

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

WORLD WRESTLING ENTERTAINMENT,
INC. and WWE LIBRARIES, INC.

Plaintiffs,

v.

AWA WRESTLING ENTERTAINMENT,
INC., and DALE R. GAGNER, an individual,
a/k/a DALE R. GAGNE, a/k/a DALE GAGNE

Defendants.

Civil Action No. 07-2058
ADM/JSM

DECLARATION OF CHRISTOPHER M. VERDINI

I, Christopher M. Verdini, declare as follows:

1. I make this declaration of my own personal knowledge, and, if called upon as a witness to testify about the contents of this Declaration, I could and would do so competently.

2. I am an associate at Kirkpatrick & Lockhart Preston Gates Ellis LLP (“K&L Gates”), resident in its Pittsburgh office. K&L Gates has acted as counsel for Plaintiffs World Wrestling Entertainment, Inc. and WWE Libraries, Inc. (collectively, “WWE”) in this matter. I make this declaration in support of WWE’s Motion for Summary Judgment.

3. Attached hereto as Exhibit 1 is a true and correct copy of relevant excerpts and exhibits from the deposition of Defendant Dale R. Gagner (“Gagner”) taken in this

matter on March 19, 2008. The relevant exhibits from the Gagner Deposition attached hereto are Exhibits 8-13.

4. Attached hereto as Exhibit 2 is a true and correct copy of a printout from the United States Patent and Trademark Office's ("USPTO") Trademark Electronic Search System ("TESS") evidencing WWE's ownership of U.S. Registration No. 1,410,887 for the mark AMERICAN WRESTLING ASSOCIATION, the date of registration of the mark and the services for which the mark is registered.

5. Attached hereto as Exhibit 3 is a true and correct copy of a printout from the USPTO's TESS evidencing WWE's ownership of U.S. Registration No. 1,401,633 for the mark AWA, the date of registration of the mark and the services for which the mark is registered.

6. Attached hereto as Exhibit 4 is a true and correct copy of the Section 15 Declaration of Incontestability filed by Squared Circle Ventures, Inc. ("Squared Circle") on September 23, 1992 for U.S. Registration 1,410,887 for the mark AMERICAN WRESTLING ASSOCIATION.

7. Attached hereto as Exhibit 5 is a true and correct copy of the Section 15 Declaration of Incontestability filed by Squared Circle on July 15, 1992 for U.S. Registration 1,401,633 for the mark AWA.

8. Attached hereto as Exhibit 6 is a true and correct copy of the May 15, 1990 preliminary injunction order entered by United States District Court for the District of Minnesota against Defendant Gagner in the case of *Minneapolis Boxing and Wrestling Club, Inc. d/b/a/ American Wrestling Association v. DRE Promotions, Inc., Dale R.*

Gagner, Ray Whebbe, Jr., and Alan Eppenstein at Docket No. 4:90-cv-00297-HHM-FLM (the “1990 Injunction”).

9. Attached hereto as Exhibit 7 is a true and correct copy of the June 16, 1992 order entering final judgment against Gagner and making that the 1990 Injunction permanent in the case of *Minneapolis Boxing and Wrestling Club, Inc. d/b/a/ American Wrestling Association v. DRE Promotions, Inc., Dale R. Gagner, Ray Whebbe, Jr., and Alan Eppenstein* at Docket No. 4:90-cv-00297-HHM-FLM.

10. Attached hereto as Exhibit 8 are printouts showing the content of the awastars.com Internet website as it appeared on May 15, 2008.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15th day of May, 2008 in Pittsburgh, Pennsylvania.

s/ Christopher M. Verdini
Christopher M. Verdini