

Exhibit N
to
Counterclaim of Hokie Real Estate, Inc.

Letter to VPI&SU of March 30, 2010 Demanding that VPI&SU
Cease its Illegal Use of the Federal Registration Symbol (“®”) with
the Unregistered Term HOKIE

March 30, 2010

Stephen Capaldo, Esq.
Associate University Legal Counsel
236 Burruss Hall (0121)
Blacksburg, Virginia 24061

Subject: *Your Letters of January 25 and March 8, 2010*

Dear Mr. Capaldo:

I am writing on behalf of Hokie Real Estate, Inc., in response to your letters of January 25 and March 8, 2010, alleging that its use of the term "Hokie" constitutes trademark infringement.

Contrary to your assertions, Virginia Tech (the "University") appears to possess no rights in the term "Hokie." As you must know, the trademark registration to which you point does not cover use of the mark "Hokie." Additionally, whatever purported common law rights the University may once have possessed or asserted in the mark "Hokie" have long since been lost through the University's failure to police those purported rights. Indeed, it appears that nearly a decade ago the University sent cease-and-desist letters to alleged "infringers" but either failed to pursue infringement actions against those refusing to cease and desist from use of the mark, or otherwise entered into naked licenses with other compliant parties. In either case, the result is the same — the University has abandoned any rights it may have had in the mark.

Furthermore, even a preliminary investigation into the University's practice of marking its licensed products reveals a number of University-licensed products that improperly use the Federal Trademark Registration Symbol "®" in connection with the use of the unregistered, and unprotectable, term "Hokie." We also have documented such misuse on the University's own web site. These practices, coupled with your attempting to leverage concessions or licenses from legitimate users of the mark "Hokie" through the false assertion of trademark rights in the term, not only is a violation of trademark law but also is actionable as an unfair trade practice. By this letter, we place the University on notice of its impermissible marking campaign, and demand hereby is made that it correct all such mismarkings immediately.

Inasmuch as there is no possibility whatsoever of confusion between use of the term "Hokie" by Hokie Real Estate and by the University, we believe this is a fight best not continued. Hokie Real Estate provides real estate agency and brokerage services, wholly separate and distinct

from the educational services provided by the University. In using the mark "Hokie," Hokie Real Estate has taken the extra precautionary step of clearly stating that it "is not affiliated with Virginia Polytechnic Institute and State University." Thus there can be no likelihood of confusion about which the University need be concerned.

In sum, Hokie Real Estate will continue to respect the trademark rights and other intellectual property rights of the University, short of ceasing and desisting from its non-infringing use of the mark "Hokie" in its trade name. If the University takes action against Hokie Real Estate to enforce the rights that the University claims in the mark "Hokie," which it has failed to register, police and protect, then the only effect will be to demonstrate to the whole world — including, particularly, all of Hokie Nation, that the University's claim of ownership in the mark is baseless, revealing, in essence, that the Emperor has no clothes. I cannot conceive of a more disastrous public relations campaign for the University than a judicial confirmation of the University's derelict intellectual property policy with respect to a mark it appears now to covet.

Please let me know if I can answer any other questions you may have in this regard.

Very Truly Yours,

THE CREEKMORE LAW FIRM PC



Keith Finch

cc: John Wilburn, Hokie Real Estate, Inc.
James R. Creekmore, Esq.