

Exhibit K
to
Counterclaim of Hokie Real Estate, Inc.

False Statements by Counterclaim Defendants
to Third Parties Claiming that HOKIE is Federally Registered

Subject: Hokie-Sports.com Infringement / Our Ref: 03022.300

Date: Tue, 10 Dec 2002 19:52:00 -0500

From: Warren E Olsen <wolsen@fchsdc.com>

To: "D, AS" <savenow@mail.com>, CustomerService@FootballFanatics.com

CC: Locke White <lowhite@vt.edu>, "Lawrence G. Hincker" <hincker@vt.edu>, "Jerry D. Cain, Esq." <jdcain@vt.edu>

BCC: wolsen@fchsdc.com, "Warren E. Olsen" <wolsen@cox.net>, VDoyle@fchs.com

Registrant:

D AS

none

11260 Chestnut Grove

Reston, Virginia 20190

United States

Registered through: Go Daddy Software (<http://www.godaddy.com>)

Domain Name: HOKIE-SPORTS.COM

Created on: 25-Nov-02

Expires on: 25-Nov-03

Last Updated on: 25-Nov-02

Technical Contact:

AS, D savenow@mail.com

11260 Chestnut Grove #338

Reston, Virginia 20190

United States

(703) 318-0668

Dear Mr AS and FootballFanatics.com:

This is a cease-and-desist demand, which requires your immediate attention.

The Commonwealth of Virginia, Office of the Attorney General, has appointed this firm as special intellectual property counsel to Virginia Polytechnic Institute and State University of Blacksburg, VA.

No doubt, Virginia Tech is well-known to you.

Likewise, we hardly need to remind you that **Hokie and VT and Design are federally registered trademarks** and that

www.hokiesports.com is the official website for Virginia Tech athletics.

Beginning no later than November 25, 2002 you both began to commit acts of willfull trademark infringement, copyright infringement and unfair competition.

The website --hokie-sports.com-- is a blatant attempt to trade on goodwill of Virginia Tech for commercial gain.

The graphics employed manifestly were copied from Virginia Tech artwork.

"D AS" and its "partner"--FootballFanatics.com -- are viewed as joint tortfeasors and conspirators in this scheme.

We also are investigating the roles played by "Steve Weachter" and "Gregory Lucas". Virginia Tech has already received complaints from members of the public.

We, therefore, demand that you **immediately** shut down --hokie-sports.com-- and present us with a full accounting of all profits derived from this or earlier schemes, whether by D AS, Football Fanatics or any other conspirator.

You have until 5pm on **Thursday, December 12, 2002** to respond, if you seek to avoid litigation.

Warren E. Olsen
FITZPATRICK, CELLA, HARPER & SCINTO
1900 K Street NW
Washington, DC 20006-1110
direct: 202-721-5448
fax: 202-530-1055
e-mail: wolsen@fchs.com / wolsen@fchsdc.com
<http://www.fitzpatrickcella.com/>

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

From: Warren E Olsen

Date: Mon, 16 Dec 2002 17:57:10 -0500

To: Dave S , brent@footballfanatics.com

Subject: Re: Hokie-Sports.com Infringement / Our Ref: 03022.300

Dear Mr. Stanley and Football Fanatics:

We appreciate the initial efforts at compliance, but Virginia Tech also demanded an accounting from both the URL owner and its "partner" in design, Football Fanatics. Neither of you have supplied that information.

I also have not heard from the "counsel" allegedly advising Football Fanatics, despite my request.

There are no terms for "legal use" in these circumstances.

The slavish copying of the famous URL www.hokiesports.com was solely to sell trademarked UT merchandise

in competition with Virginia Tech, and that is per se bad faith under the Anticybersquatting Consumer Protection Act.

Since November 29, 1999 the ACPA provides for statutory damages of between \$1,000 and \$100,000 for each

domain name found to have been adopted in bad faith.

There is no "safe harbor" available to either you or Football Fanatics in this naked commercial "partnering" arrangement.

See, e.g., *Shields v. Zuccarini*, 254 F.3d 476, 59 USPQ2d 1207 (3d Cir 2001).

Virginia courts likewise routinely treat intentional copying as bad faith for purposes of statutory damage awards under the ACPA. See, e.g., *Cable News Network LP v. cnnews.com*, 61 USPQ2d 1331 (ED VA 2001); *International Bancorp LLC v. Societe des Bains de Mer et du Cercle des Etrangers a Monaco*, 62 USPQ2d 1621 (ED VA 2002).

If you truly want to put this matter behind you, and obtain a general release for both David A. Stanley and Football Fanatics with respect to the flagrant profit-making scheme we caught you jointly operating, then issue a check for \$2,000 to "Virginia Polytechnic Institute and State University" and send it to:

Locke White, Director of Licensing and Trademarks

Virginia Tech (0161)

Southgate Drive

Blacksburg, VA 24061-0161

This offer expires COB on December 20, 2002.

Alternatively, provide the demanded accounting of sales by that deadline so we can advise UT about additional remedies.

Warren E. Olsen

FITZPATRICK, CELLA, HARPER & SCINTO

1900 K Street NW

Washington, DC 20006-1110

direct: 202-721-5448

fax: 202-530-1055

e-mail: wolsen@fchs.com / wolsen@fchsdc.com

<http://www.fitzpatrick.com>

Dave S wrote:

Mr. Olsen,

Within 10 minutes of receiving your email this morning around 3AM, I removed the forwarding of the domain www.hokie-sports.com and it is now a "parked" (inactive) domain. Since I am the registrar of this domain through November of 2003, please let me know the terms for legal use of this domain. Is it acceptable to use for personal UT related content with limited commercial links? I would like to operate the website in full compliance with your terms.

I have no knowledge of a "Steve Weachter" or "Gregory Lucas."

Please let me know if I can be of further assistance.

Thanks,

David Stanley

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

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Date: Tue, 10 Dec 2002 19:52:00 -0500

To: "D, AS" , CustomerService@FootballFanatics.com

Subject: Hokie-Sports.com Infringement / Our Ref: 03022.300

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<http://www.fitzpatrickcella.com/>

--

Sign-up for your own FREE Personalized E-mail at Mail.com
<http://www.mail.com/?sr=signup>

Meet Singles
<http://corp.mail.com/lavalife>

Larry Hincker
Associate Vice President
for University Relations
Virginia Tech
315 Burruss Hall
Blacksburg, VA 24061
e-mail hincker@vt.edu
voice 540-231-5396
fax 540-231-1985

White, Locke

From: Esther Thompson [emrthompson@yahoo.com]
Sent: Friday, July 06, 2007 3:29 PM
To: Locke White
Subject: Re: Magnetic Memories New Pattern
Attachments: 153140.pdf

Please see attached. R has been added. Thank you.

Locke White <lowwhite@vt.edu> wrote:
At 04:04 PM 7/5/2007, you wrote:

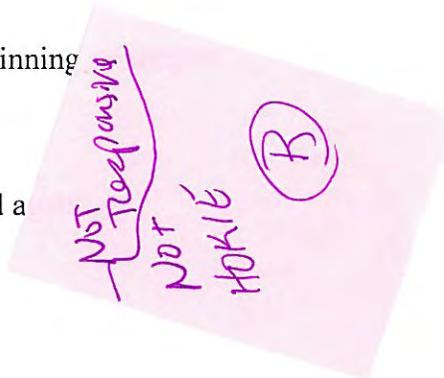
Hello Locke,
Please review attached artwork and let me know if there is anything you would like changed.
Thank you :)
~ Esther Rohm Thompson
Magnetic Memories, Inc.

Sucker-punch spam with award-winning
Try the free Yahoo! Mail Beta.

Hokie is registered. Add and send a

Locke White
Director of Licensing

Virginia Tech
Southgate Drive (0161)
Blacksburg, VA 24061
(540) 231-3748
lowwhite@vt.edu



No need to miss a message. [Get email on-the-go](#)
with Yahoo! Mail for Mobile. [Get started](#). Embedded Content: Re Magnetic Memories New Patte.jpg:
00000001,142c35da,00000000,00000000

White, Locke

From: Emad Ibrahim [emad@dotnetfactory.com]
Sent: Monday, November 24, 2008 10:00 AM
To: Dudding, Sharon
Subject: Re: license

No problems. I will take them down.

Thanks.
Emad Ibrahim
<http://emadibrahim.com>
<http://twitter.com/eibrahim>

On Mon, Nov 24, 2008 at 9:58 AM, Dudding, Sharon <duddings@vt.edu> wrote:

You need to remove all of Virginia Tech's registered trademarks as I mentioned.

Thank you,

Sharon

~~~~~

Sharon Dudding

Virginia Tech Licensing & Trademark

Licensing Manager

Southgate Drive 0161

Blacksburg, VA 24061

(540)231-3748

~~~~~

From: Emad Ibrahim [mailto:emad@dotnetfactory.com]
Sent: Monday, November 24, 2008 9:57 AM
To: Dudding, Sharon
Subject: Re: license

Is there anyway around this? I mean, can I pay a fee to use it? Or do I have to take it down?

Emad Ibrahim
<http://emadibrahim.com>
<http://twitter.com/eibrahim>

On Mon, Nov 24, 2008 at 9:50 AM, Dudding, Sharon <duddings@vt.edu> wrote:

Emand,

You may use the domain name hokietalk only. You may not use the Hokie Bird, the word Hokie, the athletic VT that you have. These are all registered trademarks of Virginia Tech.

Please let me know if you have any questions.

Thank you,

Sharon

~~~~~

Sharon Dudding

Virginia Tech Licensing & Trademark

Licensing Manager

Southgate Drive 0161

Blacksburg, VA 24061

(540)231-3748

~~~~~

From: Emad Ibrahim [<mailto:emad@dotnetfactory.com>]
Sent: Sunday, November 23, 2008 8:33 AM
To: Dudding, Sharon
Subject: license

Hi Ms. Dudding,

I had a question about licensing. I setup a microblogging site that allows people to communicate and socialize with each other online. This website is free and currently runs no advertisement (but, it might in the future). This is still private and no one knows about it and I wanted to make sure it is ok with the university before I start promoting.

The website is <http://hokietalk.com>, please take a look and let me know if I am violating any trademark laws, licensing regulati

--

Emad Ibrahim
<http://emadibrahim.com>

White, Locke

From: White, Locke
Sent: Thursday, March 04, 2010 12:34 PM
To: 'bortega02@comcast.net'
Cc: Dudding, Sharon
Subject: RE: New Company Name
Attachments: image001.jpg

Bill,

Thanks for your email.

We would not want you to use any name that would incorporate one of our trademarks. HokieExpress would be one of them because **Hokie is a registered trademark**. As an alternative you might want to go with the VTEExpress since our trademark is with the stylized VT logo and not just the two letters (i.e., "V", "T"). **You must make absolutely sure that the VT does not resemble our logo at all or we have problems.**

If you come up with some others that are questionable just run them by me. As you pointed out it is best to avert any legal problems from popping up later.

Thanks again.

Locke White
Director of Licensing
Virginia Tech Licensing & Trademark
Southgate Drive (0161)
Blacksburg, VA 24061
(540) 231-3748



From: bortega02@comcast.net [mailto:bortega02@comcast.net]
Sent: Thursday, March 04, 2010 12:02 PM
To: White, Locke
Subject: New Company Name

Hi Locke,

I thought I'd write to you to check on something I'm looking at doing. I don't want to run into any legal problems or conflicts with Virginia Tech.

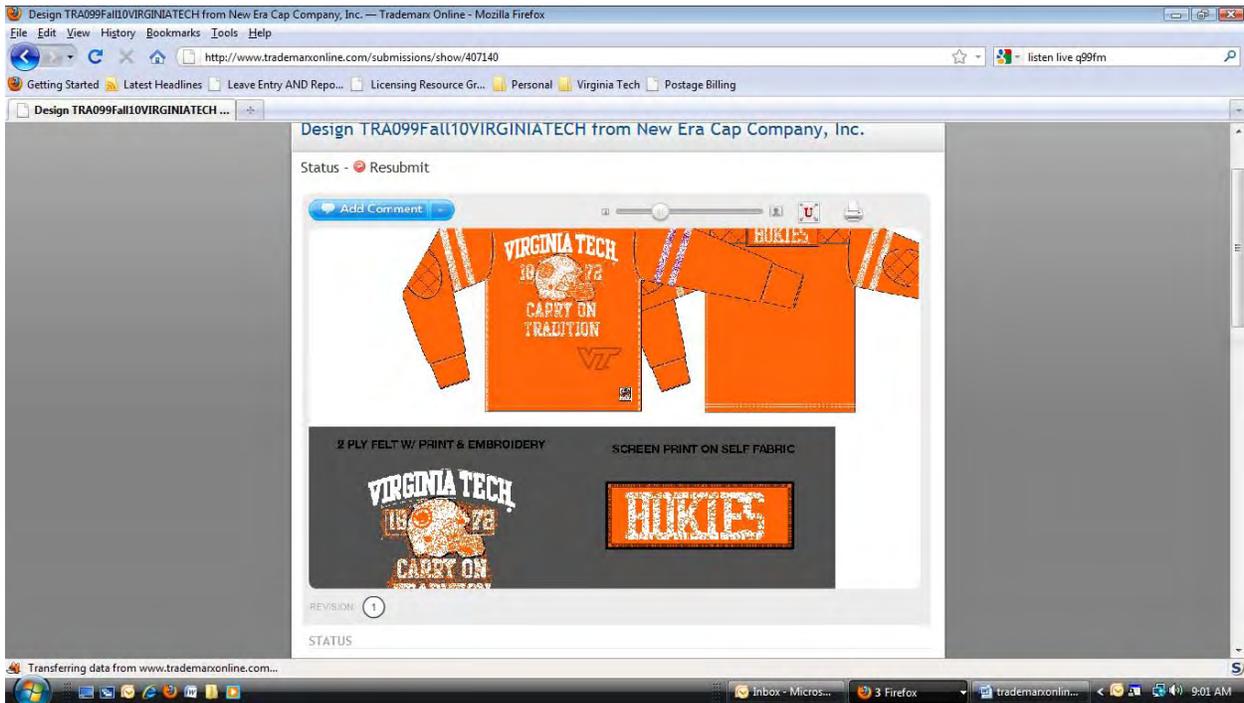
As you may know, I sold University Travel Consultants, Inc., and All America Tours, Inc. four years ago. I left the Blacksburg area at that time and moved to California. While I liked it there, I missed SW Virginia and Blacksburg and moved back into the area in November of 2008.

Now, I've seen that there seems to be a dearth in options for fans to get to VT football games. I'm anticipating starting a Tour company to provide bus tours to the away football games this coming fall. In looking at names for the company, I like the name "HokieExpress Tours", as I used to use that name on my bus passes with University Travel. My question is whether it's permissible to use that name? I don't see that it's trademarked or licensed, but I wanted to check with you before I started the incorporation paperwork.

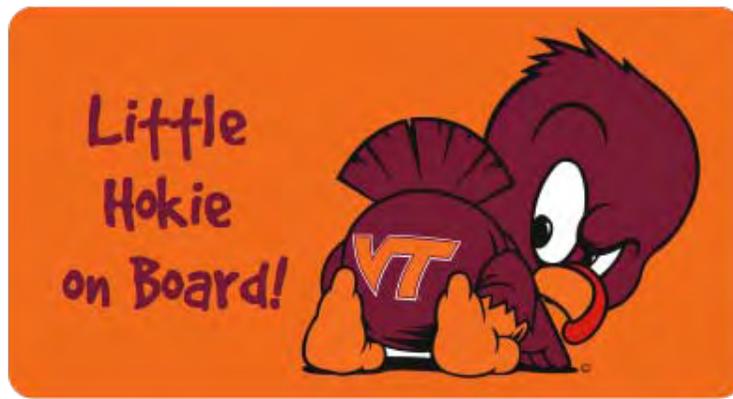
Can you please advise me?

Thank you,

Bill Ortega
VT, Class of 1979



Licenser Notes **Hokie** is registered



School: Virginia Tech

Product: Car Magnet

Item Number: 2AMJ903

Colors: Pantone 209 Maroon, 158 Orange, 485 Red, Black, White

**Licenser
Notes**

Hokie is registered. ALL
TRADEMARKS ARE
REGISTERED.



School: Virginia Tech

Product: Ceramic Photo Frame

Item Number: 2PFJ903

Colors: Pantone 209 Maroon, 158 Orange,
485 Red, Black, White

licensor Notes
REGISTERED.

Hokie is registered. ALL TRADEMARKS ARE

FC

APC01695033 X4 6.9"H x 13.9"W
NAN 04-04-08 GADDY RUSSELL

SCREEN 1. ORANGE
SCREEN 2. WHITE
SCREEN 3. BLACK
SCREEN 4. CHICAGO MAROON
SCREEN 5. WHITE BASE

CT1000-578



Licensor Hokie is registered

Notes

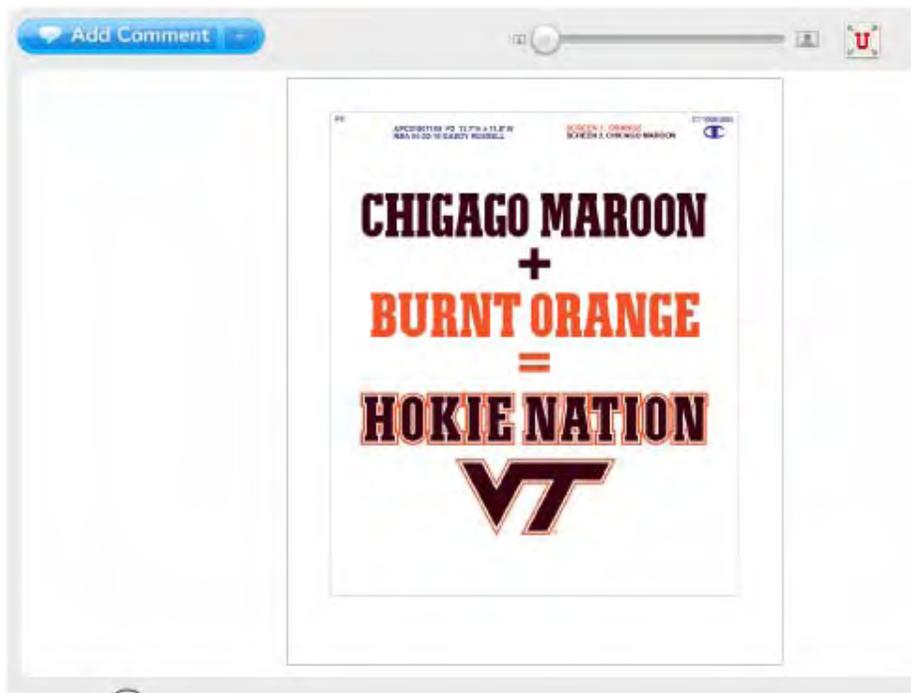
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- [Artwork](#)

Design APC01907180-P from Champion Custom Products

Status - ● Resubmit



Licensors Notes **All marks are registered. Add register mark to Hokie as well**

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- [Artwork](#)

Design APC01907173 from Champion Custom Products

Status - ● Resubmit



Licensors Notes All marks are registered. Place a register mark beside Hokie

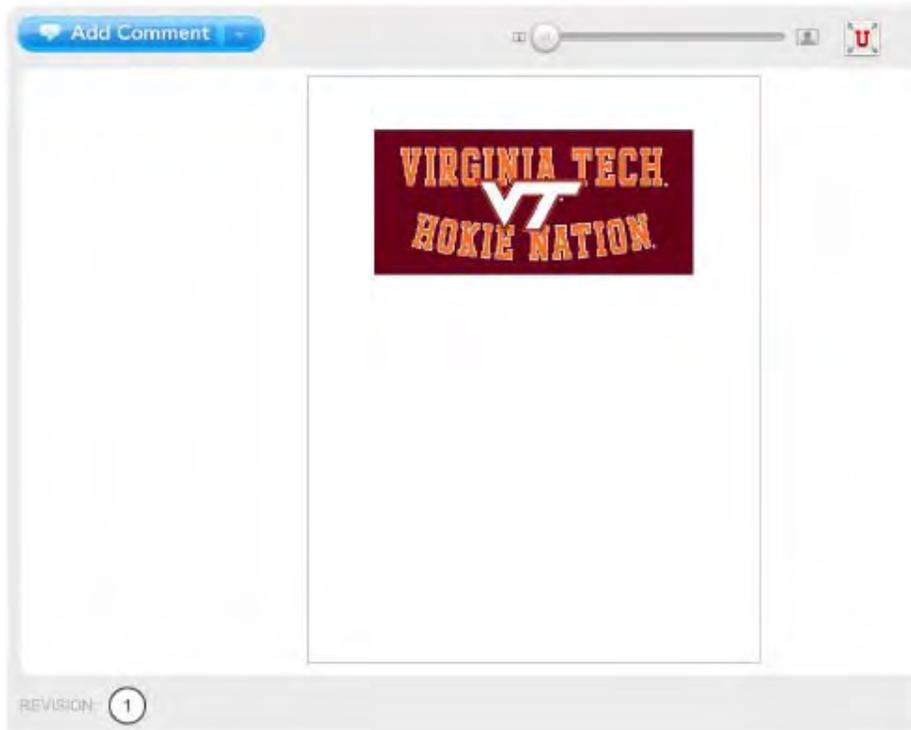
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Design SP272008 from MV Sport

Status -  Resubmit



Licensors Notes **Remove the register mark from Nation and put on Hokie**

LEFT
CHEST

APC01719689 X4 1.8"H x 3.0"W
NWW 06/17/08 APPELBAUM, RICHIE

CK2003-578

SCREEN 1. WHITE
SCREEN 2. LIGHT ORANGE
SCREEN 3. BLACK
SCREEN 4. DARK MAROON
SCREEN 5. WHITE BASE



Licensors Notes Hokie is registered

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Design VT1LD10 from Computer Digital Imaging Corp.

Status - ● Resubmit



Licensors Notes All marks are registered. Please **add register mark to Hokie**

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Design 27880 from T Formation of Tallahassee Inc.

Status - ● Resubmit

The image shows a screenshot of a web browser displaying a 'DESIGN APPROVAL REQUEST FORM'. The form is titled 'DESIGN APPROVAL REQUEST FORM' and includes a 'T-Formation' logo in the top right corner. The form fields are as follows:

- Name: BRENT DEBRACONO
- Date: 2/18/11
- Trademark: 27880
- Class: 9
- Owner: VIRGINIA TECH

The central part of the form features a large red banner with the text 'HOKIEBALL' in white, bold, sans-serif font, and 'VIRGINIA TECH BASEBALL' in smaller white text below it. Below the banner, there is a note: 'As shown on this option, T-Formation would have a signed copy of this form filed with the USPTO on or before 2/18/11. * Forms sent back after the approval form deadline may result in a missed ship date.' Below this note, there are several rows of text: 'Look like: HOKIEBALL', 'Color: 8000 (Yellow), 24514 (Black), FULL/PRIORITY (Black), 95410 (White)', 'Font: CARDINAL', and 'Notes: FLASH WHITE, PLUS 15K, 9 BT WHITE'. At the bottom of the form, there is a section for 'Signature' and 'Date', and a footer that reads 'Fax this form to T-Formation: (850) 701-2898'.

Licensors Notes all marks are registered. Please refer to the artwork page. **Hokie and Virginia Tech** needs to have a registered mark beside them.



Licenser Notes All marks are registered. Please place the register mark beside Hokie

B2B
VIRGINIA TECH
03.20.08 PA



Design: Back Designs

VPT30
Thread Colors:
Orange
Maroon

BACK: *width: 5.0cm height: 1.2cm



Back Flat
Embroidery

For Licensing only
Dk. Orange = PMS 165
Maroon = PMS 208
Orange = PMS 158

The image shows a rectangular embroidery design for the back of a garment. The word 'HOKIE' is embroidered in a bold, blocky font. The letters are primarily maroon with a dark orange outline. The design is set within a white rectangular border. To the left of the design, the text 'VPT30' is in blue, and 'Thread Colors:' is in black, followed by 'Orange' and 'Maroon' in black. Above the design, the text 'BACK: *width: 5.0cm height: 1.2cm' is in black. Below the design, the text 'Back Flat Embroidery' is in black. At the bottom, a red-bordered box contains the text 'For Licensing only' in red, followed by 'Dk. Orange = PMS 165', 'Maroon = PMS 208', and 'Orange = PMS 158' in black.

Licensors Notes

Missing registered mark