber and
 Visitor Services Information Assistant**
Forest Service
 Office of Communication
 p: 202 205 0857
 f: 202 205 0885
dcumberland@fs.fed.us
 2011 7th St. S.W.
 Washington, DC 20002
www.fs.fed.us

 Caring for the land and serving people

From: Behrens Zachary - FS
 Sent: Tuesday July 10 2018 4:30 PM
 To: Cumberland Dominic -FS <dcumberland@fs.fed.us>
 Cc: Verdugo Laura -FS <lverdugo@fs.fed.us>; Wade Paul - FS <pwade@fs.fed.us>
 Subject: RE: Smokey z Smokeshop Fwd: FW:

Hello

(b) (5), Deliberative Process Privilege

From: Behrens Zachary - FS
 Sent: Friday July 6 2018 9:19 AM
 To: Cumberland Dominic -FS <dcumberland@fs.fed.us>
 Cc: Verdugo Laura -FS <lverdugo@fs.fed.us>; Briot Daniel F -FS <dbriot@fs.fed.us>; Wade Paul - FS <pwade@fs.fed.us>
 Subject: Smokey z Smokeshop Fwd: FW:



Hi Dominic (b) (5), Deliberative Process Privilege Thanks!

Sent from my iPhone

Begin forwarded message:

From: "Verdugo Laura -FS" <lverdugo@fs.fed.us>
 Date: July 6 2018 at 9:07:03 AM PDT
 To: "Behrens Zachary - FS" <zbehrens@fs.fed.us>
 Cc: "Briot Daniel F -FS" <dbriot@fs.fed.us>
 Subject: FW:

Good morning (b) (5), Deliberative Process Privilege
 Laura

 **Laura C. Verdugo**
Visitor Information Assistant
Forest Service
 San Bernardino National Forest San Jacinto Ranger District
 p: 909 382 2921 x2939
 f: 951 859 2107
lverdugo@fs.fed.us
 5 270 Pine Crest Ave., P.O. Box 518
 Highland CA 92508
www.fs.fed.us

 Caring for the land and serving people

From: (b) (5) <lverdugo@fs.fed.us> @wywpx.com [mailto:(b) (5) <lverdugo@fs.fed.us> @wywpx.com]
 Sent: Friday July 06 2018 8 57 AM
 To: Verdugo Laura -FS <lverdugo@fs.fed.us>
 Subject:

From: [Dellinger, John - OGC, Washington, DC](#)
To: [Moreland, Thomas - FS](#)
Subject: FW: Smokey'Z Smoke Shop
Date: Thursday, September 20, 2018 3:36:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[Remedy Patient Collective.pdf](#)

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

Best

John D



John D. Dellinger
 Patent Attorney
 General Law and Research Division
 Office of the General Counsel
 U.S. Department of Agriculture
 1400 Independence Avenue SW
 Washington, DC 20250-1400
 ☎ 202-239-4531 (Voice)
 844-354-1113 (Fax)
 ✉ John.Dellinger@ogc.usda.gov

From: Verdugo, Laura -FS
Sent: Friday, July 20, 2018 12:50 PM
To: Dellinger, John - OGC <John.Dellinger@ogc.usda.gov>
Subject: RE: Smokey'Z Smoke Shop
 Ok, thanks!



Laura C. Verdugo
Visitor Information Assistant
Forest Service
San Bernardino National Forest, San Jacinto Ranger District

p: 909-382-2921 x2939

f: 951-659-2107

lverdugo@fs.fed.us

54270 Pine Crest Ave., P.O. Box 518
Idyllwild, CA 92549

www.fs.fed.us



Caring for the land and serving people

From: Dellinger, John - OGC
Sent: Friday, July 20, 2018 9:49 AM
To: Verdugo, Laura -FS <lverdugo@fs.fed.us>
Subject: RE: Smokey'Z Smoke Shop

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

Best

John



John D. Dellinger
Patent Attorney
General Law and Research Division
Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250-1400
☎ 202-239-4531 (Voice)
844-354-1113 (Fax)
✉ John.Dellinger@ogc.usda.gov

From: Verdugo, Laura -FS

Sent: Friday, July 20, 2018 12:44 PM

To: Dellinger, John - OGC

Subject: RE: Smokey'Z Smoke Shop

Hi John, (b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]



Laura C. Verdugo
Visitor Information Assistant
Forest Service
San Bernardino National Forest, San Jacinto Ranger District
p: 909-382-2921 x2939
f: 951-659-2107
lverdugo@fs.fed.us
54270 Pine Crest Ave., P.O. Box 518
Idyllwild, CA 92549
www.fs.fed.us



Caring for the land and serving people

From: Dellinger, John - OGC

Sent: Friday, July 20, 2018 8:41 AM

To: Verdugo, Laura -FS <lverdugo@fs.fed.us>

Subject: RE: Smokey'Z Smoke Shop

Hi Laura,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege But thanks!

Best

John

From: Verdugo, Laura -FS

Sent: Friday, July 20, 2018 11:39 AM

To: Dellinger, John - OGC

Subject: RE: Smokey'Z Smoke Shop

Hello, I just got in to work today. (b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks!



Laura C. Verdugo

Visitor Information Assistant

Forest Service

San Bernardino National Forest, San Jacinto Ranger District

p: 909-382-2921 x2939

f: 951-659-2107

lverdugo@fs.fed.us

54270 Pine Crest Ave., P.O. Box 518

Idyllwild, CA 92549

www.fs.fed.us



Caring for the land and serving people

From: Dellinger, John - OGC

Sent: Wednesday, July 18, 2018 11:34 AM

To: Verdugo, Laura -FS <lverdugo@fs.fed.us>

Subject: RE: Smokey'Z Smoke Shop

Hi again Laura,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

[Redacted]

Best

John



John D. Dellinger

Patent Attorney

General Law and Research Division

Office of the General Counsel

U.S. Department of Agriculture

1400 Independence Avenue SW

Washington, DC 20250-1400

☎ 202-239-4531 (Voice)

844-354-1113 (Fax)

✉ John.Dellinger@ogc.usda.gov

From: Dellinger, John - OGC

Sent: Wednesday, July 18, 2018 2:14 PM

To: Verdugo, Laura -FS

Subject: Smokey'Z Smoke Shop

Hi Laura,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

[Redacted]

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

Thank you for your help.

Best

John D



John D. Dellinger
Patent Attorney
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Washington, DC 20250-1400
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✉ John.Dellinger@ogc.usda.gov

Alex Padilla

California Secretary of State



Business Search - Entity Detail

The California Business Search is updated daily and reflects work processed through Tuesday, July 17, 2018. Please refer to document [Processing Times](#) for the received dates of filings currently being processed. The data provided is not a complete or certified record of an entity. Not all images are available online.

C3930471 THE REMEDY PATIENT COLLECTIVE

Registration Date:	07/26/2016
Jurisdiction:	CALIFORNIA
Entity Type:	DOMESTIC NONPROFIT
Status:	ACTIVE
Agent for Service of Process:	GEORGE RODRIGUEZ 44518 FLORIDA AVE HEMET CA 92544
Entity Address:	44518 FLORIDA AVE HEMET CA 92544
Entity Mailing Address:	44518 FLORIDA AVE HEMET CA 92544

A Statement of Information is due EVERY EVEN-NUMBERED year beginning five months before and through the end of July.

Document Type	File Date	PDF
SI-COMPLETE	10/21/2016	
REGISTRATION	07/26/2016	

* Indicates the information is not contained in the California Secretary of State's database.

- If the status of the corporation is "Surrender," the agent for service of process is automatically revoked. Please refer to California Corporations Code [section 2114](#) for information relating to service upon corporations that have surrendered.
- For information on checking or reserving a name, refer to [Name Availability](#).
- If the image is not available online, for information on ordering a copy refer to [Information Requests](#).
- For information on ordering certificates, status reports, certified copies of documents and copies of documents not currently available in the Business Search or to request a more extensive search for records, refer to [Information Requests](#).
- For help with searching an entity name, refer to [Search Tips](#).
- For descriptions of the various fields and status types, refer to [Frequently Asked Questions](#).

[Modify Search](#)[New Search](#)[Back to Search Results](#)

16-119748



State of California Secretary of State

68

N

Statement of Information

(Domestic Nonprofit, Credit Union and General Cooperative Corporations)

Filing Fee: \$20.00. If this is an amendment, see instructions.
IMPORTANT - READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

1. CORPORATE NAME

THE REMEDY PATIENT COLLECTIVE

2. CALIFORNIA CORPORATE NUMBER

C3930471

FILED
Secretary of State
State of California

OCT 24 2016

26/20/CC

This Space for Filing Use Only

Complete Principal Office Address (Do not abbreviate the name of the city. Item 3 cannot be a P.O. Box.)

3. STREET ADDRESS OF PRINCIPAL OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
44518 Florida Ave.	Hemet	CA	92544

4. MAILING ADDRESS OF THE CORPORATION	CITY	STATE	ZIP CODE
44518 Florida Ave.	Hemet	CA	92544

Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

5. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
George Rodriguez	44518 Florida Ave.	Hemet	CA	92544

6. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
George Rodriguez	44518 Florida Ave.	Hemet	CA	92544

7. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
George Rodriguez	44518 Florida Ave.	Hemet	CA	92544

Agent for Service of Process If the agent is an individual, the agent must reside in California and Item 9 must be completed with a California street address, a P.O. Box address is not acceptable. If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 9 must be left blank.

8. NAME OF AGENT FOR SERVICE OF PROCESS

George Rodriguez

9. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE
44518 Florida Ave.	Hemet	CA	92544

Common Interest Developments

10. ☐ Check here if the corporation is an association formed to manage a common interest development under the Davis-Stirling Common Interest Development Act, (California Civil Code section 4000, et seq.) or under the Commercial and Industrial Common Interest Development Act, (California Civil Code section 6500, et seq.). The corporation must file a Statement by Common Interest Development Association (Form SI-CID) as required by California Civil Code sections 5405(a) and 6760(a). Please see instructions on the reverse side of this form.

11. THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

8/9/2016

George Rodriguez

CEO

DATE

TYPE/PRINT NAME OF PERSON COMPLETING FORM

TITLE

SIGNATURE

3930471

FILED *mc*
Secretary of State
State of California*PC* JUL 26 2016

ARTICLES OF INCORPORATION
THE REMEDY PATIENT COLLECTIVE

I.
CORPORATION NAME

The name of the corporation is THE REMEDY PATIENT COLLECTIVE.

II.
PURPOSE

A. This corporation is a nonprofit Mutual Benefit Corporation organized under the Nonprofit Mutual Benefit Corporation Law. The purpose of this corporation is to engage in any lawful act or activity, other than credit union business, for which a corporation may be organized under such law.

B. The specific purpose of this nonprofit Corporation is to form a Collective which will facilitate and organize transactions between members who collectively cultivate and possess marijuana for medical purposes pursuant to Proposition 215, The Compassionate Use Act, Health and Safety Code Sections 11362.5 et seq, SB 420 and the 2008 California Attorney General Guidelines ("AG Guidelines"). The Collective shall limit access to medical marijuana to members who are qualified medical marijuana patients and/or primary caregivers pursuant to Health and Safety Code Section 11362.5(a) & (e).

III.
AGENT OF SERVICE

The name and address in the State of California of this corporation's initial agent for service of process is:

George Rodriguez
44518 Florida Ave.
Hemet, California 92544

IV.
CORPORATE ADDRESS

A. The initial street address of the corporation is 44518 Florida Ave., Hemet, California 92544.

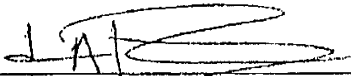
B. The initial mailing address of the corporation is 44518 Florida Ave., Hemet, California 92544.

3930471

V.
LIMITATIONS ON PURPOSE

Notwithstanding any of the above statements of purposes and powers, this corporation shall-not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the specific purposes of this corporation.

Date: July 22, 2016


George Rodriguez, Incorporator

From: [Moreland_Thomas - FS](#)
To: [Dellinger_John - OGC_Washington_DC](#)
Subject: FW: Trump !
Date: Monday, April 1, 2019 8:30:23 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image001.jpg](#)

John,

(b) (5), Deliberative Process Privilege


Tom

From: Brooks, Maureen T -FS
Sent: Monday, April 01, 2019 8:24 AM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Subject: FW: Trump !

(b) (5), Deliberative Process Privilege

M



Maureen Brooks
Wildfire Prevention Specialist
Smokey Bear Licensing Program
Forest Service
Fire and Aviation, Landscapes and Partnerships
p: 202-604-2237
maureen.t.brooks@usda.gov
 201 14th Street, SW, Mail Stop 1107
 Washington, DC 20250
www.fs.fed.us

Caring for the land and serving people

From: Mahoney, Patrick [<mailto:Patrick.Mahoney@freshfromflorida.com>]
Sent: Monday, April 1, 2019 8:12 AM
To: Brooks, Maureen T -FS <mtbrooks@fs.fed.us>
Subject: FW: Trump !

This was sent to me. Wanted to pass it to you, I don't know if there is anything that you can do.

From: Mike Keegan <(b) (6) [gmail.com](#)>
Sent: Monday, April 1, 2019 8:07 AM
To: Mahoney, Patrick <Patrick.Mahoney@freshfromflorida.com>
Subject: Fwd: Trump !

We should have our attorneys look into this!

----- Forwarded message -----

From: grkeegan <(b) (6) [@aol.com](#)>
Date: Fri, Mar 29, 2019 at 9:58 AM
Subject: Fwd: Trump !
To: Michael Cell <(b) (6) [gmail.com](#)>

This one u have to see...one picture with smokey
 Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Joseph Passarelli <(b) (6) [@aol.com](#)>
Date: 3/28/19 10:13 PM (GMT-05:00)

To (b) (6) @comcast.net, (b) (6) @comcast.net, (b) (6) @gmail.com, (b) (6) @aol.com, (b) (6) @aol.com,
(b) (6) @aol.com, (b) (6) @comcast.net

Subject: Fwd: Trump !

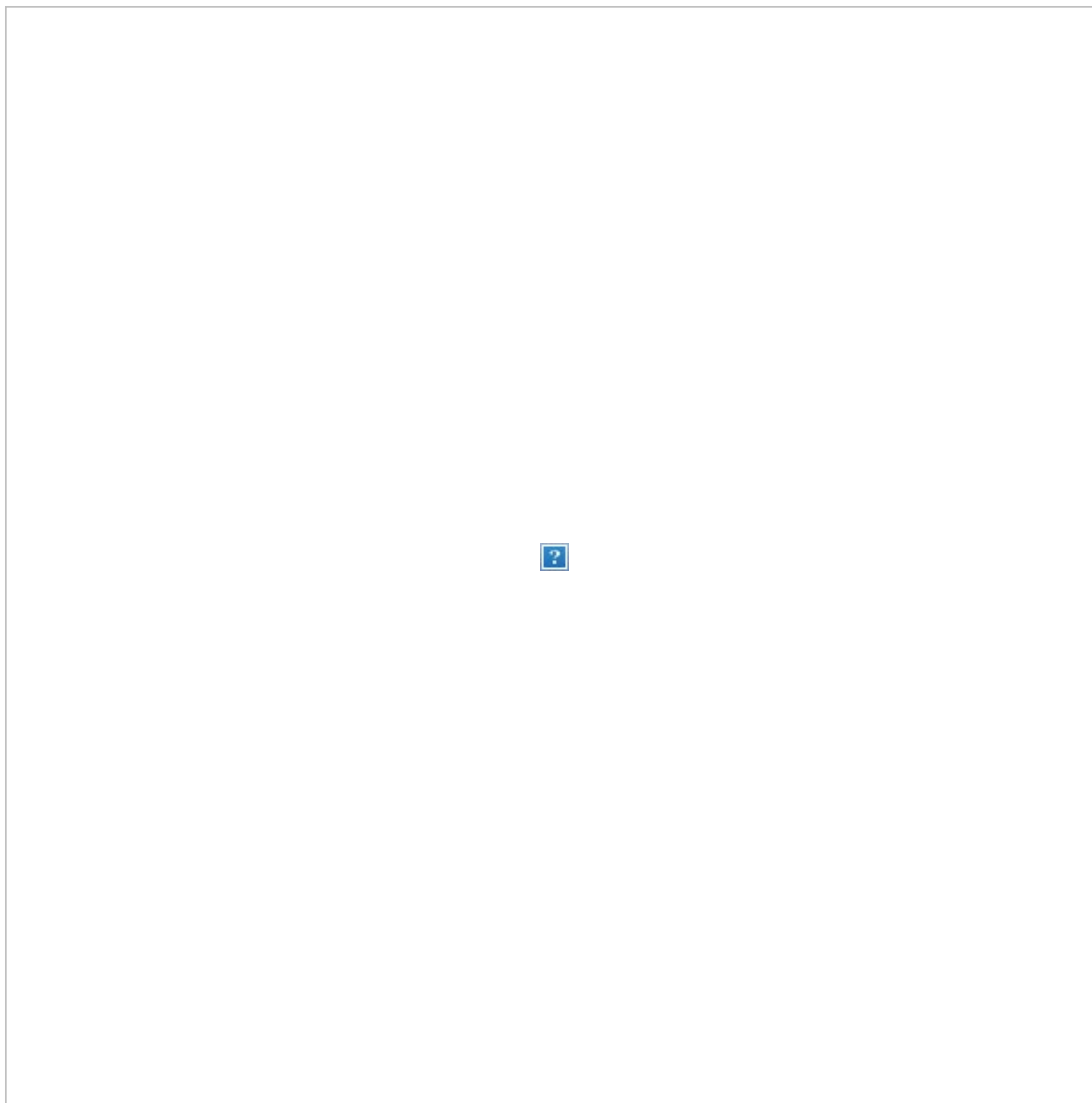
Sent from my iPhone

Begin forwarded message:

From: robert reines <(b) (6) @me.com>

Date: March 28, 2019 at 8:35:22 PM EDT

Subject: Fwd: Trump !



Forgot to attach.

Sent from my iPad

On Mar 28, 2019, at 6:34 PM, John S <(b) (6) @gmail.com> wrote:

This would look good on your Vette ! You would surly stand out around Boca !

Sent from my iPad

From: [Cumberland, Dominic -FS, DISTRICT OF COLUMBIA, DC](#)
To: [Shaw, Lesley - OGC, Washington, DC](#)
Subject: FW: Unlicensed Sellers on Amazon
Date: Monday, February 5, 2018 2:33:18 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]



Dominic Cumberland
Visitor Services Information Assistant
Forest Service
Office of Communication

p: 202-205-0857
 f: 202-205-0885
dcumberland@fs.fed.us

201 14th St. S.W.
 Washington, DC 20024
www.fs.fed.us



Caring for the land and serving people

From: Cumberland, Dominic -FS
Sent: Thursday, January 25, 2018 10:39 AM
To: SHAW, LESLEY - OGC <LESLEY.SHAW@OGC.USDA.GOV>
Subject: FW: Unlicensed Sellers on Amazon
 Hello Lesley,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

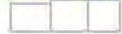
Thank you.



Dominic Cumberland
Visitor Services Information Assistant
Forest Service
Office of Communication

p: 202-205-0857
 f: 202-205-0885
dcumberland@fs.fed.us

201 14th St. S.W.
 Washington, DC 20024
www.fs.fed.us



Caring for the land and serving people

From: Mark AVI [<mailto:Mark@AmericanVinylInc.com>]

Sent: Friday, January 12, 2018 1:30 PM

To: Cumberland, Dominic -FS <dcumberland@fs.fed.us>

Subject: Re: Unlicensed Sellers on Amazon

Just so that you know - they are NOT purchasing from us - they are just printing and selling, so if you don't have a direct license with them - they are cheating the system

Thanks, Mark - AVI

On Jan 12, 2018, at 7:03 AM, Cumberland, Dominic -FS
 <dcumberland@fs.fed.us> wrote:

Hello Mark,

Regarding your request to have "rip-off" items pulled off of Amazon, there is no action this office can take, at this time. For this office to request removal of items, the items must conflict with the regulations for the commercial use of the USDA Forest Service insignia and no conflict has been identified by us.

The reviewed items:

- Are of an approved size / design.
- Are sold by other licensee(s).
- Can be resold without a license if they were purchased from a licensee.

With these factors in mind, this office has no authority to take action to remove these items.

Thank you for bringing this to our attention, and please feel free to let me know if you have further questions.

<[image001.png](#)>

Dominic Cumberland
Visitor Services Information Assistant
Forest Service
Office of Communication

p: 202-205-0857
f: 202-205-0885
dcumberland@fs.fed.us

201 14th St. S.W.
Washington, DC 20024
www.fs.fed.us
<image002.png><image003.png><image004.png>

Caring for the land and serving people

From: Mark AVI [<mailto:Mark@AmericanVinylInc.com>]

Sent: Monday, January 08, 2018 2:35 PM

To: Cumberland, Dominic -FS <dcumberland@fs.fed.us>

Subject: Unlicensed Sellers on Amazon

So we keep getting these ripoff artists selling our stickers - but the 3 other sellers on this listing aren't licensed to sell US FORESTRY logos - can you have them pulled?

Thanks, Mark - American Vinyl

<https://www.amazon.com/dp/B00M7IDVTU>

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From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: FW: Use of Smokey Bear
Date: Tuesday, May 29, 2018 8:00:18 AM
Attachments: [FB_IMG_1525824026540.jpg](#)
[Smokey.JPG](#)
[image004.png](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image005.png](#)

John,

(b) (5), Deliberative Process Privilege

Tom

From: Beavans, Gwen -FS
Sent: Friday, May 25, 2018 4:48 PM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Cc: kayrn_ferro@nps.gov
Subject: FW: Use of Smokey Bear

Tom,

(b) (5), Deliberative Process Privilege

[Redacted]
 [Redacted]
 [Redacted]
 [Redacted]
 [Redacted]
 [Redacted]
 [Redacted]
 [Redacted]
 [Redacted]
 [Redacted]

Thanks,

Gwen

From: Beavans, Gwen -FS
Sent: Friday, May 18, 2018 4:53 PM
To: Sebrechts, Marie - FS <msebrechts@fs.fed.us>
Subject: FW: Use of Smokey Bear

Marie,

(b) (5), Deliberative Process Privilege

[Redacted]
 [Redacted]
 [Redacted]
 [Redacted]

Gwen

From: Cumberland, Dominic -FS
Sent: Wednesday, May 9, 2018 8:18 AM
To: Beavans, Gwen -FS <gbeavans@fs.fed.us>
Subject: FW: Use of Smokey Bear

Hello Gwen,

(b) (5), Deliberative Process Privilege

Thank you.



Dominic Cumberland
Visitor Services Information Assistant

Forest Service
Office of Communication

p: 202-205-0857
 f: 202-205-0885
dcumberland@fs.fed.us

201 14th St. S.W.
 Washington, DC 20024
www.fs.fed.us



Caring for the land and serving people

From: Haynes, John S -FS

Sent: Wednesday, May 9, 2018 6:42 AM

To: Sebrechts, Marie - FS <msebrechts@fs.fed.us>

Cc: Chambers, Lawrence F -FS <lfchambers@fs.fed.us>; O'Connor, Kathryn -FS
 <kathrynoconnor@fs.fed.us>; Snider, Elise - FS <esnider@fs.fed.us>; Poole, Sheila - FS
 <spoole@fs.fed.us>; Cumberland, Dominic -FS <dcumberland@fs.fed.us>; James, Byron -FS
 <byronjames@fs.fed.us>

Subject: Re: Use of Smokey Bear

Good morning Marie,

(b) (5). Deliberative Process Privilege

[Redacted]

Have a great morning.

John



John Haynes
Assistant Director
Creative Media and Visitor Services

Forest Service
Office of Communication

p: 202-205-1718
 c: (b) (6)
 f: 202-205-0885
johnshaynes@fs.fed.us

201 14th Street SW, Ste 4 SE
 Washington, DC 20024
www.fs.fed.us



Caring for the land and serving people

From: Sebrechts, Marie - FS

Sent: Tuesday, May 08, 2018 8:26 PM

To: Haynes, John S -FS <johnshaynes@fs.fed.us>

Cc: Chambers, Lawrence F -FS <lfchambers@fs.fed.us>; O'Connor, Kathryn -FS
 <kathrynoconnor@fs.fed.us>; Snider, Elise - FS <esnider@fs.fed.us>; Poole, Sheila - FS
 <spoole@fs.fed.us>

Subject: Use of Smokey Bear

John,

(b) (5), Deliberative Process Privilege

[REDACTED]

[REDACTED] Thanks,

Marie



Marie Therese Sebrechts
Regional Director, Communication & Engagement
USDA Forest Service
Southwestern Region

p: 505-842-3290

c: (b) (6)
msebrechts@fs.fed.us

Caring for the land and serving people



ONLY YOU CAN



RESIST
FASCIST LIARS

000137

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Cc: [Fado, John - OGC, Washington, DC](#)
Subject: FW: why cant they leave smokey alone
Date: Monday, May 13, 2019 2:31:56 PM
Attachments: [tee.png](#)
[smokey-only-you-can-return-fire-lock-and-load-smokythebear-16096425.png](#)
[AR -15.jpg](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks tom

From: Brooks, Maureen T -FS
Sent: Friday, May 10, 2019 8:16 AM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: FW: why cant they leave smokey alone

Tom,

This is the full email. Gwen's didn't have the attachments.

(b) (5), Deliberative Process Privilege

Thanks,

M



Maureen Brooks
Wildfire Prevention Specialist
Smokey Bear Licensing Program
Forest Service
Fire and Aviation, Landscapes and Partnerships

p: 202-604-2237

maureen.t.brooks@usda.gov

201 14th Street, SW, Mail Stop 1107
Washington, DC 20250

www.fs.fed.us



Caring for the land and serving people

From: Turck, Fred X [<mailto:fred.turck@dof.virginia.gov>]

Sent: Thursday, May 9, 2019 9:20 AM

To: Beavans, Gwen -FS <gwen.beavans@usda.gov>; Brooks, Maureen T -FS
<maureen.t.brooks@usda.gov>

Subject: why cant they leave smokey alone

Hey these might have been around for a while but I have just been sent a couple of links recently. Have you seen this stuff??

The one is part of an automatic weapon stamped right into the side.
Fred

--

Fred X. Turck

Prevention Program Manager- Emergency Response Branch

Firewise-WU/Wildfire Prevention Education/Prescribed Fire/Dry Hydrants

Virginia Department of Forestry

900 Natural Resources Drive

Charlottesville, VA 22903

Office: 434-220-8052

Cell: (b) (6)

FAX: 434-977-9839

fred.turck@dof.virginia.gov

www.dof.virginia.gov

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REMEMBER



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CAN RETURN FIRE**

000141



EDC TACTICAL, LLC
RICHMOND, VA

Only You
CAN RETURN FIRE

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#); [Fado, John - OGC, Washington, DC](#)
Subject: RE: [External Email]FW: US Air Force appropriation of Smokey Bear IP for commercial use
Date: Friday, May 28, 2021 9:42:00 AM
Attachments: [image001.png](#)

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

Thanks and enjoy you time off.

Tom

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Friday, May 28, 2021 9:36 AM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>; Fado, John - OGC, Washington, DC <john.fado@usda.gov>
Subject: RE: [External Email]FW: US Air Force appropriation of Smokey Bear IP for commercial use

Hey Tom,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Best
John D



John D. Dellinger
Patent Attorney
General Law and Research Division
Office of the General Counsel
U.S. Department of Agriculture

1400 Independence Avenue SW
Room 3311-S, Stop 1415
Washington, DC 20250-1415
☎ 202-239-4531 (Voice)
844-354-1113 (Fax)
✉ John.Dellinger@usda.gov

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Sent: Thursday, May 27, 2021 4:11 PM
To: Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: FW: [External Email]FW: US Air Force appropriation of Smokey Bear IP for commercial use

John & John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Enjoy the weekend and the extra day off.

Tom

From: David Milch <info@perpetuallicensing.com>
Sent: Thursday, May 27, 2021 12:18 PM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Cc: Brooks, Maureen -FS <maureen.t.brooks@usda.gov>
Subject: [External Email]FW: US Air Force appropriation of Smokey Bear IP for commercial use

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;
Use caution before clicking links or opening attachments.
Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Hi Tom,
Looks like you may want to send a note to the US Air Force about using Smokey

Not sure if you want to respond to this email as well.

Best,

D

David Milch
PERPETUAL LICENSING
Brand Representation | Manufacturer Representation | Brand Licensing Consulting
(b) (6) | (b) (6) perpetuallicensing.com
www.PerpetualLicensing.com

From: Christopher Paris (b) (6) <[@oxebridge.com](mailto:(b) (6)@oxebridge.com)>
Organization: Oxebridge Quality Resources Intl. LLC
Reply-To: (b) (6) <[@oxebridge.com](mailto:(b) (6)@oxebridge.com)>
Date: Wednesday, May 26, 2021 at 8:51 PM
To: Microsoft Office User <info@perpetuallicensing.com>
Subject: US Air Force appropriation of Smokey Bear IP for commercial use

Hello.

The US Air Force Office of the Chief Information Security Office (CISO) is under ethics investigation for a number of issues, one of which is trademark and IP appropriation for the marketing of its "Platform One" software and security program. The program is complicated, but essentially Platform One establishes a set of government-approved commercial software products which are then mandated to USAF and DOD contractors, in order to maintain consistency and security. These are commercial software products, and not public or government-created. As a result, the Platform One project helps promote these commercial products by forcing contractors to use them.

To market its Platform One effort, the USAF Office of CISO has appropriated the IP of both Disney/Lucasfilm and the US Forest Service, combining elements of "Baby Yoda" with "Smokey Bear." These images are not only then used in published marketing materials for Platform One, but physical products such as medallions.

The USAF claims "military heritage" as allowing it to appropriate this IP. It's not clear what they mean. Again, however, the usage is not limited to simply airplane nose art, but to promote the sale of actual commercial products packaged under Platform One. The Chief Information Officer of USAF has confirmed it has not paid anything to trademark holders for this usage.

You can see examples of it on the official Platform One website here:

<https://software.af.mil/team/platformone/>

Please advise if your office has licensed this material to the USAF, or if this usage is without permission.

Thank you.

Christopher Paris
VP Operations
Oxebridge Quality Resources International LLC
Tampa FL – Lima Peru
Phone: (b) (6)
Web: <https://www.oxebridge.com>
Email: (b) (6) <[@oxebridge.com](mailto:(b) (6)@oxebridge.com)>
Get the latest book: [Surviving AS9100 Rev. D](#)

From: [Wellner, Kent -FS](#)
To: [Thomas, Shawn -FS](#)
Cc: [Yankoviak, Brenda -FS](#); [Dellinger, John - OGC, Washington, DC](#); [Moreland, Thomas - FS](#)
Subject: RE: [External Email]Illegal use of PCT and USFS logo
Date: Wednesday, July 14, 2021 2:56:41 PM
Attachments: [image007.png](#)
[image010.png](#)
[image012.png](#)
[image015.png](#)
[image016.jpg](#)
[image017.jpg](#)
[image018.png](#)
[image019.png](#)
[image020.png](#)
[image022.png](#)
[image023.png](#)
[image002.png](#)

Hey Shawn – (b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

[REDACTED]

Thanks again!

Best, Kent



Kent Wellner
Acting National Program Manager - Shooting Sports, Outdoor Ethics
(LNT & TL!), BC Airstrips, Climbing, Rec Caves, UAS, & Boy Scouts

Forest Service
Recreation, Heritage, and Volunteer Services, Washington Office

p: 406-370-7242
kent.wellner@usda.gov

26 Fort Missoula Road
Missoula, MT 59804
www.fs.fed.us



Caring for the land and serving people

From: Thomas, Shawn -FS <shawn.c.thomas@usda.gov>

Sent: Thursday, July 8, 2021 9:07 AM

To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>; Moreland, Thomas - FS

<thomas.moreland@usda.gov>; Wellner, Kent -FS <kent.wellner@usda.gov>
Cc: Yankoviak, Brenda -FS <brenda.yankoviak@usda.gov>
Subject: RE: [External Email]illegal use of PCT and USFS logo

Good morning all,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[Redacted]

[Redacted]

I hope this helps.

Regards,
Shawn



Shawn Thomas *(he/him)*
Florida National Scenic Trail Administrator
Appalachian Trail Liaison – Southern Region
Forest Service
Southern Region, Regional Office



P:
C: (b) (6)

shawn.c.thomas@usda.gov
325 John Knox Rd Suite F100
Tallahassee, FL 32303
www.fs.fed.us



Caring for the land and serving people

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Thursday, July 8, 2021 10:30 AM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>; Wellner, Kent -FS <kent.wellner@usda.gov>
Cc: Thomas, Shawn -FS <shawn.c.thomas@usda.gov>
Subject: RE: [External Email]illegal use of PCT and USFS logo

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Best
John D



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Patent Attorney
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U.S. Department of Agriculture
1400 Independence Avenue SW
Room 3311-S, Stop 1415
Washington, DC 20250-1415
☎ 202-239-4531 (Voice)
844-354-1113 (Fax)
✉ John.Dellinger@usda.gov

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Sent: Wednesday, July 7, 2021 5:52 PM
To: Wellner, Kent -FS <kent.wellner@usda.gov>; Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: RE: [External Email]illegal use of PCT and USFS logo

Kent,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

From: Wellner, Kent -FS <kent.wellner@usda.gov>
Sent: Wednesday, July 7, 2021 5:36 PM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>; Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: RE: [External Email]illegal use of PCT and USFS logo

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Best, kent



Kent Wellner
Acting National Program Manager - Shooting Sports, Outdoor Ethics
(LNT & TL!), BC Airstrips, Climbing, Rec Caves, UAS, & Boy Scouts

Forest Service
Recreation, Heritage, and Volunteer Services, Washington Office

p: 406-370-7242
kent.wellner@usda.gov

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Missoula, MT 59804
www.fs.fed.us



Caring for the land and serving people

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Sent: Wednesday, July 7, 2021 12:10 PM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>; Wellner, Kent -FS
<kent.wellner@usda.gov>
Subject: RE: [External Email]illegal use of PCT and USFS logo

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[Redacted]

Tom

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Wednesday, July 7, 2021 1:43 PM
To: Wellner, Kent -FS <kent.wellner@usda.gov>
Cc: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: RE: [External Email]illegal use of PCT and USFS logo

Hey Kent,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[Redacted]

[Redacted]

[REDACTED]

I've copied Tom Moreland on this.

Best,
John D



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Washington, DC 20250-1415
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844-354-1113 (Fax)
✉ John.Dellinger@usda.gov

From: Wellner, Kent -FS <kent.wellner@usda.gov>
Sent: Wednesday, July 7, 2021 1:02 PM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Cc: Yankoviak, Brenda -FS <brenda.yankoviak@usda.gov>; Capozza, Togan -FS <togan.capozza@usda.gov>
Subject: FW: [External Email]illegal use of PCT and USFS logo

Good afternoon John - (b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

[REDACTED]

THANK YOU!

Best, kent



Kent Wellner
Acting National Program Manager - Shooting Sports, Outdoor Ethics
(LNT & TL!), BC Airstrips, Climbing, Rec Caves, UAS, & Boy Scouts
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Recreation, Heritage, and Volunteer Services, Washington Office
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Missoula, MT 59804
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From: FS-Pacific Crest Trail Service Mark Requests <SM.FS.PCTlogo@usda.gov>
Sent: Wednesday, July 7, 2021 9:52 AM
To: Franchina, Rachel -FS <rachel.franchina@usda.gov>; Yankoviak, Brenda -FS <brenda.yankoviak@usda.gov>; Thompson, Jonathan -FS <jonathan.thompson@usda.gov>; Thomas, Shawn -FS <shawn.c.thomas@usda.gov>; Wellner, Kent -FS <kent.wellner@usda.gov>
Subject: FW: [External Email]illegal use of PCT and USFS logo

(b) (5), Deliberative Process Privilege

TOGAN CAPOZZA (she/her/hers/Ms.)
Wilderness, Wild & Scenic Rivers and Pacific Crest Trail Program Assistant

US Forest Service | Pacific Southwest Region
cel: (b) (6) | desk: 707.562.8765 | togan.caipozza@usda.gov
1323 Club Drive | Vallejo, CA 94592
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CARING FOR THE LAND AND SERVING PEOPLE

For information about the National Wilderness Preservation System please visit: www.wilderness.net
For information about the National Wild and Scenic Rivers System please visit: www.rivers.gov
For information about the Pacific Crest Trail please visit: www.fs.usda.gov/pct/
For information about the R5 Pack Stock Center of Excellence please visit: www.fs.usda.gov/PackStockCOE

From: Katie Wallace (b) (6) <[@peopleinparks.org](mailto:(b)(6)@peopleinparks.org)>
Sent: Wednesday, June 30, 2021 10:53 AM
To: FS-Pacific Crest Trail Service Mark Requests <SM.FS.PCTlogo@usda.gov>
Subject: [External Email]illegal use of PCT and USFS logo

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;

Use caution before clicking links or opening attachments.

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Hi there,

I thought you'd want to be aware of a potentially [illegal use of the PCT logo](#) and the [USFS logo](#).

Best,
Katie Wallace

--



Katie Wallace

Operations Manager

Pronouns: she/her/hers ([why pronouns matter](#))

I work part-time, variable hours, so e-mails or scheduled phone calls are best.

peopleinparks.org

From: [Cumberland, Dominic - FS - DISTRICT OF COLUMBIA, DC](#)
To: [Dellinger, John - OGC - Washington, DC](#)
Cc: [Dellinger, John - OGC - Washington, DC](#)
Subject: RE: Amazon Brand Registry / NOCI
Date: Thursday, November 14, 2019 10:23:53 AM
Attachments: [amazon001.png](#)
[amazon002.png](#)
[amazon003.png](#)
[amazon004.png](#)
[amazon005.png](#)

Hello John

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thank you all for your time.

 **Dominic Cumberland**
Visitor Services Information Assistant
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National Headquarters - Office of Communication
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f: 202 205 0885
dominic.cumberland@usda.gov
2011 M Street, SW, Suite SE
Washington, DC 20002
www.fs.usda.gov
 Caring for the land and serving people

From: Dellinger, John - OGC, Washington, DC
Sent: Thursday, November 14, 2019 10:16 AM
To: Cumberland, Dominic - FS <dominic.cumberland@usda.gov>
Cc: Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Shaw, Lesley - OGC, Washington, DC <lesley.shaw@usda.gov>
Subject: RE: Amazon Brand Registry / NOCI

Hi Dominic

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

Best,
John D

 **John D. Dellinger**
Principal Attorney
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E: John.Dellinger@usda.gov

From: Cumberland, Dominic - FS <dominic.cumberland@usda.gov>
Sent: Thursday, November 14, 2019 9:09 AM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: RE: Amazon Brand Registry / NOCI

Hello John

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From: Dellinger, John - OGC, Washington, DC
Sent: Wednesday, November 13, 2019 12:06 PM
To: Cumberland, Dominic - FS <dominic.cumberland@usda.gov>
Subject: RE: Amazon Brand Registry / NOCI

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

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E: John.Dellinger@usda.gov

From: Cumberland, Dominic - FS <dominic.cumberland@usda.gov>
Sent: Wednesday, November 13, 2019 12:01 PM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Subject: RE: Amazon Brand Registry / NOCI

Hello John

(b) (5) - Discretionary Privilege, Attorney-Client Privilege



(b) (5) - Discretionary Privilege, Attorney-Client Privilege

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F: 202 288 6668
d.cumberland@usda.gov
201 E. M Street, SW Suite SE
Washington, DC 20001
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Caring for the land and serving people

From: Dellinger John - OGC Washington DC
Sent: Wednesday, November 13, 2019 11:51 AM
To: Cumberland Dominic FS <d.cumberland@usda.gov>; Fado John - OGC Washington DC <john.fado@usda.gov>
Cc: Shaw Lesley - OGC Washington DC <lesley.shaw@usda.gov>
Subject: RE: Amazon Brand Registry / NOCI

(b) (5) - Discretionary Privilege, Attorney-Client Privilege

[Redacted text block]

John D. Dellinger
Patricia A. Lowe
Senior Attorney Research Director
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1400 Independence Avenue SW
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john.dellinger@usda.gov

From: Cumberland Dominic FS <d.cumberland@usda.gov>
Sent: Wednesday, November 13, 2019 11:39 AM
To: Dellinger John - OGC Washington DC <john.dellinger@usda.gov>; Fado John - OGC Washington DC <john.fado@usda.gov>
Cc: Shaw Lesley - OGC Washington DC <lesley.shaw@usda.gov>
Subject: RE: Amazon Brand Registry / NOCI

Hello John

(b) (5) - Discretionary Privilege, Attorney-Client Privilege

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From: Dellinger John - OGC Washington DC
Sent: Wednesday, November 13, 2019 11:35 AM
To: Cumberland Dominic FS <d.cumberland@usda.gov>; Fado John - OGC Washington DC <john.fado@usda.gov>
Cc: Shaw Lesley - OGC Washington DC <lesley.shaw@usda.gov>
Subject: RE: Amazon Brand Registry / NOCI

Hi Dominic

(b) (5) - Discretionary Privilege, Attorney-Client Privilege

Re:
John D

John D. Dellinger
Patricia A. Lowe
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john.dellinger@usda.gov

From: Cumberland Dominic FS <d.cumberland@usda.gov>
Sent: Wednesday, November 13, 2019 10: 8 AM
To: Fado John - OGC Washington DC <john.fado@usda.gov>
Cc: Shaw Lesley - OGC Washington DC <lesley.shaw@usda.gov>; Dellinger John - OGC Washington DC <john.dellinger@usda.gov>
Subject: Amazon Brand Registry / NOCI

Hello John Lesley and John


(b) (5) - Discretionary Privilege, Attorney-Client Privilege

[Redacted text block]

(b) (5), Deliberative Process Privilege, Attorney Client Privilege
[Redacted]
[Redacted]

(b) (5), Deliberative Process Privilege, Attorney Client Privilege
[Redacted]
[Redacted]

Thank you.

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Caring for the land and serving people

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If you are a rights owner with a registered trademark, you may be eligible to enroll your brand in the Amazon Brand Registry. Amazon Brand Registry provides access to powerful tools including proprietary text and image search, predictive automation based on your reports of suspected intellectual property rights violations, and increased authority over product listings with your brand name. To learn more and start the enrolment process, [click here](#).

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Are you the Rights Owner or an Agent?

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The primary complaint pertains to

trademark concerns - unauthorized use of a word, phrase, symbol, and/or design that identifies and distinguishes the source of the go...

☐ Rights Owner ☒ Agent

The primary complaint pertains to

trademark concerns - unauthorized use of a word, phrase, symbol, and/or design that identifies and distinguishes the source of the goods

The specific concern is

a product or its packaging has my trademark on it

Name of Brand, Mark or Protected Element

Forest Service Insignia

Is the Trademark registered?

☐ Yes ☒ No

The identification of the type of goods/services for which the mark is used

Forest Services

The date of the first use of the trademark in commerce in connection with the goods/services

01/01/1950

Please provide a link to a website that shows the use of your mark in commerce on your products

usda.gov

Additional Information

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921

The ASIN (Amazon Standard Identification Number) or the URL of each product you are reporting. You can report up to 50 products for the same specific concern in 1 form. If you have different concerns to report, please submit 1 form for each concern.

ASIN/ISBN-10 -OR- Product URL



Your Contact Details

This is the contact Amazon will use.

Are you a seller on Amazon?

☐ Yes ☐ No

First Name

John

From: [Paur, Kenneth - OGC, Lakewood, CO](#)
To: [Shaw, Lesley - OGC, Washington, DC](#)
Cc: [Fado, John - OGC, Washington, DC](#); [Garrett, Mark - OGC, Washington, DC](#)
Subject: RE: cease and desist letter verbiage
Date: Friday, October 30, 2020 3:34:02 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.jpg](#)

Thanks, (b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege



Kenneth D. Paur
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Lakewood, CO 80401-3305
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Kenneth.paur@usda.gov

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From: Shaw, Lesley - OGC, Washington, DC <lesley.shaw@usda.gov>
Sent: Friday, October 30, 2020 1:23 PM
To: Paur, Kenneth - OGC, Lakewood, CO <kenneth.paur@usda.gov>
Cc: Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Garrett, Mark - OGC, Washington, DC <mark.garrett@usda.gov>
Subject: RE: cease and desist letter verbiage

Ken

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

Thanks
Lesley



Lesley Shaw
Patent Attorney
General Law and Research Division
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U.S. Department of Agriculture
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Washington, DC 20250
[202-720-6035](tel:202-720-6035) (Voice)
[\(b\) \(6\)](tel:(b) (6)) (Mobile)
[844-354-1113](tel:844-354-1113) (Fax)
lesley.shaw@usda.gov

From: Shaw, Lesley - OGC, Washington, DC
Sent: Thursday, October 29, 2020 10:03 AM
To: Paur, Kenneth - OGC, Lakewood, CO <kenneth.paur@usda.gov>
Cc: Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Garrett, Mark - OGC, Washington, DC <mark.garrett@usda.gov>
Subject: RE: cease and desist letter verbiage

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege



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lesley.shaw@usda.gov

From: Paur, Kenneth - OGC, Lakewood, CO <kenneth.paur@usda.gov>
Sent: Wednesday, October 28, 2020 8:20 PM
To: Shaw, Lesley - OGC, Washington, DC <lesley.shaw@usda.gov>; Garrett, Mark - OGC, Washington, DC <mark.garrett@usda.gov>; Fado, John - OGC, Washington, DC <john.fado@usda.gov>
Subject: RE: cease and desist letter verbiage

(b) (5), Deliberative Process Privilege



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From: Paur Kenneth - OGC Lakewood CO
Sent: Thursday October 8 2020 12 16 PM
To: Shaw Lesley - OGC Washington DC <lesley.shaw@usda.gov>; Garrett Mark - OGC Washington DC <mark.garrett@usda.gov>; Fado John - OGC Washington DC <john.fado@usda.gov>
Subject: RE cease and desist letter verbiage

Thanks (b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege



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From: Shaw Lesley - OGC Washington DC <lesley.shaw@usda.gov>
Sent: Thursday October 8 2020 11 53 AM
To: Paur Kenneth - OGC Lakewood CO <kenneth.paur@usda.gov>; Garrett Mark - OGC Washington DC <mark.garrett@usda.gov>; Fado John - OGC Washington DC <john.fado@usda.gov>
Subject: RE cease and desist letter verbiage

Ken

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

Thank you
Lesley Shaw



Lesley Shaw
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✉ lesley.shaw@usda.gov

From: Paur Kenneth - OGC Lakewood CO <kenneth.paur@usda.gov>
Sent: Tuesday October 6 2020 11 27 AM
To: Shaw Lesley - OGC Washington DC <lesley.shaw@usda.gov>; Garrett Mark - OGC Washington DC <mark.garrett@usda.gov>; Fado John - OGC Washington DC <john.fado@usda.gov>
Subject: FW cease and desist letter verbiage

(b) (5), Deliberative Process Privilege, Attorney Client Privilege



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From: Symonds Jennifer M - FS <jennifer.symonds@usda.gov>
Sent: Tuesday October 6 2020 9 25 AM
To: Paur Kenneth - OGC Lakewood CO <kenneth.paur@usda.gov>
Subject: RE cease and desist letter verbiage

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks,



Jennifer Symonds, D.O.
Fire & Aviation Management Medical Officer
Fire Medical Qualifications Program Manager
USDA Forest Service
Washington Office, Fire & Aviation Management
p: 2
c: (b) (6) jess@usda.gov
USFS - NIFC
3833 S. Development Ave.
Boise, ID 83705
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Caring for the land and serving people

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From: Paur, Kenneth - OGC Lakewood CO <kenneth.paur@usda.gov>
Sent: Tuesday, October 6, 2020 8:36 AM
To: Symonds, Jennifer M -FS <jennifer.symonds@usda.gov>
Cc: Domitrovich, Joseph W -FS <joseph.domitrovich@usda.gov>
Subject: RE: cease and desist letter verbiage

(b) (5) Deliberative Process Privilege; Attorney-Client Privilege; Attorney Work Product (b) (5)



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From: Symonds, Jennifer M -FS <jennifer.symonds@usda.gov>
Sent: Monday, October 5, 2020 9:34 AM
To: Paur, Kenneth - OGC Lakewood CO <kenneth.paur@usda.gov>
Cc: Domitrovich, Joseph W -FS <joseph.domitrovich@usda.gov>
Subject: cease and desist letter verbiage

Ken,

Forgive my lack of legal-eze ability. Not sure I will ever find that ability. (b) (5) Deliberative Process Privilege; Attorney-Client Privilege

[REDACTED]

[REDACTED]

[REDACTED]

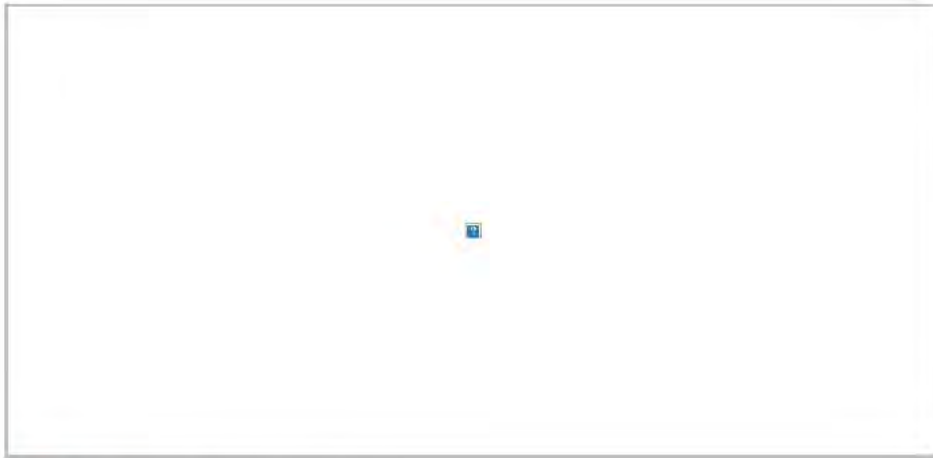
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Jennifer Symonds, D.O.
Fire & Aviation Management Medical Officer
Fire Medical Qualifications Program Manager
USDA Forest Service
Washington Office, Fire & Aviation Management

p.
C. [REDACTED]
jennifer.symonds@usda.gov

USFS - NIFC
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Caring for the land and serving people

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From: Symonds, Jennifer -FS
To: Shaw, Lesley - OGC, Washington, DC
Cc: Paur, Kenneth - OGC, Lakewood, CO
Subject: RE: cease and desist letter verbiage
Date: Friday, October 30, 2020 2:01:46 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image001.png](#)
[image009.jpg](#)

Lesley,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thank you,
Dr Jen

 **Jennifer Symonds, D.O.**
Fire & Aviation Management Medical Officer
Fire Medical Qualifications Program Manager
USDA Forest Service
Washington Office, Fire & Aviation Management
p: 208 387 5978
c: (b) (6) [us@usda.gov](mailto:jens@usda.gov)
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Boise, ID 83705
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From: Shaw, Lesley - OGC, Washington, DC <lesley.shaw@usda.gov>
Sent: Friday, October 30, 2020 9:34 AM
To: Symonds, Jennifer M -FS <jennifer.symonds@usda.gov>
Cc: Paur, Kenneth - OGC, Lakewood, CO <kenneth.paur@usda.gov>
Subject: FW: cease and desist letter verbiage

Dr. Symonds

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks
Lesley

 **Lesley Shaw**
Patent Attorney
General Law and Research Division
Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Ave. SW Room 3311
Washington, DC 20250
 202-720-6035 (Voice)
(b) (6) (Mobile)
844-354-1113 (Fax)
 lesley.shaw@usda.gov

From: Symonds, Jennifer M -FS <jennifer.symonds@usda.gov>
Sent: Monday, October 5, 2020 9:34 AM
To: Paur, Kenneth - OGC, Lakewood, CO <kenneth.paur@usda.gov>
Cc: Domitrovich, Joseph W -FS <joseph.domitrovich@usda.gov>
Subject: cease and desist letter verbiage

Ken,

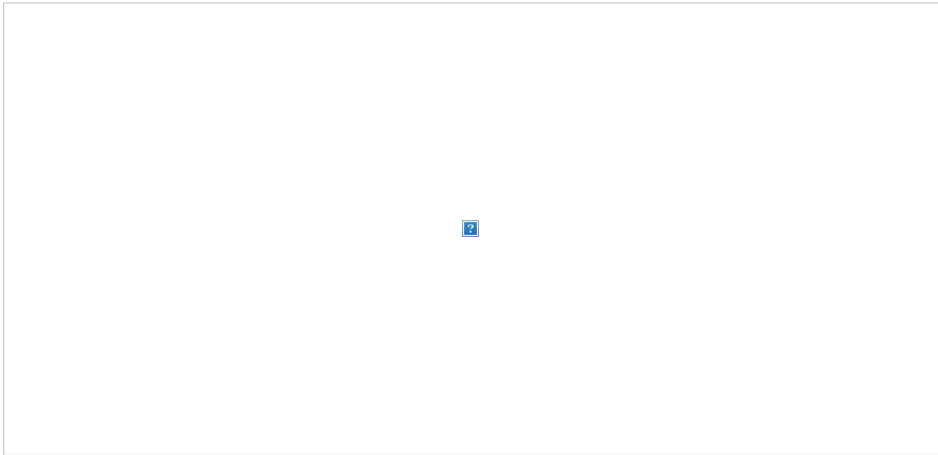
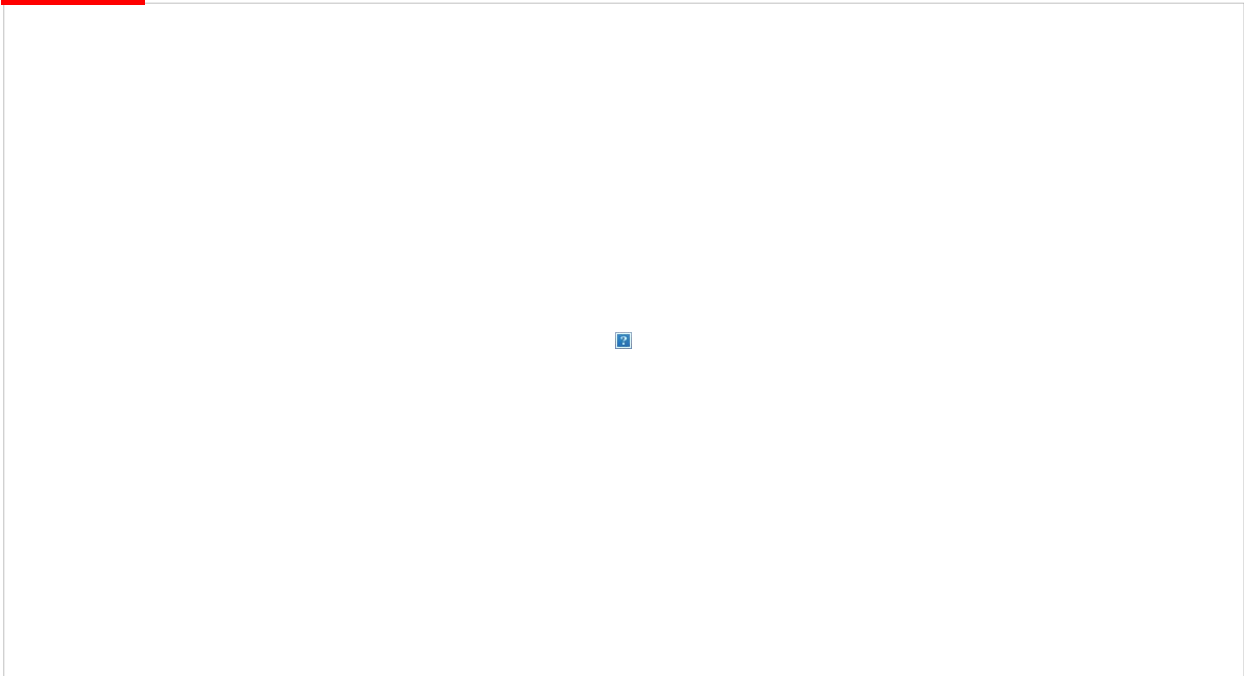
Forgive my lack of legal-eze ability. Not sure I will ever find that ability. (b) (5), Deliberative Process Privilege, Attorney Client Privilege

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[Redacted]

[Redacted]

[Redacted]



Jennifer Symonds, D.O.
Fire & Aviation Management Medical Officer
Fire Medical Qualifications Program Manager
USDA Forest Service
Washington Office, Fire & Aviation Management

p:
c: (b) (6)
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From: [Moreland, Thomas - FS](#)
To: [Fado, John - OGC, Washington, DC](#); [Dellinger, John - OGC, Washington, DC](#)
Subject: RE: Filing Documents for Carbon Fiber Reinforced Foam Conversion Application and Figures; Bell & Manning Ref.: 03100-0019-NP
Date: Wednesday, December 23, 2020 2:35:14 PM
Attachments: [image001.png](#)

John,

Thanks. (b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks again
tom

From: Fado, John - OGC, Washington, DC <john.fado@usda.gov>
Sent: Wednesday, December 23, 2020 2:07 PM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>; Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: RE: Filing Documents for Carbon Fiber Reinforced Foam Conversion Application and Figures; Bell & Manning Ref.: 03100-0019-NP

Tom,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

John Fado

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Sent: Wednesday, December 23, 2020 11:41 AM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Cc: Fado, John - OGC, Washington, DC <john.fado@usda.gov>
Subject: RE: Filing Documents for Carbon Fiber Reinforced Foam Conversion Application and Figures; Bell & Manning Ref.: 03100-0019-NP

John,
FYI below.

Tom

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: Moreland, Thomas - FS
Sent: Wednesday, December 23, 2020 7:27 AM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Cc: Fado, John - OGC, Washington, DC <john.fado@usda.gov>
Subject: RE: Filing Documents for Carbon Fiber Reinforced Foam Conversion Application and Figures; Bell & Manning Ref.: 03100-0019-NP

John,

Thank you!! (b) (5), Deliberative Process Privilege, Attorney Client Privilege

John & John, have a great holiday season.

Thanks tom


From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Tuesday, December 22, 2020 2:03 PM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Cc: Fado, John - OGC, Washington, DC <john.fado@usda.gov>
Subject: RE: Filing Documents for Carbon Fiber Reinforced Foam Conversion Application and Figures; Bell & Manning Ref.: 03100-0019-NP

Hi Tom,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

Best,
John D



John D. Dellinger
Patent Attorney
General Law and Research Division
Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Avenue SW
Room 3311-S, Stop 1415
Washington, DC 20250-1415
 202-239-4531 (Voice)
844-354-1113 (Fax)

✉ John.Dellinger@usda.gov

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Sent: Wednesday, December 16, 2020 9:48 AM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: RE: Filing Documents for Carbon Fiber Reinforced Foam Conversion Application and Figures; Bell & Manning Ref.: 03100-0019-NP

John,

Thanks. (b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks tom

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Wednesday, December 16, 2020 9:47 AM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: RE: Filing Documents for Carbon Fiber Reinforced Foam Conversion Application and Figures; Bell & Manning Ref.: 03100-0019-NP

Thanks Tom. (b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

[REDACTED]

[REDACTED]



John D. Dellinger
Patent Attorney
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Room 3311-S, Stop 1415
Washington, DC 20250-1415
☎ **202-239-4531 (Voice)**
844-354-1113 (Fax)
✉ John.Dellinger@usda.gov

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Sent: Wednesday, December 16, 2020 9:38 AM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: FW: Filing Documents for Carbon Fiber Reinforced Foam Conversion Application and Figures; Bell & Manning Ref.: 03100-0019-NP

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks very much and have a great holiday season.

Tom

From: Meredith Porembski (b) (6) <[REDACTED]@bellmanning.com>
Sent: Tuesday, December 15, 2020 5:46 PM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Cc: Carmen McCommon (b) (6) <[REDACTED]@bellmanning.com>
Subject: Filing Documents for Carbon Fiber Reinforced Foam Conversion Application and Figures;
Bell & Manning Ref.: 03100-0019-NP

Hi Tom,

Attached are the following: the application, figures, executed oaths, and request for non-publication (which still needs to be signed). The deadline to file to claim priority to the provisional is **Jan. 6, 2021**.

I have also attached a list of references I recommend filing in an IDS. We also attached the foreign references that would have to be uploaded in the filing of the IDS.

I think that's it on my end, so we will now close our matter for this. We would be happy to help when the application enters into substantive prosecution.

Thanks,

Meredith

(b) (6)

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From: [Cumberland, Dominic -FS, DISTRICT OF COLUMBIA, DC](#)
To: [Shaw, Lesley - OGC, Washington, DC](#)
Subject: RE: Forest Service licensee
Date: Thursday, October 29, 2020 1:26:40 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)
[image007.jpg](#)

Anytime.



Dominic Cumberland
Visitor Services Information Assistant
Forest Service
National Headquarters, Office of Communication
p: 202 205 0857
f: 202 205 0885
dominic.cumberland@usda.gov
201 14th Street, SW, Suite 4SE
Washington, DC 20024
www.fs.fed.us

Caring for the land and serving people

From: Shaw, Lesley - OGC, Washington, DC <lesley.shaw@usda.gov>
Sent: Thursday, October 29, 2020 1:26 PM
To: Cumberland, Dominic -FS <dominic.cumberland@usda.gov>
Subject: RE: Forest Service licensee

Thanks (b) (5), Deliberative Process



Lesley Shaw
Patent Attorney
General Law and Research Division
Office of the General Counsel
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Washington, DC 20250
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(b) (5) (Mobile)
844-354-1113 (Fax)
lesley.shaw@usda.gov

From: Cumberland, Dominic -FS <dominic.cumberland@usda.gov>
Sent: Thursday, October 29, 2020 12:50 PM
To: Shaw, Lesley - OGC, Washington, DC <lesley.shaw@usda.gov>
Subject: RE: Forest Service licensee

Hello Lesley

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thank you.



Dominic Cumberland
Visitor Services Information Assistant
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National Headquarters, Office of Communication
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dominic.cumberland@usda.gov
201 14th Street, SW, Suite 4SE
Washington, DC 20024
www.fs.fed.us

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From: Shaw, Lesley - OGC, Washington, DC <lesley.shaw@usda.gov>
Sent: Thursday, October 29, 2020 12:26 PM
To: Cumberland, Dominic -FS <dominic.cumberland@usda.gov>
Subject: Forest Service licensee

Hi Dominic-

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

Thanks
Lesley



Lesley Shaw
Patent Attorney
General Law and Research Division
Office of the General Counsel
U.S. Department of Agriculture

000168

1400 Independence Ave. SW Room 3311
Washington DC 20250
202-720-6035 (Voice)
(b) (6) (Mobile)
844-354-1113 (Fax)
lesley.shaw@usda.gov

From: Symonds Jennifer M -FS <jennifer.symonds@usda.gov>
Sent: Monday, October 5, 2020 9:34 AM
To: Paur Kenneth - OGC Lakewood CO <kenneth.paur@usda.gov>
Cc: Domitrovich Joseph W -FS <joseph.domitrovich@usda.gov>
Subject: cease and desist letter verbiage

Ken,

Forgive my lack of legal-eze ability. Not sure I will ever find that ability. (b) (5), Deliberative Process Privilege, Attorney Client Privilege

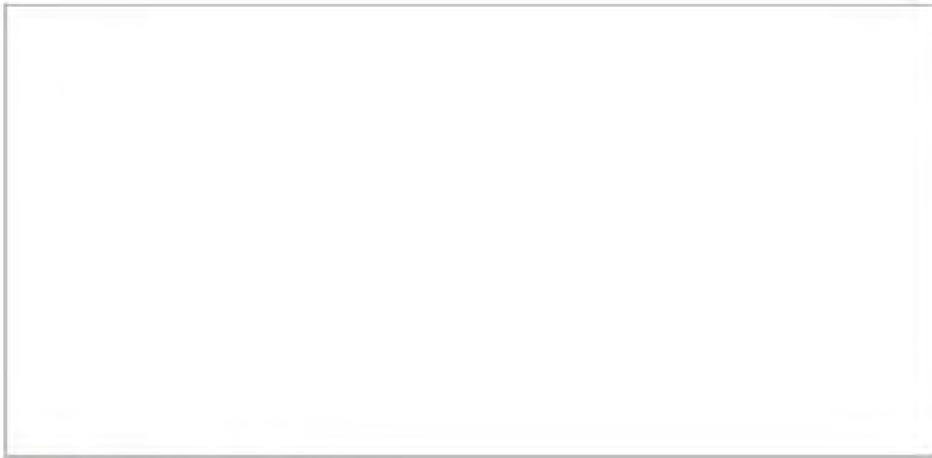
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Jennifer Symonds, D.O.
Fire & Aviation Management Medical Officer
Fire Medical Qualifications Program Manager
USDA Forest Service
Washington Office, Fire & Aviation Management

p:
C 000000
jennifer.symonds@usda.gov
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Boise, ID 83705
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From: [Fado, John - OGC, Washington, DC](#)
To: [Groesbeck, Alan - OGC, Washington, DC](#)
Cc: [Shaw, Lesley - OGC, Washington, DC](#); [Dellinger, John - OGC, Washington, DC](#)
Subject: RE: FS Endorsement
Date: Wednesday, September 18, 2019 1:19:52 PM
Attachments: [image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

Alan,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

[REDACTED]

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

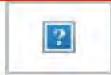
[REDACTED]

John D. Fado
Deputy Assistant General Counsel
General Law and Research Division
Office of the General Counsel
U.S. Department of Agriculture
202-720-2421

From: Groesbeck, Alan - OGC, Washington, DC <alan.groesbeck@usda.gov>
Sent: Thursday, September 12, 2019 11:24 AM
To: Fado, John - OGC, Washington, DC <john.fado@usda.gov>
Subject: FW: FS Endorsement

000171

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege



Alan Groesbeck
Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Ave S.W. Room 2017
Washington, DC 20250-1400
☎ 202-720-6055 (Voice)
Alan.Groesbeck@ogc.usda.gov

From: Hamilton, John K -FS <john.k.hamilton@usda.gov>

Sent: Thursday, September 12, 2019 11:12 AM

To: Groesbeck, Alan - OGC, Washington, DC <alan.groesbeck@usda.gov>

Cc: Power, Jeff M -FS <jeff.power@usda.gov>; Linse, Paul -FS <paul.linse@usda.gov>; Shambora, Eric - FS <eric.shambora@usda.gov>

Subject: FS Endorsement

(b) (5), Deliberative Process Privilege, Attorney Client Privilege



John Kent Hamilton, M.S.
Branch Chief - Aviation Safety Management System
Forest Service
Washington D.C.

p: 208-387-5614

c: (b) (6)

f: 208-387-5735

johnkhamilton@fs.fed.us

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Boise, ID 83705-5398

www.fs.fed.us



Caring for the land and serving people

From: [Cumberland, Dominic -FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: RE: Guidance: Inclusion of Welcome Signs in 36 CFR 264
Date: Friday, February 28, 2020 9:55:49 AM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image007.png](#)
[image008.png](#)

Hello John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

thank you.



Dominic Cumberland
Visitor Services Information Assistant
Forest Service
National Headquarters, Office of Communication

p: 202-205-0857
f: 202-205-0885
dominic.cumberland@usda.gov

201 14th Street, SW, Suite 4SE
Washington, DC 20024
www.fs.fed.us



Caring for the land and serving people

From: Dellinger, John - OGC, Washington, DC
Sent: Friday, February 28, 2020 9:52 AM
To: Cumberland, Dominic -FS <dominic.cumberland@usda.gov>
Cc: Mizoguchi, Brian - OGC, Washington, DC <Brian.Mizoguchi@usda.gov>; Hornstein, Ellen - OGC, Washington, DC <ellen.hornstein@usda.gov>; Shaw, Lesley - OGC, Washington, DC <lesley.shaw@usda.gov>; Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Hornstein, Ellen - OGC, Washington, DC <ellen.hornstein@usda.gov>
Subject: Guidance: Inclusion of Welcome Signs in 36 CFR 264

Hi Dominic,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

[Redacted content]

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

Let us know if you need anything more on this.

Best,

John D



John D. Dellinger
Patent Attorney
General Law and Research Division
Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Avenue SW
Room 3311-S, Stop 1415
Washington, DC 20250-1415
📞 202-239-4531 (Voice)
844-354-1113 (Fax)
✉ John.Dellinger@usda.gov

From: Fado, John - OGC, Washington, DC <john.fado@usda.gov>

Sent: Wednesday, February 5, 2020 12:01 PM

To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Cc: Mizoguchi, Brian - OGC, Washington, DC <Brian.Mizoguchi@usda.gov>; Hornstein, Ellen - OGC, Washington, DC <ellen.hornstein@usda.gov>; Shaw, Lesley - OGC, Washington, DC <lesley.shaw@usda.gov>

Subject: FW: looking of guidance.

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

John F

From: Hornstein, Ellen - OGC, Washington, DC <ellen.hornstein@usda.gov>

Sent: Tuesday, February 4, 2020 4:27 PM

To: Payne, David - FS <david.b.payne@usda.gov>; Cumberland, Dominic -FS <dominic.cumberland@usda.gov>; Taylor, Suzanne N -FS <suzanne.taylor@usda.gov>; Gillispie, Robert - FS <robert.gillispie@usda.gov>; Touchard, Todd L -FS <todd.touchard@usda.gov>; Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Shaw, Lesley - OGC, Washington, DC <lesley.shaw@usda.gov>

Cc: Mulach, Ronald - OGC, Washington, DC <ronald.mulach@usda.gov>; Mizoguchi, Brian - OGC, Washington, DC <Brian.Mizoguchi@usda.gov>

Subject: RE: looking of guidance.

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Many thanks for your help.



Ellen Hornstein
Senior Counsel
Natural Resources and
Environment Division
Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250-1412
📞 202-720-2619 (Voice)
✉ ellen.hornstein@usda.gov

From: Payne, David - FS <david.b.payne@usda.gov>

Sent: Tuesday, February 4, 2020 3:49 PM

To: Cumberland, Dominic -FS <dominic.cumberland@usda.gov>; Hornstein, Ellen - OGC, Washington, DC <ellen.hornstein@usda.gov>; Taylor, Suzanne N -FS <suzanne.taylor@usda.gov>; Gillispie, Robert - FS <robert.gillispie@usda.gov>; Touchard, Todd L -FS <todd.touchard@usda.gov>

Subject: RE: looking of guidance.

Dominic,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Thanks,

David



David Payne, PE, PG
National Transportation Program Manager

Forest Service
Engineering, Technology, and Geospatial Services

p: 202-205-0963
david.b.payne@usda.gov

201 14th Street SW
Washington, DC 20224
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Caring for the land and serving people

From: Cumberland, Dominic -FS

Sent: Tuesday, February 4, 2020 9:07 AM

To: Payne, David - FS <david.b.payne@usda.gov>

Subject: looking of guidance.

Hello David,

The Office of Communication oversees the commercial use of the USDA Forest Service insignia and in that CFR (36 CFR 264) there is some guidance on the Mount St. Helens National Volcanic Monument Symbol (<https://www.law.cornell.edu/cfr/text/36/part-264/subpart-B>)

(b) (5), Deliberative Process Privilege

[Redacted]

(b) (5), Deliberative Process Privilege

Thank you for your time and guidance.



Dominic Cumberland
Visitor Services Information Assistant
Forest Service
National Headquarters, Office of Communication

p: 202-205-0857

f: 202-205-0885

dominic.cumberland@usda.gov

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Washington, DC 20024

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Caring for the land and serving people

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#); [Groesbeck, Alan - OGC, Washington, DC](#)
Subject: Re: Handbook review
Date: Tuesday, November 12, 2019 11:54:33 AM
Attachments: [image002.png](#)
[image003.png](#)

John,
Thanks (b) (5), Deliberative Process Privilege, Attorney Client Privilege
[REDACTED]

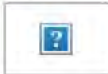
Tom

Get [Outlook for iOS](#)

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Tuesday, November 12, 2019 10:43:09 AM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>; Groesbeck, Alan - OGC, Washington, DC <alan.groesbeck@usda.gov>
Subject: RE: Handbook review

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege
[REDACTED]

Best,
John D



John D. Dellinger
Patent Attorney
General Law and Research Division
Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Avenue SW
Room 3311-S, Stop 1415
Washington, DC 20250-1415
☎ 202-239-4531 (Voice)
844-354-1113 (Fax)
✉ John.Dellinger@usda.gov

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Sent: Tuesday, November 5, 2019 9:49 AM
To: Groesbeck, Alan - OGC, Washington, DC <alan.groesbeck@usda.gov>
Cc: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: Handbook review

Alan,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

appreciated.

Thanks tom



Thomas Moreland
Technology Transfer Coordinator
Forest Service
WO, Research & Development
443-677-6858

twmoreland@USDA.gov
1400 Independence Ave. SW
Washington, DC 20250
Mailing Address:

201-14th Street SW
Washington, DC 20024
www.fs.fed.us

Please remember “Safety and Safety Equipment are Critical”

Caring for the land and serving people

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From: [Beavans, Gwen -FS](#)
To: [Dellinger, John - OGC, Washington, DC](#); [Moreland, Thomas - FS](#)
Subject: RE: I am reporting massive illegal use of national symbol/s
Date: Wednesday, June 27, 2018 8:47:18 AM
Attachments: [image001.png](#)

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Gwen

From: Dellinger, John - OGC
Sent: Wednesday, June 27, 2018 8:27 AM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Cc: Beavans, Gwen -FS <gbeavans@fs.fed.us>
Subject: RE: I am reporting massive illegal use of national symbol/s
Thanks Tom. (b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege



John D. Dellinger
Patent Attorney
General Law and Research Division
Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250-1400
☎ 202-239-4531 (Voice)
844-354-1113 (Fax)
✉ John.Dellinger@ogc.usda.gov

From: Moreland, Thomas - FS
Sent: Wednesday, June 27, 2018 8:14 AM
To: Dellinger, John - OGC
Subject: FW: I am reporting massive illegal use of national symbol/s

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks tom

From: Beavans, Gwen -FS
Sent: Tuesday, June 26, 2018 5:48 PM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Subject: FW: I am reporting massive illegal use of national symbol/s

(b) (5), Deliberative Process Privilege

Thanks for your help,

Gwen

From: AT [[mailto:\(b\) \(6\)@comcast.net](mailto:(b) (6)@comcast.net)]

Sent: Tuesday, June 26, 2018 3:41 PM

To: Beavans, Gwen -FS <gbeavans@fs.fed.us>

Subject: I am reporting massive illegal use of national symbol/s

I am very disgusted with the current illegal use of the Smokey Bear logo for extreme political purposes and commercial use. I have always been a fan of Smokey Bear and I am sickened that the US government is permitting the continued misuse of one of our most sacred symbols. Please enforce the law and stop this type of use. Please see the law and violators via the links below. Please keep my personal information anonymous including my email address and any other identifiable information.

Thank you.

https://smokeybear.com/guidelines/SmokeyBearUseGuidelines_Nov2016.pdf

Violations

Items produced for commercial sale that contain or use the Smokey Bear image, name, or message without benefit of a license violate Public Law 82-359, as amended by P.L. 93-318. Report suspected violations directly to the national CFFP Program Manager, who shall take action necessary, up to and including civil and criminal court actions, to stop the violator.

<https://www.facebook.com/SmokeyTheResistanceBear/>

https://www.amazon.com/RESIST-Smokey-Bear-Window-Decal/dp/B0758CY8V9/ref=sr_1_39?ie=UTF8&qid=1530037423&sr=8-39&keywords=smokey+bumper+stickers

https://www.amazon.com/RESIST-Smokey-Window-Decal-Color/dp/B074RZ7ZY7/ref=sr_1_7?ie=UTF8&qid=1530039585&sr=8-7&keywords=smokey+bumper+stickers

https://www.amazon.com/PREVENT-FASCIST-Smokey-Resist-Premium/dp/B078BDV243/ref=sr_1_10?ie=UTF8&qid=1530039622&sr=8-10&keywords=smokey+bumper+stickers

<http://www.ebay.com/itm/like/182611991477>.

<https://www.amazon.com/smokey-bear-resist/s?page=1&rh=i%3Aaps%2Ck%3Asmokey%20bear%20resist>

<http://thesiskiyoucrest.blogspot.com/2017/01/smokey-bear-says-resist.html>

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: RE: Infringe - action needed
Date: Tuesday, December 3, 2019 9:48:07 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

We can discuss tomorrow.

Thanks

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Tuesday, December 3, 2019 9:46 AM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: RE: Infringe - action needed

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege



John D. Dellinger
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U.S. Department of Agriculture
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844-354-1113 (Fax)
 John.Dellinger@usda.gov

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Sent: Tuesday, December 3, 2019 9:35 AM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: FW: Infringe - action needed
Importance: High

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

From: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>
Sent: Monday, December 2, 2019 1:17 PM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: Infringe - action needed
Importance: High

Hi Tom,

(b) (5), Deliberative Process Privilege

Many thanks,
Maureen



Maureen Brooks
Wildfire Prevention Specialist
Smokey Bear Licensing Program
Forest Service
Fire and Aviation, Landscapes and Partnerships

p: 202-604-2237

maureen.t.brooks@usda.gov

201 14th Street, SW, Mail Stop 1107
Washington, DC 20250

www.fs.fed.us



Caring for the land and serving people

From: David Milch [[mailto:\(b\) \(6\)@perpetuallicensing.com](mailto:(b) (6)@perpetuallicensing.com)]

Sent: Monday, December 2, 2019 12:08 PM

To: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>

Subject: FW: Smokey Bear images

Hi Maureen

Welcome back

Can you please check this link and see if any of this Smokey Bear product is legal.

I think it's all unauthorized, but wanted to check before I send over an infringer report

Thanks

D

David Milch

PERPETUAL LICENSING

Brand Representation | Manufacturer Representation | Brand Licensing Consulting

(b) (6) (b) (6)@perpetuallicensing.com

www.PerpetualLicensing.com

From: (b) (6)@turbonet.com>

Date: Friday, November 29, 2019 at 12:30 PM

To: David Milch <(b) (6)@perpetuallicensing.com>

Cc: (b) (6)@turbonet.com>

Subject: Re: Smokey Bear images

Thanks, that is very helpful.

What can be done about web sites like the following, called Smokey Bear Store? I suspect these folks do not have a license and yet they compete, unfairly, with those of us who follow the law and the rules. In fact, years ago when we started a store, we were told we could not call it the Smokey Bear Store.

Anyway, please look at this and the products they offer. A couple examples are below:

Thanks,

Jim

[https://www.ktshirt.shop/stores/smokey-bear?](https://www.ktshirt.shop/stores/smokey-bear?fbclid=IwAR3bcsYwjW2IEVzYnIYC0r1FVbcjd0F4dzaIGCkuiMC80t-rRDqImkaGUU)

[fbclid=IwAR3bcsYwjW2IEVzYnIYC0r1FVbcjd0F4dzaIGCkuiMC80t-rRDqImkaGUU](https://www.ktshirt.shop/stores/smokey-bear?fbclid=IwAR3bcsYwjW2IEVzYnIYC0r1FVbcjd0F4dzaIGCkuiMC80t-rRDqImkaGUU)

graphic



graphic



graphic



On 29 Nov 2019 at 11:13, David Milch wrote:

Hi Jim

No problem. (I'm working with Maureen to try to add more assets in 2020). But in the meantime, here is a link to all the assets.

<https://drive.google.com/open?id=1M-MJ8wUh65EEEwGGt4xiZTD7dwlhbNgL>

Thanks again for becoming a Smokey Bear Licensee. We're looking forward to working with you.

Sincerely,

D

David Milch

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(b) (6) (b) (6) perpetuallicensing.com

www.PerpetualLicensing.com

On 11/29/19, 9:54 AM, "(b) (6)@turbonet.com" (b) (6)@turbonet.com> wrote:

David,

My wife, Dawn, and I own Woodland Enterprises and Woodland Catalog. As you know, we have numerous licensed Smokey Bear items. We would like to prepare more for the spring catalog and have a question. Where is the best source of approved images that we can apply to sample products for approval?

Thanks for your help with this and we look forward to working with you.

Jim

-- James R. Fazio

(b) (6)

Moscow, ID 83843

Phone: (b) (6)

(b) (6)@turbonet.com

-- James R. Fazio

(b) (6)

Moscow, ID 83843

Phone: (b) (6)

(b) (6)@turbonet.com

The following section of this message contains a file attachment prepared for transmission using the Internet MIME message format. If you are using Pegasus Mail, or any other MIME-compliant system, you should be able to save it or view it from within your mailer. If you

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File: hts_1.PNG Date: 29 Nov 2019, 12:30 Size: 106037 bytes. Type: Unknown The following
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you should be able to save it or view it from within your mailer. If you cannot, please ask your
system administrator for assistance. ---- File information ----- File: hts_2.PNG Date: 29
Nov 2019, 12:30 Size: 167116 bytes. Type: Unknown The following section of this message
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If you are using Pegasus Mail, or any other MIME-compliant system, you should be able to
save it or view it from within your mailer. If you cannot, please ask your system administrator
for assistance. ---- File information ----- File: hts_3.PNG Date: 29 Nov 2019, 12:30 Size:
69669 bytes. Type: Unknown

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: Re: Infringement & the SB License
Date: Friday, January 3, 2020 10:27:19 AM
Attachments: [image002.png](#)
[image003.png](#)

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege



Tom

Get [Outlook for iOS](#)

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Sent: Friday, January 3, 2020 10:23:02 AM

To: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Subject: RE: Infringement & the SB License

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege



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 202-239-4531 (Voice)
844-354-1113 (Fax)
 John.Dellinger@usda.gov

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Sent: Friday, January 3, 2020 10:09 AM

To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Subject: Infringement & the SB License

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege



(b) (5), Deliberative Process Privilege, Attorney Client Privilege



Thomas Moreland
Technology Transfer Coordinator
Forest Service
WO, Research & Development
443-677-6858
twmoreland@USDA.gov
1400 Independence Ave. SW
Washington, DC 20250
Mailing Address:
201-14th Street SW
Washington, DC 20024
www.fs.fed.us

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From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Cc: [Brooks, Maureen -FS](#)
Subject: RE: Infringer Report +
Date: Tuesday, December 3, 2019 2:48:22 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Sent: Tuesday, December 3, 2019 10:44 AM

To: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Cc: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>

Subject: RE: Infringer Report +

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege



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 John.Dellinger@usda.gov

From: Dellinger, John - OGC, Washington, DC

Sent: Tuesday, December 3, 2019 9:43 AM

To: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Cc: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>

Subject: RE: Infringer Report +

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege



John D. Dellinger
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844-354-1113 (Fax)
 John.Dellinger@usda.gov

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Sent: Tuesday, December 3, 2019 9:33 AM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: FW: Infringer Report +
John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks tom

From: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>
Sent: Monday, December 2, 2019 3:10 PM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: FW: Infringer Report +
These two from when I was off last week.
M



Maureen Brooks
Wildfire Prevention Specialist
Smokey Bear Licensing Program
Forest Service
Fire and Aviation, Landscapes and Partnerships

p: 202-604-2237
maureen.t.brooks@usda.gov

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Washington, DC 20250
www.fs.fed.us



Caring for the land and serving people

From: David Milch [[mailto:\(b\) \(6\)@perpetuallicensing.com](mailto:(b) (6)@perpetuallicensing.com)]
Sent: Tuesday, November 26, 2019 2:28 PM
To: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>
Cc: Todd Lustgarten <[mailto:\(b\) \(6\)@perpetuallicensing.com](mailto:(b) (6)@perpetuallicensing.com)>; Wolfe, Jennifer - FS <Jennifer.Wolfe@usda.gov>
Subject: Infringer Report +

Hi Maureen

Attached are two infringer reports.

A couple of things to discuss:

1. The first report is for the SB cycling Jersey which is a Chinese company. While we can try to take down the product from Aliexpress and china, that may be difficult. Do you want to reach out to the various retailers selling this item to let them know that its not authorized

and that they shouldn't be selling them?

2. the second report is from www.Aliexpress.com which has **237 Smokey Bear items listed from Chinese companies** (all infringements). This must be stopped immediately.
https://www.aliexpress.com/wholesale?catId=0&initiative_id=SB_20191126111311&origin=y&SearchText=smokey+bear

The USFS (or other gov't enetity will need to contact Aliexpress and aliprotect to manage this directly. Letters from the US Gov't work work I think.

<https://ipp.alibabagroup.com/infoContent.htm?skyWindowUrl=ippSystemUpdate-en>

We need to get on top of this asap when everyone is back from thanksgiving.

Best,

D

David Milch

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Brand Representation | Manufacturer Representation | Brand Licensing Consulting

(b) (6) | (b) (6) perpetuallicensing.com

www.PerpetualLicensing.com

.....

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

Best,

John D



John D. Dellinger
Patent Attorney
General Law and Research Division
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U.S. Department of Agriculture
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Room 3311-S, Stop 1415

Washington, DC 20250-1415
📞 202-239-4531 (Voice)
844-354-1113 (Fax)
✉ John.Dellinger@usda.gov

From: Cumberland, Dominic -FS <dominic.cumberland@usda.gov>
Sent: Thursday, September 5, 2019 8:25 AM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>; Fado, John - OGC, Washington, DC <john.fado@usda.gov>
Subject: RE: Likeness of the USDA Forest Service insignia

Hello Mr. Dellinger,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thank you for your time.



Dominic Cumberland
Visitor Services Information Assistant
Forest Service
National Headquarters, Office of Communication

p: 202-205-0857
f: 202-205-0885
dominic.cumberland@usda.gov

201 14th Street, SW, Suite 4SE
Washington, DC 20024
www.fs.fed.us



Caring for the land and serving people

From: Cumberland, Dominic -FS
Sent: Friday, August 16, 2019 10:36 AM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>; Fado, John - OGC, Washington, DC <john.fado@usda.gov>
Subject: RE: Likeness of the USDA Forest Service insignia

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Country	Share of GDP
United States	1.0%
Germany	0.8%
France	0.7%
Japan	0.6%

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11/11/2016

11/11/2019

10 of 11

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

11/11/2019



Dominic Cumberland
Visitor Services Information Assistant
Forest Service
National Headquarters, Office of Communication

p: 202-205-0857
 f: 202-205-0885
dominic.cumberland@usda.gov

201 14th Street, SW, Suite 4SE
 Washington, DC 20024
www.fs.fed.us



Caring for the land and serving people

From: Dellinger, John - OGC, Washington, DC
Sent: Friday, August 16, 2019 9:42 AM
To: Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Cumberland, Dominic -FS
 <dominic.cumberland@usda.gov>
Subject: RE: Likeness of the USDA Forest Service insignia

Hi Dominic,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

[Redacted content]

Best
 John D



John D. Dellinger
 Patent Attorney
 General Law and Research Division
 Office of the General Counsel
 U.S. Department of Agriculture
 1400 Independence Avenue SW
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 Washington, DC 20250-1415
 ☎ 202-239-4531 (Voice)
 844-354-1113 (Fax)
 ✉ John.Dellinger@usda.gov

From: Fado, John - OGC, Washington, DC <john.fado@usda.gov>
Sent: Thursday, August 15, 2019 12:22 PM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Subject: FW: Likeness of the USDA Forest Service insignia

From: Cumberland, Dominic -FS <dominic.cumberland@usda.gov>

Sent: Wednesday, August 14, 2019 2:22 PM

To: Fado, John - OGC, Washington, DC <john.fado@usda.gov>

Cc: Shaw, Lesley - OGC, Washington, DC <lesley.shaw@usda.gov>

Subject: Likeness of the USDA Forest Service insignia

John and Lesley,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

[REDACTED]

[REDACTED]

(b) (5), Deliberative Process Privilege, Attorney Client Privilege



Dominic Cumberland
Visitor Services Information Assistant
Forest Service
National Headquarters, Office of Communication

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dominic.cumberland@usda.gov

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From: [Fado, John - OGC, Washington, DC](#)
To: [McKalip, Doug - OSEC](#)
Cc: [Bonnie, Robert - OSEC, Washington, DC](#); [Garrett, Mark - OGC, Washington, DC](#); [Young, Benjamin - OGC, Washington, DC](#); [Grah, David - OGC, Washington, DC](#); [Shaw, Lesley - OGC, Washington, DC](#); [Dellinger, John - OGC, Washington, DC](#)
Subject: RE: mascot Smokey trademark? issue
Date: Thursday, April 1, 2021 4:42:52 PM

Doug,

Glad to help. In addition to myself, we have two staff attorneys, Lesley E. Shaw and John D. Dellinger, who handle trademark and copyright issues, including issues involving mascots.

John D. Fado
 Deputy Assistant General Counsel
 General Law and Research Division
 Office of the General Counsel
 U.S. Department of Agriculture
 202-720-2421
john.fado@usda.gov

From: McKalip, Doug - APHIS <douglas.mckalip@usda.gov>
Sent: Thursday, April 1, 2021 3:00 PM
To: Grah, David - OGC, Washington, DC <David.Grah@usda.gov>
Cc: Bonnie, Robert - OSEC, Washington, DC <Robert.Bonnie@usda.gov>; Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Garrett, Mark - OGC, Washington, DC <mark.garrett@usda.gov>
Subject: RE: mascot Smokey trademark? issue

Thank you, David. Much appreciated.

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

-Doug

Doug McKalip
 Senior Advisor to the Secretary
 United States Department of Agriculture

(202) 384-6279
doug.mckalip@usda.gov

From: Grahn, David - OGC, Washington, DC <David.Grahn@usda.gov>
Sent: Thursday, April 1, 2021 2:58 PM
To: Mckalip, Doug - APHIS <douglas.mckalip@usda.gov>
Cc: Bonnie, Robert - OSEC, Washington, DC <Robert.Bonnie@usda.gov>; Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Garrett, Mark - OGC, Washington, DC <mark.garrett@usda.gov>
Subject: RE: mascot Smokey trademark? issue

Doug

John Fado handles intellectual property issues for us in the General Law Division.

David

From: Mckalip, Doug - APHIS <douglas.mckalip@usda.gov>
Sent: Thursday, April 1, 2021 2:53 PM
To: Grahn, David - OGC, Washington, DC <David.Grahn@usda.gov>
Cc: Bonnie, Robert - OSEC, Washington, DC <Robert.Bonnie@usda.gov>
Subject: mascot Smokey trademark? issue

Hi David,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

[REDACTED]

Many thanks,

-Doug

Doug McKalip
Senior Advisor to the Secretary
United States Department of Agriculture
(202) 384-6279
doug.mckalip@usda.gov

From: [Hancock, Tracy -FS](#)
To: [Haynes, John -FS](#); [El kouarti, Joyce - FS](#)
Cc: [Beavans, Gwen -FS](#); [Moreland, Thomas - FS](#); [Brooks, Maureen -FS](#); [Dellinger, John - OGC, Washington, DC](#)
Subject: RE: Outside article on Smokey
Date: Friday, August 30, 2019 10:14:04 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

John and Joyce,

?(b)(5) Deliberative Process, (b)(5) ACP

Thank you, Tracy



Tracy Connell Hancock
Director Knowledge Management and Communications
Forest Service
Research and Development

p: 202-205-1724

c: (b) (6)

tracy.c.hancock@usda.gov

201 14th Street SW
 Washington, DC 20250

www.fs.fed.us



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From: Beavans, Gwen -FS

Sent: Friday, August 30, 2019 10:07 AM

To: Moreland, Thomas - FS <thomas.moreland@usda.gov>; Brooks, Maureen T -FS
 <maureen.t.brooks@usda.gov>; Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>;
 Hancock, Tracy C -FS <tracy.c.hancock@usda.gov>

Subject: Re: Outside article on Smokey

Hi Tom,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Respectfully,
 Gwen Beavans
 Wildfire Prevention and Mitigation Branch Chief
 USDA Forest Service
 201 14th St., SW
 Washington, DC 20250
 W: 202-205-1488
 C: (b) (6)

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Sent: Friday, August 30, 2019 9:26:41 AM

To: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>; Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>; Hancock, Tracy C -FS <tracy.c.hancock@usda.gov>; Beavans, Gwen -FS <gwen.beavans@usda.gov>

Subject: FW: Outside article on Smokey

Everyone,

(b) (5), Deliberative Process Privilege

Everyone have a great weekend.

Tom

From: Kilday, Lisa <lisa.kilday@sol.doi.gov>

Sent: Thursday, August 29, 2019 4:24 PM

To: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Subject: Outside article on Smokey

Article on Smokey Bear, the "perfect spokescreature."

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Have a nice long weekend,

Lisa A. Kilday

Attorney Advisor - Intellectual Property

U.S. Department of the Interior

Office of the Solicitor

1849 C St., NW, Room 6443

Washington, DC 20240

(202) 219-1651

Please copy all IP requests (internal) to IPReview@sol.doi.gov

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From: [Dellinger, John - OGC, Washington, DC](#)
To: [Moreland, Thomas - FS](#)
Subject: RE: SB infringer Submission
Date: Tuesday, July 2, 2019 1:41:00 PM
Attachments: [image001.png](#)

(b)(5) Attorney Client, (b)(5) Deliberative Process.



John D. Dellinger
 Patent Attorney
 General Law and Research Division
 Office of the General Counsel
 U.S. Department of Agriculture
 1400 Independence Avenue SW
 Room 3311-S, Stop 1415
 Washington, DC 20250-1415
 ☎ **202-239-4531 (Voice)**
 ☎ **844-354-1113 (Fax)**
 ✉ John.Dellinger@usda.gov

From: Moreland, Thomas - FS
Sent: Tuesday, July 2, 2019 1:40 PM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: RE: SB infringer Submission

John,

Thanks. (b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

From: Dellinger, John - OGC, Washington, DC
Sent: Tuesday, July 2, 2019 12:05 PM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: RE: SB infringer Submission

Hey Tom,

(b)(5) Deliberative Process, (b)(5) Attorney Client

[REDACTED]

[REDACTED]

Best

John D



John D. Dellinger
 Patent Attorney
 General Law and Research Division
 Office of the General Counsel
 U.S. Department of Agriculture
 1400 Independence Avenue SW
 Room 3311-S, Stop 1415
 Washington, DC 20250-1415
 ☎ **202-239-4531 (Voice)**
 ☎ **844-354-1113 (Fax)**
 ✉ John.Dellinger@usda.gov

From: Moreland, Thomas - FS
Sent: Tuesday, July 2, 2019 6:33 AM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: Fwd: SB infringer Submission

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Have a great holiday weekend

Tom

Get [Outlook for iOS](#)

From: Brooks, Maureen T -FS

Sent: Monday, July 1, 2019 8:57:31 PM

To: Moreland, Thomas - FS

Subject: Fwd: SB infringer Submission

Maureen Brooks

Smokey Bear Licensing Program

USDA Forest Service

201 14th Street, SW

3CE, Mailstop 1107

Washington, DC 20250

202-604-2237

Maureen.t.brooks@usda.gov

From: David Milch <(b) (6) perpetuallicensing.com>

Sent: Monday, July 1, 2019 3:26:33 PM

To: Brooks, Maureen T -FS

Cc: Todd Lustgarten; Janell Zazueta

Subject: SB infringer Submission

Hi Maureen

Attached are 3 additional Smokey Bear infringer submissions.

I think that for the larger online stores, including: Amazon, Etsy, eBay, Redbubble, TeePublic and others, a formal letter be sent from Tom advising that these companies should not allow any users to upload any Smokey Resist items.

It's hard to keep track of the hundreds of individuals and report each one to you and them - its like playing whack a mole. A formal letter might help to get them to police their own sites. Let's discuss when appropriate.

Best,

D

David Milch

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Brand Representation | Manufacturer Representation | Brand Licensing Consulting

(b) (6) | (b) (6) perpetuallicensing.com

www.PerpetualLicensing.com

.....

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: RE: Smokey // Unlicensed t-shirts
Date: Monday, September 24, 2018 3:10:29 PM

(b) (5), Deliberative

Thanks

From: Dellinger, John - OGC [mailto:John.Dellinger@ogc.usda.gov]
Sent: Monday, September 24, 2018 3:09 PM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Subject: RE: Smokey // Unlicensed t-shirts

Hi Tom,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

[REDACTED]

Best

John

From: Moreland, Thomas - FS
Sent: Monday, September 24, 2018 1:56 PM
To: Dellinger, John - OGC <John.Dellinger@ogc.usda.gov>
Subject: FW: Smokey // Unlicensed t-shirts

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

Tom

From: Beavans, Gwen -FS
Sent: Monday, September 24, 2018 8:17 AM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Cc: Brooks, Maureen T -FS <mtbrooks@fs.fed.us>
Subject: Re: Smokey // Unlicensed t-shirts

On Aug 8, 2018, at 6:45 PM, David Imani <(b) (6)@AdCouncil.org> wrote:

Hi there,
 Michael from HelpGood flagged the link below to a company selling Smokey shirts that are certainly unlicensed, you'll see why as soon as you click on it. Wanted to bring this to your attention in case you'd like to take any action.

<https://rockingthetees.com/return-fire?s=hanes-5250&c=Black&p=BACK>

David Imani

PR & Social Media
The Ad Council

(b) (6)

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Good afternoon, Gwen.

Have a great weekend.

Anton

From Beavans, Gwen -FS gwen.beavans@uade.govt.nz

Sent: 7 July, July 20, 2020 4:09 PM

Hello Anton and others,

From Malchow, Anton - PS anton.malchow@usda.gov

Sent: Friday, July 20, 2020 12:34 PM

Thanks to

Thank you, all

From Ca pertite, $K_{sp} = 1.75 \times 10^{-23}$

Sent: Friday, July 10, 2020 11:00 AM

NEWS: Dispositive Proc

Kase 3 3 3 3 3
 44 4 4 4 4 4 4
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 44 4 4 4 4 4
 30 40 40 40 40
 Washington DC 20500
 44 4 4 4
 4 4 4 4 4 4 4 4 4 4

From: Haynes, John S -> john.haynes@usa.net

Sent: 7 July, July 10, 2020 10:59 AM

1990 AEL

John

From: Manguchi, Ellen - OGC, Washington, DC

Sent: Friday, July 20, 2020 10:48 AM

Ta Morán, Lóla - OGC, Washington, DC l.moran@ogc.gov; De Inge, John - OGC, Washington, DC jandeinge@ogc.gov
 Dr. Jennifer M. Morán, Ph.D., Director, Strategic Planning, Maritime Law, 2500 Wilson Blvd., Suite 1000, Arlington, VA 22201-4302, USA

In C

From: Morio t, Lo l-OGC, Washington, DC lo.lmorio@illinois.edu

Sent: Friday, July 10, 2020 8:28 AM

To: M. Suguchi, E-mail: Jan.M.Suguchi@usda.gov; Fiedt, John - OGC, Washington, DC: John.Fiedt@usda.gov

Gz. Fernandez, Claudette - FS [View](#)

From: John.Lan.Mizoguchi@usda.gov
 To: Benjamin.Young@usda.gov; John.Haynes@usda.gov; John.Dellinger@usda.gov
 Subject: RE: Smokey Bear & MAGA
 Date: Friday, July 10, 2020 10:50 AM
 Attachments: [SmokyBear.jpg](#)
[SmokyBear.jpg](#)

Good after noon.

Today (b) (5) (b) (5) Lesley is providing IP cover age.

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

[REDACTED]

John D and I will (b) (5) after, while we can consider how to move forward.

From: Mizoguchi, Brian - OGC, Washington, DC [mailto:Brian.Mizoguchi@usda.gov]

Sent: Friday, July 10, 2020 11:21 AM

To: Haynes, John S - FS [mailto:john.haynes@usda.gov]

Cc: Dellinger, John - OGC, Washington, DC [mailto:john.dellinger@usda.gov]; Fado, John - OGC, Washington, DC [mailto:john.fado@usda.gov]; Young, Benjamin - OGC, Washington, DC [mailto:Benjamin.Young@usda.gov]; Morfitt, Lori - OGC, Washington, DC [mailto:lori.morfitt@usda.gov]

Subject: RE: Smokey Bear & MAGA

Good morning, John,

(b) (5), Deliberative Process Privilege, Attorney Work Product Privilege, Attorney Client Privilege

[REDACTED]

From: Haynes, John S - FS [mailto:john.haynes@usda.gov]

Sent: Friday, July 10, 2020 10:59 AM

To: Mizoguchi, Brian - OGC, Washington, DC [mailto:Brian.Mizoguchi@usda.gov]; Morfitt, Lori - OGC, Washington, DC [mailto:lori.morfitt@usda.gov]; Dellinger, John - OGC, Washington, DC [mailto:john.dellinger@usda.gov]; Young, Benjamin - OGC, Washington, DC [mailto:Benjamin.Young@usda.gov]; Kasper, Kari - FS [mailto:kari.kasper@usda.gov]; Douglas, Chad - FS [mailto:chad.douglas@usda.gov]

Cc: Fernandez, Claudette - FS [mailto:Claudette.Fernandez@usda.gov]; Malkowski, Anton - FS [mailto:anton.malkowski@usda.gov]; (b) (5), (b) (7)(C) [mailto:[\(b\)\(5\),\(b\)\(7\)\(C\)@usda.gov](mailto:(b)(5),(b)(7)(C)@usda.gov)]; Fado, John - OGC, Washington, DC [mailto:john.fado@usda.gov];

Subject: RE: Smokey Bear & MAGA

Hello All,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

John

[REDACTED]

From: Mizoguchi, Brian - OGC, Washington, DC

Sent: Friday, July 10, 2020 10:43 AM

To: Morfitt, Lori - OGC, Washington, DC [mailto:lori.morfitt@usda.gov]; Dellinger, John - OGC, Washington, DC [mailto:john.dellinger@usda.gov];

Cc: Fernandez, Claudette - FS [mailto:Claudette.Fernandez@usda.gov]; Malkowski, Anton - FS [mailto:anton.malkowski@usda.gov]; (b) (5), (b) (7)(C) [mailto:[\(b\)\(5\),\(b\)\(7\)\(C\)@usda.gov](mailto:(b)(5),(b)(7)(C)@usda.gov)]; Haynes, John S - FS [mailto:john.haynes@usda.gov]; Fado, John - OGC, Washington, DC [mailto:john.fado@usda.gov]; Young, Benjamin - OGC, Washington, DC [mailto:Benjamin.Young@usda.gov];

Subject: RE: Smokey Bear & MAGA

Lo I,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

[REDACTED]

From: Morfitt, Lori - OGC, Washington, DC [mailto:lori.morfitt@usda.gov]

Sent: Friday, July 10, 2020 8:28 AM

To: Mizoguchi, Brian - OGC, Washington, DC [mailto:Brian.Mizoguchi@usda.gov]; Fado, John - OGC, Washington, DC [mailto:john.fado@usda.gov];

Cc: Fernandez, Claudette - FS [mailto:Claudette.Fernandez@usda.gov]; Malkowski, Anton - FS [mailto:anton.malkowski@usda.gov]; (b) (5), (b) (7)(C) [mailto:[\(b\)\(5\),\(b\)\(7\)\(C\)@usda.gov](mailto:(b)(5),(b)(7)(C)@usda.gov)]; Haynes, John S - FS [mailto:john.haynes@usda.gov];

Subject: RE: Smokey Bear & MAGA

Brian and John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Lo I

[REDACTED]

From: Malkowski, Anton - FS [mailto:anton.malkowski@usda.gov]

Sent: Thursday, July 9, 2020 4:23 PM

To: (b) (5), (b) (7)(C) [mailto:[\(b\)\(5\),\(b\)\(7\)\(C\)@usda.gov](mailto:(b)(5),(b)(7)(C)@usda.gov)]; Haynes, John S - FS [mailto:john.haynes@usda.gov]; Morfitt, Lori - OGC, Washington, DC [mailto:lori.morfitt@usda.gov];

Cc: Fernandez, Claudette - FS [mailto:Claudette.Fernandez@usda.gov];

Subject: FW: Smokey Bear & MAGA

(b) (5) John, and Lo I,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

Thank you for your help and please advise.

Anton

[REDACTED]

From: Fernandez, Claudette - FS

Sent: Wednesday, July 8, 2020 7:22 PM

To: Malkowski, Anton - FS [mailto:anton.malkowski@usda.gov];

Subject: Re: Smokey Bear & MAGA

Anton thanks! That's exactly what the email entailed. Hoping you can proceed with following up directly to the contacts below?

Claudet e Fernandez
Deputy Chief for Business Operations
USDA Forest Service
Email: [redacted]
Cell: (b) (6)

From Malkowski, Anton - FS anton.malkowski@usda.gov
Sent Wednesday, July 8, 2020 4:54:03 PM
To Fernandez, Claudette - FS Claudette.Fernandez@usda.gov
Subject RE: Smokey Bea & MAGA

Hi Claudette,

I did a quick google search for "smokey bear" and "MAGA" and several images, including the purchase, came up.

<https://www.google.com/search?>

[illegible]

(b) (5), Deliberative Process Privilege

Device Type	Percentage of Respondents
Smartphone	95%
Tablet	90%
Feature phone	85%
Smartwatch	80%
Wearable device	75%
Smart TV	70%
Smart speaker	65%
Smart home device	60%
Smart car	55%
Smart home security system	50%
Smart home thermostat	45%
Smart home camera	40%
Smart home lock	35%
Smart home lighting system	30%
Smart home alarm system	25%
Smart home doorbell	20%
Smart home gateway	15%
Smart home hub	10%
Smart home controller	5%
Smart home system	0%

Thanks and let me know if you have any questions.

✓/

Anton

812 F.Supp. 1095
United States District Court,
W.D. Washington,
at Seattle.

LIGHTHAWK, THE ENVIRONMENTAL AIR
FORCE, a non-profit corporation, Plaintiff,
v.

F. Dale ROBERTSON, in his official capacity as
Chief of the U.S. Forest Service, an agency of
the United States; and the U.S. Forest Service,
an agency of the United States, Defendants.

No. C92-1237D.
|
Feb. 8, 1993.

Synopsis

Forest Service brought suit to prohibit environmental organization from using caricature of **Smokey Bear** in advertisement critical of Forest Service's forest management policies. The District Court, **Dimmick**, J., held that statute and regulation on which Forest Service relied violated organization's free speech rights.

Summary judgment for plaintiff.

West Headnotes (8)

[1] Constitutional Law

🔑 Content-Based Regulations or
Restrictions

Statute or regulation that places burden on speakers due to content of their speech is presumptively inconsistent with First Amendment. **U.S.C.A. Const.Amend. 1.**

Cases that cite this headnote

[2] Constitutional Law

🔑 Strict or Exacting Scrutiny;Compelling
Interest Test

Content-based regulation of protected speech is subject to the most exacting scrutiny, and

may be allowed only when government can show a compelling state interest, and that regulation is narrowly drawn to serve that interest. **U.S.C.A. Const.Amend. 1.**

Cases that cite this headnote

[3] Constitutional Law

🔑 Right of Publicity;Misappropriation of
Likeness, Name, or Celebrity Status

Statute and regulation relied upon by United States Forest Service to prohibit environmental organization's use of caricature of **Smokey Bear** in political advertisement criticizing Forest Service's forest management policies were presumptively invalid and subject to the most rigorous scrutiny. **U.S.C.A. Const.Amend. 1;** **16 U.S.C.A. § 580p 4(a).**

1 Cases that cite this headnote

[4] Constitutional Law

🔑 Right of Publicity;Misappropriation of
Likeness, Name, or Celebrity Status

Advertisement published by environmental organization, which criticized Forest Service's forest management policies by means of chain-saw-wielding caricature of **Smokey Bear**, qualified as purely expressive, noncommercial speech under the First Amendment, although it contained invitation for interested people to associate with organization; advertisement did not solicit membership fees or donations and did not contain any other element that would impart commercial intentions. **U.S.C.A. Const.Amend. 1.**

Cases that cite this headnote

[5] Constitutional Law

🔑 Right of Publicity;Misappropriation of
Likeness, Name, or Celebrity Status

Statute and regulation relied upon by the United States Forest Service to prohibit environmental organization's use of caricature of **Smokey Bear** in advertisement

criticizing Forest Service's forest management policies violated organization's First Amendment rights; organization's use of chainsaw-wielding caricature of **Smokey Bear** was unlikely to cause confusion or to dilute the value of **Smokey Bear** to help prevent forest fires. [U.S.C.A. Const.Amend. 1](#).

[1 Cases that cite this headnote](#)

[6] **Constitutional Law**

🔑 [Facial Challenges; Facial Invalidity](#)

To strike down statute or regulation as facially unconstitutional under the First Amendment, court had to find that statute and regulation were unconstitutional in every conceivable application. [U.S.C.A. Const.Amend. 1](#).

[Cases that cite this headnote](#)

[7] **Constitutional Law**

🔑 [Use as Last Resort; Sparing Use](#)

Overbreadth doctrine is employed only sparingly and as last resort. [U.S.C.A. Const.Amend. 1](#).

[Cases that cite this headnote](#)

[8] **Constitutional Law**

🔑 [Sua Sponte Consideration of Constitutionality](#)

District court would not embark on its own examination of statute's possible overbreadth, where parties had not raised such an issue, and there was no argument in record to support or refute such a claim. [U.S.C.A. Const.Amend. 1](#).

[Cases that cite this headnote](#)

Attorneys and Law Firms

*1096 [John Wentworth Phillips](#), Heller, Ehrman, White & McAuliffe, [Todd D. True](#), [Victor M. Sher](#), Sierra Club Legal Defense Fund, Seattle, WA, for Lighthawk.

[Christopher Lee Pickrell](#), U.S. Attorney's Office, Seattle, WA, [Shawn Bertram Jensen](#), U.S. Dept. of Justice, Washington, DC, for F. Dale Robertson & Forest Service.

ORDER

[DIMMICK](#), District Judge.

Plaintiff LightHawk, the Environmental Air Force ("LightHawk") is a small environmental organization that has sued the Chief of the United States Forest Service ("Forest Service") in a declaratory judgment action. LightHawk claims that the Forest Service cannot prevent it from publishing a political advertisement featuring a depiction of a chainsaw wielding **Smokey Bear**. Both parties have moved for summary judgment. As the proposed application of the statute and regulation authorizing the Forest Service to prohibit LightHawk from using **Smokey Bear** abridges the organization's First Amendment rights, summary judgment must be granted in favor of LightHawk.

BACKGROUND

The background of this case is simple and undisputed. LightHawk ran a political advertisement in several newspapers between May 18 and May 20, 1992. The advertisement criticized the Forest Service's management of public lands, and featured a drawing of **Smokey Bear** with a chainsaw partially hidden behind his back. Printed below the caricature was the slogan, "Say it ain't so, **Smokey**." See attached Exhibit A.

On July 6, 1992 F. Dale Robertson, Chief of the Forest Service, sent a letter to LightHawk's Seattle office advising it to stop its unauthorized use of **Smokey Bear** and indicating that if the use continued LightHawk would be sued for injunctive relief. The Forest Service cited to [16 U.S.C. § 580p 4\(a\)](#), which reads:

(a) Whoever, except as provided by rules and regulations issued by the Secretary, manufactures, uses, or reproduces the character "**Smokey Bear**" or the name "**Smokey Bear**" or a facsimile or simulation of such

character or name in such a manner as suggests “**Smokey Bear**” may be enjoined from such manufacture, *1097 use, or reproduction at the suit of the Attorney General upon complaint by the Secretary.

This statute was enacted as part of the Conservation Act of 1974, which added the enforcement mechanism of [section 580p 4\(a\)](#) to the criminal sanctions that were already available to prevent the unauthorized use of **Smokey Bear**. [18 U.S.C. § 711](#). The Act also indicates that “the name and character ‘**Smokey Bear**’ ” were originated by the Forest Service of the United States Department of Agriculture in cooperation with the Association of State Foresters and the Advertising Council. [16 U.S.C. § 580p](#). Further the “name and character” **Smokey Bear** are declared to be “the property of the United States.” [16 U.S.C. § 580p 1](#). Congress intended the original passage of the laws regulating use of the image of **Smokey Bear** to protect the government's interest in **Smokey Bear** so that the character's value to the campaign against forest fires would not be diminished. *See* S.Rep. No. 1128, 82nd Cong., 2nd Sess. (1952), *reprinted in* 1952 U.S.C.C.A.N. 1484 86.

The Forest Service has promulgated regulations to implement the laws protecting the **Smokey Bear** character. The regulation that controls non-commercial uses of **Smokey Bear** reads:

The Chief [of the Forest Service] may authorize the use of **Smokey Bear** for non-commercial educational purposes, without charge, when such use is essentially as a public service, and will, in his judgment, contribute to public information and education concerning the prevention of forest fires.²

[36 C.F.R. § 271.3](#).

In response to the Forest Service's demand that it stop publishing the **Smokey Bear** advertisement or risk litigation, LightHawk filed this declaratory judgment action claiming that the application of the statute and regulation to the advertisement abridged LightHawk's First Amendment rights. Both sides have moved for summary judgment, and both concede that the facts are undisputed. Thus summary judgment is warranted pursuant to [Fed.R.Civ.P. 56](#) as the Court need only decide a matter of law.

DISCUSSION

The issue before the Court is whether the threatened application of the statute and implementing regulation affecting unauthorized non-commercial uses of the character **Smokey Bear** unconstitutionally abridge LightHawk's First Amendment free speech rights.³ LightHawk believes that the Forest Service may not limit its non-commercial use of **Smokey Bear** because the limitation is based on the content of LightHawk's message. The Forest Service, however, claims it owns the character **Smokey Bear** just as it owns other forms of property, and that it may prohibit LightHawk from diminishing the value of **Smokey Bear** by putting it to an unauthorized use that does not further the forest fire prevention theme.

A. The Appropriate Level of Scrutiny

The first question to decide in determining if the statute and regulation are unconstitutional *1098 as applied to LightHawk is what level of scrutiny to apply. Should the Court employ the level of scrutiny generally applicable to content based regulations of protected speech, or should the Court use the less stringent standard of scrutiny appropriate for examining commercial speech regulations, and time, place, and manner restrictions of speech?

LightHawk challenges [16 U.S.C. § 580p 4\(a\)](#) and the implementing regulation, [36 C.F.R. § 271.3](#) only as they are applied to non-commercial uses. Specifically, LightHawk objects to the Forest Service attempt to limit its use of **Smokey Bear** in a political advertisement because that limitation as required by statute and regulation is based on the content of the advertisement. The statute prohibits the use of **Smokey Bear** unless authorized by regulations issued by the Secretary of Agriculture. [16](#)

U.S.C. § 580p 4(a). The relevant regulation in turn allows the use of **Smokey Bear** for non-commercial purposes only when the Forest Service determines that **Smokey** is being used to express an appropriate message that will “contribute to public information and education concerning the prevention of forest fires.” 36 C.F.R. § 271.3.

[1] [2] A statute or regulation that places a burden on speakers due to the content of their speech is “presumptively inconsistent with the First Amendment.” *Simon & Schuster, Inc. v. Members of New York State Crime Victims Board*, 502 U.S. 105, 112 S.Ct. 501, 508, 116 L.Ed.2d 476, 486 87 (1991). A content based regulation of protected speech is subject to the “most exacting scrutiny,” and may be allowed only when the government can show a compelling state interest that is narrowly drawn to serve that interest. *Boos v. Barry*, 485 U.S. 312, 321, 108 S.Ct. 1157, 1164, 99 L.Ed.2d 333 (1988).

LightHawk urges application of the presumption against content based burdens on protected speech, and application of the most exacting scrutiny to the statute and regulation that the Forest Service threatened to use to stop their use of the character **Smokey Bear**. Indeed, the Supreme Court has applied these standards to find statutes unconstitutional under similar circumstances.

The Supreme Court has ruled that a statute prohibiting the reproduction of United States currency was unconstitutional because the prohibition was content based. *Regan v. Time, Inc.*, 468 U.S. 641, 644, 104 S.Ct. 3262, 3264, 82 L.Ed.2d 487 (1984). In *Regan*, Time Magazine challenged a statute that imposed criminal liability upon those who printed or reproduced a likeness of United States currency, unless this activity was “printing, publishing, or importation ... of illustrations of ... any ... obligation or other security of the United States ... for philatelic, numismatic, educational, historical, or newsworthy purposes in articles, books, journals, newspapers, or albums.” 18 U.S.C. §§ 474, 504; *Regan*, 468 U.S. at 644, 104 S.Ct. at 3264. The Court found that

[u]nder the statute, one photographic reproduction will be allowed and another disallowed solely because the Government determines that the message being conveyed in the one is newsworthy or educational while the message imparted by the other is not. The permissibility of the photograph is therefore often

“dependant solely on the nature of the message being conveyed.”

Id. at 648, 104 S.Ct. at 3267 (quoting *Carey v. Brown*, 447 U.S. 455, 461, 100 S.Ct. 2286, 2290, 65 L.Ed.2d 263 (1980)). The Court accordingly ruled that the statute was unconstitutional because “[r]egulations which permit the Government to discriminate on the basis of the content of the message cannot be tolerated under the First Amendment.” *Id.* ⁴ The Court did not scrutinize *1099 the statute any further to justify the holding.

However, more recent Supreme Court cases have allowed further scrutiny of such regulations, which can be permitted if the government can “‘show that its regulation is necessary to serve a compelling state interest and is narrowly drawn to achieve that end.’” *Simon & Schuster*, 502 U.S. at 112 S.Ct. at 509, 116 L.Ed.2d at 488 (quoting *Arkansas Writers' Project, Inc. v. Ragland*, 481 U.S. 221, 231, 107 S.Ct. 1722, 1729, 95 L.Ed.2d 209 (1987)). In *Simon & Schuster* the Court invalidated a New York statute that required any publisher of a criminal's account of his crime to turn over profits from the publication to the State Crime Victims Board. The Court found the statute to be an unacceptable content based regulation of protected speech because the statute applied only to certain works based on the work's subject matter. *Id.* 502 U.S. at 112 S.Ct. at 511 12, 116 L.Ed.2d at 491. Although the Court recognized a compelling interest in compensating crime victims, it found the statute was not narrowly tailored to achieve the state's objective. *Id.*

[3] Analogously, the statute and regulation relied on by the Forest Service to prohibit LightHawk's use of **Smokey Bear** are clearly content based restrictions of protected speech that are presumptively invalid and subject to the most rigorous scrutiny. First, the Forest Service has threatened to apply the statute and regulation to LightHawk's political advertisement, which as a form of criticism of government policies is on the “highest rung of the hierarchy of First Amendment values.” *Carey*, 447 U.S. at 467, 100 S.Ct. at 2293. The use of a cartoon like caricature of **Smokey Bear** to relay the message does not diminish the value of the speech involved.

Despite their sometimes caustic nature, from the early cartoon portraying George Washington as

an ass down to the present day, graphic depictions and satirical cartoons have played a prominent role in public and political debate.... From the viewpoint of history it is clear that our political discourse would have been considerably poorer without them.

Hustler Magazine, Inc. v. Falwell, 485 U.S. 46, 54–55, 108 S.Ct. 876, 881, 99 L.Ed.2d 41 (1988).

Second, the threatened application of the statute and regulation would prevent LightHawk's non-commercial use of **Smokey Bear** unless the Forest Service determined that the message to be conveyed was educational, supported public service, and conveyed the importance of preventing forest fires. 16 U.S.C. § 580p 4(a); 36 C.F.R. § 271.3. While the restriction advances worthy ideals, it is clearly a content based regulation similar to the seemingly innocuous and well-intentioned statute in *Regan* that was intended to discourage counterfeiting. *Regan*, 468 U.S. at 644, 104 S.Ct. at 3264. Thus it would seem that the statute and regulation as applied to LightHawk are presumptively invalid and subject to the highest level of scrutiny.

The Forest Service, however, argues that the prohibition against the use of **Smokey Bear** is not presumptively invalid, and should not be subject to the most exacting level of scrutiny under First Amendment analysis. Because the Forest Service has a legitimate property right in the character **Smokey Bear**, it believes that in order to demonstrate constitutionality it need only show that it has a substantial interest in limiting the use of **Smokey Bear** that is advanced by a prohibition on speech that is no broader than necessary. This standard was articulated in *San Francisco Arts & Athletics, Inc. v. United States Olympic Committee*, 483 U.S. 522, 107 S.Ct. 2971, 97 L.Ed.2d 427 (1987) (hereafter “USOC”).

In *USOC* the Supreme Court found a statute that prohibited any unauthorized use of the word Olympic for commercial purposes to be constitutional. The statute in question read:

[A]ny person who uses for the purpose of trade, to induce the sale of any goods or services, or to promote

any theatrical *1100 exhibition, athletic performance, or competition

.....

(4) the words “Olympic” ... tending to cause confusion, to cause mistake, to deceive or to falsely suggest a connection with ... any Olympic activity;

shall be subject to suit in a civil action ... for the remedies provided in the [Lanham Trademark] Act.

36 U.S.C. § 380(a).

The United States Olympic Committee (“Olympic Committee”) had sued to enjoin a group from promoting a “Gay Olympic Games.” The group promoting the Games argued that their use of the word Olympic was intended as a political statement about the status of homosexuals in society. Thus they concluded that the prohibition of their use of the term Olympic violated their First Amendment free expression rights.

The Court rejected this argument. Initially, the Court noted that the statute's regulation of the use of the term Olympic for trade or to induce sales affected only commercial speech. *USOC*, 483 U.S. at 535, 107 S.Ct. at 2980. Next, the Court explained that although the limits on the use of the term Olympic for promotion of theatrical and athletic events mainly regulated commercial speech, “some uses may go beyond the ‘strictly business’ context.” *Id.* The Court then concluded that the use of the word Olympic to promote the Gay Olympic Games did not go significantly beyond the strictly business context, but instead affected mostly commercial interests, with only incidental restrictions on expressive speech. Thus the statute was analyzed according to the reduced level of scrutiny applicable to commercial speech.⁵ *Id.* at 536, 107 S.Ct. at 2981. This test allows that:

A restriction on nonmisleading commercial speech may be justified if the government's interest in the restriction is substantial, directly advances the government's asserted interest, and is no more extensive than necessary to serve the interest.

Id. at 536 n. 16, 107 S.Ct. at 2981 n. 16. The Court also indicated that “purely expressive [non-commercial] uses” of Olympic would probably not be affected by the statute. *Id.* at 536, 107 S.Ct. at 2981.⁶

Applying this reduced level of scrutiny the Court found that the government had a substantial property interest in protecting the value of the word Olympic, which had been created by the efforts of the Olympic Committee. Further, the Act's incidental restrictions on First Amendment freedoms were held to be no greater than necessary to further the government's substantial interest because the statute was limited to those areas "that would directly impinge *1101 on the [Olympic Committee's] legitimate right to exclusive use." *Id.* at 540, 107 S.Ct. at 2983.

[4] The application of the reduced level of scrutiny in *USOC*, however, does not extend to the facts in the present dispute. Section 580p 4(a) and the implementing regulation 36 C.F.R. § 271.3 do not primarily regulate commercial uses of the character **Smokey Bear** as in *USOC*, with only incidental restrictions on First Amendment protected speech.⁷ By its terms and as applied to LightHawk's political advertisement the statute regulates all "uses" of **Smokey Bear**, and the regulation specifically prohibits non-commercial uses based on the content of the message in which **Smokey Bear** is employed.⁸ **Smokey** cannot be used if he does not further the message of forest fire prevention. 36 C.F.R. § 271.3.

Rather than term this a regulatory scheme protecting property that incidentally affects free expression,⁹ the statute and regulation must be read as a restriction on speech intended to protect government property. The application of this content based statute and regulation is thus presumptively invalid, and cannot be tolerated unless the government can demonstrate a compelling interest, that is directly advanced by the statute, and that is narrowly drawn. *Simon & Schuster*, 502 U.S. at 112 S.Ct. at 507 08, 116 L.Ed.2d at 486 87; *Boos*, 485 U.S. at 321, 108 S.Ct. at 1164.

B. Application of Most Exacting Scrutiny

[5] Pursuant to the applicable constitutional standard the statute and regulation as applied to LightHawk are presumptively invalid. "Regulations which permit the Government to discriminate on the basis of the content of the message cannot be tolerated under the First Amendment." *Regan*, 468 U.S. at 648 49, 104 S.Ct. at 3267 (citing *Carey*, 447 U.S. at 463, 100 S.Ct. at 2291.)

Moreover, the Forest Service cannot demonstrate a compelling government interest that is narrowly drawn

such that the application of the statute and regulation could pass constitutional muster. As the Supreme Court has said, while "certain state interests may be so compelling that where no adequate alternatives exist a content-based distinction if narrowly drawn would be a permissible way of furthering those objectives, this is not such a case." *Carey*, 447 U.S. at 465, 100 S.Ct. at 2292.

The Forest Service claims a substantial interest "not only in protecting the **Smokey Bear** symbol as government property, but also the message of forest fire prevention which the symbol conveys." The Forest Service's ability to implement its goals is substantially hampered, it claims, when groups like LightHawk "exploit the 'commercial magnetism' " of the symbol **Smokey Bear** thereby undercutting the Forest *1102 Service's efforts to "use, and sell the right to use, the [symbol] in the future, since much of the ... value comes from its limited use." *USOC*, 483 U.S. at 539, 107 S.Ct. at 2982 (citing *Mishawaka Rubber & Wollen Mfg. Co. v. S.S. Kresge Co.*, 316 U.S. 203, 205, 62 S.Ct. 1022, 1024, 86 L.Ed. 1381 (1942)).

Conveying the message of forest fire prevention and maintaining the value of the character **Smokey Bear** to aid this effort are certainly important, but are not compelling in the context of First Amendment rights. The Forest Service interest in protecting **Smokey Bear** and spreading its message of forest fire prevention is no more compelling than other governmental interests that the Supreme Court has found lacking as justification for content based regulations. The Court has struck down statutes that furthered government interests in preventing counterfeiting, *Regan*, 468 U.S. at 656, 104 S.Ct. at 3271, in preventing the use of military uniforms without authorization, *Schacht*, 398 U.S. at 61, 90 S.Ct. at 1558, and in "preserving the flag as a symbol of nationhood and national unity." *Texas v. Johnson*, 491 U.S. 397, 407, 109 S.Ct. 2533, 2541, 105 L.Ed.2d 342 (1989).

The Forest Service argues that its ownership of the symbol **Smokey Bear** strengthens its interest in preventing unauthorized uses. The government has created much of the value of **Smokey Bear** through its promotional efforts. However, the government's proprietary rights do not change an important interest in protecting the value of **Smokey Bear** to spread the forest fire prevention theme into a compelling interest under First Amendment analysis. Accepting such an argument could open the door for the passage of other content based regulations

premised merely on the government's ownership of a particular symbol. Further, the government's ownership of the symbol itself does not define the government interest. Instead, it is the goals that are served through protecting the property interest that must be weighed. The interest in protecting the value of the symbol in order to promote the forest fire prevention theme simply does not justify this content based regulatory scheme.

Moreover, the application of the statute and regulation to LightHawk's political advertisement undermines the importance of the government interest. The use of **Smokey Bear** in political speech and parody is unlikely to diminish the value of **Smokey Bear** for forest fire prevention purposes, and so the government's interest in prohibiting the use of **Smokey** in political speech or parody is only marginal.

The government's property interest in the character **Smokey Bear** is analogous to, but admittedly broader than, that of an owner of a trademark. Under trademark law courts have uniformly ruled that non-commercial parodies and satires do not infringe legitimate trademarks because there is little chance of confusion as to sponsorship. *Cliffs Notes, Inc. v. Bantam Doubleday Dell Pub. Group*, 886 F.2d 490, 496 (2d Cir.1989) (court found it "hardly likely" that purchaser might mistakenly think Cliffs Notes produced Spy Notes parody).

More notably, a district court has refused to apply the statute at issue in *USOC* to prohibit the use of the term Olympic in a political poster protesting construction of a prison at the Lake Placid Olympic Village site. The court stated:

[T]he poster is not likely to be viewed as a commercial advertisement, [and] there is no danger that it will induce anyone to associate the word "Olympic" or the Olympic symbols with any goods or services not provided, sponsored or endorsed by the U.S.O.C. Nor does it appear likely that it will induce viewers to associate them with S.T.O.P. or its constituent members in such a way that it weakens their propensity to bring to mind the Olympic games

or the U.S.O.C. Accordingly, the Court declines to find that plaintiff's poster has a diluting effect on defendant's marks.

S.T.O.P., 489 F.Supp. at 1123. Applying a similar statute that protected the Girl Scouts another court has held that while Congress granted rights in the Girl Scouts to the emblems, badges, and designating marks of the group, the right did not "protect *1103 it inviolable from the lampooning use of its name, motto and insignia." *Girl Scouts of the United States v. Personality Posters Mfg. Co.*, 304 F.Supp. 1228, 1232 (S.D.N.Y.1969). Similarly, the satirical use of **Smokey Bear** to criticize Forest Service management techniques is unlikely to cause confusion or to dilute the value of **Smokey Bear** to help prevent forest fires. Thus the Forest Service cannot have a compelling interest in prohibiting such use.

While not necessary to the Court's ruling it is also worth noting that because LightHawk's use of the symbol is unlikely to diminish its value the statute and regulation are not sufficiently narrowly drawn. As the Forest Service stated in its brief, "[T]he use of **Smokey Bear** ... in the form of a satirical cartoon ... is not fatal to the **Smokey Bear** regulatory scheme because it is not likely to cause anyone to view that use of **Smokey Bear** in such a way that it 'weakens their propensity to bring to mind' the message of forest fire prevention." See *S.T.O.P.*, 489 F.Supp. at 1123; *Girl Scouts*, 304 F.Supp. at 1231. The statute and regulation could certainly have been more narrowly drawn so that the Forest Service could prohibit only those uses that would have a high propensity to weaken the value of the symbol.

Alternatively, the statute and regulation could have been written to prohibit only unauthorized commercial uses. While the application of the regulatory scheme to commercial uses is not before the Court, it appears likely under *USOC* that those provisions would be held valid. The statute and regulation, however, go too far by prohibiting all uses, whether commercial, or non-commercial and purely expressive.

C. Facial Challenge

[6] Having found that 16 U.S.C. § 580p 4(a) and 36 C.F.R. § 271.3 are unconstitutional as applied

to LightHawk, the remaining question is whether the Court should rule the statute and regulation facially unconstitutional. LightHawk argues in its motion for summary judgment that because the statute and regulation require the Forest Service to differentiate among protected uses of **Smokey Bear** based on the content of the message the statute and regulation are facially unconstitutional. The argument as framed by LightHawk depends on a finding that the statute and regulation are “unconstitutional in every conceivable application.” *Members of the City Council v. Taxpayers for Vincent*, 466 U.S. 789, 796, 104 S.Ct. 2118, 2124, 80 L.Ed.2d 772 (1984).

As no determination has been made as to the constitutionality of the application of 16 U.S.C. § 580p 4(a) to commercial uses, the Court cannot find that the statute is unconstitutional in every conceivable application. It may be that the statute as applied to commercial uses falls within the ambit of constitutionally allowable regulations. In addition, while it is tempting, the Court declines to rule that because 36 C.F.R. § 271.3 explicitly limits only non-commercial uses it is facially invalid. It is conceivable that some non-commercial uses of **Smokey Bear** would not be eligible for the same level of protection as LightHawk's purely expressive use. The Court will not delve into the gray area of future attempts by the Forest Service to protect its legitimate property interest in the symbol, especially when the parties have not briefed the issue.

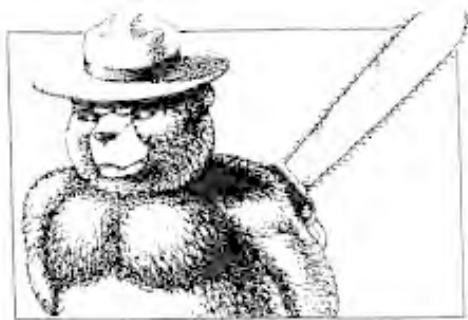
[7] [8] Further, while LightHawk has not demonstrated that the regulatory scheme would be unconstitutional in all applications, it might be susceptible to an overbreadth challenge because it burdens a substantial amount of protected activity. However, “[a]pplication of the overbreadth doctrine in this manner is, manifestly, strong medicine. It has been employed by the Court sparingly and only as a last resort.” *Broadrick v. Oklahoma*, 413 U.S. 601, 613, 93 S.Ct. 2908, 2916, 37 L.Ed.2d 830 (1973). As LightHawk did not raise the overbreadth issue, it will not be considered. The Court will not embark on its own examination of possible overbreadth without any argument in the record to support, or to refute such a claim.

CONCLUSION

By ruling that the 16 U.S.C. § 580p 4(a) and 36 C.F.R. § 271.3 are unconstitutional *1104 as applied to LightHawk the Court by no means intends to create an open season on **Smokey Bear**. While the question is not before the Court the government can likely regulate commercial uses of **Smokey Bear** as allowed by *USOC*. Those portions of the regulatory scheme addressing solely commercial uses remain intact. However, the statute and regulation, which impose content based restrictions on non-commercial uses, cannot be applied to LightHawk's purely expressive political speech.

THEREFORE, the summary judgment motion of plaintiff LightHawk, the Environmental Air Force is GRANTED, and the summary judgment motion of defendant, the Forest Service is DENIED. The Court DECLARES that 16 U.S.C. § 580p 4(a) and 36 C.F.R. § 271.3 are unconstitutional as applied to LightHawk's non-commercial use of **Smokey Bear**. The Clerk of the Court is directed to enter judgment so stating, and judgment ENJOINING the Forest Service from enforcing the provisions of 16 U.S.C. § 580p 4(a) or 36 C.F.R. § 271.3 against LightHawk for its use of **Smokey Bear** in the political advertisement at issue in this case.

*1105 EXHIBIT



Say it ain't so, Smokey.

There's a bear in the woods.
And he's destroying our heritage.

The U.S. Forest Service is helping big timber companies chop down America's ancient forests on the Pacific Northwest. They say they need the wood. But the truth is, private timber lands completely all the timber they need. It's a fact that's out of the public's mind.

It's also a fact that 95% of America's ancient forests have been destroyed. With the help of our own Forest Service, timber companies are hacking away at the last 5%—and wiping out thousands of American jobs.

Timber companies are responsible for the loss of jobs, recreation, scenic beauty, and the ancient forests that are the heart of our nation's wilderness.

To save American jobs—
save America's public forests.

The ancient forests are America's heritage—like the Grand Canyon or the Statue of Liberty. They're a priceless legacy that's being destroyed.

It's time you stand up for the ancient forests. It's time you stand up for the millions of jobs that depend on them.



LightHawk, The Environmental Air Force
501 Broadway, Suite 100, New York, NY 10013
PO Box 1000, Santa Fe, New Mexico 87501 (505) 833-1111

All Citations

812 F.Supp. 1095, 61 USLW 2510, 25 U.S.P.Q.2d 2014

Footnotes

1 Section 711 reads:

Whoever, except as authorized under rules and regulations issued by the Secretary of Agriculture after consultation with the Association of State Foresters and the Advertising Council, knowingly and for profit manufactures, reproduces, or uses the character "**Smokey Bear**" ... shall be fined not more than \$250 or imprisoned not more than six months, or both.

2 Authorization to use **Smokey Bear** for "commercial" purposes may also be granted so long as the Chief of the Forest Service determines the use "contributes to public information concerning the prevention of forest fires," and the user is required to pay a "use or royalty charge." 36 C.F.R. § 271.4. Royalty fees generated from these licenses are deposited into a special account "furthering the nation-wide forest-fire prevention campaign." 16 U.S.C. § 580p-2.

3 In its motion for summary judgment LightHawk also claims that the statute and regulation prohibiting unauthorized non-commercial uses of **Smokey Bear** are facially unconstitutional. The Court will initially address the "as applied" challenge, and will then consider whether any portions of the statute and regulation at issue should be declared facially invalid.

4 *Schacht v. United States*, 398 U.S. 58, 62-3, 90 S.Ct. 1555, 1558-59, 26 L.Ed.2d 44 (1970), is also cited by LightHawk in support of its argument. The Court held unconstitutional a statute that prohibited the wearing of military uniforms without authority, unless an actor wore a uniform in a dramatic portrayal that did not "tend to discredit" the military. The Court read this as an unconstitutional limitation of the wearing of a uniform based on the content of the speech conveyed by the person wearing the uniform.

5 The Court also indicated that it would be applying the test for time, place, and manner restrictions enunciated in *United States v. O'Brien*, 391 U.S. 367, 376, 88 S.Ct. 1673, 1678, 20 L.Ed.2d 672 (1968), because it found this test to be

“substantially similar” in application to the commercial speech test. *USOC*, 483 U.S. at 537 n. 16, 107 S.Ct. at 2981 n. 16. Under the *O'Brien* test, the Court in *USOC* asked “whether the incidental restrictions on First Amendment freedoms [were] greater than necessary to further a substantial governmental interest.” *Id.* at 537, 107 S.Ct. at 2981. The *O'Brien* test is applied to regulations of conduct that combine speech and non-speech elements. Such a regulation on conduct is allowable if:

it furthers an important or substantial governmental interest; if the governmental interest is unrelated to the suppression of free expression; and if the incidental restriction on alleged First Amendment freedoms is no greater than is essential to the furtherance of that interest.

O'Brien, 391 U.S. at 377, 88 S.Ct. at 1679. The use of the *O'Brien* test demonstrates the inappropriateness of applying the lower level of scrutiny to the **Smokey Bear** statute and regulation. The **Smokey Bear** regulatory scheme would not be covered by the *O'Brien* test because the Forest Service interest is directly related to the suppression of free expression. The statute and regulation were intended to prohibit the use of **Smokey Bear** to express any message other than the importance of preventing forest fires.

- 6 The Court cited a district court ruling that the statute restricting use of the term Olympic did not apply to a purely expressive poster expressing opposition to a plan to convert the Lake Placid Olympic Village into a prison. *Stop Olympic Prison v. United States Olympic Committee*, 489 F.Supp. 1112, 1118–21 (S.D.N.Y.1980) (S.T.O.P.).
- 7 The Forest Service argues that because the Court in *USOC* cited the statutory protection afforded **Smokey Bear** when it noted that a statutory grant of “exclusive use of distinctive words and symbols by Congress is not unique,” the lower standard of scrutiny should also be applied to the **Smokey Bear** statute and regulation. *USOC*, 483 U.S. at 532 n. 8, 107 S.Ct. at 2979 n. 8. However, the Court in *USOC* cited only the criminal penalty arm of the statutory enforcement scheme, 18 U.S.C. § 711, which applies only to “for profit” uses of **Smokey Bear** and not to non-commercial uses like that at issue in the present action.
- 8 The Forest Service also argues that the advertisement is not purely expressive speech, but is actually a form of commercial speech because it contains an invitation for interested persons to contact the LightHawk organization. This invitation does not alter the expressive nature of the ad. When viewed in its entirety it is clear that the primary purpose of the advertisement is to express a political view. The invitation for interested people to associate with LightHawk is not prominently displayed, does not solicit membership fees or donations, and does not contain any other element that would impart commercial intentions.
- 9 The Forest Service seeks to classify the regulatory scheme as a protection of property, arguing that it has just as much right to prevent the destruction of government property like an Army Jeep, as it does to prevent the diminution of the value of **Smokey Bear**. This analogy is incomplete. Protecting **Smokey Bear** depends on the content of the message the symbol is used to convey, while protecting the Jeep is “unrelated to the suppression of free expression.” *O'Brien*, 391 U.S. at 377, 88 S.Ct. at 1679.

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: RE: Smokey Bear // Inappropriate Use
Date: Thursday, November 7, 2019 8:47:16 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

(b) (5), Deliberative Process Privilege, Att

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Thursday, November 7, 2019 8:43 AM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: RE: Smokey Bear // Inappropriate Use

That sounds good.

(b)(5) Deliberative Process, (b)(5) Attorney Client

Best

John d



John D. Dellinger
 Patent Attorney
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 Washington, DC 20250-1415
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 ✉ John.Dellinger@usda.gov

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Sent: Thursday, November 7, 2019 8:31 AM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: RE: Smokey Bear // Inappropriate Use

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks again for all the help the week and have a great weekend and holiday.

Tom

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Sent: Thursday, November 7, 2019 8:06 AM

To: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Subject: RE: Smokey Bear // Inappropriate Use

Hi Tom,

(b)(5) Deliberative Process, (b)(5) Attorney Client

[REDACTED]

Best

John D



John D. Dellinger
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 202-239-4531 (Voice)
844-354-1113 (Fax)
 John.Dellinger@usda.gov

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Sent: Thursday, November 7, 2019 6:16 AM

To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Subject: FW: Smokey Bear // Inappropriate Use

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

Tom

From: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov> **On Behalf Of** FS-SB License

Sent: Wednesday, November 6, 2019 10:18 PM

To: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Subject: FW: Smokey Bear // Inappropriate Use

Hi Tom,

(b) (5), Deliberative Process Privilege

Many thanks,

Maureen

Maureen Brooks
Wildfire Prevention Specialist
Smokey Bear Licensing Program



Forest Service
Fire and Aviation, Landscapes and Partnerships

p: 202-604-2237

maureen.t.brooks@usda.gov

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Caring for the land and serving people

From: Mackenzie Weber [[mailto:\(b\) \(6\)@helpgood.com](mailto:(b) (6)@helpgood.com)]

Sent: Thursday, October 17, 2019 6:37 PM

To: FS-SB License <SM.FS.SBLicense@usda.gov>

Cc: Michael Bellavia [\(b\) \(6\)@helpgood.com](mailto:(b) (6)@helpgood.com); Leah Fagen [\(b\) \(6\)@adcouncil.org](mailto:(b) (6)@adcouncil.org); Ben Dorf [\(b\) \(6\)@adcouncil.org](mailto:(b) (6)@adcouncil.org)

Subject: Smokey Bear // Inappropriate Use

Hi Maureen,

I came across this site and noticed a lot of use of Smokey in inappropriate ways. As I'm newer to this role, I wasn't sure if you had already come across this, or if this qualifies as inappropriate use.

<https://www.teepublic.com/t-shirts?query=itmfa-smokey>

Thanks!

--

Mackenzie Weber

Marketing Manager | HelpGood

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: RE: Smokey Bear Commercial Licensing Program - Infringement Enforcement
Date: Thursday, January 2, 2020 9:09:14 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

Tom

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Thursday, January 2, 2020 9:04 AM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: FW: Smokey Bear Commercial Licensing Program - Infringement Enforcement



Hey Tom,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

[REDACTED]



John D. Dellinger
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Washington, DC 20250-1415
 202-239-4531 (Voice)
 844-354-1113 (Fax)
 John.Dellinger@usda.gov

From: Dellinger, John - OGC, Washington, DC

Sent: Friday, December 20, 2019 2:22 PM

To: Wolfe, Jennifer - FS <Jennifer.Wolfe@usda.gov>

Cc: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>; DeSouto, Michael S -FS <michael.desouto@usda.gov>; Beavans, Gwen -FS <gwen.beavans@usda.gov>; Stage, Suzan - FS <suzan.stage@usda.gov>

Subject: RE: Smokey Bear Commercial Licensing Program - Infringement Enforcement

Hi Jennifer,

Thanks for your email. (b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege



[REDACTED]

I'll be out (b) (6)

Best regards,

John D.



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 202-239-4531 (Voice)
 844-354-1113 (Fax)
 John.Dellinger@usda.gov

From: Wolfe, Jennifer - FS <Jennifer.Wolfe@usda.gov>

Sent: Tuesday, December 17, 2019 1:11 PM

To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Cc: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>; DeSouto, Michael S -FS <michael.desouto@usda.gov>; Beavans, Gwen -FS <gwen.beavans@usda.gov>; Stage, Suzan - FS <suzan.stage@usda.gov>

Subject: Smokey Bear Commercial Licensing Program - Infringement Enforcement

John,

Hello, my name is Jennifer Wolfe. I am the Contracting Officer Representative (COR) for the Smokey Bear Commercial Licensing Program management contract. (b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thanks in advance for all of you help.

USFS



Jennifer Wolfe, FAC-COR Level II
Contracting Officer Representative

Forest Service
Washington Office
State and Private Forestry
Fire and Aviation Management
IT Operations Group

O: 208-387-5603

C: (b) (6)

jennifer.wolfe@usda.gov

3833 S. Development Avenue

Boise, ID 83705

www.fs.fed.us



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From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: RE: Smokey Bear Contract language
Date: Friday, July 6, 2018 11:33:11 AM
Attachments: [image001.png](#)
[image002.png](#)

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

[REDACTED]

Thanks tom

From: Dellinger, John - OGC
Sent: Friday, July 06, 2018 11:20 AM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Subject: RE: Smokey Bear Contract language

Hey Tom,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

[REDACTED]

[REDACTED]

[REDACTED]

John D



John D. Dellinger
 Patent Attorney
 General Law and Research Division
 Office of the General Counsel
 U.S. Department of Agriculture
 1400 Independence Avenue SW
 Washington, DC 20250-1400
 ☎ 202-239-4531 (Voice)
 844-354-1113 (Fax)
 ✉ John.Dellinger@ogc.usda.gov

From: Moreland, Thomas - FS
Sent: Friday, July 6, 2018 10:11 AM
To: Dellinger, John - OGC
Subject: FW: Smokey Bear Contract language

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

tom

From: Beavans, Gwen -FS
Sent: Friday, July 06, 2018 9:53 AM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Subject: RE: Smokey Bear Contract language

Tom,

(b) (5), Deliberative Process Privilege

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Gwen

From: Moreland, Thomas - FS
Sent: Thursday, July 5, 2018 9:17 AM
To: Beavans, Gwen -FS <gbeavans@fs.fed.us>
Subject: FW: Smokey Bear Contract language
Gwen,

(b) (5), Deliberative Process Privilege

Thanks tom

From: Dellinger, John - OGC
Sent: Thursday, July 05, 2018 9:03 AM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Cc: Fado, John - OGC <JOHN.FADO@OGC.USDA.GOV>
Subject: RE: Smokey Bear Contract language

Hi Tom,

(b)(5) Deliberative Process, (b)(5) Attorney Client

Best

John



John D. Dellinger
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☎ 202-239-4531 (Voice)
☎ 844-354-1113 (Fax)
✉ John.Dellinger@ogc.usda.gov

From: Moreland, Thomas - FS
Sent: Monday, July 2, 2018 7:29 AM
To: Dellinger, John - OGC
Cc: Fado, John - OGC
Subject: Smokey Bear Contract language
John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]



Thomas Moreland
Technology Transfer Coordinator
Forest Service
WO, Research & Development
443-677-6858

twmoreland@fs.fed.us

1400 Independence Ave. SW
Washington, DC 20250

Mailing Address:

201-14th Street SW

Washington, DC 20024

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From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: RE: Smokey Bear Copyright
Date: Monday, July 20, 2020 1:12:23 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Sent: Monday, July 20, 2020 1:07 PM

To: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Subject: RE: Smokey Bear Copyright

(b)(5) Attorney Client, (b)(5) Deliberative Process



John D. Dellinger
 Patent Attorney
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 U.S. Department of Agriculture
 1400 Independence Avenue SW
 Room 3311-S, Stop 1415
 Washington, DC 20250-1415
 ☎ 202-239-4531 (Voice)
 844-354-1113 (Fax)
 ✉ John.Dellinger@usda.gov

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Sent: Monday, July 20, 2020 12:31 PM

To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Subject: FW: Smokey Bear Copyright

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

From: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>

Sent: Monday, July 20, 2020 8:51 AM

To: Gregory Furey <(b) (6)@aol.com>

Cc: David Milch <(b) (6) perpetuallicensing.com>; Moreland, Thomas - FS
 <thomas.moreland@usda.gov>

Subject: RE: Smokey Bear Copyright

Good morning Mr. Furey,

Many thanks for your email and letting us know about this infringement. I have forwarded this for review and action.

Maureen Brooks



Maureen Brooks
Wildfire Prevention Program Manager
Smokey Bear Licensing Program

Forest Service
Fire and Aviation, Landscapes and
Partnerships

p: 202-604-2237
maureen.t.brooks@usda.gov

201 14th Street, SW, Mail Stop 1107
 Washington, DC 20250

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From: Gregory Furey <(b) (6)@aol.com>

Sent: Saturday, July 18, 2020 10:47 PM

To: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>

Subject: Smokey Bear Copyright

Hello

I am a retired Battalion Chief from the California Department of Forestry and Fire. During my career, I used Smokey Bear multiple times for fire prevention programs in schools and fairs. I was always respectful and extremely careful with Smokey's image as I was informed early in my career that it was only used with permission and/or licensing through USDA. I was actually told it was potentially a felony to use Smokey Bear's image without official permission or licensing.

A fellow retiree recently emailed me a photo of a T-shirt that uses Smokey's image in a way that I strongly doubt is licensed. Here is the link:

<https://republicanlegion.com/product/smokey-trump-t-shirt-parody/>

I have attached a few photos and I will be contacting my federal elected officials as well to advise.

Please advise me of your response to this inappropriate use of Smokey's image.

Thank you,

Greg Furey

(831)915-4082

Sent from AOL Mobile Mail

Get the new AOL app: mail.mobile.aol.com

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: RE: Smokey Bear Infringer
Date: Tuesday, November 5, 2019 8:47:13 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

Thanks tom

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Tuesday, November 5, 2019 8:21 AM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: RE: Smokey Bear Infringer

Hi Tom,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

[REDACTED]

Best

John d



John D. Dellinger
 Patent Attorney
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 Office of the General Counsel
 U.S. Department of Agriculture
 1400 Independence Avenue SW
 Room 3311-S, Stop 1415
 Washington, DC 20250-1415
 ☎ 202-239-4531 (Voice)
 844-354-1113 (Fax)
 ✉ John.Dellinger@usda.gov

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Sent: Tuesday, November 5, 2019 8:13 AM

To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Subject: FW: Smokey Bear Infringer

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks tom

From: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>

Sent: Monday, November 4, 2019 1:48 PM

To: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Subject: FW: Smokey Bear Infringer

FYI



Maureen Brooks
Wildfire Prevention Specialist
Smokey Bear Licensing Program

Forest Service
Fire and Aviation, Landscapes and Partnerships

p: 202-604-2237
maureen.t.brooks@usda.gov

201 14th Street, SW, Mail Stop 1107
 Washington, DC 20250

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From: David Milch [[mailto:\(b\) \(6\)@perpetuallicensing.com](mailto:(b) (6)@perpetuallicensing.com)]

Sent: Monday, November 4, 2019 1:41 PM

To: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>

Subject: Smokey Bear Infringer

Hi Maureen

Attached please find an infringer for shut down

Thanks

D

David Milch

PERPETUAL LICENSING

Brand Representation | Manufacturer Representation | Brand Licensing Consulting

(b) (6) | (b) (6) perpetuallicensing.com

www.PerpetualLicensing.com

.....

From: [Fado, John - OGC, Washington, DC](#)
 To: [Dellinger, John - OGC, Washington, DC](#)
 Subject: RE: Smokey Bear Licensing Inquiry
 Date: Friday, June 5, 2020 10:44:17 AM

(b) (5), Deliberative Process - John F

-----Original Message-----
 From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
 Sent: Friday, June 5, 2020 10:22 AM
 To: Fado, John - OGC, Washington, DC <john.fado@usda.gov>
 Cc: Moreland, Thomas - FS <thomas.moreland@usda.gov>
 Subject: FW: Smokey Bear Licensing Inquiry

Hi John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

Best,
 John D

John D. Dellinger
 Patent Attorney
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 U.S. Department of Agriculture
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 Washington, DC 20250-1415
 202-239-4531 (Voice)
 844-354-1113 (Fax)
John.Dellinger@usda.gov

-----Original Message-----
 From: Moreland, Thomas - FS <thomas.moreland@usda.gov>
 Sent: Wednesday, June 3, 2020 8:16 AM
 To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
 Subject: FW: Smokey Bear Licensing Inquiry

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks tom

-----Original Message-----
 From: David Milch <info@perpetuallicensing.com>
 Sent: Tuesday, June 2, 2020 11:43 PM
 To: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov>
 Cc: Moreland, Thomas - FS <thomas.moreland@usda.gov>
 Subject: FW: Smokey Bear Licensing Inquiry

Hi Maureen,
 This is a report for a large infringement issue, but unrelated to licensing.

Best,
 D

David Milch
 PERPETUAL LICENSING
 Brand Representation | Manufacturer Representation | Brand Licensing Consulting
 (b) (5), (b) (6), perpetuallicensing.com
<https://gcc02.safelinks.protection.outlook.com?url=http%3A%2F%2Fwww.perpetuallicensing.com%2F&data=02%7C01%7C%7C61e64b15fe4a464ded1308d8095eeb73%7Ced5b36e701ee4ebc867ee03cfa0d4697%7C0%7C637269650564608058&data=qrRv+bG%2B1FKcagbFFUkh5FBD2XgSpr4HVvUdaOltzhj%3D&reserved=0>

On 6/2/20, 7:32 PM, "Jennifer Littlefield" <jlittlefield@yahoo.com> wrote:

Hi- in Huron, South Dakota the Greater Huron Development Corporation has started using the image of Smokey the Bear and part of his tagline to promote covid-19 safety in town.

The image has been used on social media and made into yard signs that are placed all over town. Facebook include pages- Greater Huron and Beadle County Covid 19.

I'm not sure if they can freely use that image or not so I am writing to let you know that it is being used and am attaching the image below.

Thanks
 Jennifer Littlefield

Sent from my iPhone

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Cc: [Fado, John - OGC, Washington, DC](#); [Shaw, Lesley - OGC, Washington, DC](#)
Subject: Re: Smokey Bear
Date: Tuesday, July 23, 2019 9:11:38 AM
Attachments: [image001.png](#)
[image002.png](#)

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks tom

Get [Outlook for iOS](#)

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Tuesday, July 23, 2019 8:05:29 AM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Cc: Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Shaw, Lesley - OGC, Washington, DC <lesley.shaw@usda.gov>
Subject: RE: Smokey Bear

Hi Tom,

(b)(5) Deliberative Process, (b)(5) Attorney Client

[Redacted]



John D. Dellinger
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 ☎ 202-239-4531 (Voice)
 844-354-1113 (Fax)
 ✉ John.Dellinger@usda.gov

From: Moreland, Thomas - FS
Sent: Monday, July 22, 2019 2:48 PM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Cc: Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Shaw, Lesley - OGC, Washington, DC <lesley.shaw@usda.gov>

Subject: RE: Smokey Bear

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

From: Dellinger, John - OGC, Washington, DC

Sent: Monday, July 22, 2019 2:40 PM



To: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Cc: Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Shaw, Lesley - OGC, Washington, DC <lesley.shaw@usda.gov>

Subject: RE: Smokey Bear

(b)(5) Deliberative Process, (b)(5) Attorney Client



John D. Dellinger
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 **202-239-4531 (Voice)**
844-354-1113 (Fax)
 John.Dellinger@usda.gov

From: Moreland, Thomas - FS

Sent: Monday, July 22, 2019 2:33 PM

To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Cc: Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Shaw, Lesley - OGC, Washington, DC <lesley.shaw@usda.gov>

Subject: RE: Smokey Bear

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

From: Dellinger, John - OGC, Washington, DC

Sent: Monday, July 22, 2019 2:17 PM

To: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Cc: Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Shaw, Lesley - OGC, Washington, DC <lesley.shaw@usda.gov>

Subject: RE: Smokey Bear

Hi Tom,

(b)(5) Deliberative Process, (b)(5) Attorney Client

(b)(5) Deliberative Process, (b)(5) Attorney Client

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



John D. Dellinger
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 Washington, DC 20250-1415
 ☎ 202-239-4531 (Voice)
 844-354-1113 (Fax)
 ✉ John.Dellinger@usda.gov

From: Moreland, Thomas - FS

Sent: Monday, July 22, 2019 1:55 PM

To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Subject: RE: Smokey Bear

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

[REDACTED]

Thanks

From: Dellinger, John - OGC, Washington, DC

Sent: Monday, July 22, 2019 1:49 PM

To: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Subject: RE: Smokey Bear

(b)(5) Deliberative Process, (b)(5) Attorney Client

[REDACTED]

[REDACTED]

[REDACTED]



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 ☎ 202-239-4531 (Voice)
 844-354-1113 (Fax)
 ✉ John.Dellinger@usda.gov

From: Moreland, Thomas - FS

Sent: Monday, July 22, 2019 1:45 PM

To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

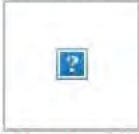
Subject: Smokey Bear

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

Thanks tom



Thomas Moreland
Technology Transfer Coordinator
Forest Service
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twmoreland@USDA.gov

1400 Independence Ave. SW

Washington, DC 20250

Mailing Address:

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Washington, DC 20024

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From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, W. shington, DC](#)
Subject: RE: Smokey Bear
Date: Tuesday, October 15, 2019 9:01:52 AM
Attachments: [image001.png](#)
[image002.png](#)

John

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

tom

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Tuesday, October 15, 2019 8:55 AM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: RE: Smokey Bear

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege



John D. Dellinger
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 ☎ 844-354-1113 (Fax)
 ✉ John.Dellinger@usda.gov

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Sent: Tuesday, October 15, 2019 8:53 AM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: Smokey Bear

John

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Thomas Moreland
 Technology Transfer Coordinator
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From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: RE: Smokey Bear's 75th - Macy's Thanksgiving Day Parade - November 2019
Date: Tuesday, October 29, 2019 11:00:39 AM
Attachments: [image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

John,

(b)(5) Deliberative Process, (b)(5) Attorney Client

Tom

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Tuesday, October 29, 2019 10:55 AM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Cc: Fado, John - OGC, Washington, DC <john.fado@usda.gov>
Subject: FW: Smokey Bear's 75th - Macy's Thanksgiving Day Parade - November 2019

Hi Tom,

(b)(5) Deliberative Process, (b)(5) ACP

John D.



John D. Dellinger
 Patent Attorney
 General Law and Research Division
 Office of the General Counsel
 U.S. Department of Agriculture
 1400 Independence Avenue SW
 Room 3311-S, Stop 1415
 Washington, DC 20250-1415
 ☎ **202-239-4531 (Voice)**
844-354-1113 (Fax)
 ✉ John.Dellinger@usda.gov

From: Brooks, Maureen T -FS <mtbrooks@fs.fed.us>
Sent: Tuesday, December 11, 2018 11:56 AM
To: Dellinger, John - OGC <John.Dellinger@ogc.usda.gov>; Hicks, Deana - FS <deanahicks@fs.fed.us>; Moreland, Thomas - FS <twmoreland@fs.fed.us>
Cc: Garrett, Mark - OGC <Mark.Garrett@ogc.usda.gov>
Subject: RE: Smokey Bear's 75th - Macy's Thanksgiving Day Parade - November 2019
 Thanks John for your email and to everyone thinking about this. I was just writing another one to you all so here is my understanding.

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Gwen and I have an appointment to talk with Deana this afternoon at 1:30 so I think we will be able to answer some of these questions.

Thanks so very much,
Maureen



Maureen Brooks
Wildfire Prevention Specialist
Smokey Bear Licensing Program
Forest Service
Fire and Aviation, Landscapes and Partnerships

p: 202-604-2237

maureen.t.brooks@usda.gov

201 14th Street, SW, Mail Stop 1107

Washington, DC 20250

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From: Dellinger, John - OGC

Sent: Tuesday, December 11, 2018 10:51 AM

To: Hicks, Deana - FS <deanahicks@fs.fed.us>; Moreland, Thomas - FS <twmoreland@fs.fed.us>

Cc: Garrett, Mark - OGC <Mark.Garrett@ogc.usda.gov>; Brooks, Maureen T -FS <mtbrooks@fs.fed.us>

Subject: RE: Smokey Bear's 75th - Macy's Thanksgiving Day Parade - November 2019

(b)(5) Deliberative Process, (b)(5) Attorney Client

[Redacted content]

John D

From: Hicks, Deana - FS

Sent: Tuesday, December 11, 2018 10:35 AM

To: Moreland, Thomas - FS <twmoreland@fs.fed.us>; Dellinger, John - OGC <John.Dellinger@ogc.usda.gov>

Cc: Garrett, Mark - OGC <Mark.Garrett@ogc.usda.gov>; Brooks, Maureen T -FS <mtbrooks@fs.fed.us>

Subject: RE: Smokey Bear's 75th - Macy's Thanksgiving Day Parade - November 2019

Good morning,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Deana



Deana Hicks
Branch Chief

Forest Service

Acquisition Management - WO Procurement Support Branch

p: 703-605-4728

c: (b) (6)

deana.hicks@usda.gov

201 14th Street, SW
Washington, DC 20024

www.fs.fed.us



Caring for the land and serving people

"If your actions inspire others to dream more, learn more, do more and become more, you are a leader" John Quincy Adams

From: Moreland, Thomas - FS

Sent: Tuesday, December 11, 2018 10:22 AM

To: Dellinger, John - OGC <John.Dellinger@ogc.usda.gov>; Hicks, Deana - FS <deanahicks@fs.fed.us>

Cc: Garrett, Mark - OGC <Mark.Garrett@ogc.usda.gov>; Brooks, Maureen T -FS <mtbrooks@fs.fed.us>

Subject: RE: Smokey Bear's 75th - Macy's Thanksgiving Day Parade - November 2019

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

From: Dellinger, John - OGC

Sent: Tuesday, December 11, 2018 10:10 AM

To: Moreland, Thomas - FS <twmoreland@fs.fed.us>; Hicks, Deana - FS <deanahicks@fs.fed.us>

Cc: Garrett, Mark - OGC <Mark.Garrett@ogc.usda.gov>

Subject: RE: Smokey Bear's 75th - Macy's Thanksgiving Day Parade - November 2019

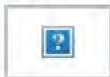
Hi Tom,

(b)(5) DPP ACP

[Redacted]

Best

John D



John D. Dellinger
 Patent Attorney
 General Law and Research Division
 Office of the General Counsel
 U.S. Department of Agriculture
 1400 Independence Avenue SW
 Washington, DC 20250-1400
 ☎ 202-239-4531 (Voice)
 844-354-1113 (Fax)
 ✉ John.Dellinger@ogc.usda.gov

From: Moreland, Thomas - FS

Sent: Tuesday, December 11, 2018 9:43 AM

To: Dellinger, John - OGC <John.Dellinger@ogc.usda.gov>; Hicks, Deana - FS <deanahicks@fs.fed.us>

Cc: Garrett, Mark - OGC <Mark.Garrett@ogc.usda.gov>

Subject: RE: Smokey Bear's 75th - Macy's Thanksgiving Day Parade - November 2019

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[Redacted]

Thanks tom

From: Dellinger, John - OGC

Sent: Monday, December 10, 2018 4:04 PM

To: Hicks, Deana - FS <deanahicks@fs.fed.us>

Cc: Moreland, Thomas - FS <twmoreland@fs.fed.us>; Garrett, Mark - OGC
 <Mark.Garrett@ogc.usda.gov>

Subject: FW: Smokey Bear's 75th - Macy's Thanksgiving Day Parade - November 2019

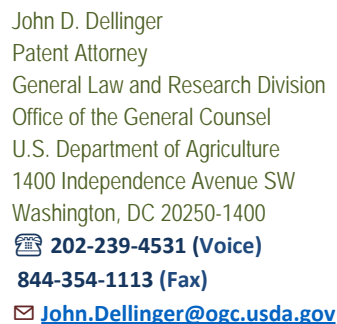
Hi Deana,

(b)(5) DPP ACP

[Redacted]

(b)(5) DPP ACP

John D



Sent: Monday, December 10, 2018 11:25 AM

Subject: FW: Smokey Bear's 75th - Macy's Thanksgiving Day Parade - November 2019
FYSA

Sent: Monday, December 10, 2018 11:15 AM

Subject: RE: Smokey Bear's 75th - Macy's Thanksgiving Day Parade - November 2019
[Hi Mark.](#)

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Deana Hicks
Branch Chief

000245



Forest Service
Acquisition Management - WO Procurement Support Branch

p: 703-605-4728

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Caring for the land and serving people

"If your actions inspire others to dream more, learn more, do more and become more, you are a leader" John Quincy Adams

From: Garrett, Mark - OGC

Sent: Monday, December 10, 2018 10:02 AM

To: Hicks, Deana - FS <deanahicks@fs.fed.us>

Subject: RE: Smokey Bear's 75th - Macy's Thanksgiving Day Parade - November 2019

(b) (5), Deliberative Process Privilege, Attorney Client Privilege



Mark

From: Garrett, Mark - OGC

Sent: Monday, December 10, 2018 9:42 AM

To: Hicks, Deana - FS <deanahicks@fs.fed.us>

Subject: RE: Smokey Bear's 75th - Macy's Thanksgiving Day Parade - November 2019

(b)(5) DPP ACP



Mark

From: Hicks, Deana - FS

Sent: Thursday, December 6, 2018 3:41 PM

To: Garrett, Mark - OGC <Mark.Garrett@ogc.usda.gov>

Cc: Southerland, Kimberley - FS <kimberleysoutherland@fs.fed.us>; Dugan, Elin - OGC <ELIN.DUGAN@OGC.USDA.GOV>

Subject: RE: Smokey Bear's 75th - Macy's Thanksgiving Day Parade - November 2019

Good afternoon, everyone:

(b) (5), Deliberative Process Privilege, Attorney Client Privilege



Thanks,

Deana



Deana Hicks
Branch Chief

Forest Service
Acquisition Management - WO Procurement Support Branch

p: 703-605-4728

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Caring for the land and serving people

"If your actions inspire others to dream more, learn more, do more and become more, you are a leader" John Quincy Adams

From: Hicks, Deana - FS

Sent: Wednesday, October 24, 2018 12:43 PM

To: 'Dugan, Elin - OGC' <ELIN.DUGAN@OGC.USDA.GOV>; Garrett, Mark - OGC
<Mark.Garrett@ogc.usda.gov>

Cc: Southerland, Kimberley - FS <kimberleysoutherland@fs.fed.us>

Subject: RE: Smokey Bear's 75th - Macy's Thanksgiving Day Parade - November 2019

Hi Elin,

Greatly appreciated! Hope all is well with you!!

**Thanks,
Deana**



**Deana Hudgens Hicks
Contracting Officer**

**Forest Service
WO-AQM Procurement Operations Support Branch**

p: 703-605-4728 (Washington)

c: (b) (6)
deanahicks@fs.fed.us

201 14th Street, NW
Washington, DC 20024
www.fs.fed.us



Caring for the land and serving people

"If your actions inspire others to dream more, learn more, do more and become more, you are a leader" John Quincy Adams

From: Dugan, Elin - OGC [<mailto:ELIN.DUGAN@OGC.USDA.GOV>]

Sent: Wednesday, October 24, 2018 2:42 PM

To: Hicks, Deana - FS <deanahicks@fs.fed.us>; Garrett, Mark - OGC <Mark.Garrett@ogc.usda.gov>

Cc: Southerland, Kimberley - FS <kimberleysoutherland@fs.fed.us>

Subject: RE: Smokey Bear's 75th - Macy's Thanksgiving Day Parade - November 2019

Hi, Deana,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[Redacted]

[Redacted]



Elin M. Dugan
Senior Counsel
General Law & Research Division
Office of the General Counsel
U.S. Department of Agriculture

630 Sansome Street, Suite 1040
San Francisco, CA 94111
415-744-3158
elin.dugan@ogc.usda.gov

From: Hicks, Deana - FS

Sent: Wednesday, October 24, 2018 11:38 AM

To: Dugan, Elin - OGC <ELIN.DUGAN@OGC.USDA.GOV>

Cc: Southerland, Kimberley - FS <kimberleysoutherland@fs.fed.us>

Subject: FW: Smokey Bear's 75th - Macy's Thanksgiving Day Parade - November 2019

Hi Elin,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[Redacted]

In advance, thank you for the direction.

**Thanks,
Deana**



Deana Hudgens Hicks
Contracting Officer

Forest Service
WO-AQM Procurement Operations Support Branch

p: 703-605-4728 (Washington)

c: (b) (6)
deanahicks@fs.fed.us

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Caring for the land and serving people

"If your actions inspire others to dream more, learn more, do more and become more, you are a leader" John Quincy Adams

From: Brooks, Maureen T -FS

Sent: Friday, October 19, 2018 10:45 AM

To: Hicks, Deana - FS <deanahicks@fs.fed.us>

Cc: Beavans, Gwen -FS <gbeavans@fs.fed.us>; Hecker, Linda -FS <lhecker@fs.fed.us>; Moreland, Thomas - FS <twmoreland@fs.fed.us>

Subject: Smokey Bear's 75th - Macy's Thanksgiving Day Parade - November 2019

Hi Deana,

Many thanks for your time on the phone yesterday and for (b) (5), Deliberative Process Privilege

[Redacted]

A few notes from our call:

- (b) (5), Deliberative Process Privilege [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Thanks again. I have a few conference calls the rest of the day but will be available online if we need to set up a call.

Maureen



Maureen Brooks
Natural Resource Specialist
Forest Service
Fire and Aviation Management

p: 202-604-2237
mtbrooks@fs.fed.us

201 14th Street, SW Mail Stop 1107
Washington, DC 20250
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Caring for the land and serving people

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: RE: Smokey Cease and Desist
Date: Wednesday, September 19, 2018 11:23:35 AM
Attachments: [image001.png](#)

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

From: Dellinger, John - OGC [<mailto:John.Dellinger@ogc.usda.gov>]
Sent: Wednesday, September 19, 2018 11:22 AM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Subject: RE: Smokey Cease and Desist

(b)(5) DPP ACP

From: Moreland, Thomas - FS
Sent: Wednesday, September 19, 2018 11:05 AM
To: Dellinger, John - OGC <John.Dellinger@ogc.usda.gov>
Subject: RE: Smokey Cease and Desist

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

From: Dellinger, John - OGC [<mailto:John.Dellinger@ogc.usda.gov>]
Sent: Wednesday, September 19, 2018 10:51 AM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Subject: RE: Smokey Cease and Desist

Hi Tom,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

Best

John

From: Moreland, Thomas - FS
Sent: Wednesday, September 19, 2018 10:46 AM
To: Dellinger, John - OGC <John.Dellinger@ogc.usda.gov>
Subject: RE: Smokey Cease and Desist

John,

Thanks. (b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks tom

From: Dellinger, John - OGC [<mailto:John.Dellinger@ogc.usda.gov>]
Sent: Wednesday, September 19, 2018 10:19 AM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Subject: Smokey Cease and Desist

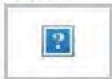
Hi Tom,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

Best

John D



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Washington, DC 20250-1400
☎ 202-239-4531 (Voice)
844-354-1113 (Fax)
✉ John.Dellinger@ogc.usda.gov

From: [Dellinger, John - OGC, Washington, DC](#)
To: [Moreland, Thomas - FS](#)
Cc: [Fado, John - OGC, Washington, DC](#)
Subject: RE: Smokey Enforcement
Date: Thursday, September 20, 2018 3:07:48 PM

Thanks Tom. (b)(5) DPP ACP

-----Original Message-----

From: Moreland, Thomas - FS
Sent: Thursday, September 20, 2018 2:15 PM
To: Dellinger, John - OGC <John.Dellinger@ogc.usda.gov>
Cc: Fado, John - OGC <JOHN.FADO@OGC.USDA.GOV>
Subject: Re: Smokey Enforcement

John,

Thanks. (b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

Sent from my iPhone

> On Sep 20, 2018, at 2:08 PM, Dellinger, John - OGC <John.Dellinger@ogc.usda.gov> wrote:

>

> Hi John, Tom,

>

> (b)(5) DPP ACP

[REDACTED]

>

> Best

> John D

>

>

>

> [USDA Email Sig Logo]

>

> John D. Dellinger

> Patent Attorney

> General Law and Research Division

> Office of the General Counsel

> U.S. Department of Agriculture

> 1400 Independence Avenue SW

> Washington, DC 20250-1400

> 202-239-4531 (Voice)

> 844-354-1113 (Fax)

> John.Dellinger@ogc.usda.gov<<mailto:John.Dellinger@ogc.usda.gov>>

>

>

>

>

> <Current Smokey 9.20.18.pdf>

> <Draft Smokey Cease and Desist 9.20.18.docx> <image001.png>

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Cc: [Zirngibl, Wendy -FS](#)
Subject: Re: Smokey Infringers
Date: Friday, December 20, 2019 11:57:56 AM
Attachments: [image002.png](#)
[image003.png](#)

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

enjoy the holiday and we can talk more next year

Tom

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From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Friday, December 20, 2019 11:02:12 AM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Cc: Zirngibl, Wendy M -FS <wendy.zirngibl@usda.gov>
Subject: RE: Smokey Infringers

(b)(5) DPP ACP

[REDACTED]



John D. Dellinger
Patent Attorney
General Law and Research Division
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1400 Independence Avenue SW
Room 3311-S, Stop 1415
Washington, DC 20250-1415
 202-239-4531 (Voice)
844-354-1113 (Fax)
 John.Dellinger@usda.gov

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Sent: Thursday, December 19, 2019 5:45 PM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Cc: Zirngibl, Wendy M -FS <wendy.zirngibl@usda.gov>
Subject: Smokey Infringers

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[REDACTED]

Have a great holiday season and we can talk the first of the year.

Tom



Thomas Moreland
Technology Transfer Coordinator
Forest Service
WO, Research & Development
443-677-6858
twmoreland@USDA.gov
1400 Independence Ave. SW
Washington, DC 20250
Mailing Address:
201-14th Street SW
Washington, DC 20024
www.fs.fed.us

Please remember “Safety and Safety Equipment are Critical”

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From: [Dellinger, John - OGC, Washington, DC](#)
To: [Moreland, Thomas - FS](#)
Subject: RE: Smokey on Oregon License plates?
Date: Tuesday, April 14, 2020 4:25:00 PM
Attachments: [image001.png](#)

OK thanks. (b)(5) DPP ACP

Best

John D



John D. Dellinger
Patent Attorney
General Law and Research Division
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Room 3311-S, Stop 1415
Washington, DC 20250-1415
 202-239-4531 (Voice)
844-354-1113 (Fax)
 John.Dellinger@usda.gov

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Sent: Tuesday, April 14, 2020 4:00 PM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: RE: Smokey on Oregon License plates?

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[Redacted content]

Let me know if you need anything further.

Tom

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Tuesday, April 14, 2020 3:54 PM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: RE: Smokey on Oregon License plates?

(b)(5) DPP ACP

[Redacted content]



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844-354-1113 (Fax)
✉ John.Dellinger@usda.gov

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Sent: Tuesday, April 14, 2020 3:49 PM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: RE: Smokey on Oregon License plates?

John,

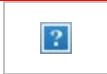
(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[Redacted]

Tom

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Tuesday, April 14, 2020 3:39 PM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: Smokey on Oregon License plates?

(b)(5) DPP ACP



John D. Dellinger
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844-354-1113 (Fax)
✉ John.Dellinger@usda.gov

From: [Dellinger, John - OGC, Washington, DC](#)
To: [Moreland, Thomas - FS](#)
Subject: RE: Smokey Question
Date: Wednesday, August 14, 2019 2:21:00 PM
Attachments: [image001.png](#)

(b)(5) Deliberative Process Privilege, Attorney Client



John D. Dellinger
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 202-239-4531 (Voice)
844-354-1113 (Fax)
 John.Dellinger@usda.gov

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Sent: Wednesday, August 14, 2019 2:19 PM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: RE: Smokey Question

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

tom

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Wednesday, August 14, 2019 9:07 AM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: Smokey Question

Hi Tom,

(b)(5) DPP ACP

[REDACTED]



John D. Dellinger
Patent Attorney
General Law and Research Division
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1400 Independence Avenue SW
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Washington, DC 20250-1415
 202-239-4531 (Voice)
844-354-1113 (Fax)
 John.Dellinger@usda.gov

From: [Dellinger, John - OGC, Washington, DC](#)
To: [Fado, John - OGC, Washington, DC](#)
Subject: RE: Smokey the Bear Stickers
Date: Tuesday, December 10, 2019 1:58:56 PM
Attachments: [RedBubble Smokey Inquiry 12.10.2019.docx](#)
[image005.png](#)
[image006.png](#)
[image007.jpg](#)
[image008.jpg](#)
[image009.jpg](#)

Hi John,

(b)(5) DPP ACP

Best
John D



John D. Dellinger
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 202-239-4531 (Voice)
844-354-1113 (Fax)
 John.Dellinger@usda.gov

From: Fado, John - OGC, Washington, DC <john.fado@usda.gov>
Sent: Wednesday, December 4, 2019 10:40 AM
To: Mulach, Ronald - OGC, Washington, DC <ronald.mulach@usda.gov>; Mizoguchi, Brian - OGC, Washington, DC <Brian.Mizoguchi@usda.gov>; Young, Benjamin - OGC, Washington, DC <Benjamin.Young@usda.gov>; Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: RE: Smokey the Bear Stickers

Ron: (b)(5) DPP ACP

John F

From: Mulach, Ronald - OGC, Washington, DC <ronald.mulach@usda.gov>
Sent: Wednesday, December 4, 2019 7:43 AM
To: Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Mizoguchi, Brian - OGC, Washington, DC <Brian.Mizoguchi@usda.gov>
Subject: FW: Smokey the Bear Stickers

FYI. (b)(5) DPP ACP

From: Coleman, Angela -FS <angela.coleman2@usda.gov>
Sent: Tuesday, December 3, 2019 3:13 PM
To: O'Connor, Kathryn -FS <kathryn.oconnor@usda.gov>; Mulach, Ronald - OGC, Washington, DC <ronald.mulach@usda.gov>
Subject: Fwd: Smokey the Bear Stickers

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From: Coleman, Angela -FS <angela.coleman2@usda.gov>
Sent: Tuesday, December 3, 2019 3:12:57 PM
To: Marklund, Chris - OSEC <Chris.Marklund@usda.gov>
Subject: Re: Smokey the Bear Stickers

(b) (5), Deliberative Process Privilege

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From: Marklund, Chris - OSEC <Chris.Marklund@usda.gov>
Sent: Tuesday, December 3, 2019 2:24:42 PM
To: Coleman, Angela -FS <angela.coleman2@usda.gov>
Subject: Fwd: Smokey the Bear Stickers

(b) (5), Deliberative Process Privilege

Thanks!

Chris

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From: Camp, Terry <Terry.Camp@mail.house.gov>
Sent: Tuesday, December 3, 2019 2:22:34 PM
To: Marklund, Chris - OSEC <Chris.Marklund@usda.gov>
Subject: Smokey the Bear Stickers

Chris,

This website sells a lot of “Resist” stickers including use of the Smokey the Bear logo. I’m not sure this is ok? Is it possible to have USFS lawyers look at this? Can they monetize a logo like this?

https://www.redbubble.com/people/mcloyd/works/25057888-only-you-can-resist?cat_context=all-stickers&grid_pos=6&p=sticker&rbs=3347ea06-d119-4c36-ba49-2540fba526ab&ref=shop_grid&searchTerm=resist%20nps

There are a lot with the NPS logo as well: <https://www.redbubble.com/shop/resist+nps+stickers>

There are some on Amazon as well:

<https://www.amazon.com/The-Resistance-Resist-Bumper-Sticker/dp/B06Y321KVV>

Terry Camp

Professional Staff

Committee on Natural Resources

Subcommittee on National Parks, Forests, & Public Lands

4170 O’Neill House Office Building

Washington, DC 20515



[\(202\) 226-7736](tel:(202)226-7736) *main*

[\(202\) 226-9722](tel:(202)226-9722) *direct*

(b)(5) DPP ACP

(b)(5) DPP ACP

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: Re: Smokey
Date: Thursday, September 26, 2019 2:16:01 PM
Attachments: [image001.png](#)

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks tom

Get [Outlook for iOS](#)

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Thursday, September 26, 2019 1:05:10 PM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: Smokey



Hey Tom,

(b)(5) DPP ACP

Best

John D



John D. Dellinger
Patent Attorney
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1400 Independence Avenue SW
Room 3311-S, Stop 1415
Washington, DC 20250-1415
 **202-239-4531 (Voice)**
844-354-1113 (Fax)
 John.Dellinger@usda.gov

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: RE: Smokey's image on shirts
Date: Tuesday, August 20, 2019 12:25:10 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Sounds good!
tom

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Tuesday, August 20, 2019 12:22 PM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: RE: Smokey's image on shirts

(b)(5) DPP ACP

Best
John D



John D. Dellinger
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✉ John.Dellinger@usda.gov

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Sent: Tuesday, August 20, 2019 9:50 AM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: FW: Smokey's image on shirts

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks tom

From: Brooks, Maureen T -FS <maureen.t.brooks@usda.gov> **On Behalf Of** FS-SB License
Sent: Tuesday, August 20, 2019 9:44 AM
To: Robin Kenney (b) (6) <(b) (6)@gmail.com>; FS-SB License <SM.FS.SBLicense@usda.gov>
Cc: David Milch <(b) (6)@perpetuallicensing.com>; Moreland, Thomas - FS <thomas.moreland@usda.gov>

Subject: RE: Smokey's image on shirts

Good morning Robin,

Thanks very much for your email with these infringements. These products are not licensed. I have forwarded them for action by our Office of General Counsel.

We appreciate you letting us know.
Maureen Brooks



Maureen Brooks
Wildfire Prevention Specialist
Smokey Bear Licensing Program
Forest Service
Fire and Aviation, Landscapes and Partnerships

p: 202-604-2237

maureen.t.brooks@usda.gov

201 14th Street, SW, Mail Stop 1107
Washington, DC 20250

www.fs.fed.us



Caring for the land and serving people

From: Robin Kenney [[mailto:\(b\) \(6\) @gmail.com](mailto:(b) (6) @gmail.com)]

Sent: Friday, August 16, 2019 12:30 AM

To: FS-SB License <SM.FS.SBLicense@usda.gov>

Subject: Smokey's image on shirts

I am writing as I saw an image of Smokey on a shirt with a statement saying "ONLY YOU CAN PREVENT SOCIALISM". It has Smokey's head and his ranger hat says MAGA. I found this to be disturbing that Smokey is being used for political purposes. I wanted to find out if these shirts are licensed. They are being sold all over the internet, I will include some links.

<https://www.aafnation.com/products/smokey-the-bear-socialism?variant=14137306349629>

<https://limotees.net/election-2020/donald-trump-2020/trump-only-you-can-prevent-socialism-smokey-bear-maga-shirt/>

<https://moteefe.com/store/maga-smokey-bear-only-you-can-prevent-socialism-shirt>

<https://teextee.com/products/smokey-the-bear-maga-only-you-can-prevent-socialism-shirts/>

<https://bucktee.com/product/maga-only-you-can-prevent-socialism-shirt>

This is just a few of the sites that are advertising Smokey Bear socialism shirts.

Thank you for your time,

Robin Kenney

From: [Verdugo, Laura -FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: RE: Smokey'Z Smoke Shop
Date: Friday, July 20, 2018 12:49:35 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Ok, thanks!



Laura C. Verdugo
Visitor Information Assistant
Forest Service
San Bernardino National Forest, San Jacinto Ranger District

p: 909-382-2921 x2939

f: 951-659-2107

lverdugo@fs.fed.us

54270 Pine Crest Ave., P.O. Box 518

Idyllwild, CA 92549

www.fs.fed.us



Caring for the land and serving people

From: Dellinger, John - OGC
Sent: Friday, July 20, 2018 9:49 AM
To: Verdugo, Laura -FS <lverdugo@fs.fed.us>
Subject: RE: Smokey'Z Smoke Shop

(b)(5) DPP ACP

[Redacted]

Best

John



John D. Dellinger
Patent Attorney
General Law and Research Division
Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250-1400

☎ 202-239-4531 (Voice)

844-354-1113 (Fax)

✉ John.Dellinger@ogc.usda.gov

From: Verdugo, Laura -FS
Sent: Friday, July 20, 2018 12:44 PM
To: Dellinger, John - OGC
Subject: RE: Smokey'Z Smoke Shop

Hi John, (b) (5), Deliberative Process Privilege, Attorney Client Privilege

[Redacted]

(b) (5), Deliberative Process Privilege, Attorney Client Privilege



Laura C. Verdugo
Visitor Information Assistant
Forest Service
San Bernardino National Forest, San Jacinto Ranger District

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lverdugo@fs.fed.us

54270 Pine Crest Ave., P.O. Box 518

Idyllwild, CA 92549

www.fs.fed.us



Caring for the land and serving people

From: Dellinger, John - OGC

Sent: Friday, July 20, 2018 8:41 AM

To: Verdugo, Laura -FS <lverdugo@fs.fed.us>

Subject: RE: Smokey'Z Smoke Shop

Hi Laura,

(b)(5) DPP ACP

But thanks!

Best

John

From: Verdugo, Laura -FS

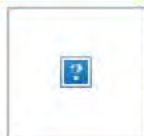
Sent: Friday, July 20, 2018 11:39 AM

To: Dellinger, John - OGC

Subject: RE: Smokey'Z Smoke Shop

Hello, I just got in to work today (b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks!



Laura C. Verdugo
Visitor Information Assistant
Forest Service
San Bernardino National Forest, San Jacinto Ranger District

p: 909-382-2921 x2939

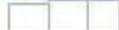
f: 951-659-2107

lverdugo@fs.fed.us

54270 Pine Crest Ave., P.O. Box 518

Idyllwild, CA 92549

www.fs.fed.us



Caring for the land and serving people

From: Dellinger, John - OGC

Sent: Wednesday, July 18, 2018 11:34 AM

To: Verdugo, Laura -FS <lverdugo@fs.fed.us>

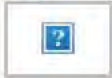
Subject: RE: Smokey'Z Smoke Shop

Hi again Laura,

(b)(5) DPP ACP

Best

John



John D. Dellinger
Patent Attorney
General Law and Research Division
Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250-1400
☎ 202-239-4531 (Voice)
844-354-1113 (Fax)
✉ John.Dellinger@ogc.usda.gov

From: Dellinger, John - OGC

Sent: Wednesday, July 18, 2018 2:14 PM

To: Verdugo, Laura -FS

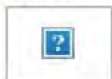
Subject: Smokey'Z Smoke Shop

Hi Laura,

(b)(5) DPP ACP

Best

John D



John D. Dellinger
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Washington, DC 20250-1400
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844-354-1113 (Fax)
✉ John.Dellinger@ogc.usda.gov

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: Re: Text on Cease and Desist
Date: Tuesday, May 29, 2018 12:49:53 PM

John,
Thanks. I will stop by Thursday

Tom

Sent from my iPhone

On May 29, 2018, at 12:28 PM, Dellinger, John - OGC <John.Dellinger@ogc.usda.gov> wrote:

Hi Tom,

(b)(5) DPP ACP (b) (6)

But Thursday should be ok.

John

From: Moreland, Thomas - FS
Sent: Tuesday, May 29, 2018 7:59 AM
To: Dellinger, John - OGC
Subject: FW: Text on Cease and Desist

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks tom

From: Beavans, Gwen -FS
Sent: Friday, May 25, 2018 2:21 PM
To: Moreland, Thomas - FS <twmoreland@fs.fed.us>
Subject: Text on Cease and Desist

Tom,

(b) (5), Deliberative Process Privilege

(b) (5), Deliberative Process Privilege

Thank you,
Gwen

From: [Maureen Thomas - FS](#)
To: [Dellinger John - OGC Washington DC](#); [Fado John - OGC Washington DC](#)
Subject: RE: Trademark infringement
Date: Tuesday, August 13, 2019 11:08:50 AM

John

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Tom

-----Original Message-----

From: Dellinger John - OGC Washington DC <john.dellinger@usda.gov>
Sent: Tuesday, August 13, 2019 10:58 AM
To: Moreland Thomas - FS <thomas.moreland@usda.gov>; Fado John - OGC Washington DC <ohn.fado@usda.gov>
Subject: RE: Trademark infringement

(b)(5) DPP ACP

John D. Dellinger
Patent Attorney
General Law and Research Division
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U.S. Department of Agriculture
100 Independence Avenue SW
Room 3111-S Stop 1-15
Washington, DC 20250-1115
202-239-5311 (Voice)
800-35-1113 (Fax)
John.Dellinger@usda.gov

-----Original Message-----

From: Moreland Thomas - FS
Sent: Tuesday, August 13, 2019 10:2 AM
To: Dellinger John - OGC Washington DC <john.dellinger@usda.gov>; Fado John - OGC Washington DC <john.fado@usda.gov>
Subject: FW: Trademark infringement

John & John

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Sorry

tom

-----Original Message-----

From: Brooks Maureen T - FS <maureen.t.brooks@usda.gov>
Sent: Tuesday, August 13, 2019 10:10 AM
To: Moreland Thomas - FS <thomas.moreland@usda.gov>; Anderson Babette R - FS <babette.anderson@usda.gov>
Subject: FW: Trademark infringement

Hi (b) (5), Deliberative Process Privilege

Maureen

Maureen Brooks
Wildfire Prevention Specialist
Smokey Bear Licensing Program
Forest Service
Fire and Aviation Landscapes and Partnerships
p. 202-461-2237
maureen_brooks@usda.gov
2011 14th Street SW Mail Stop 1107
Washington, DC 20250
https://go02.safelinks.protect.on.outlook.com/?url=https://www.fs.fed.us&data=02%7C01%7C%7C4235b3cf1edd_c1%7Ced5b36701ee_ebc867e03cfad0_697%7C0%7C0%7C63701305729_876127&data=PyKWGK%2BaQY%2F&Wd%2Z0gkRMPbH%2F67cc%3D&reser=ed=0

Caring for the land and serving people

-----Original Message-----

From: Sharon P. Oberrow <sharon.oberrow@yahoos.com>
Sent: Tuesday, August 13, 2019 6:50 AM
To: FS-SB License <SM.FS.SBLicense@usda.gov>
Subject: Trademark infringement

To whom it may concern

The attached link is to a video by a convicted felon/arsonist named Rodney Coronado (Wolf Patrol) who is using the image of Smokey Bear to raise funds towards supporting his cause. His fundraising activities directly support his campaign to harass lawful conservation activities in Wisconsin. The add is targeted towards children and uses the SB image in the beginning and end.

https://go02.safelinks.protect.on.outlook.com/?url=https://www.youtube.com/watch?v=3FDTCsGLRnI8%26feature=3Dshare&data=a=02%7C01%7C%7C4235b3cf1edd_c1%7Ced5b36701ee_ebc867e03cfad0_697%7C0%7C0%7C63701305729_876127&data=2HcNt5jeTRLMitJ_N_V19_OYvWWa0h_7c3affeNKy0%3D&reser=ed=0

Sent from my iPhone



Wisconsin's Wolf Pups & Bear Cubs Need Your Help!



Wolf Patrol



Subscribe

567

282 views



Add to



Share

... More



11



15

Published on Aug 9, 2019

Unregistered and unlimited bear baiting is allowed in Wisconsin's national forests, even though its causing deadly conflicts between wolves and bear hunting hounds and conditioning bears into being fed by humans. Bear hunters place baits to attract bears so their hounds can later chase them during Wisconsin's two-month summer bear hound training season which begins annually on July 1st.

000273

SHOW MORE

SEND AN EMAIL ASKING FOR AN END TO SUMMER BEAR BAITING & HOUND TRAINING IN OUR NATIONAL FORESTS!

SEND AN EMAIL ASKING FOR
AN END TO SUMMER BEAR
BAITING & HOUND TRAINING
IN OUR NATIONAL FORESTS!

2:05

2:09 / 2:25



Wisconsin's Wolf Pups & Bear Cubs Need Your Help!



Wolf Patrol

 **Subscribe** 567

282 views

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  15

Published on Aug 9, 2019

Unregistered and unlimited bear baiting is allowed in Wisconsin's national forests, even though its causing deadly conflicts between wolves and bear hunting hounds and conditioning bears into being fed by humans. Bear hunters place baits to attract bears so their hounds can later chase them during Wisconsin's two-month summer bear hound training season which begins annually on July 1st.

From: Young, Benjamin - OGC, Washington, DC
To: Moreland, Thomas - FS, Fado, John - OGC, Washington, DC; Dellinger, John - OGC, Washington, DC
Cc: Mizoguchi, Brian - OGC, Washington, DC
Subject: RE: Unauthorized use of Smokey Bear by Gra or Hu on Development Corporation
Date: Tuesday, June 9, 2020 11:34:16 AM

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Get Outlook for iOS

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Sent: Tuesday, June 9, 2020 10:51:48 AM

To: Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Cc: Young, Benjamin - OGC, Washington, DC <benjamin.young@usda.gov>; Mizoguchi, Brian - OGC, Washington, DC <brian.mizoguchi@usda.gov>

Subject: RE: Unauthorized use of Smokey Bear by Greater Huron Development Corporation

John,

(b) (5), Deliberative Process

tom

-----Original Message-----

From: Fado, John - OGC, Washington, DC <john.fado@usda.gov>

Sent: Friday, June 5, 2020 2:36 PM

To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>; Moreland, Thomas - FS <thomas.moreland@usda.gov>

Cc: Young, Benjamin - OGC, Washington, DC <benjamin.young@usda.gov>; Mizoguchi, Brian - OGC, Washington, DC <brian.mizoguchi@usda.gov>

Subject: RE: Unauthorized use of Smokey Bear by Greater Huron Development Corporation

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege

-----Original Message-----

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Sent: Friday, June 5, 2020 2:24 PM

To: Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Moreland, Thomas - FS <thomas.moreland@usda.gov>

Cc: Young, Benjamin - OGC, Washington, DC <benjamin.young@usda.gov>; Mizoguchi, Brian - OGC, Washington, DC <brian.mizoguchi@usda.gov>

Subject: RE: Unauthorized use of Smokey Bear by Greater Huron Development Corporation

Thanks John (b) (5), Deliberative Process Privilege, Attorney Client Privilege

Best,

John D

John D. Dellinger
Patent Attorney
General Law and Research Division
Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Avenue SW
Room 3311-S, Stop 1415
Washington, DC 20250-1415
202-239-4531 (Voice)
844-354-1113 (Fax)
John.Dellinger@usda.gov

-----Original Message-----

From: Fado, John - OGC, Washington, DC <john.fado@usda.gov>

Sent: Friday, June 5, 2020 1:52 PM

To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>; Moreland, Thomas - FS <thomas.moreland@usda.gov>

Cc: Young, Benjamin - OGC, Washington, DC <benjamin.young@usda.gov>; Mizoguchi, Brian - OGC, Washington, DC <brian.mizoguchi@usda.gov>

Subject: Unauthorized use of Smokey Bear by Greater Huron Development Corporation

(b)(5) DPP ACP

John F

-----Original Message-----

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Sent: Friday, June 5, 2020 10:22 AM

To: Fado, John - OGC, Washington, DC <john.fado@usda.gov>

Cc: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Subject: FW: Smokey Bear Licensing Inquiry

Hi John,

(b)(5) DPP ACP

Best,

John D

John D. Dellinger
Patent Attorney
General Law and Research Division
Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Avenue SW
Room 3311-S, Stop 1415
Washington, DC 20250-1415
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844-354-1113 (Fax)
John.Dellinger@usda.gov

-----Original Message-----

From: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Sent: Wednesday, June 3, 2020 8:16 AM

To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Subject: FW: Smokey Bear Licensing Inquiry

John

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks tom

-----Original Message-----

From: David Milch <info@perpetuallicensing.com>

Sent: Tuesday, June 2, 2020 11:43 PM

To: Brooks, Maureen T - FS <maureen.t.brooks@usda.gov>

Cc: Moreland, Thomas - FS <thomas.moreland@usda.gov>

Subject: FW: Smokey Bear Licensing Inquiry

Hi Maureen,

This is a report for a large infringement issue, but unrelated to licensing.

Best,

D

David Milch
PERPETUAL LICENSING
Brand Representation | Manufacturer Representation | Brand Licensing Consulting
(b) (5) (b) (5) perpetuallicensing.com
https://www.perpetuallicensing.com/

000275

url_http%3A%2F%2Fwww.perpetuallicensing.com%2F&data_02%7C01%7C%7C92584960Bc441a607308480c84a389%7Ced5b56701ee4ebc867ee03c6d44697%7C0%7C0%7C637273111099450256&data_T2sSZQD8mp1%2FbLcYMEYq9YfRfSkc755c3Dq2kP8e%3D&reserved_0

On 6/2/20, 7:32 PM, "Jennifer Littlefield" [REDACTED]@yahoo.com> wrote:

Hi- in Huron, South Dakota the Greater Huron Development Corporation has started using the image of Smokey the Bear and part of his tagline to promote covid-19 safety in town.

The image has been used on social media and made into yard signs that are placed all over town. Facebook include pages- Greater Huron and Beadle County Covid 19.

I'm not sure if they can freely use that image or not so I am writing to let you know that it is being used and am attaching the image below.

Thanks
Jennifer Littlefield

Sent from my iPhone

ONLY



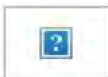
KEEP *Huron* OPEN

Social Distance & Wear a Mask

STOP THE COVID SPIKE

From: [Dellinger, John - OGC, Washington, DC](#)
To: [Young, Benjamin - OGC, Washington, DC](#); [Shaw, Lesley - OGC, Washington, DC](#); [Fado, John - OGC, Washington, DC](#); [Mizoguchi, Brian - OGC, Washington, DC](#)
Subject: RE: Unauthorized use of Smokey Bear
Date: Monday, July 15, 2019 9:55:59 AM
Attachments: [image001.png](#)

(b)(5) DPP ACP



John D. Dellinger
Patent Attorney
General Law and Research Division
Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Avenue SW
Room 3311-S, Stop 1415
Washington, DC 20250-1415
☎ 202-239-4531 (Voice)
844-354-1113 (Fax)
✉ John.Dellinger@usda.gov



From: Young, Benjamin - OGC, Washington, DC
Sent: Friday, July 12, 2019 12:31 PM
To: Shaw, Lesley - OGC, Washington, DC <lesley.shaw@usda.gov>; Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Mizoguchi, Brian - OGC, Washington, DC <Brian.Mizoguchi@usda.gov>;

Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Subject: RE: Unauthorized use of Smokey Bear

(b)(5) DPP ACP



L. Benjamin "Benny" Young, Jr.
Associate General Counsel for General Law and
Research
Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Ave S.W. Room 2033-S
Washington, DC 20250-1415
 **202-720-5565 (Voice)**
(b) (6) (Mobile)
 Benjamin.Young@usda.gov

From: Shaw, Lesley - OGC, Washington, DC

Sent: Friday, July 12, 2019 12:25 PM

To: Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Mizoguchi, Brian - OGC, Washington, DC <Brian.Mizoguchi@usda.gov>; Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Cc: Young, Benjamin - OGC, Washington, DC <Benjamin.Young@usda.gov>

Subject: RE: Unauthorized use of Smokey Bear

(b)(5) DPP ACP




Lesley Shaw
Patent Attorney
General Law and Research Division
Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Ave., SW, Room 3311
Washington, DC 20250
 **202-720-6035 (Voice)**
844-354-1113 (Fax)
 lesley.shaw@usda.gov

Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Ave S.W. Room 3311-S
Washington, DC 20250-1400

 **202-720-5565 (OGC Voice)**

202-720-7219 (OGC Direct)

(b) (6) (OGC Mobile)

 Brian.Mizoguchi@usda.gov

From: [Dellinger, John - OGC, Washington, DC](#)
To: [Moreland, Thomas - FS](#)
Subject: RE: Unlicensed use of Smokey Bear
Date: Tuesday, July 30, 2019 7:15:00 AM
Attachments: [image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)

(b) (5), Deliberative Process Privilege, Attorney



John D. Dellinger
Patent Attorney
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1400 Independence Avenue SW
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Washington, DC 20250-1415
[202-239-4531 \(Voice\)](tel:202-239-4531)
[844-354-1113 \(Fax\)](tel:844-354-1113)
John.Dellinger@usda.gov


From: Moreland, Thomas - FS
Sent: Thursday, July 25, 2019 5:58 PM
To: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Subject: FW: Unlicensed use of Smokey Bear

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

tom

From: Brooks, Maureen T -FS **On Behalf Of** FS-SB License
Sent: Thursday, July 25, 2019 2:07 PM
To: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: FW: Unlicensed use of Smokey Bear
[See below.](#) Thanks very much,
Maureen



Maureen Brooks
Wildfire Prevention Specialist
Smokey Bear Licensing Program
Forest Service
Fire and Aviation, Landscapes and Partnerships
p: 202-604-2237
maureen.t.brooks@usda.gov
201 14th Street, SW, Mail Stop 1107
Washington, DC 20250
www.fs.fed.us


Caring for the land and serving people

From: ACME JUNK Co. [<mailto:sales@acmejunkco.com>]
Sent: Wednesday, July 24, 2019 4:29 AM
To: FS-SB License <SM.FS.SBLicense@usda.gov>
Subject: Unlicensed use of Smokey Bear
image1.png



image2.png



Just thought you should know about this company ripping off Smokey's trademark. Angry Minnow Vintage in Minnesota.

https://angry-minnow-vintage.myshopify.com/products/been-smokey?utm_campaign=Kit_2019-Jul-03_20%3A42%3A01&utm_source=facebook&utm_medium=carousel_post&utm_content=best_selling_1836415811633

From: [Mulach, Ronald - OGC, Washington, DC](#)
To: [Dellinger, John - OGC, Washington, DC](#); [Fado, John - OGC, Washington, DC](#); [Mizoguchi, Brian - OGC, Washington, DC](#)
Cc: [Moreland, Thomas - FS](#)
Subject: RE: use of Smoky Bear symbol
Date: Tuesday, April 14, 2020 4:40:55 PM
Attachments: [image001.png](#)

(b)(5) DPP ACP - thanks

From: Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>
Sent: Tuesday, April 14, 2020 4:22 PM
To: Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Mizoguchi, Brian - OGC, Washington, DC <Brian.Mizoguchi@usda.gov>; Mulach, Ronald - OGC, Washington, DC <ronald.mulach@usda.gov>
Cc: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: RE: use of Smoky Bear symbol

(b)(5) DPP ACP
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

[Redacted]

Best,
John D



John D. Dellinger
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Room 3311-S, Stop 1415
Washington, DC 20250-1415
 202-239-4531 (Voice)
844-354-1113 (Fax)
 John.Dellinger@usda.gov

From: Dellinger, John - OGC, Washington, DC
Sent: Tuesday, April 14, 2020 3:38 PM
To: Fado, John - OGC, Washington, DC <john.fado@usda.gov>; Mizoguchi, Brian - OGC, Washington, DC <Brian.Mizoguchi@usda.gov>; Mulach, Ronald - OGC, Washington, DC <ronald.mulach@usda.gov>
Cc: Moreland, Thomas - FS <thomas.moreland@usda.gov>
Subject: RE: use of Smoky Bear symbol

(b)(5) DPP ACP
[Redacted]
[Redacted]

(b)(5) DPP ACP

John D



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Washington, DC 20250-1415
☎ 202-239-4531 (Voice)
844-354-1113 (Fax)
✉ John.Dellinger@usda.gov

From: Fado, John - OGC, Washington, DC <john.fado@usda.gov>

Sent: Tuesday, April 14, 2020 3:28 PM

To: Mizoguchi, Brian - OGC, Washington, DC <Brian.Mizoguchi@usda.gov>; Mulach, Ronald - OGC, Washington, DC <ronald.mulach@usda.gov>; Dellinger, John - OGC, Washington, DC <john.dellinger@usda.gov>

Subject: RE: use of Smoky Bear symbol

All,

(b)(5) DPP ACP

John Fado

From: Mizoguchi, Brian - OGC, Washington, DC <Brian.Mizoguchi@usda.gov>

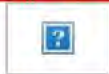
Sent: Tuesday, April 14, 2020 3:14 PM

To: Mulach, Ronald - OGC, Washington, DC <ronald.mulach@usda.gov>

Cc: Fado, John - OGC, Washington, DC <john.fado@usda.gov>

Subject: RE: use of Smoky Bear symbol

(b)(5) DPP ACP



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Assistant General Counsel
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Washington, DC 20250-1400
☎ 202-720-5565 (OGC Voice)
202-720-7219 (OGC Direct)
(b)(6) (OGC Mobile)
✉ Brian.Mizoguchi@usda.gov

From: Mulach, Ronald - OGC, Washington, DC <ronald.mulach@usda.gov>

Sent: Tuesday, April 14, 2020 2:40 PM

To: Mizoguchi, Brian - OGC, Washington, DC <Brian.Mizoguchi@usda.gov>

Subject: use of Smoky Bear symbol

(b)(5) DPP ACP

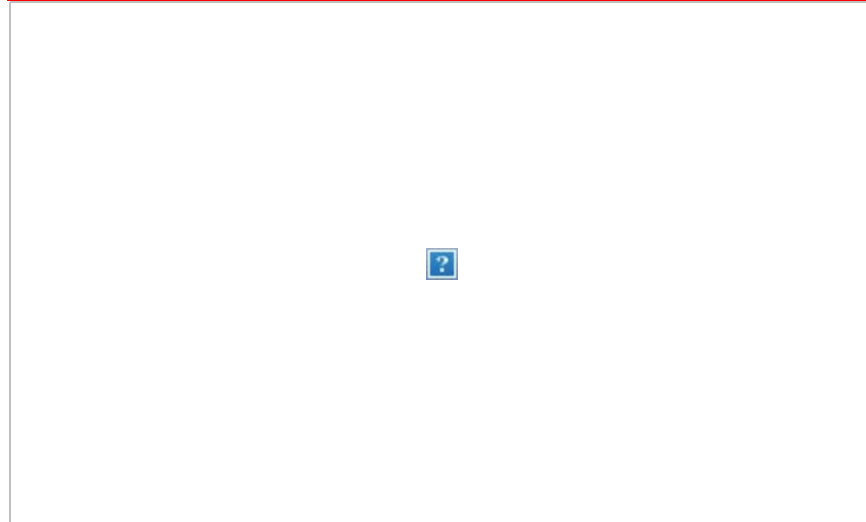
Ronald Mulach
Associate General Counsel
Natural Resources & Environment Division
Office of the General Counsel
U.S. Department of Agriculture
1400 Independence Ave. S.W. Room 3343
Washington, D.C. 20250
(202) 720-2063 (voice)
(b) (6) (mobile)

From: [De La Cruz, Armando -FS](#)
To: [Hornstein, Ellen - OGC, Washington, DC](#); [Cumberland, Dominic -FS, DISTRICT OF COLUMBIA, DC](#); [Payne, David - FS](#); [Forseth, James - FS](#); [Fado, John - OGC, Washington, DC](#); [Shaw, Lesley - OGC, Washington, DC](#)
Cc: [Anderson, Leah -FS](#); [Gillispie, Robert - FS](#); [Contardi, Kevin -FS](#)
Subject: RE: Wedding Sign With FS Insignia
Date: Tuesday, November 10, 2020 2:09:16 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.jpg](#)

Hello all,

I apologize for the delayed response (I was on A/L). (b) (5), Deliberative Process Privilege, Attorney Client Privilege

[Redacted]



(b) (5), Deliberative Process Privilege, Attorney Client Privilege



Mando De La Cruz, MSCE, EI
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Engineer

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f: 505-842-3150

armando.delacruz@usda.gov

333 Broadway Blvd. SE
Albuquerque, NM 87102

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Caring for the land and serving people

From: Hornstein, Ellen - OGC, Washington, DC <ellen.hornstein@usda.gov>

Sent: Wednesday, November 4, 2020 3:29 PM

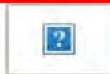
To: Cumberland, Dominic -FS <dominic.cumberland@usda.gov>; Payne, David - FS <david.b.payne@usda.gov>; Forseth, James - FS <James.Forseth@usda.gov>; Fado, John - OGC,

Washington, DC <john.fado@usda.gov>; Shaw, Lesley - OGC, Washington, DC
<lesley.shaw@usda.gov>

Cc: Anderson, Leah -FS <leah.anderson@usda.gov>; De La Cruz, Armando -FS
<armando.delacruz@usda.gov>; Gillispie, Robert - FS <robert.gillispie@usda.gov>; Contardi, Kevin J -
FS <kevin.contardi@usda.gov>

Subject: Wedding Sign With FS Insignia

(b) (5), Deliberative Process Privilege, Attorney Client Privilege, Attorney Work Product Privilege



Ellen Hornstein
Senior Counsel
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Environment Division
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Washington, DC 20250-1412
☎ 202-720-2619 (Voice)
✉ ellen.hornstein@usda.gov

From: Cumberland, Dominic -FS <dominic.cumberland@usda.gov>

Sent: Wednesday, November 4, 2020 3:38 PM

To: Payne, David - FS <david.b.payne@usda.gov>; Forseth, James - FS <James.Forseth@usda.gov>;
Hornstein, Ellen - OGC, Washington, DC <ellen.hornstein@usda.gov>

Cc: Anderson, Leah -FS <leah.anderson@usda.gov>; De La Cruz, Armando -FS
<armando.delacruz@usda.gov>; Gillispie, Robert - FS <robert.gillispie@usda.gov>; Contardi, Kevin J -
FS <kevin.contardi@usda.gov>

Subject: RE: Sign possibility

Hello David,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege



Dominic Cumberland
Visitor Services Information Assistant
Forest Service
National Headquarters, Office of Communication

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f: 202-205-0885
dominic.cumberland@usda.gov

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Washington, DC 20024
www.fs.fed.us



Caring for the land and serving people

From: Payne, David - FS <david.b.payne@usda.gov>

Sent: Wednesday, November 4, 2020 3:29 PM

To: Forseth, James - FS <James.Forseth@usda.gov>; Hornstein, Ellen - OGC, Washington, DC

<ellen.hornstein@usda.gov>; Cumberland, Dominic -FS <dominic.cumberland@usda.gov>

Cc: Anderson, Leah -FS <leah.anderson@usda.gov>; De La Cruz, Armando -FS

<armando.delacruz@usda.gov>; Gillispie, Robert - FS <robert.gillispie@usda.gov>; Contardi, Kevin J - FS <kevin.contardi@usda.gov>

Subject: RE: Sign possibility

Hey Jim,

(b) (5), Deliberative Process Privilege

Ellen, Dom,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

Thanks all,

Dave



David Payne, PE, PG
National Transportation Program Manager

Forest Service
Engineering, Technology, and Geospatial Services

p: 202-205-0963
david.b.payne@usda.gov

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Washington, DC 20224
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Caring for the land and serving people

From: Forseth, James - FS <James.Forseth@usda.gov>

Sent: Wednesday, November 4, 2020 3:19 PM

To: Payne, David - FS <david.b.payne@usda.gov>

Cc: Anderson, Leah -FS <leah.anderson@usda.gov>; De La Cruz, Armando -FS <armando.delacruz@usda.gov>

Subject: FW: Sign possibility

David,

See note below. (b) (5), Deliberative Process Privilege

[Redacted content]

Jim



James M. Forseth, PE
Regional Transportation Engineer/Program Manager

Forest Service
Eastern Regional Office

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f: 414-944-3975
james.forseth@usda.gov

626 E. Wisconsin Avenue
Milwaukee, WI 53202
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Caring for the land and serving people

From: Anderson, Leah -FS <leah.anderson@usda.gov>

Sent: Wednesday, November 4, 2020 12:52 PM

To: Forseth, James - FS <James.Forseth@usda.gov>

Subject: RE: Sign possibility

Thanks Jim. I received some additional information from the Forest: "They were indicating that they wanted to use it in a wedding photo shoot."



Leah Anderson
Public Affairs Specialist-Northern Tier Account Manager
Forest Service
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c: (b) (6)
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Milwaukee, WI 53202
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Caring for the land and serving people

From: Forseth, James - FS <James.Forseth@usda.gov>

Sent: Wednesday, November 4, 2020 12:07 PM

To: Anderson, Leah -FS <leah.anderson@usda.gov>

Subject: RE: Sign possibility

Leah,

(b) (5), Deliberative Process Privilege

[Redacted content]

Jim



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Caring for the land and serving people

From: Anderson, Leah -FS <leah.anderson@usda.gov>

Sent: Wednesday, November 4, 2020 11:43 AM

To: Forseth, James - FS <James.Forseth@usda.gov>

Subject: FW: Sign possibility

Hi Jim,

(b) (5), Deliberative Process Privilege

Thank you,

Leah



Leah Anderson
Public Affairs Specialist-Northern Tier Account Manager
Forest Service
Eastern Region

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c: (b) (6)

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Milwaukee, WI 53202

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Caring for the land and serving people

From: Ready, Ethan M -FS <ethan.ready@usda.gov>

Sent: Wednesday, November 4, 2020 7:31 AM

To: Conner, Gregory - FS <Gregory.Conner@usda.gov>; Marks, Donna -FS <donna.marks@usda.gov>; Anderson, Leah -FS <leah.anderson@usda.gov>

Subject: RE: Sign possibility

(b) (5), Deliberative Process Privilege

[Redacted content]



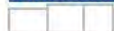
Ethan M. Ready
Public Affairs Officer
Forest Service
Green Mountain & Finger Lakes National Forests

Work: 802-747-6760

Work Cell: (b) (6)

ethan.ready@usda.gov

www.fs.fed.us



Caring for the land and serving people

From: Conner, Gregory - FS <Gregory.Conner@usda.gov>

Sent: Wednesday, November 4, 2020 8:25 AM

To: Ready, Ethan M -FS <ethan.ready@usda.gov>

Subject: Sign possibility

Hi Ethan,

I had a gentleman call inquiring about getting a sign that looks like a national forest sign that says "Welcome to the Stevenson Family". I figured this would be a good question to direct to Public

Affairs. They are life long Vermonters and a big fan of the Forest Service and what we do. His contact info is as follows:

Eric Lafave

(b) (6)

@gmail.com



Gregory D. Conner, BA
Administrative Support Assistant

Forest Service
Green Mountain & Finger Lakes National Forests

p: 802-747-6700

gregory.conner@usda.gov

231 Main Street
Rutland, VT 05701

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Caring for the land and serving people

From: [Moreland, Thomas - FS](#)
To: [Dellinger, John - OGC, Washington, DC](#)
Subject: Smokey Bear violation
Date: Friday, June 19, 2020 7:36:43 AM
Attachments: [image001.png](#)

John,

(b) (5), Deliberative Process Privilege, Attorney Client Privilege

[Redacted]

Tom

(b) (5), Deliberative Process Privilege, Attorney Client Privilege



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Please remember “Safety and Safety Equipment are Critical”

Caring for the land and serving people

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From: [Dellinger, John - OGC, Washington, DC](#)
To: [Fado, John - OGC, Washington, DC](#)
Cc: [Moreland, Thomas - FS](#)
Subject: Smokey Enforcement
Date: Thursday, September 20, 2018 2:08:07 PM
Attachments: [Current Smokey 9.20.18.pdf](#)
[Draft Smokey Cease and Desist 9.20.18.docx](#)
[image001.png](#)

Hi John, Tom,

(b)(5) DPP ACP

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Best
John D



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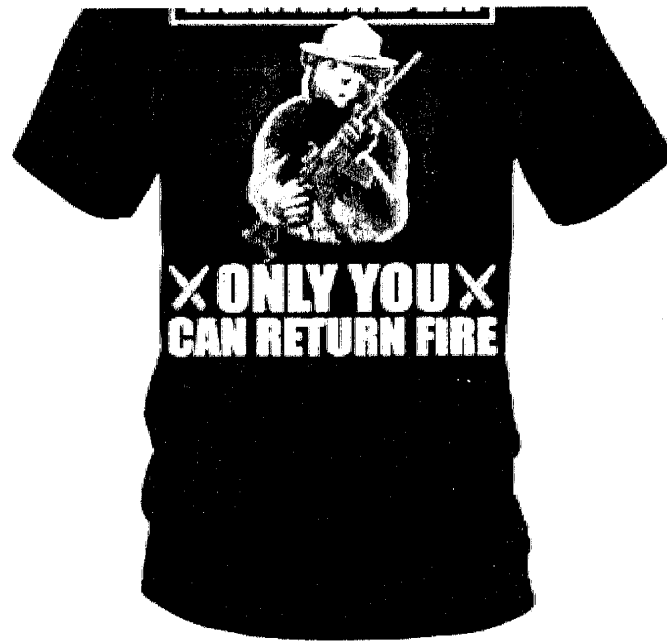
From: Beavans, Gwen -FS

Sent: Tuesday, May 22, 2018 9:57 AM





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Shirt

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9

2 shares



Whitney Forman-Cook

Hey  Your company is using

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This is a new dispensary that popped up on the Northeast corner of Lincoln Ave and Florida Ave (aka Hwy 74) in the unincorporated area of Riverside County, California, East of the city of Hemet.

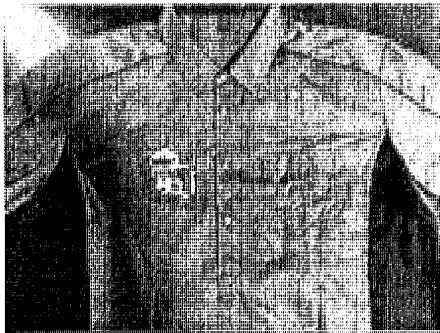
Thank you!

Teri Wilson
Mobile Notary Public and
Certified Doc Signing Agent
Hemet, Ca

(b) (6)



©RealMenSmokeCigars.com



From: Lowery, Mason - FS
Sent: Wednesday, July 11, 2018 3:39 PM

From: [Dellinger, John - OGC, Washington, DC](#)
To: [Shaw, Lesley - OGC, Washington, DC](#)
Subject: Smokey-- First Impression
Date: Friday, December 20, 2019 10:49:16 AM
Attachments: [image001.png](#)

(b)(5) DPP ACP



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