

**Exhibit 4**

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA**

<hr/>	
<b>DELTA SIGMA THETA SORORITY, INC.</b>	)
	)
	)
Plaintiff,	)
	)
v.	)
	)
<b>LETISHA D. BIVINS,</b>	)
<b>ALPHONSO D. GOINS, and</b>	)
<b>FRATHOUSE CLOTHING, LLC</b>	)
	)
	)
Defendants.	)
<hr/>	

**AFFIDAVIT OF NICOLE LENON JOHNSON**

I, Nicole Lenon Johnson, being duly sworn and deposed, state the following under oath:

1. I am over eighteen years old and competent to make this Affidavit.

2. I am the Intellectual Property Specialist at Delta Sigma Theta Sorority, Incorporated (“Delta”). In my capacity as Intellectual Property Specialist, a position I have held since 2002, I am responsible for monitoring and protecting Delta’s intellectual property, including monitoring the Internet and trade shows for misuse and otherwise pursuing violators. Further, working closely with legal counsel and Delta’s Executive Board, I supervise the development and management of Delta’s licensing policies, and review and respond to all vendor applications for a license to use Delta trademarks and service marks (collectively “Marks”). I work closely with and take directions from the National President and the Executive Board of Delta. I have been an active member of Delta for more than 20 years.

3. I am a duly authorized agent of Delta for the purposes of making this Affidavit and speaking to the issues raised in this Affidavit. I have personal knowledge of the statements made in this Affidavit and make this Affidavit in support of a Complaint; an Application for Preliminary Injunction; and a Memorandum of Points and Authorities in Support of Plaintiff's Application for a Preliminary Injunction that Delta's counsel has been authorized to file on behalf of Delta against FratHouse Clothing, LLC, Letisha Bivins, and Alphonso Goins (the "Complaint") to protect Delta's intellectual property rights.

4. Delta, a not-for-profit, public service membership organization, was founded in 1913 on the campus of Howard University by twenty-two collegiate women who wanted to use their collective strength to promote academic excellence, provide assistance to persons in need, stimulate participation in the establishment of positive public policy, and raise issues about and provide solutions to problems in their communities.

5. Incorporated in 1930 under the laws of the District of Columbia, Delta also has been recognized by the federal government and the District of Columbia as a not-for-profit, tax-exempt organization pursuant to Section 501(c)(7) of the Internal Revenue Code.

6. Since its founding in 1913, Delta has been known to its members, other members of the National Pan-Hellenic Council (an umbrella organization of the nine African American Greek letter organizations), and the public, including national, state, and local elected political officials, not only by its official name "Delta Sigma Theta Sorority, Incorporated," but also as "Delta," "Delta Sigma Theta," "Delta Sorority," and "DST." It also is known and recognized by its Greek letter symbols ΔΣΘ. Any iteration of Delta's name, its Greek letter symbols, or any of its other distinctive identifying Marks is famous and recognized as belonging only to Delta, including its color combination (red and white or crimson and cream)

with its founding year. Delta has registered with the United States Patent and Trademark Office the name Delta Sigma Theta Sorority, Incorporated (Reg. No. 2,197,647) and various other marks and symbols used by Delta, including, among others: Delta Sigma Theta (Reg. No. 3,407,876); Delta's Minerva Crest (Reg. No. 3,465,351 and Reg. No. 2199610); the Greek letter symbols  $\Delta\Sigma\Theta$  (Reg. No. 3,416,699 and Reg. No. 2,201,178); and the Delta Torch (Reg. No. 3,557,212).

7. Delta now has more than 900 collegiate and alumnae chapters located in the District of Columbia and forty-five states, as well as eight foreign countries. Since its founding, more than 200,000 women have joined the organization, tens of thousands of whom remain dues paying members, and tens of thousands of other members who maintain a less formal affiliation with Delta. More than ten thousand members typically attend Delta's biennial national conventions, and each of the seven regional conferences (held during years when there is no national convention) typically hosts thousands of members. At its recent centennial celebration in the District of Columbia, more than 12,000 members attended. All categories of members are substantial consumers of merchandise emblazoned with Delta's Marks.

8. Delta's growth has increased its zeal to carry out its Founders' mission and, in 1956, Delta established a formal mechanism – its Five Point Programmatic Thrust – which emphasizes: (1) economic development; (2) educational development; (3) international awareness and involvement; (4) physical and mental health; and (5) political awareness and involvement. Delta's profile, name, reputation, and goodwill are continually being enhanced through such much-acclaimed public service programs. Delta's Marks are widely used and

distinctively associated with implementing and administering programs and projects that meet the objectives of its Five Point Programmatic Thrust.

9. One program that has raised the national stature and reputation of Delta and has increased the renown of its Marks is its Delta Days in the Nation's Capital, now in its twenty-fourth year. Each year almost 1,000 Delta members from across the country come to Washington to spend three days interacting with members of Congress and other elected officials and high-level policy makers. At these conferences, materials imprinted with Delta's Marks are routinely disseminated. Similarly, Delta hosts an annual Delta Days at the United Nations ("UN"), having been awarded consultative status with the Economic and Social Council ("ECOSOC") of the UN.

10. Because of the number of members who remain actively involved in Delta and the number who attend its national conventions and regional conferences, and because of the collective strength of the members, numerous entities – from major corporations to large non-profits, to small businesses and individuals – seek partnerships or other business arrangements with Delta. In the recent past, Delta has entered into a strategic partnership with the American Heart Association to sponsor a major health initiative, with Genworth Financial to participate in a home ownership initiative, and with other multi-national companies to collaborate on mutually beneficial projects. Delta denies a number of such requests, and presently, there are many such requests pending. Delta also receives hundreds of requests from vendors seeking a license to sell products and merchandise imprinted with Delta's name and/or one of its many symbols or marks. Delta grants a license to those vendors who meet Delta's licensing requirements. At its Centennial Celebration recently held in January 2013, seventy-five (75) licensed vendors participated. Currently, Delta has more than 140 licensed vendors.

11. Because of Delta's concern about protecting its name, reputation, and goodwill, Delta vigorously protects its name, Marks and logos (collectively "Marks" or "intellectual property"). Any person or entity interested in obtaining a license to use Delta's name or Marks must complete an application. If approved after careful review, the vendor must execute a License Agreement and agree to Delta's Operating Guidelines and Code of Conduct for Vendors. Delta enters into business arrangements with only a select few, and pursues all violators of which it is aware, requiring the violator to cease and desist its unlawful actions, or obtain a license and to make a payment to Delta for past illegal use of its Marks.

12. Delta's value as an organization and to its members is linked to its protection of its valuable Marks and its protection of its goodwill. The hundreds of nationally acclaimed Delta members who remain active (or remained active until their death) is another reason Delta so values its Marks and wishes to control their use. Among Delta's nationally known members are: Patricia Roberts Harris, Delta's first Executive Director who served as Ambassador to Luxembourg and was appointed by President Jimmy Carter to two cabinet positions (Secretary of Housing and Urban Development and Secretary of Health and Human Services); Alexis M. Herman, a past Executive Board member, who served as Secretary of Labor under President Bill Clinton; and Dr. Dorothy I. Height, a past National President of Delta and civil rights icon, who, until a few months before her death in 2010, continued to be called upon by national political leaders to provide her insight and viewpoint on issues.

13. Other nationally known members include: Barbara Jordan, a former National Treasurer of Delta, who served in the United States House of Representatives with exceptional distinction; Dr. Regina M. Benjamin, Surgeon General of the United States; and Marcia L.

Fudge, a past President of Delta, who is currently serving in the United States House of Representatives.

14. In late September 2011, I became aware that FratHouse Clothing, LLC, Letisha Bivins, and Alphonso Goins (collectively "Defendants"), all located at 1260 Oxford Lane, Naples, Florida 34105, were offering for sale merchandise bearing Delta's Marks. Defendants do not have a vendor's license to use Delta's Marks, and have never applied to be an authorized vendor of Delta merchandise.

15. Defendants were offering and still offer for sale a variety of infringing merchandise bearing Delta's Marks, including: Tee Shirts bearing "ΔΣΘ" and "Delta Sigma Theta" and drawstring bags and tote bags bearing the "ΔΣΘ" Mark. Defendants also sell and offer for sale Tee Shirts, drawstring bags and tote bags bearing Delta's common law Marks that historically have been used by Delta and associated exclusively with it, including "1913" and the Greek letter Δ. Further, Defendants use Delta's signature colors of red and white, which causes further confusion. The items offered for sale by Defendants typically bear marks identical to Delta's Marks. The items themselves are in some cases identical to or indistinguishable from items sold by Delta's authorized vendors.

16. Defendants were offering and still offer infringing merchandise for sale over the Internet at [www.frathouseclothing.com](http://www.frathouseclothing.com) to residents of all fifty states and the District of Columbia. Defendants also offer infringing merchandise bearing Delta Marks through their Facebook, Twitter, and Flickr accounts. Images from Defendants' website and Facebook, Twitter, and Flickr pages offering for sale infringing merchandise bearing Delta's Marks are attached as **Exhibit 5** to the Complaint. Defendants' offer and sale of infringing merchandise

bearing Delta's Marks significantly harm the goodwill and business reputation of Delta, and lead to a loss of revenue and profits.

17. When I discovered Defendants' unlawful use of Delta's Marks, I immediately contacted Delta's legal counsel and directed counsel to send a cease and desist letter to FratHouse Clothing. That letter, dated September 29, 2011 ("First Demand Letter"), is attached to this Affidavit as **Attachment A**. Defendants failed to acknowledge or respond to Delta's First Demand Letter.

18. Because Defendants did not respond in any way to the First Demand Letter, I directed counsel to send a second cease and desist letter. That letter, dated October 19, 2011 ("Second Demand Letter"), which was sent to Defendants via Express Mail, is attached to this Affidavit as **Attachment B**. Defendants again failed to respond to the Second Demand Letter. In an effort to avoid costly litigation, I began to monitor Defendants' internet presence to better access its use of Delta's Marks. During this time, members, including members who reside in the District of Columbia, reported that Defendants continued unlawfully to use Delta's Marks; some reported purchasing merchandise from the Defendants' website, including a member who resides in the District of Columbia. She reported that the merchandise she purchased from Defendants' website was shipped to her District of Columbia address.

19. In yet another effort to resolve the matter amicably, counsel for Delta sent Defendants a third cease and desist letter dated November 13, 2012 ("Third Demand Letter"), a copy of which is attached to this Affidavit as **Attachment C**. In response, by email, Defendants indignantly denied any wrongdoing and refused to discontinue their unlawful use of Delta's Marks. *See Attachment D* to this Affidavit. Defendants continue willfully to infringe

upon Delta's Marks by offering for sale without a vendor's license merchandise imprinted with Delta Marks.

20. As a not for profit service organization, Delta seeks first to resolve disputes informally, and to initiate litigation as a last resort.

The statements made in this Affidavit are based on my personal knowledge, and each statement is true to the best of my knowledge and belief.



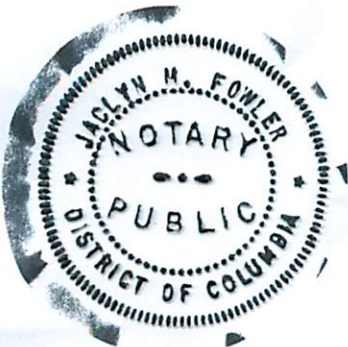
Nicole Lenon Johnson,  
Intellectual Property Specialist  
Delta Sigma Theta Sorority, Inc.

SWORN TO and SUBSCRIBED before me this 25<sup>th</sup> day of February 2013

  
\_\_\_\_\_  
NOTARY PUBLIC

JACLYN M. FOWLER  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires November 14, 2014

My Commission Expires: \_\_\_\_\_





**MCLEOD, WATKINSON & MILLER**

ONE MASSACHUSETTS AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20001-1401  
(202) 842-2345  
TELECOPY (202) 408-7763

DEVARIESTE CURRY

E-MAIL: [dcurry@mwmlaw.com](mailto:dcurry@mwmlaw.com)

September 29, 2011

**BY FACSIMILE**

Owner/Manager  
FratHouse Clothing, LLC  
P.O. Box 11533  
Naples, FL 34101

**Re: Illegal Use of Delta Sigma Theta Sorority, Incorporated's Trademarks**

Dear Sir or Madam:

I am legal counsel to Delta Sigma Theta Sorority, Incorporated ("Delta"). I am writing you because you, your business, representatives, associates, company, and/or agents (collectively "you" and/or "your") are using trademarks and service marks (collectively "Marks") owned by Delta. Specifically, you currently are offering for sale on your website various merchandise imprinted with Delta's Marks, including, among others, the Minerva Crest, Delta Sigma Theta, 1913 and DST. You are not authorized to sell anything bearing Delta's Marks.<sup>1</sup>

Delta has registered with the United States Patent and Trademark Office ("PTO") numerous trademarks and service marks (including, e.g.,  $\Delta\Sigma\Theta$  and Minerva Crest) and has several other applications for registration currently pending before the PTO. Had you conducted even a cursory review of the PTO's website, you would have uncovered Delta's numerous registrations, including those used on merchandise you advertise for sale and sell. Moreover, in addition to the registered Marks, Delta owns by common law the right to many other Marks that have historically been used by it and associated exclusively with it, such as "1913," "DST," and the Greek letter,  $\Delta$ , when they are used in connection with or suggest a connection to Delta Sigma Theta Sorority, Inc.<sup>2</sup>

As noted above, your use of Delta's Marks without Delta's permission is illegal. Your unauthorized use of Delta's Marks violates federal statutes (15 U.S.C. § 1114(a) for trademark

---

<sup>1</sup> For your information, other than the President of Delta, no individual member of Delta is authorized to represent or speak on behalf of Delta or to authorize the use of Delta's Marks.

<sup>2</sup> The strength of Delta's protection of such marks was confirmed by the ruling of a federal judge on the use of 1913, in a case that ultimately was settled in Delta's interest.

**MCLEOD, WATKINSON & MILLER**

Owner/Manager  
September 29, 2011  
Page 2

infringement; 15 U.S.C. § 1125(a) for false designation of origin and false representation; and 15 U.S.C. § 1125(a) for trademark dilution); federal and common law trademark infringement; common law unfair competition; and common law unjust enrichment.

With full knowledge Delta diligently protects its trademarks and vigorously pursues persons or entities that violate its trademarks and intellectual property rights. Should it be necessary for Delta to file a legal action against you for violation of its intellectual property rights, Delta will be entitled to recover a range of damages, including disgorgement of profits you made from illegally using Delta's trademarks and also punitive damages, if it is established that you willfully violated Delta's intellectual property rights. Moreover, Delta has a right to seek and enforce injunctive relief against you and/or your company.

Delta may be willing to forgo legal action against you providing that you comply with the following terms, which will be certified for completeness and accuracy:

1. **immediately** cease and desist all use of any of Delta's Marks, including designing, advertising for sale, and/or selling merchandise bearing Delta's Marks;
2. **immediately** cease and desist any and all activity or sales that suggest Delta supports, approves of, endorses or is connected to you or your activities, or that you are authorized to use Delta's Marks or to conduct business on Delta's behalf, including removing all references to Delta or any of its Marks from your website and any and all websites associated with and/or linked to you and/or your company;
3. **immediately** provide the names and other identifying information of the vendors/suppliers/designers who supplied you with merchandise and or designs bearing Delta's Marks and of any person or entity who has been using Delta's Marks in partnership or other collaborative effort with you;
4. **on an expedited basis**, provide an accounting of the revenue from the sale of merchandise bearing Delta's Marks;
5. **pay compensation** to Delta, in an amount to be determined, for past illegal use of Delta's Marks;
6. **promptly** agree to enter into a Consent Decree embodying the cease and desist terms;<sup>3</sup>
7. **promptly** ship at your expense all merchandise emblazoned with Delta's Marks remaining in your inventory to: Delta Sigma Theta Sorority, Inc., 1707 New Hampshire Avenue, NW, Washington, D.C. 20009, Attention: Ms. Nicole Lenon; and
8. **immediately** furnish me with a sworn affidavit with the above-requested information.

---

<sup>3</sup> Alternatively, Delta may be amenable to your entering into a confession of judgment.

**MCLEOD, WATKINSON & MILLER**

Owner/Manager  
September 29, 2011  
Page 3

Please contact me immediately to confirm that, on behalf of yourself and any and all persons or entities with whom you are affiliated, you have complied with the demands in this letter. This letter does not waive, affect, or impair any rights, remedies or defenses Delta has, including without limitation, the right to seek injunctive relief in federal court without first having provided notice to you.

I look forward to your prompt response. If you have questions, you may contact me.

Sincerely,

A handwritten signature in blue ink that reads "Devarieste Curry". The signature is written in a cursive style with a long, sweeping tail on the "y".

Devarieste Curry

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO 1208  
RECIPIENT ADDRESS 18552290199  
DESTINATION ID  
ST. TIME 09/29 14:53  
TIME USE 01'16  
PAGES SENT 4  
RESULT OK

One Massachusetts Avenue, N.W., Suite 800  
Washington, DC 20001-1401  
Telephone: (202) 842-2345  
Fax: (202) 408-7763

**McLeod, Watkinson & Miller  
Law Office**

# Fax

**To:** Owner/Manager **Organization:** FratHouse Clothing, LLC  
**From:** Devarieste Curry **Fax Number:** 855-229-0199  
**Date:** September 29, 2011 **Faxed By:** Regina  
**Pages:** 4, including cover **Client #:**  
**Re:** **cc:**


Urgent  For Review  Please Comment  Please Reply  Original to be mailed

**Comments:**

Dear Sir or Madam:

Please see the attached letter.

Sincerely,

  
Regina Curry

**MCLEOD, WATKINSON & MILLER**

ONE MASSACHUSETTS AVENUE, N.W.  
SUITE 800  
WASHINGTON, DC 20001-1401  
(202) 842-2345  
TELECOPY (202) 408-7763

DEVARIESTE CURRY

E-MAIL: [dcurry@mwmlaw.com](mailto:dcurry@mwmlaw.com)

October 19, 2011

**BY EXPRESS MAIL**

Mr. Alphonso D. Goins  
Ms. Letisha D. Bivins  
FratHouse Clothing, LLC  
P.O. Box 11533  
Naples, FL 34101

**Re: Illegal Use of Delta Sigma Theta Sorority, Incorporated's Trademarks**

Dear Mr. Goins and Ms. Bivins:

I am legal counsel to Delta Sigma Theta Sorority, Incorporated ("Delta"). I am writing you because you, your business, representatives, associates, company, and/or agents (collectively "you" and/or "your") are using trademarks and service marks (collectively "Marks") owned by Delta. Specifically, you currently are offering for sale on your website various merchandise imprinted with Delta's Marks, including, among others, the Minerva Crest, Delta Sigma Theta, 1913 and DST. You are not authorized to sell anything bearing Delta's Marks.<sup>1</sup> You have not responded to my letter of September 29, 2011 sent to you by facsimile. Hence, this letter!

Delta has registered with the United States Patent and Trademark Office ("PTO") numerous trademarks and service marks (including, *e.g.*,  $\Delta\Sigma\Theta$  and Minerva Crest) and has several other applications for registration currently pending before the PTO. Had you conducted even a cursory review of the PTO's website, you would have uncovered Delta's numerous registrations, including those used on merchandise you advertise for sale and sell. Moreover, in addition to the registered Marks, Delta owns by common law the right to many other Marks that have historically been used by it and associated exclusively with it, such as "1913," "DST," and the Greek letter,  $\Delta$ , when they are used in connection with or suggest a connection to Delta Sigma Theta Sorority, Inc.<sup>2</sup>

---

<sup>1</sup> For your information, other than the President of Delta, no individual member of Delta is authorized to represent or speak on behalf of Delta or to authorize the use of Delta's Marks.

<sup>2</sup> The strength of Delta's protection of such marks was confirmed by the ruling of a federal judge on the use of 1913, in a case that ultimately was settled in Delta's interest.

MCLEOD, WATKINSON & MILLER

Mr. Alphonso D. Goins  
Ms. Letisha D. Bivins  
October 19, 2011  
Page 2

As noted above, your use of Delta's Marks without Delta's permission is illegal. Your unauthorized use of Delta's Marks violates federal statutes (15 U.S.C. § 1114(a) for trademark infringement; 15 U.S.C. § 1125(a) for false designation of origin and false representation; and 15 U.S.C. § 1125(a) for trademark dilution); federal and common law trademark infringement; common law unfair competition; and common law unjust enrichment.

With full knowledge Delta diligently protects its trademarks and vigorously pursues persons or entities that violate its trademarks and intellectual property rights. Should it be necessary for Delta to file a legal action against you for violation of its intellectual property rights, Delta will be entitled to recover a range of damages, including disgorgement of profits you made from illegally using Delta's trademarks and also punitive damages, if it is established that you willfully violated Delta's intellectual property rights. Moreover, Delta has a right to seek and enforce injunctive relief against you and/or your company.

Delta may be willing to forgo legal action against you providing that you comply with the following terms, which will be certified for completeness and accuracy:

1. **immediately** cease and desist all use of any of Delta's Marks, including designing, advertising for sale, and/or selling merchandise bearing Delta's Marks;
2. **immediately** cease and desist any and all activity or sales that suggest Delta supports, approves of, endorses or is connected to you or your activities, or that you are authorized to use Delta's Marks or to conduct business on Delta's behalf, including removing all references to Delta or any of its Marks from your website and any and all websites associated with and/or linked to you and/or your company;
3. **immediately** provide the names and other identifying information of the vendors/suppliers/designers who supplied you with merchandise and or designs bearing Delta's Marks and of any person or entity who has been using Delta's Marks in partnership or other collaborative effort with you;
4. **on an expedited basis**, provide an accounting of the revenue from the sale of merchandise bearing Delta's Marks;
5. **pay compensation** to Delta, in an amount to be determined, for past illegal use of Delta's Marks;
6. **promptly** agree to enter into a Consent Decree embodying the cease and desist terms;<sup>3</sup>
7. **promptly** ship at your expense all merchandise emblazoned with Delta's Marks remaining in your inventory to: Delta Sigma Theta Sorority, Inc., 1707 New

---

<sup>3</sup> Alternatively, Delta may be amenable to your entering into a confession of judgment.

**MCLEOD, WATKINSON & MILLER**

Mr. Alphonso D. Goins

Ms. Letisha D. Bivins

October 19, 2011

Page 3

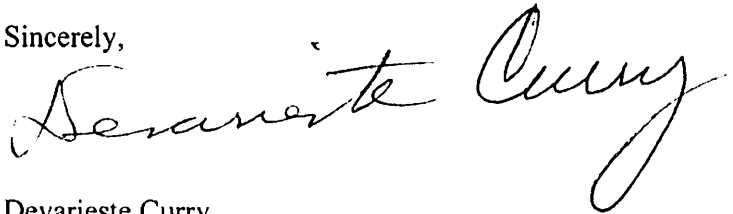
Hampshire Avenue, NW, Washington, D.C. 20009, Attention: Ms. Nicole Lenon;  
and

8. **immediately** furnish me with a sworn affidavit with the above-requested information.

Please contact me immediately to confirm that, on behalf of yourself and any and all persons or entities with whom you are affiliated, you have complied with the demands in this letter. This letter does not waive, affect, or impair any rights, remedies or defenses Delta has, including without limitation, the right to seek injunctive relief in federal court without first having provided notice to you.

I look forward to your prompt response. If you have questions, you may contact me.

Sincerely,

A handwritten signature in black ink that reads "Devarieste Curry". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Devarieste Curry



EQ 022002944 US



Customer Copy  
Label 11-B, March 2004

UNITED STATES POSTAL SERVICE®

Post Office To Addressee

ORIGIN (POSTAL SERVICE USE ONLY)			
PO ZIP Code 21013	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day	Postage \$ 17.40	
Date Accepted 10/19/11	Scheduled Date of Delivery Month 10 Day 20	Return Receipt Fee \$	
Time Accepted 4:20 PM <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Scheduled Time of Delivery Month 10 Day 20 <input type="checkbox"/> Noon <input checked="" type="checkbox"/> 3 PM	COD Fee \$	Insurance Fee \$
Flat Rate <input type="checkbox"/> or Weight lbs. 23 ozs.	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Total Postage & Fees \$ 17.40	Acceptance Emp. Initials SJM
	Int'l Alpha Country Code		

DELIVERY (POSTAL USE ONLY)		
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		
Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day		

CUSTOMER USE ONLY	
PAYMENT BY ACCOUNT Express Mail Corporate Acct. No.	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Mail Only) Additional merchandise insurance is void if customer requests waiver of signature. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.
Federal Agency Acct. No. or Postal Service Acct. No.	
<input type="checkbox"/> NO DELIVERY Weekend <input type="checkbox"/> Holiday	Mailer Signature

FROM: (PLEASE PRINT) PHONE (202) 842-2348

Devarieste Curry  
One Mass. Ave  
Suite 800  
Washington, DC 20001

NATIONAL CAPITAL  
OCT 19 2011  
WASHINGTON, DC 20013

TO: (PLEASE PRINT) PHONE (855) 394-7335

Frat House Clothing, LLC  
P.O. BOX 11533  
Naples, FL 34101  
Attn: Alphonso Goins

ZIP + 4 (U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES.)

3 4 1 0 1 + [ ] [ ] [ ] [ ]

FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.

**FOR PICKUP OR TRACKING**  
Visit [www.usps.com](http://www.usps.com)  
Call 1-800-222-1811





Follow us   

Quick Tools

Always a Click Away



Roll over the tools menu across the site to access quick, handy tools.

[Track & Confirm](#)

[Find Locations](#)

[Calculate a Price](#)

[Look Up a ZIP Code™](#)

 **Ship Online Now** 

**Pay, Print, & Ship**

Ship online quickly with Click-N-Ship®, our easy-to-use tool.



Track & Confirm

**Get** You entered: EQ022002944US  
**Status:** Delivered  
**Learn** Your item was delivered at 10:31 am on October 29, 2011 in  
**Flat** NAPLES, FL 34102. The item was signed for by L BIVINS.  
 Additional information for this item is stored in files offline. You may request that the additional information be retrieved from the archives, and that we send you an e-mail when this retrieval is complete. Requests to retrieve additional information are generally processed momentarily.

I would like to receive notification on this request

First Name

M.I.

Last Name

Email Address

Check Again  
What's your label (or receipt) number?

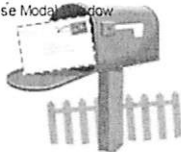


**Sending Cheer**

[Go to full-page version](#)

Get the data

Close Modal Window



**Village Post Office**

We've expanded access to our products & services 



LAW OFFICE

**MCLEOD, WATKINSON & MILLER**

ONE MASSACHUSETTS AVENUE, N.W.  
SUITE 800  
WASHINGTON, D.C. 20001-1401  
(202) 842-2345  
TELECOPY (202) 408-7763

DEVARIESTE CURRY

E-MAIL: [dcurry@mwmlaw.com](mailto:dcurry@mwmlaw.com)

November 13, 2012

**BY FEDERAL EXPRESS**

Ms. Letisha D. Bivins  
Mr. Alphonso D. Goins  
FratHouse Clothing, LLC  
1260 Oxford Lane  
Naples, Florida 34105

**BY CERTIFIED MAIL**

Ms. Letisha D. Bivins  
Mr. Alphonso D. Goins  
FratHouse Clothing, LLC  
P.O. Box 11533  
Naples, Florida 34101

**Re: Illegal Use of Delta Sigma Theta Sorority, Incorporated's Trademarks**

Dear Ms. Bivins and Mr. Goins:

I wrote you on two previous occasions – September 29, 2011 and again on October 19, 2011 – in my capacity as legal counsel for Delta Sigma Theta, Incorporated (“Delta”). In those letters, I notified you that your sale (or offering for sale) of items imprinted with Delta’s trademarks and service marks (collectively “Marks”) was unauthorized and unlawful. Specifically, I notified you that “you are not authorized to sell anything bearing Delta’s Marks,” and that “your use of Delta’s Marks without Delta’s permission is illegal.” I also requested you to comply with the eight (8) demands set forth in the foregoing letters in an effort to resolve informally issues arising from your unlawful conduct.

Rather than cease and desist the use of Delta’s Marks and comply with our demands, you have continued unlawfully to sell and offer for sale items bearing Delta’s Marks. Given that you previously were notified that you are not authorized to sell anything bearing Delta’s Marks and that any such sales are unlawful, your conduct lacks good faith and is clearly willful and intentional. As a result, Delta is prepared to take formal action against you to protect its Marks, as evidenced by the attached “Draft” Complaint, which asserts a number of federal and common law claims against you. Although the Complaint currently is in “Draft” form, as we continue to discover additional information, it will be finalized and filed against you if we are not able promptly to resolve this matter informally. If you wish to avoid litigation, you should understand, Delta will settle this matter informally only if you comply with the demands set forth in the September 29, 2011 and October 19, 2011 letters, and only if you agree to pay significant compensation for your illegal conduct. In addition, any settlement must be memorialized in a settlement agreement that embodies the terms of the settlement. Please be advised that Delta will not settle this matter without a significant payment from you. If you wish to take advantage of this offer, you must contact me by **November 20, 2012**.

**MCLEOD, WATKINSON & MILLER**

Ms. Letisha D. Bivins  
Mr. Alphonso D. Goins  
November 13, 2012  
Page 2

In the meantime, you should immediately cease using Delta's Marks in any way (including, but not limited to, selling (or offering for sale) any items bearing Delta's Marks on your website, your Facebook page, or in any other manner). If we are not able to resolve this matter amicably, Delta is prepared to pursue all available claims, including statutory trademark infringement and dilution claims, unfair competition claims, common law claims, claims for punitive damages (based on your willful conduct), and attorneys' fees and costs. This letter does not waive, affect, or impair any claims, rights, remedies, or defenses Delta has, including without limitation, the right to seek relief in federal court without first having provided notice to you.

If you have any questions, you may contact me. If I do not hear from you by November 20, 2012, Delta will proceed appropriately.

Sincerely,



Devarieste Curry

cc: Marc E. Miller

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

7009 2250 0004 2151 1229

Postage	\$	\$1.50
Certified Fee		\$2.95
Return Receipt Fee (Endorsement Required)		\$2.75
Restricted Delivery Fee (Endorsement Required)		\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$6.80</b>



Ms. Letisha D. Bivins  
 Mr. Alphonso D. Goins  
 FratHouse Clothing, LLC  
 P.O. Box 11533  
 Naples, Florida 34101

Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Letisha D. Bivins  
 Mr. Alphonso D. Goins  
 FratHouse Clothing, LLC  
 P.O. Box 11533  
 Naples, Florida 34101

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature: [Signature]  Agent  Addressee

B. Received by (Printed Name): \_\_\_\_\_ C. Date of Delivery: 11-20-12

D. Is delivery address different from item 1?  Yes  
 if YES, enter delivery address below:  No

3. Service Type

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number (Transfer from service label) 7009 2250 0004 2151 1229

## Regina Curry

---

**From:** trackingupdates@fedex.com  
**Sent:** Wednesday, November 14, 2012 10:34 AM  
**To:** Regina Curry  
**Subject:** FedEx Shipment 794063537969 Delivered

---

This tracking update has been requested by:

Company Name: MCLEOD, WATKINSON & MILLER  
Name: Regina Curry  
E-mail: [rcurry@mwmlaw.com](mailto:rcurry@mwmlaw.com)

---

Our records indicate that the following shipment has been delivered:

Reference: 751.1  
Ship (P/U) date: Nov 13, 2012  
Delivery date: Nov 14, 2012 10:27 AM  
Sign for by: H.MUNOIZ  
Delivery location: NAPLES, FL  
Delivered to: Residence  
Service type: FedEx Priority Overnight  
Packaging type: FedEx Envelope  
Number of pieces: 1  
Weight: 0.50 lb.  
Special handling/Services: Adult Signature Required  
Deliver Weekday  
Residential Delivery  
Tracking number: [794063537969](https://www.fedex.com/track/794063537969)

Shipper Information  
Regina Curry  
MCLEOD, WATKINSON & MILLER  
One Massachusetts Ave., NW  
Suite 800  
Washington  
DC  
US  
20001

Recipient Information  
Letisha Bivins & Alphonso Goins  
FratHouse Clothing, LLC  
1260 OXFORD LN  
NAPLES  
FL  
US  
34105

Please do not respond to this message. This email was sent from an unattended mailbox. This report was generated at approximately 9:34 AM CST on 11/14/2012.

To learn more about FedEx Express, please visit our website at [fedex.com](http://fedex.com).

## Devarieste Curry

---

**From:** Letisha Bivins <lbivins@frathouseclothing.com>  
**Sent:** Tuesday, November 20, 2012 5:32 PM  
**To:** Devarieste Curry  
**Subject:** Re: FratHouse Clothing

Ms. Curry,

I requested to speak to you when I called your office and the person I spoke to did not identify herself as your paralegal. Nonetheless, your implicit insults are absolutely unnecessary. I contacted you to reasonably discuss the allegations set forth in your November 13, 2012 correspondence and draft complaint, not to engage in any delay tactics as you imply. Requesting a representative listing of the items at issue is a reasonable request to say the least. Although I wish to resolve the matter on behalf of the Company, the Company will not agree to the terms in your letter dated November 13, 2012, requiring a commitment to pay an unspecified amount described as "substantial" monetary compensation. Because you have strongly indicated that such a commitment is a precondition to the resolution of this matter, I will refrain from further attempts to contact you to resolve this matter. However, the Company will remain receptive to a reasonable discussion to resolve this matter should your client reconsider its substantial compensation requirement.

-Letisha D. Bivins

*FratHouse Clothing • P.O. Box 11533, Naples, FL 34101 • (855) D9-GREEK (phone) • (855) 229-0199 (fax)*

**From:** Devarieste Curry <dcurry@mwmlaw.com>  
**To:** Letisha Bivins <lbivins@frathouseclothing.com>  
**Cc:** Marc Miller <mmiller@mwmlaw.com>; Regina Curry <rcurry@mwmlaw.com>  
**Sent:** Tuesday, November 20, 2012 3:51 PM  
**Subject:** RE: FratHouse Clothing

Ms. Bivins:

You actually spoke with my paralegal. It is amazing that you, an attorney, would claim that letters I sent you in October and November 2012 are so ambiguous that you do not understand the nature of your violations. You had numerous items on FratHouse Clothing's website offering for sale merchandise bearing my client's marks. The letters provide examples and note that a cursory search of the USPTO's website shows numerous registered marks, in numerous categories. It is difficult to believe that your company is marketing products without any attempt to determine whether the products infringe on the property rights of another.

We have sent similar cease and desist letters to numerous violators, including national companies and individuals (including those with far less education and training than you have). You are the first to claim that the letters are so esoteric that they do not inform you of your violation. The bottom line is as you stated in the voice message you left for me and to my paralegal: you disagree with Delta's conclusion. This matter is now a legal issue, and if you wish to discuss it, I am the representative with whom you must discuss it.

If you wish to resolve this matter informally, you have until the close of business Tuesday, November 27, 2012, to convey that you intend to meet the terms stated in my cease and desist letter, which are a necessary pre-condition to any settlement. Delta has no interest in protracted tactics designed for no other purpose than to delay this matter. As to jurisdiction, we are not asking you to consent to jurisdiction. You are a lawyer, you surely understand jurisdictional rules.

Please know this: Delta does not hesitate to bring action in federal court when necessary to protect its intellectual property. Within the last two years alone, Delta has initiated lawsuits against infringers in federal courts in the District of Columbia, in Michigan, and in New York. The court cases settled on terms very favorable to Delta. In addition, it has reached very favorable settlements informally with numerous infringers. The point is: you should treat this message as one last attempt to settle this matter informally. The choice is entirely yours.

*Sincerely,*

*Devarieste Curry  
McLeod, Watkinson & Miller  
One Massachusetts Avenue, NW  
Suite 800  
Washington, D.C. 20001*

*202-842-2345 (voice)  
202-408-7763 (facsimile)  
[dcurry@mwmlaw.com](mailto:dcurry@mwmlaw.com)*

*This electronic message transmission, including any attachments, is intended only for the person or entity to whom/which it is addressed. It may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by any person or entity other than the intended recipient is prohibited. If you are not the intended recipient and have received this electronic transmission in error, please immediately delete the material from any computer, and contact the sender by e-message or by telephone at 202-842-2345.*

---

**From:** Letisha Bivins [mailto:lbivins@frathouseclothing.com]  
**Sent:** Tuesday, November 20, 2012 1:46 PM  
**To:** Devarieste Curry  
**Subject:** FratHouse Clothing

Ms. Curry,

Per our conversation today, I am unable to prepare an intelligible response to your letter dated November 13, 2012. At this time, based upon the limited information that has been provided to me, I can only provide a blanket denial of the substantive allegations and confirm that we strongly contest any allegation or claim that jurisdiction and venue is proper in the District of Columbia. Your correspondence alleges that FratHouse Clothing (FHC) sells items in violation of copyrights and/or trademarks owned by Delta Sigma Theta, Inc., but your letter fails to identify a single item sold by FHC that you find objectionable. In addition, during our phone call, you refused to identify even a single item that is representative of the items that are the subject of your allegations. As I explained during our call, I would like the opportunity to discuss this matter further to reach a resolution. Accordingly, I request that you forward my contact information to an agent or representative of Delta Sigma Theta, Inc. who will be able to assist in identifying the items referenced in your letter, discuss the legal issues presented, and/or reach a mutually acceptable resolution. Thank you.

-Letisha Bivins

*FratHouse Clothing* ▪ P.O. Box 11533, Naples, FL 34101 ▪ (855) D9-GREEK (phone) ▪ (855) 229-0199 (fax)