

A. Factual and Procedural Background

The material facts underlying the summary judgment motion are not in dispute. Plaintiffs were four professional baseball players, who played in the major leagues for different periods between 1932 and 1948. Plaintiffs were paid for their performances during each of these seasons. Defendant Major League Baseball is an unincorporated association whose members include the Major League Baseball Clubs (Clubs). The Clubs acted collectively to create the Office of the Commissioner which, in turn, produced and distributed media guides to the press at All-Star and World Series games.

Defendant Major League Baseball Properties, Inc. (MLBP), is a limited agent for each of the Clubs for certain purposes involving the use of the Clubs' trademarks. MLBP licenses the use of each Club's right to the game-related images of its current and former players. MLBP produces certain print and video publications including All-Star and World Series programs of its own. It also owns and controls the official Web site of Major League Baseball found at <. Among other things, this site provides historical information about major league baseball including rosters, box scores, game summaries, lists of award winners, and video clips of historic moments from past games.

[Read Gionfriddo v. Major League Baseball](#)