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CITY AND COUNTY OF SAN FRANCISCO
18

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA

21 CITY AND COUNTY OF SAN
FRANCISCO,

22 Plaintiff,

23 vs.

24 CITY OF OAKLAND,

25 Defendant.
26
27
28

Case No.

COMPLAINT FOR
(1) Trademark Infringement
(Lanham Act, 15 U.S.C. § 1114)
(2) Unfair Competition/False
Designation of Origin
(Lanham Act, 15 U.S.C. § 1125(a))
(3) Common Law Trademark
Infringement

DEMAND FOR JURY TRIAL

1 The Metropolitan Oakland International Airport (“Oakland Airport”) seeks to increase
2 passengers and profits by rushing to unlawfully incorporate San Francisco International Airport’s
3 (“SFO”) trademarked name into its own. Oakland Airport’s actions ignore SFO’s longstanding
4 protected mark, brand, and identity, violate federal and state intellectual property law, and disregard
5 the legal infringement and consumer confusion its actions create. Oakland Airport’s hasty and
6 unnecessary efforts and refusal to engage in discussions of alternative names have left the City and
7 County of San Francisco (the “City”) no choice but to bring this complaint against Defendant City of
8 Oakland, acting by and through its Board of Port Commissioners (“Defendant”), for (i) federal
9 trademark infringement and false designation of origin and unfair competition violating the Lanham
10 Act, 15 U.S.C. § 1051, *et seq.*, and (ii) common law trademark infringement.

11 The City alleges, with knowledge concerning its own acts and on information and belief as to
12 all other matters (unless otherwise specifically stated), as follows.

13 INTRODUCTION

14
15 1. Through the Port of Oakland, Defendant owns and operates an airport that for years
16 has used the name the “Metropolitan Oakland International Airport.” On March 29, 2024, Defendant
17 issued a press release abruptly announcing its proposal to change the name to “San Francisco Bay
18 Oakland International Airport” (the “Infringing Mark”) and published an agenda for the Oakland
19 Board of Port Commissioners to vote on the proposal at its regular meeting barely two weeks later on
20 April 11, 2024. Defendant notified the City of the intended name change by contacting the Airport
21 Director of SFO (“Airport Director”) only 30 minutes before Defendant issued the press release. The
22 Airport Director immediately expressed significant concern and offered to discuss the matter further,
23 but Defendant did not respond.

24 2. Defendant has publicly stated that it is merely making a geographic reference and that
25 its main purpose for the name change is to increase passenger traffic at its airport, create jobs, and
26 boost economic activity in Oakland. The City supports these goals and wants Defendant and its
27 airport to thrive for the benefit of the region. But the City opposes Defendant’s proposed name
28 change that infringes on the City’s long-standing and incontestable registered trademark name for

1 SFO. In particular, Defendant’s proposal to include “San Francisco” at the front of its new name,
2 closely followed by the words “International Airport” is problematic, as it will almost certainly cause
3 confusion among consumers and the public generally. The potential for confusion will be particularly
4 acute for international travelers who may not speak or read English and comprise an essential part of
5 SFO’s consumer base.

6 3. Travelers will very likely be confused and book tickets to the unintended airport,
7 thinking that the “San Francisco Bay Oakland International Airport” is SFO and arrive in the wrong
8 place, a mistake leading to missed flights and connections, among other problems. Other travelers
9 may think there is a business relationship between SFO and Defendant’s airport, when there is not.
10 Use of the Infringing Mark, and the potential for confusion and mistakes, has already started with at
11 least one airline.

12 4. Defendant is hurrying to approve and use the Infringing Mark without pausing to
13 consider reasonable alternative names that could achieve its stated goals while avoiding the confusion
14 it will surely cause. The City, seeking to avoid the costs of litigation for both sides, has and continues
15 to urge Defendant to seriously consider such alternatives. Indeed, the City has offered on multiple
16 occasions to engage in a constructive dialogue to seek such alternatives, ranging from
17 communications from the Airport Director, San Francisco City Attorney David Chiu, and
18 San Francisco Mayor London Breed, to other regional stakeholders, all to no avail.

19 5. Instead of engaging with the City or considering reasonable alternatives, Defendant
20 has publicly doubled down on its defense of the proposed name, moving forward with approving the
21 name change. At the Board of Port Commissioners meeting on April 11, 2024, the Commission
22 unanimously approved the ordinance to rename the airport on first read. Yet, Defendant’s misplaced
23 resolve does not save its unlawful use.

24 6. For these reasons and as explained further below, the City seeks injunctive relief to
25 prevent Defendant’s intended use of the Infringing Mark, which violates the City’s recognized rights
26 in its federally registered service mark SAN FRANCISCO INTERNATIONAL AIRPORT. And
27 because at least one airline has already started using the Infringing Mark, the City also requests an
28 order prohibiting any continued use of the Infringing Mark and requiring the payment of

1 compensatory damages to the City. In connection with the requested relief, the City further seeks to
2 recover attorneys' fees and costs.

3 **PARTIES**

4 7. The City is a municipal corporation duly organized and existing under the laws of the
5 State of California, with its principal place of business at City Hall, 1 Dr. Carlton Goodlett Place,
6 San Francisco, California 94102-4682. The City owns SFO. Under its Charter, the City, acting
7 through its Airport Commission, has at all relevant times had complete authority to use, operate,
8 maintain, manage, regulate, improve, and control SFO. The City conducts business in California and
9 within this District, providing airport services through SFO to national and international consumers.

10 8. Defendant City of Oakland is a municipal corporation duly organized and existing
11 under the laws of the State of California, with its principal place of business at 530 Water Street,
12 Oakland, California 94607. Under its Charter, Defendant, acting through its Board of Port
13 Commissioners, owns and operates Oakland Airport. Defendant conducts business in California and
14 within this District, providing airport services through Oakland Airport to national and international
15 consumers.

16 **JURISDICTION AND VENUE**

17 9. Under 15 U.S.C. § 1121(a) and 28 U.S.C. § 1338(a), this court has subject matter
18 jurisdiction over the City's claims for relief for violating the Lanham Act. Under 28
19 U.S.C. § 1338(b), this court has supplemental jurisdiction over the City's state law claims because
20 they are joined with substantial and related claims under the Lanham Act. This court also has
21 supplemental jurisdiction over the City's state law claims under 28 U.S.C. § 1367(a) because all of the
22 City's claims arise out of a common nucleus of operative facts.

23 10. This court has personal jurisdiction over Defendant because Defendant resides and
24 maintains its offices in this State.

25 11. Venue in this court exists under 28 U.S.C. § 1391(b)(1) and (2), as Defendant resides
26 within this District and a substantial part of the events giving rise to the City's claims occurred within
27 this District.

1 12. This is an intellectual property action to be assigned on a district-wide basis under Civil
2 Local Rule 3-2. This case may also be assigned to the San Francisco Division, as a substantial part of
3 the events giving rise to the alleged claims that occurred in the City and County of San Francisco.

4 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**
5 **SAN FRANCISCO INTERNATIONAL AIRPORT® Brand**

6 13. The City owns, and has obtained, United States federal registration No. 4,189,396 for,
7 the SAN FRANCISCO INTERNATIONAL AIRPORT Mark in class 39 for airport services (the “‘396
8 registration.”) A copy of the Certificate of Registration is attached as Exhibit A. The Certificate of
9 Registration for the SAN FRANCISCO INTERNATIONAL AIRPORT Mark expressly acknowledges
10 the distinctiveness of the SAN FRANCISCO INTERNATIONAL AIRPORT Mark as having acquired
11 distinctiveness under Section 2(f) of the Lanham Act.

12 14. SFO has operated since 1927 and has used the name “San Francisco Airport” or
13 “San Francisco International Airport” for most of its history, making it immediately recognizable to
14 both domestic and international customers. SFO has invested significant resources to become the
15 successful airport it is today. The creation of the International Terminal over 20 years ago, along with
16 major upgrades to almost all SFO terminals since then, helped attract the level of international and
17 domestic long-haul flights that make SFO one of the busiest airports in the United States, having
18 served over 50 million passengers in 2023.

19 15. Under 15 U.S.C. § 1065 the City’s ‘396 registration for the SAN FRANCISCO
20 INTERNATIONAL AIRPORT Mark is incontestable. That incontestability constitutes conclusive
21 evidence of the ‘396 registration’s validity, as well as the City’s entitlement to the exclusive use of the
22 SAN FRANCISCO INTERNATIONAL AIRPORT Mark in commerce throughout the United States
23 for the services listed in the ‘396 registration.

24 16. The City has been and is now engaged in the business of airport services under the
25 SAN FRANCISCO INTERNATIONAL AIRPORT Mark. In fact, the City has used the
26 SAN FRANCISCO INTERNATIONAL AIRPORT Mark in commerce since 1954. The City’s
27 SAN FRANCISCO INTERNATIONAL AIRPORT Mark is well-known and recognized as identifying
28 airport services that originate from SFO. The City continuously, extensively, and prominently

1 promotes itself and advertises its services using the SAN FRANCISCO INTERNATIONAL
2 AIRPORT Mark through its website, commercial advertisement, social media, public outreach events,
3 popular third-party websites selling passenger airline tickets, and through other means.

4 17. Through the City’s ongoing activities, the SAN FRANCISCO INTERNATIONAL
5 AIRPORT Mark has become extensively well-known by passengers and the air-travel industry, both
6 nationally and internationally, making it one of the country’s most successful airports and winning
7 multiple awards. The following are just a few examples of awards over the past few years. In 2022,
8 the Wall Street Journal named SFO the best large U.S. airport, and Airports Council International
9 awarded SFO the award for best customer experience as selected by passengers. In 2023, SFO was
10 named a 2023 Routes Americas award winner for its success developing new airlines and destinations,
11 and was also named the Best Airport for Food in America by the readers of Food & Wine magazine.
12 A complete list of SFO’s awards can be found at <https://www.flysfo.com/about-sfo/awards>.

13 **Defendant’s Unauthorized Attempts to Use the**
14 **SAN FRANCISCO INTERNATIONAL AIRPORT Mark**

15 18. As explained above, on March 29, 2024, the Port of Oakland issued a press release
16 announcing that it would be renaming Oakland Airport to “San Francisco Bay Oakland International
17 Airport.”

18 19. Just 30 minutes before issuing its press release announcing the change to the
19 Infringing Mark, Defendant reached out to the Airport Director. The Airport Director immediately
20 expressed significant concern, requested information on the basis for the proposed renaming, and
21 offered to discuss the matter further. But Defendant did not respond.

22 20. Since that announcement, the Airport Director, other City officials and regional
23 stakeholders have formally expressed opposition and serious concerns about the proposed name
24 change. City and regional stakeholders have repeatedly offered to engage in a constructive dialogue
25 to seek concrete alternatives to Defendant’s intended use of the Infringing Mark. Some of the
26 collective efforts are detailed below:

- 27 • On April 1, 2024 the Airport Director sent a letter to Defendant, opposing the
28 proposal and requesting that Defendant not proceed. (A copy of the letter is
attached as Exhibit B.)

- 1 • On April 2, 2024, the San Francisco Board of Supervisors adopted a resolution
2 opposing the proposal. (A copy of the letter is attached as Exhibit C.)
- 3 • On April 8, 2024, San Francisco Mayor London Breed sent a letter to Defendant
4 opposing the proposal. (A copy of the letter is attached as Exhibit D.)
- 5 • On April 8, 2024, the San Francisco City Attorney sent a letter calling for
6 Defendant to cancel its plan to approve the name change, inviting Defendant to
7 meet with SFO to consider alternatives, and threatening legal action if Defendant
8 moved forward with the proposal given the violations to the City’s intellectual
9 property rights that would occur if Defendant continued to proceed. (A copy of the
10 letter is attached as Exhibit E.)
- 11 • On April 8, 2024, the Airport Director reached out again to the Port of Oakland
12 Executive Director to discuss the proposed airport name change and engage in a
13 collaborative effort to find a reasonable alternative.
- 14 • On April 9, 2024, the San Mateo County Board of Supervisors adopted a
15 resolution opposing the proposal. (SFO is located in San Mateo County.)
- 16 • On April 10, 2024, the Executive Director of the Bay Area Council, a non-profit
17 organization of leading employers in the Bay Area dedicated to public policy and
18 advocacy efforts to improve the economic health of the region, emailed both the
19 Airport Director and the Executive Director of the Port to request that Defendant
20 continue the matter in the spirit of cooperation to identify alternatives that do not
21 amplify confusion for travelers.

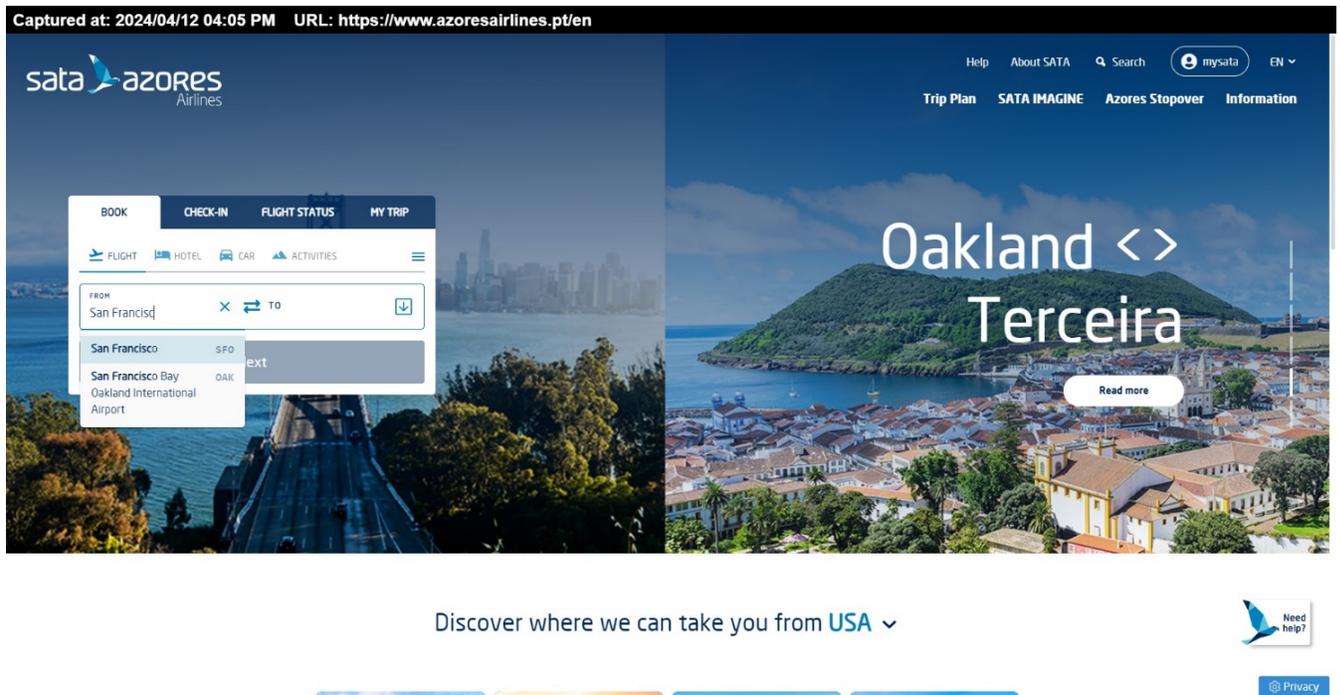
22 21. While Defendant has not responded to any of the City’s requests for discussion,
23 Defendant has publicly claimed, among other things, that the Infringing Mark merely denotes Oakland
24 Airport’s geographic location and is not an attempt to divert or confuse consumers. But Defendant’s
25 claim is not tenable because it has proposed to use the term “San Francisco” at the beginning of
26 Oakland Airport’s proposed new name, as part of a brand or trademark in the new airport name, and
27 not merely as a geographic indicator.

28 22. Despite these vigorous efforts by the City and others, Defendant continues to rush to
use the Infringing Mark, appearing to ignore the City’s and others’ concerns and refusing to engage
with the City to discuss potential collaborative measures and alternative names that would not infringe
on the City’s SAN FRANCISCO INTERNATIONAL AIRPORT Mark. Reasonable alternatives exist
that could still advance Defendant’s goals of increasing passenger traffic at its airport, creating jobs,
and boosting economic activity.

1 27. Also, the San Francisco Bay Area Rapid Transit (“BART”) public transportation
2 system, which connects the two airports, uses “San Francisco” as a direction in which trains travel.
3 Consumers are very likely to be confused about which train to take when the San Francisco
4 International Airport and the proposed “San Francisco Bay Oakland International Airport” are on
5 different ends of a rail line.

6 28. On information and belief, this consumer confusion may have already occurred and will
7 very likely continue to occur unless Defendant ends its proposal to use the Infringing Mark or this
8 court issues an order enjoining that use.

9 29. At least one airline has already adopted and used the Infringing Mark. Azores Airlines
10 is using the Infringing Mark in connection with flight reservations as shown below.



21
22
23
24 31. When a website user enters “San Francisco” into the “From” or “To” fields for flight
25 information, the Azores Airlines drop down menu displays “San Francisco” and right below it, the
26 Infringing Mark. In the eyes of the consuming public, this type of adjacent presentation of the two
27 airports will very likely cause confusion about the location of Defendant’s airport, resulting in many
28 travelers ending up at the unintended airport, and confused as to whether Defendant’s airport is

1 affiliated with, endorsed, or sponsored by SFO. This type of confusing commercial use is exactly
2 what the City is attempting to prevent by this action.

3 32. Defendant does not have authorization, license, or permission from the City to conduct
4 any business including marketing and selling its airport services under the Infringing Mark. Those
5 airport services are identical or highly related to the airport services associated with SFO.

6 33. Defendant's use of the Infringing Mark to attract unwitting travelers to Defendant's
7 airport will allow Defendant to unfairly reap the benefits of the City's reputation and goodwill
8 associated with the SAN FRANCISCO INTERNATIONAL AIRPORT Mark, while very likely
9 causing widespread consumer confusion, financial detriment to the City, and harm to consumers.

10 34. Defendant's intended use of the confusingly similar Infringing Mark in commerce
11 violates the City's valuable intellectual property rights in the SAN FRANCISCO INTERNATIONAL
12 AIRPORT Mark and the '396 registration. Defendant's knowing, intentional, and willful use of this
13 mark damages the City and the City's property.

14 35. Defendant intends to use the Infringing Mark to unfairly usurp and capitalize on the
15 value and goodwill of the SAN FRANCISCO INTERNATIONAL AIRPORT Mark and the '396
16 registration. Defendant has been and is aware of the City's strong trademark rights and reputation in
17 the marketplace, but nevertheless, intends to use the Infringing Mark to profit from the goodwill
18 associated with the SAN FRANCISCO INTERNATIONAL AIRPORT Mark and the '396
19 registration.

20 36. Defendant's conduct will intentionally and knowingly capitalize off of confusion
21 between the SAN FRANCISCO INTERNATIONAL AIRPORT Mark and the Infringing Mark by
22 providing substantially similar airport services to the same consumers, as described above.

23 37. To protect its intellectual property rights in the face of Defendant's rushed decision to
24 use the Infringing Mark, the City had to retain outside counsel and incur substantial fees and costs
25 (and it continues to incur those fees and costs) to prosecute this suit and pursue its claims.

26 38. The City's interest in protecting its intellectual property rights and its products and
27 services from consumer confusion outweighs any potential harm to Defendant. As mentioned above,
28 there are reasonable alternatives available to Defendant to promote its interests which avoid the

1 confusion that the current proposal is very likely to cause with its resultant harm to consumers, the
2 public, and the City. Accordingly, the public would be well served by this court granting the City's
3 requested preliminary and permanent injunctive relief to prevent Defendant from proceeding with its
4 proposed name change to the Infringing Mark.

5 **CLAIMS FOR RELIEF**

6 **FIRST CAUSE OF ACTION**

7 **Federal Trademark Infringement – 15 U.S.C. § 1114**

8 39. The City incorporates by reference the factual allegations set forth above.

9 40. The City owns the '396 registration. The SAN FRANCISCO INTERNATIONAL
10 AIRPORT Mark reflected in the '396 registration is strong and distinctive and designates the City as
11 the source of all services advertised, marketed, sold, or used in connection with the SAN
12 FRANCISCO INTERNATIONAL AIRPORT Mark.

13 41. The City is the senior user of the SAN FRANCISCO INTERNATIONAL AIRPORT
14 Mark, as it began use of that mark in interstate commerce before Defendant's intended adoption and
15 use of the confusingly similar Infringing Mark.

16 42. Defendant does not have authorization, license, or permission from the City to conduct
17 any business including marketing and selling its services under the Infringing Mark that are identical
18 or highly related to the airport services associated with SFO. Defendant's use of the Infringing Mark
19 is very likely to cause consumer confusion as to the location of Defendant's airport and/or any
20 sponsorship, endorsement or affiliation with SFO, which there is not.

21 43. Defendant is aware of the SAN FRANCISCO INTERNATIONAL AIRPORT Mark
22 and the '396 registration as Defendant is on constructive notice based on the City's federal
23 registration, and is on actual notice from the City's numerous recent direct communications with
24 Defendant about this matter before Defendant voted to approve on first read the ordinance allowing
25 Defendant's airport name change to include the term "San Francisco" to proceed. (See Exhibits B-E.)
26 Yet, Defendant has continued to seek to adopt and use its Infringing Mark. Thus, Defendant's
27 intended unauthorized use of the confusingly similar Infringing Mark is knowing, intentional, and
28 willful, constituting trademark infringement.

1 51. The City is the senior user of the SAN FRANCISCO INTERNATIONAL AIRPORT
2 Mark, as it began use of that mark in interstate commerce decades before any intended use by
3 Defendant of the confusingly similar Infringing Mark.

4 52. Defendant was aware of the SAN FRANCISCO INTERNATIONAL AIRPORT Mark
5 because Defendant was on constructive notice based on the City's '396 federal registration, and is on
6 actual notice resulting from the City's numerous direct communications with Defendant about this
7 matter (See Exhibits B-E). Yet, Defendant has continued to adopt and intends to use the Infringing
8 Mark. Thus, Defendant's unauthorized intended use of the confusingly similar Infringing Mark is
9 knowing, intentional, and willful.

10 53. Through its attempted/intended use of the confusingly similar Infringing Mark,
11 Defendant intends to, and will very likely, confuse, misrepresent, create the false impression, and
12 mislead consumers into believing that Defendant's airport is located in San Francisco or that the City
13 somehow authorized, originated, sponsored, approved, licensed, or participated in Defendant's
14 intended use of the Infringing Mark.

15 54. In fact, there is no business connection, association, or licensing relationship between
16 SFO and Defendant, nor has the City ever authorized, licensed, or given permission to Defendant to
17 use the Infringing Mark in any manner.

18 55. Defendant's intended use of the Infringing Mark will likely cause confusion as to the
19 origin and authenticity of Defendant's airport services, and related goods and services, and will very
20 likely cause others to believe that there is a relationship between Defendant and the City when there is,
21 in fact, not. Defendant's intended use of the Infringing Mark will very likely cause consumer
22 confusion when travelers arriving at the unintended airport will miss flights, be unable to make travel
23 connections, and incur delays and costs to get to their intended destination after arriving at a different
24 location than planned, frustrating those travelers to the detriment of both airports and the consuming
25 public.

26 56. As a direct and proximate result of Defendant's wrongful conduct, the City has been
27 and will be further harmed.

1 services and is very likely to cause others to believe that there is a relationship between Defendant and
2 SFO when there is not.

3 66. Defendant's wrongful acts will permit them to receive substantial profits based upon
4 the strength of the City's reputation and the substantial goodwill it has built up in the
5 SAN FRANCISCO INTERNATIONAL AIRPORT Mark.

6 67. As a direct and proximate result of Defendant's wrongful conduct, the City has been
7 and will continue to be damaged.

8 68. Unless this court issues a preliminary and permanent injunction preventing any
9 continuing or future use of the Infringing Mark by Defendant, such continuing or future use is very
10 likely to continue to cause confusion and thereby irreparably damage the City. The City has no
11 adequate remedy at law. Accordingly, the City is entitled to preliminary and permanent injunctive
12 relief.

13 PRAYER FOR RELIEF

14 1. An injunction ordering Defendant, and its officers, directors, members, agents,
15 employees, and attorneys, and all other persons acting in concert or participating with them, including,
16 but not limited to, airlines, rental car companies, and travel booking companies (collectively, the
17 "Enjoined Parties"), who receive actual notice of the injunction order by personal or other service, to:

- 18 a. cease all use and never use the Infringing Mark, the SAN FRANCISCO
19 INTERNATIONAL AIRPORT Mark, or any other mark likely to cause confusion with
20 the SAN FRANCISCO INTERNATIONAL AIRPORT Mark, including any
21 misspelling or variation of those marks, in, on, or with any products or services, or in
22 connection with the, advertising, marketing, or other promotion, distribution, offering
23 for sale, or sale, of any products or services;
- 24 b. never use any false designation of origin, false representation, or any false or
25 misleading description of fact, that can, or is likely to, lead the consuming public or
26 individual members thereof, to believe that any products or services produced, offered,
27 promoted, marketed, advertised, provided, sold or otherwise distributed by the Enjoined
28

1 Parties is in any manner associated or connected with the City, or are licensed,
2 approved, or authorized in any way by the City;

3 c. never represent, suggest in any fashion to any third party, or perform any act that may
4 give rise to the belief, that the Enjoined Parties, or any of its products or services, are
5 related to, or authorized or sponsored by, the City;

6 d. never register any domain name that contains the SAN FRANCISCO
7 INTERNATIONAL AIRPORT Mark or any misspelling or variation of that Mark, or
8 any domain name confusingly similar to the SAN FRANCISCO INTERNATIONAL
9 AIRPORT Mark;

10 e. transfer to the City all domain names in the Enjoined Parties' possession, custody, or
11 control that are confusingly similar to or contain any of the SAN FRANCISCO
12 INTERNATIONAL AIRPORT Mark, or were used in connection with the Infringing
13 Mark;

14 f. never unfairly compete with the City in any manner whatsoever, or engage in any
15 unfair, fraudulent, or deceptive business practices that relate in any way to the
16 production, distribution, marketing, and/or sale of products and services bearing the
17 SAN FRANCISCO INTERNATIONAL AIRPORT Mark or any other mark likely to
18 cause confusion with the SAN FRANCISCO INTERNATIONAL AIRPORT Mark,
19 including any misspelling or variation of that Mark; and

20 g. never apply for or seek to register the SAN FRANCISCO INTERNATIONAL
21 AIRPORT Mark, or any other mark likely to cause confusion with the SAN
22 FRANCISCO INTERNATIONAL AIRPORT Mark, including any misspelling or
23 variation of that Mark.

24 2. An order, under 15 U.S.C. § 1118, requiring the Enjoined Parties to deliver and destroy
25 within 30 days all prints, advertising, packaging, goods, and other materials bearing the Infringing
26 Mark.

27 3. An order under 15 U.S.C. § 1116(a), directing the Enjoined Parties to file with the court
28 and serve upon the City's counsel, within 30 days after service of the order of injunction, a report in

1 writing under oath setting forth in detail the manner and form in which the Enjoined Parties have
2 complied with the injunction.

3 4. To give practical effect to the Court’s injunction, an order that the Registry or Registrar
4 for any of the foregoing domain names shall, within 14 days of receipt of the Order, transfer or
5 otherwise assign those subject domain names to the City if the Enjoined Parties have not already done
6 so.

7 5. An order finding that, by the acts complained of above, Defendant has infringed the
8 City’s federally trademark ‘396 registration in violation of 15 U.S.C. § 1114.

9 6. An order finding that, by the acts complained of above, Defendant has created a false
10 designation of origin and false representation of association in violation of 15 U.S.C. § 1125(a).

11 7. An order finding that, by the acts complained of above, Defendant has engaged in
12 common law trademark infringement.

13 8. An order under 15 U.S.C. § 1117(a), awarding the City: (i) any and all profits of
14 Defendant derived from its infringing actions to be increased in accordance with the applicable
15 provisions of law; and (ii) all damages sustained by the City that were caused by Defendant’s unlawful
16 conduct.

17 9. An order under 15 U.S.C. § 1117(a), finding that this is an exceptional case and
18 awarding the City its reasonable attorneys’ fees and costs.

19 10. An order under 15 U.S.C. § 1117(a), awarding the City all of its costs, disbursements,
20 and other expenses incurred due to Defendant’s unlawful conduct.

21 11. An order awarding the City such other relief as the Court deems appropriate.

22
23 Dated: April 18, 2024

DERGOSITS & NOAH LLP

24
25 By: /s/Michael E. Dergosits
26 Michael E. Dergosits
27 Igor Shoiket
28 Attorneys for Plaintiff
CITY AND COUNTY OF
SAN FRANCISCO

1 **JURY DEMAND**

2 Under Rule 38(b) of the Federal Rules of Civil Procedure and Civil Local Rule 3-6, Plaintiff
3 hereby demands a trial by jury for all issues so triable.

4
5 Dated: April 18, 2024

DERGOSITS & NOAH LLP

6 By: /s/Michael E. Dergosits
7 Michael E. Dergosits
8 Igor Shoiket
9 Attorneys for Plaintiff
CITY AND COUNTY OF
SAN FRANCISCO

EXHIBIT A

United States of America

United States Patent and Trademark Office

SAN FRANCISCO INTERNATIONAL AIRPORT

Reg. No. 4,189,396

CITY AND COUNTY OF SAN FRANCISCO (CALIFORNIA MUNICIPAL CORPORATION)
PO BOX 8097

Registered Aug. 14, 2012

SAN FRANCISCO, CA 94128

Int. Cl.: 39

FOR: AIRPORT SERVICES, IN CLASS 39 (U.S. CLS. 100 AND 105).

SERVICE MARK

FIRST USE 8-27-1954; IN COMMERCE 8-27-1954.

PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "INTERNATIONAL AIRPORT", APART FROM THE MARK AS SHOWN.

SEC. 2(F).

SER. NO. 85-421,298, FILED 9-13-2011.

GEOFFREY FOSDICK, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

EXHIBIT B



San Francisco International Airport

April 1, 2024

Barbara Leslie
President, Oakland Board of Port Commissioners
30 Water Street
Oakland, CA 94607

TRANSMITTED VIA EMAIL
bleslie@portoakland.com

SUBJECT: Proposed Renaming of Metropolitan Oakland International Airport

Dear President Leslie:

San Francisco International Airport (SFO) formally objects to the proposed renaming of Metropolitan Oakland International Airport (OAK) to “San Francisco Bay Oakland International Airport” (File ID: 094-24), scheduled for consideration at the April 11, 2024 meeting of the Oakland Board of Port Commissioners.

As you know, SFO is among the largest airports in the United States, having served over 50 million passengers in 2023, and has operated under the name “San Francisco Airport” or “San Francisco International Airport” since 1927 — making it immediately recognizable to customers. We have built on this brand success for decades and are opposed to OAK using any form of the historic and geographically significant name “San Francisco” in its name.

SFO is owned and operated by the City and County of San Francisco, and San Francisco owns U.S. federal registrations for the marks SAN FRANCISCO INTERNATIONAL AIRPORT (Reg. No. 4,189,396) and the code SFO together with the Airport’s logo or design (Reg. No. 3,329, 780). Given this legal brand standing and the associated name recognition in air transportation, we anticipate the proposed change considered by the Port of Oakland Commission for OAK will cause confusion for the public, either through a misunderstanding of its physical location or relationship to SFO.

SFO formally requests that you not proceed with any name change for OAK that would use the name “San Francisco”.

Very truly yours,



Ivar C. Satero
Airport Director

cc: Mayor London N. Breed, City and County of San Francisco
Mayor Sheng Thao, City of Oakland
San Francisco Airport Commissioners
Oakland Board of Port Commissioners
Danny Wan, Executive Director, Port of Oakland
Craig Simon, Interim Aviation Director, Port of Oakland

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED
MAYOR

MALCOLM YEUNG
PRESIDENT

EVERETT A. HEWLETT, JR.
VICE PRESIDENT

JANE NATOLI

JOSE F. ALMANZA

MARK BUELL

IVAR C. SATERO
AIRPORT DIRECTOR

EXHIBIT C

1 [Opposing Proposed Renaming of the Metropolitan Oakland International Airport]

2

3 **Resolution opposing the proposed renaming of the Metropolitan Oakland International**
4 **Airport to “San Francisco Bay Oakland International Airport” and urging the Port of**
5 **Oakland Commission to reject any name change that would use the name “San**
6 **Francisco.”**

7

8 WHEREAS, The Port of Oakland Commission will be considering an ordinance to
9 approve the renaming of “Metropolitan Oakland International Airport” (OAK) to “San Francisco
10 Bay Oakland International Airport” on April 11, 2024, which they unexpectedly announced the
11 Friday before spring break when many students would be flying, and also without any
12 advance notice to San Francisco officials who will be on legislative recess next week; and

13 WHEREAS, The San Francisco International Airport (SFO) is owned by the City and
14 County of San Francisco, and is among the largest airports in the United States, having
15 served over 50 million passengers in 2023; and

16 WHEREAS, SFO has operated since 1927, and has used the name “San Francisco
17 Airport” or “San Francisco International Airport” for most of its history, making it immediately
18 recognizable to customers; and

19 WHEREAS, San Francisco owns U.S. federal registrations for the marks SAN
20 FRANCISCO INTERNATIONAL AIRPORT (Reg. No. 4,189,396) and the code SFO together
21 with the Airport’s logo or design (Reg. No. 3,329,780); and

22 WHEREAS, Given this long history of SFO ownership, and the strong associated name
23 and brand recognition in air transportation, the proposal to rename OAK to “San Francisco
24 Bay Oakland International Airport” will cause significant confusion for the travelling public and
25

1 others, as well as potential economic impacts for businesses that have products delivered by
2 plane, either through a misunderstanding of its physical location or relationship to SFO; and

3 WHEREAS, As a major international gateway, this concern is heightened when
4 considering the large number of international travelers who do not speak or read English,
5 potentially compounding the confusion; now, therefore, be it

6 RESOLVED, That the Board of Supervisors of the City and County of San Francisco is
7 opposed to the renaming of OAK to “San Francisco Bay Oakland International Airport;” and,
8 be it

9 FURTHER RESOLVED, That the Board of Supervisors urgently requests that the Port
10 of Oakland Commission reject any name change for OAK that would use the historically and
11 geographically significant name “San Francisco” in any way; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors is committed to collaborating
13 across the Bay to uplift the collective and mutual best interests of all its Bay Area neighboring
14 cities, including Oakland and San Jose; and, be it

15 FURTHER RESOLVED, That the Clerk of the Board of Supervisors is directed to
16 transmit copies of this resolution to the Port of Oakland’s Board of Commissioners, as an
17 expression of San Francisco’s strong opposition to the proposed renaming.

EXHIBIT D

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

April 8, 2024

Barbara Leslie
President, Oakland Board of Port Commissioners
30 Water Street
Oakland, CA 94607

RE: Proposed Renaming of Metropolitan Oakland International Airport – OPPOSE

Dear President Leslie,

On behalf of the City and County of San Francisco, I write to oppose the proposed renaming of Metropolitan Oakland International Airport (OAK) to “San Francisco Bay Oakland International Airport,” scheduled for consideration at the April 11, 2024 meeting of the Oakland Board of Port Commissioners.

The San Francisco International Airport (SFO) has operated since 1927 and its name is immediately recognizable to visitors from all over the world. Last year, 50 million passengers walked through its doors and experienced the results of the significant investments we have made to make SFO the airport it is today. The creation of the International Terminal over twenty years ago, along with major upgrades to almost all SFO terminals, attract the level of international and domestic flights that draw Airlines that want to operate and grow at SFO.

Given SFO’s stellar brand standing and associated name recognition in air transportation, this misguided proposal will cause confusion for the public, either through a misunderstanding of physical location or the airport’s relationship to SFO. As a major international gateway, this concern would be compounded when considering an audience of travelers for whom English is not their first language.

We encourage Oakland Airport to follow a similar model to SFO and grow its airport services rather than adding “San Francisco” to its name. Oakland is a great city with a rich history. Many of my friends live there, many of our city workers commute from there, and I always enjoy visiting our neighbor across the bay. It is rich in culture and wonderful people and has its own unique identity. It does not need the name San Francisco as part of its airport to stand out.

1 DR. CARLTON B. GOODLETT PLACE, ROOM 200
SAN FRANCISCO, CALIFORNIA 94102-4681
TELEPHONE: (415) 554-6141

I formally oppose Oakland International Airport changing its name in any way that would incorporate "San Francisco" into its airport name.

Sincerely,

A handwritten signature in blue ink that reads "London Breed". The signature is written in a cursive, flowing style.

London N. Breed
Mayor

1 DR. CARLTON B. GOODLETT PLACE, ROOM 200
SAN FRANCISCO, CALIFORNIA 94102-4681
TELEPHONE: (415) 554-6141

EXHIBIT E



DAVID CHIU
City Attorney

Direct Dial: (415) 554-4748
Email: luis.zamora@sfcityatty.org

April 8, 2024

Barbara Leslie, President, Oakland Board of Port Commissioners
Members of the Oakland Board of Port Commissioners
Danny Wan, Executive Director
Mary C. Richardson, Port Attorney
Port of Oakland
530 Water Street
Oakland, CA 94607

Craig Simon
Interim Director of Aviation
Metropolitan Oakland International Airport
One Airport Drive
Oakland, CA 94621

Re: Request to Reconsider the Proposed Renaming of Metropolitan Oakland
International Airport to Avoid Legal Action

Dear President Leslie, Members of the Board of Port Commissioners, Executive Director Wan,
Interim Aviation Director Simon, and Port Attorney Richardson:

My Office represents the City and County of San Francisco (the "City"), including the
Office of the Mayor, the Board of Supervisors, and the Airport Commission, which operates San
Francisco International Airport ("SFO").

I write to join the City's strong objections to the proposed renaming of Metropolitan
Oakland International Airport to "San Francisco Bay Oakland International Airport," scheduled
for consideration at the April 11, 2024 meeting of the Oakland Board of Port Commissioners.
(See Mayor London Breed's April 8, 2024 letter; Airport Director Ivar C. Satero's April 1, 2024
letter; and the San Francisco Board of Supervisors' resolution, adopted April 2, 2024. Copies of
these documents are attached.)

I further request that the Oakland Board of Port Commissioners promptly cancel its plans
to rename its airport as currently proposed and consider a different name that does not include
the words "San Francisco." Should you continue in these efforts, I intend to pursue legal action
to prevent your use of the proposed new name.

Letter to Barbara Leslie, President, Oakland Board of Port Commissioners
Members of the Oakland Board of Port Commissioners
Danny Wan, Executive Director
Mary C. Richardson, Port Attorney
Port of Oakland
530 Water Street
Oakland, CA 94607

Craig Simon
Interim Director of Aviation
Metropolitan Oakland International Airport
One Airport Drive
Oakland, CA 94621
Page 2
April 8, 2024

As you know, SFO is one of the busiest airports in the world, serving more than 50 million domestic and international passengers in 2023. SFO began operations almost a century ago in 1927, and has used the name “San Francisco Airport” or “San Francisco International Airport” throughout most of its history. The names “San Francisco Airport” and “San Francisco International Airport” are famous and highly recognizable among consumers in connection with the airport services that only SFO provides.

The City owns U.S. federal trademark registrations for the marks “San Francisco International Airport” (Reg. No. 4,189,396) and the International Air Transport Association assigned airport code SFO together with SFO's Design Registration (Reg. No. 3,329,780). The City has held these registrations for such a long time that they have become incontestable under federal law. That means they constitute conclusive evidence of the validity of the marks as well as the City's exclusive rights to use the marks. Indeed, there is and only ever has been one airport in the United States that uses “San Francisco” in its name.

Given SFO's long history with the name “San Francisco International Airport” (and previously “San Francisco Airport”), its high recognition in the marketplace, and its trademark status, the proposed new name will be very highly likely to cause confusion or mistake among consumers and the public generally. That very high risk of confusion or mistake is because consumers will either misunderstand Oakland International Airport's physical location (i.e., that it's in San Francisco rather than Oakland) or mistakenly believe that there is a formal relationship or connection between the two airports that does not exist.

More specifically, the proposed new name “San Francisco Bay Oakland International Airport” incorporates the entirety of the City's registered mark, with the first two words of the proposed name (i.e., “San Francisco”) being identical and most prominent. The location of “San Francisco” at the beginning of the name further enhances the very high likelihood of consumer and public confusion. Oakland International Airport's published statements suggest that it chose to include the term “San Francisco” in its new name to intentionally divert travelers who may be unfamiliar with the relevant geography and lead them to believe that the Oakland International Airport is located in San Francisco or has a business relationship with SFO, which it does not.

Letter to Barbara Leslie, President, Oakland Board of Port Commissioners
Members of the Oakland Board of Port Commissioners
Danny Wan, Executive Director
Mary C. Richardson, Port Attorney
Port of Oakland
530 Water Street
Oakland, CA 94607

Craig Simon
Interim Director of Aviation
Metropolitan Oakland International Airport
One Airport Drive
Oakland, CA 94621
Page 3
April 8, 2024

While the proposed new name is very likely to cause confusion and mistakes broadly, the problem will be particularly acute for an audience of international travelers who may not speak or read English. Those international travelers comprise an essential part of SFO's consumer base.

For all these reasons, based on the undisputed similarity and the resulting very high likelihood of confusion between the City's registered trademark "San Francisco International Airport" and the proposed "San Francisco Bay Oakland International Airport," if you proceed with the proposed renaming, the City has strong legal claims, including, among others, federal trademark infringement and federal trademark dilution claims, and related common law and state claims for trademark infringement, that we intend to bring in court against the Port of Oakland, as a department of the City of Oakland.

Accordingly, on behalf of the City, including SFO, I request that the Port of Oakland promptly cancel its announced plans to change the name of Metropolitan Oakland International Airport to "San Francisco Bay Oakland International Airport," and consider alternatives to achieve its stated goals of increasing consumer patronage and value that avoid infringing on the City's registered trademark. I invite the Port of Oakland staff to consult with SFO staff, who are prepared to work collaboratively on alternative names that would not create confusion for consumers and the public. If the Port of Oakland instead elects to proceed with the proposed name change, then unfortunately the City will have no choice other than to pursue necessary legal action.

Letter to Barbara Leslie, President, Oakland Board of Port Commissioners
Members of the Oakland Board of Port Commissioners
Danny Wan, Executive Director
Mary C. Richardson, Port Attorney
Port of Oakland
530 Water Street
Oakland, CA 94607

Craig Simon
Interim Director of Aviation
Metropolitan Oakland International Airport
One Airport Drive
Oakland, CA 94621
Page 4
April 8, 2024

Very truly yours,



DAVID CHIU
City Attorney

encl: April 1, 2024 Letter from SFO Airport Director Ivar C. Satero to President Leslie
April 2, 2024 San Francisco Board of Supervisors Resolution
April 8, 2024 Letter from Mayor Breed to President Leslie

cc: Mayor London Breed
SFO Airport Director Ivar C. Satero
San Francisco Airport Commission
San Francisco Board of Supervisors

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

April 8, 2024

Barbara Leslie
President, Oakland Board of Port Commissioners
30 Water Street
Oakland, CA 94607

RE: Proposed Renaming of Metropolitan Oakland International Airport – OPPOSE

Dear President Leslie,

On behalf of the City and County of San Francisco, I write to oppose the proposed renaming of Metropolitan Oakland International Airport (OAK) to “San Francisco Bay Oakland International Airport,” scheduled for consideration at the April 11, 2024 meeting of the Oakland Board of Port Commissioners.

The San Francisco International Airport (SFO) has operated since 1927 and its name is immediately recognizable to visitors from all over the world. Last year, 50 million passengers walked through its doors and experienced the results of the significant investments we have made to make SFO the airport it is today. The creation of the International Terminal over twenty years ago, along with major upgrades to almost all SFO terminals, attract the level of international and domestic flights that draw Airlines that want to operate and grow at SFO.

Given SFO’s stellar brand standing and associated name recognition in air transportation, this misguided proposal will cause confusion for the public, either through a misunderstanding of physical location or the airport’s relationship to SFO. As a major international gateway, this concern would be compounded when considering an audience of travelers for whom English is not their first language.

We encourage Oakland Airport to follow a similar model to SFO and grow its airport services rather than adding “San Francisco” to its name. Oakland is a great city with a rich history. Many of my friends live there, many of our city workers commute from there, and I always enjoy visiting our neighbor across the bay. It is rich in culture and wonderful people and has its own unique identity. It does not need the name San Francisco as part of its airport to stand out.

1 DR. CARLTON B. GOODLETT PLACE, ROOM 200
SAN FRANCISCO, CALIFORNIA 94102-4681
TELEPHONE: (415) 554-6141

I formally oppose Oakland International Airport changing its name in any way that would incorporate "San Francisco" into its airport name.

Sincerely,

A handwritten signature in blue ink that reads "London Breed". The signature is written in a cursive, flowing style.

London N. Breed
Mayor



San Francisco International Airport

April 1, 2024

Barbara Leslie
President, Oakland Board of Port Commissioners
30 Water Street
Oakland, CA 94607

TRANSMITTED VIA EMAIL
bleslie@portoakland.com

SUBJECT: Proposed Renaming of Metropolitan Oakland International Airport

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SFO is owned and operated by the City and County of San Francisco, and San Francisco owns U.S. federal registrations for the marks SAN FRANCISCO INTERNATIONAL AIRPORT (Reg. No. 4,189,396) and the code SFO together with the Airport’s logo or design (Reg. No. 3,329, 780). Given this legal brand standing and the associated name recognition in air transportation, we anticipate the proposed change considered by the Port of Oakland Commission for OAK will cause confusion for the public, either through a misunderstanding of its physical location or relationship to SFO.

SFO formally requests that you not proceed with any name change for OAK that would use the name “San Francisco”.

Very truly yours,



Ivar C. Satero
Airport Director

cc: Mayor London N. Breed, City and County of San Francisco
Mayor Sheng Thao, City of Oakland
San Francisco Airport Commissioners
Oakland Board of Port Commissioners
Danny Wan, Executive Director, Port of Oakland
Craig Simon, Interim Aviation Director, Port of Oakland

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED
MAYOR

MALCOLM YEUNG
PRESIDENT

EVERETT A. HEWLETT, JR.
VICE PRESIDENT

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JOSE F. ALMANZA

MARK BUELL

IVAR C. SATERO
AIRPORT DIRECTOR

1 [Opposing Proposed Renaming of the Metropolitan Oakland International Airport]

2

3 **Resolution opposing the proposed renaming of the Metropolitan Oakland International**
4 **Airport to “San Francisco Bay Oakland International Airport” and urging the Port of**
5 **Oakland Commission to reject any name change that would use the name “San**
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8 WHEREAS, The Port of Oakland Commission will be considering an ordinance to
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12 advance notice to San Francisco officials who will be on legislative recess next week; and

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16 WHEREAS, SFO has operated since 1927, and has used the name “San Francisco
17 Airport” or “San Francisco International Airport” for most of its history, making it immediately
18 recognizable to customers; and

19 WHEREAS, San Francisco owns U.S. federal registrations for the marks SAN
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21 with the Airport’s logo or design (Reg. No. 3,329,780); and

22 WHEREAS, Given this long history of SFO ownership, and the strong associated name
23 and brand recognition in air transportation, the proposal to rename OAK to “San Francisco
24 Bay Oakland International Airport” will cause significant confusion for the travelling public and
25

1 others, as well as potential economic impacts for businesses that have products delivered by
2 plane, either through a misunderstanding of its physical location or relationship to SFO; and

3 WHEREAS, As a major international gateway, this concern is heightened when
4 considering the large number of international travelers who do not speak or read English,
5 potentially compounding the confusion; now, therefore, be it

6 RESOLVED, That the Board of Supervisors of the City and County of San Francisco is
7 opposed to the renaming of OAK to “San Francisco Bay Oakland International Airport;” and,
8 be it

9 FURTHER RESOLVED, That the Board of Supervisors urgently requests that the Port
10 of Oakland Commission reject any name change for OAK that would use the historically and
11 geographically significant name “San Francisco” in any way; and, be it

12 FURTHER RESOLVED, That the Board of Supervisors is committed to collaborating
13 across the Bay to uplift the collective and mutual best interests of all its Bay Area neighboring
14 cities, including Oakland and San Jose; and, be it

15 FURTHER RESOLVED, That the Clerk of the Board of Supervisors is directed to
16 transmit copies of this resolution to the Port of Oakland’s Board of Commissioners, as an
17 expression of San Francisco’s strong opposition to the proposed renaming.