

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION

08 MAY 15 PM 1:09

SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

ALPHA CHI OMEGA,
an unincorporated association;

ALPHA CHI OMEGA FRATERNITY, INC.,
an Indiana corporation;

ALPHA DELTA PI,
an unincorporated association;

ALPHA DELTA PI SORORITY CORPORATION,
a Georgia corporation;

ALPHA GAMMA DELTA,
an unincorporated association;

**ALPHA GAMMA DELTA FRATERNITY
CORPORATION,**
a New York corporation;

ALPHA GAMMA RHO,
an unincorporated association;

**ALPHA GAMMA RHO FRATERNITY
CORPORATION,**
an Illinois corporation;

ALPHA OMICRON PI,
an unincorporated association;

ALPHA OMICRON PI FRATERNITY, INC.,
a Tennessee corporation;

ALPHA PHI INTERNATIONAL,
an unincorporated association;

**ALPHA PHI INTERNATIONAL FRATERNITY,
INCORPORATED,**
a New York corporation;

1 : 08 -cv-0631-RLY-IMS

Case No.: _____

ALPHA TAU OMEGA,
an unincorporated association;

ALPHA TAU OMEGA FRATERNITY, INC.,
a Maryland corporation;

ALPHA XI DELTA,
an unincorporated association;

**ALPHA XI DELTA FRATERNITY
CORPORATION,**
an Ohio corporation;

BETA THETA PI,
an unincorporated association;

BETA THETA PI CORPORATION,
an Ohio corporation;

CHI OMEGA,
an unincorporated association;

CHI OMEGA FRATERNITY CORPORATION,
an Ohio corporation;

CHI PHI,
an unincorporated association;

THE CHI PHI FRATERNITY, INC.,
a Georgia corporation;

DELTA CHI,
an unincorporated association;

THE DELTA CHI FRATERNITY, INC.,
an Iowa corporation;

DELTA DELTA DELTA,
an unincorporated association;

DELTA DELTA DELTA CORPORATION,
an Illinois corporation;

DELTA GAMMA,
an unincorporated association;

DELTA GAMMA FRATERNITY CORPORATION,)
an Ohio corporation;)

DELTA PHI EPSILON,)
an unincorporated association;)

DELTA PHI EPSILON, INC.,)
a New York corporation;)

DELTA TAU DELTA,)
an unincorporated association;)

DELTA TAU DELTA CORPORATION,)
a New York corporation;)

GAMMA PHI BETA,)
an unincorporated association;)

GAMMA PHI BETA SORORITY, INC.,)
an Illinois corporation;)

KAPPA ALPHA ORDER,)
an unincorporated association;)

KAPPA ALPHA ORDER CORPORATION,)
a Virginia corporation;)

KAPPA DELTA,)
an unincorporated association;)

KAPPA DELTA SORORITY, INCORPORATED,)
a Virginia corporation;)

KAPPA SIGMA FRATERNITY,)
an unincorporated association;)

LAMBDA CHI ALPHA FRATERNITY)
an unincorporated association;)

LAMBDA CHI ALPHA FRATERNITY)
INCORPORATED,)
an Indiana corporation)

PHI DELTA THETA,)
an unincorporated association;)

PHI DELTA THETA FRATERNITY)
CORPORATION,)
an Ohio corporation;)
)
PHI GAMMA DELTA,)
an unincorporated association;)
)
THE FRATERNITY OF PHI GAMMA DELTA,)
INC.,)
an Indiana corporation;)
)
PHI KAPPA SIGMA,)
an unincorporated association;)
)
PHI KAPPA SIGMA FRATERNITY, INC.,)
a Pennsylvania corporation;)
)
PHI KAPPA TAU,)
an unincorporated association;)
)
THE PHI KAPPA TAU FRATERNITY)
CORPORATION,)
an Ohio corporation;)
)
PHI KAPPA THETA,)
an unincorporated association;)
)
PHI KAPPA THETA FRATERNITY)
CORPORATION,)
an Ohio corporation;)
)
PI KAPPA ALPHA,)
an unincorporated association;)
)
PI KAPPA ALPHA CORPORATION,)
a Tennessee corporation;)
)
PI BETA PHI,)
an unincorporated association;)
)
PI BETA PHI CORPORATION,)
an Illinois corporation;)
)
SIGMA ALPHA EPSILON,)
an unincorporated association;)

**SIGMA ALPHA EPSILON FRATERNITY
CORPORATION,**
an Illinois corporation;

SIGMA CHI,
an unincorporated association;

SIGMA CHI CORPORATION,
an Illinois corporation;

SIGMA KAPPA,
an unincorporated association;

SIGMA KAPPA CORPORATION,
a Maine corporation;

SIGMA PHI EPSILON,
an unincorporated association;

**SIGMA PHI EPSILON FRATERNITY
CORPORATION,**
a Virginia corporation;

TAU KAPPA EPSILON,
an unincorporated association;

**TAU KAPPA EPSILON FRATERNITY
CORPORATION,**
an Illinois corporation;

PLAINTIFFS,

v.

HAIR SPA, INC.,
a Texas corporation doing business as **JOETOGA;**

TAYLOR CORPORATION,
a Minnesota corporation doing business as **GREEK
LIFESTYLES, AMERICA'S FAVORITE FAVORS
and COLLEGIATE CLASSICS;**

TAYMARK, INC.,)
a Minnesota corporation doing business as **GREEK**)
LIFESTYLES, AMERICA'S FAVORITE FAVORS)
and COLLEGIATE CLASSICS;)
)
MARK TYGEL,)
an individual doing business as **RAH RAH CO.;**)
)
DEFENDANTS.)

COMPLAINT FOR TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION
WITH DEMAND FOR JURY TRIAL

The Plaintiffs, hereinafter collectively referred to as the "Greek Organizations," bring this Complaint against Hair Spa, Inc., doing business as joeToga; Taylor Corporation, doing business as Greek Lifestyles, America's Favorite Favors and Collegiate Classics; Taymark, Inc., doing business as Greek Lifestyles, America's Favorite Favors and Collegiate Classics; and Mark Tygel, an individual doing business as Rah Rah Co. Said Defendants are hereinafter sometimes collectively referred to as "Unauthorized Vendors."

For their Complaint the Greek Organizations state as follows:

NATURE OF THE ACTION

1. This is an action brought pursuant to the Lanham Act (15 U.S.C. § 1051 et seq.) and the common law to enjoin trademark infringement and unfair competition, and to recover damages and an accounting of Defendants' profits associated with said offending activities, among other forms of relief.

JURISDICTION AND VENUE

2. This Court has original jurisdiction to adjudicate the Lanham Act claims in this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1121 and 1338, and pendent jurisdiction to

adjudicate the common law unfair competition claims associated therewith pursuant to 28 U.S.C. § 1338.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1) and (2) because Defendants do business nationwide, including in Indiana and in this District.

THE PARTIES GENERALLY

4. The Plaintiff Greek Organizations are various collegiate fraternal organizations, commonly referred to as fraternities and sororities, namely Alpha Chi Omega, Alpha Delta Pi, Alpha Gamma Delta, Alpha Gamma Rho, Alpha Omicron Pi, Alpha Phi, Alpha Tau Omega, Alpha Xi Delta, Beta Theta Pi, Chi Omega, Chi Phi, Delta Chi, Delta Delta Delta, Delta Gamma, Delta Phi Epsilon, Delta Tau Delta, Gamma Phi Beta, Kappa Alpha Order, Kappa Delta, Kappa Sigma, Lambda Chi Alpha, Phi Delta Theta, Phi Gamma Delta, Phi Kappa Sigma, Phi Kappa Tau, Phi Kappa Theta, Pi Kappa Alpha, Pi Beta Phi, Sigma Alpha Epsilon, Sigma Chi, Sigma Kappa, Sigma Phi Epsilon and Tau Kappa Epsilon along with their corporate affiliates.

5. Defendant Hair Spa, Inc. is a Texas corporation doing business as joeToga. Said Defendant, hereinafter referred to as "joeToga," has its principal place of business located at 11579 Wilcrest, Houston, Texas 77099. joeToga is in the business of producing and distributing various types of novelty items and other articles adorned with the marks and insignia of various of the Plaintiff Greek Organizations.

6. Defendants Taylor Corporation and Taymark, Inc. are related Minnesota corporations. Said Defendants, hereinafter collectively referred to as "Taylor/Taymark," both have their principal place of business located at 1725 Roe Crest Drive, North Mankato, Minnesota 56001. To the best of Plaintiffs' knowledge and belief, for at least a period of time, a

portion of the business of Defendant Taylor Corporation was conducted through its Taymark division engaged in doing business as America's Favorite Favors, Collegiate Classics and Greek Lifestyles, and at some point in time Taylor Corporation may have spun off the Taymark division as a related company known as Taymark, Inc. Thereafter, Taymark, Inc. continued to do business as America's Favorite Favors, Collegiate Classics and Greek Lifestyles. The portion of business of Defendants Taylor/Taymark engaged in as America's Favorite Favors, Collegiate Classics and Greek Lifestyles includes producing and distributing various types of novelty items and other articles adorned with the marks and insignia of various of the Plaintiff Greek Organizations.

7. Upon information and belief, Defendant Taylor Corporation: (a) personally participated in and/or had the right and ability to direct and control the wrongful conduct committed by Taymark, Inc., as alleged in this Complaint, and (b) derived direct financial benefit from that wrongful conduct.

8. Defendant Mark Tygel is an individual doing business as Rah Rah Co. Said Defendant, hereinafter referred to as "the Rah Rah Defendant," has a principal place of business located at 107 West Nittany Avenue, State College, Pennsylvania 16801. The Rah Rah Defendant is in the business of producing and distributing various types of novelty items and other articles adorned with the marks and insignia of various of the Plaintiff Greek Organizations.

ALPHA CHI OMEGA

9. Alpha Chi Omega Fraternity is an unincorporated association, and its affiliate, Alpha Chi Omega Fraternity, Inc., is an Indiana corporation. Both are hereinafter jointly referred to as “Alpha Chi Omega.”

10. Alpha Chi Omega is a fraternal organization for women, commonly referred to as a sorority, with its principal office located at 5939 Castle Creek Parkway North Drive, Indianapolis, Indiana, 46250.

11. Alpha Chi Omega, founded in 1885 at DePauw University in Greencastle, Indiana, now has approximately 132 chapters located at various colleges and universities with a current active membership of approximately 11,000 students, and also has approximately 200 alumni chapters. There are approximately 111,000 living Alpha Chi Omegas.

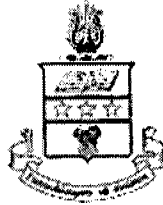
12. Alpha Chi Omega owns and uses various distinctive marks and insignia to represent membership in the sorority and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

13. Alpha Chi Omega is the owner of valid registrations on the principal register of the United States Patent and Trademark Office (the “PTO”) of various of its marks and insignia, including:

(a) Registrations No. 3,183,877 and 3,183,915, both issued on December 12, 2006, of the word mark, ALPHA CHI OMEGA;

(b) Registration No. 264,413 issued on November 26, 1929 and Registrations No. 3,257,972 and 3,257,973, both issued on July 3, 2007, of its Greek letter insignia, AXΩ;

(c) Registration No. 3,183,914 issued on December 12, 2006 of a graphic design consisting of the following:



(d) Registration No. 3,183,916 issued on December 12, 2006 and Registration No. 3,258,149 issued on July 3, 2007 of a graphic design consisting of the following:



ALPHA DELTA PI

14. Alpha Delta Pi is an unincorporated association, and its affiliate, Alpha Delta Pi Sorority Corporation, is a Georgia corporation. Both are hereinafter collectively referred to as "Alpha Delta Pi."

15. Alpha Delta Pi, also known as ADPi, is a fraternal organization for women, commonly referred to as a sorority, with its principal office at 1386 Ponce de Leon Avenue, N.E, Atlanta, Georgia, 30306.

16. Alpha Delta Pi was founded in 1851 at Wesleyan Female College in Macon, Georgia, and now has approximately 130 chapters at various colleges and universities with a

current active membership of approximately 11,100 students, and also has approximately 150 alumni chapters. There are approximately 174,400 living ADPis.

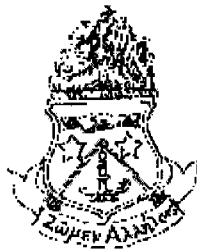
17. Alpha Delta Pi owns and uses various distinctive marks and insignia to represent membership in the sorority and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

18. Alpha Delta Pi is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

(a) Registration No. 1,356,590 issued on August 27, 1985 and Registration No. 1,375,041 issued on December 10, 1985 of the word mark, ALPHA DELTA PI;

(b) Registration No. 570,833 issued on February 17, 1953 and Registration No. 1,455,179 issued on September 1, 1987 of its Greek letter insignia, ΑΔΠ;

(c) Registration No. 1,361,009 issued on September 15, 1985, Registration No. 1,395,605 issued on June 3, 1986 and Registration No. 1,503,013 issued on September 6, 1988 of a graphic design consisting of the following:



(d) Registration No. 2,782,678 issued on November 11, 2003 of a graphic design consisting of the following:



ALPHA GAMMA DELTA

19. Alpha Gamma Delta is an unincorporated association, and its affiliate, Alpha Gamma Delta Fraternity Corporation, is a New York corporation. Both are hereinafter collectively referred to as "Alpha Gamma Delta."

20. Alpha Gamma Delta, also known as Alpha Gam, is a fraternity for women, commonly referred to as a sorority, with its principal office located at 8701 Founders Road, Indianapolis, Indiana 46268.

21. Alpha Gamma Delta was founded in 1904 at Syracuse University in Syracuse, New York. The sorority now has approximately 181 chapters located at various colleges and universities, and also has approximately 250 alumni chapters. Total membership for the organization exceeds 140,000 Alpha Gamma Deltas.

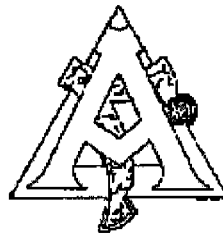
22. Alpha Gamma Delta owns and uses various distinctive marks and insignia to represent membership in the sorority and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

23. Alpha Gamma Delta is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

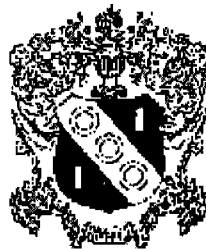
(a) Registration No. 723,196 issued on October 24, 1961 of the word mark ALPHA GAMMA DELTA;

(b) Registration No. 702,000 issued on July 26, 1960 of its Greek letter insignia $\text{A}\Gamma\Delta$;

(c) Registration No. 721,445 issued on September 12, 1961 of a graphic design consisting of the following:



(d) Registration No. 720,482 issued on August 22, 1961 of a graphic design consisting of the following:



ALPHA GAMMA RHO

24. Alpha Gamma Rho is an unincorporated association, and its affiliate, Alpha Gamma Rho Fraternity Corporation, is an Illinois corporation. Both are hereinafter collectively referred to as "Alpha Gamma Rho."

25. Alpha Gamma Rho, also known as AGR, is a social and professional fraternity for male college students preparing for agriculture or food related careers. Its principal office is located at 10101 North Ambassador Drive, Kansas City, Missouri 64153-1395.

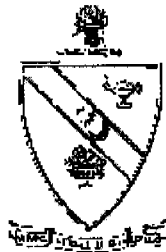
26. Alpha Gamma Rho was founded in 1904 at The Ohio State University in Columbus, Ohio, and now has more than 65 chapters located at various colleges and universities, and more than 59,000 members nationwide.

27. Alpha Gamma Rho owns and uses various distinctive marks and insignia to represent membership in the fraternity, including the Greek letters AFP, and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

28. Alpha Gamma Rho is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

(a) Registration No. 921,760 issued on October 5, 1971 of the word mark ALPHA GAMMA RHO;

(b) Registration No. 926,588 issued on January 4, 1972 of a graphic design consisting of the following:



(c) Registration No. 917,915 issued on August 3, 1971 of a graphic design consisting of the following:



ALPHA OMICRON PI

29. Alpha Omicron Pi is an unincorporated association, and its affiliate, Alpha Omicron Pi Fraternity, Inc., is a Tennessee corporation. Both are hereinafter collectively referred to as "Alpha Omicron Pi."

30. Alpha Omicron Pi, also known as AOPi, is a fraternal organization for women, commonly referred to as a sorority, with its principal office located at P.O. Box 395, 5390 Virginia Way, Brentwood, Tennessee 37024-0395.

31. Alpha Omicron Pi was founded at Barnard College of Columbia in 1897, and now has approximately 178 chapters located at various colleges and universities with a current active membership of approximately 7,200 students, and also has approximately 320 alumni chapters. There are approximately 122,200 living AOPis.

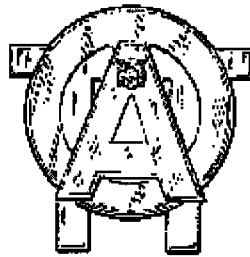
32. Alpha Omicron Pi owns and uses various distinctive marks and insignia to represent membership in the sorority and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

33. Alpha Omicron Pi is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

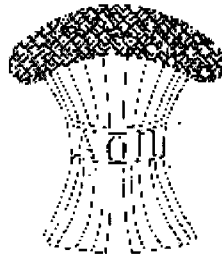
(a) Registration No. 563,192 issued on August 19, 1952 of the word mark
ALPHA OMICRON PI;

(b) Registration No. 293,869 issued on May 10, 1932 of its Greek letter
insignia ΑΟΠ;

(c) Registration No. 1,699,655 issued on April 14, 1992 of a graphic design
consisting of the following:



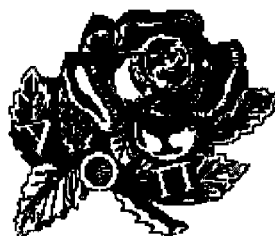
(d) Registration No. 1,808,245 issued on November 30, 1993 of a graphic
design consisting of the following:



(e) Registration No. 911,613 issued on May 4, 1971 of a graphic design
consisting of the following:



(f) Registration No. 565,396 issued on October 14, 1952 of a graphic design consisting of the following:



ALPHA PHI

34. Alpha Phi International is an unincorporated association, and its affiliate, Alpha Phi International Fraternity, Incorporated, is a New York corporation. Both are hereinafter collectively referred to as "Alpha Phi."

35. Alpha Phi is a fraternal organization for women, commonly referred to as a sorority, with its principal office located at 1930 Sherman Ave, Evanston, Illinois 60201.

36. Alpha Phi was founded at Syracuse University in 1872, and now has approximately 140 chapters located at various colleges and universities with a current active membership of approximately 10,000 students, and also has approximately 150 alumni chapters. There are approximately 136,000 living Alpha Phis.

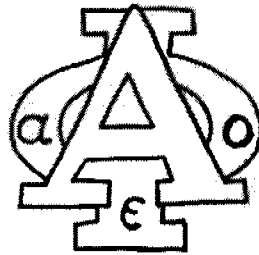
37. Alpha Phi owns and uses various distinctive marks and insignia to represent membership in the sorority and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

38. Alpha Phi is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

(a) Registration No. 3,065,310 issued on March 7, 2006 and Registration No. 3,365,213 issued on January 8, 2008 of the word mark, ALPHA PHI;

(b) Registration No. 3,065,311 issued on March 7, 2006 and Registration No. 1,723,628 issued on October 13, 1992 of its Greek letter insignia AΦ.

(c) Registration No. 3,365,421 issued on January 8, 2008 and Registration No. 3,391,162 issued on March 4, 2008 of a graphic design consisting of the following:



(d) Registration No. 3,391,132 issued on March 4, 2008 of a graphic design consisting of the following:



ALPHA TAU OMEGA

39. Alpha Tau Omega is an unincorporated association, and its affiliate, The Alpha Tau Omega Fraternity, Inc., is a Maryland corporation. Both are hereinafter collectively referred to as “ATO.”

40. ATO, also known as Alpha Tau, is a fraternity with its principal office located at One North Pennsylvania Street, 12th Floor, Indianapolis, Indiana 46204.

41. ATO was founded at the Virginia Military Institute in 1865, and now has approximately 140 chapters located at various colleges and universities with a current active membership of approximately 6,500 students, and also has approximately 100 alumni chapters. There are approximately 140,000 living ATOs.

42. ATO owns and uses various distinctive marks and insignia to represent membership in the fraternity and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

43. ATO is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

(a) Registration No. 866,669 issued on March 11, 1969 of the word mark, ALPHA TAU OMEGA FRATERNITY;

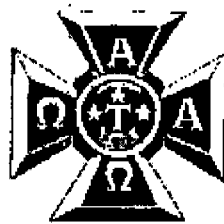
(b) Registration No. 2,394,954 issued on October 17, 2000 of the word mark ALPHA TAU OMEGA;

(c) Registration No. 2,392,845 issued on October 10, 2000 of its Greek letter insignia $\text{AT}\Omega$;

(d) Registration No. 2,403,408 issued on November 14, 2000 of a graphic design consisting of the following:



(e) Registration No. 2,370,408 issued on July 25, 2000 of a graphic design consisting of the following:



ALPHA XI DELTA

44. Alpha Xi Delta is an unincorporated association, and its affiliate, Alpha Xi Delta Fraternity Corporation, is an Ohio corporation. Both are hereinafter collectively referred to as “Alpha Xi Delta.”

45. Alpha Xi Delta is a fraternal organization for women, commonly referred to as a sorority, with its principal office located at 8702 Founders Road, Indianapolis, Indiana 46268.

46. Alpha Xi Delta was founded in 1893 at Lombard College in Galesburg, Illinois and now has approximately 111 chapters located at various colleges and universities with a current active membership of approximately 6,600 students, and also has approximately 120 alumni chapters. There are approximately 72,600 living Alpha Xi Deltas.

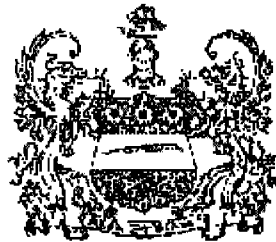
47. Alpha Xi Delta owns and uses various distinctive marks and insignia to represent membership in the sorority and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

48. Alpha Xi Delta is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

(a) Registration No. 762,894 issued on January 7, 1964, Registration No. 1,634,892 issued on February 12, 1991, Registration No. 1,635,479 issued on February 19, 1991, Registration No. 1,636,177 issued on February 26, 1991 and Registration No. 1,636,928 issued on March 5, 1991 of the word mark, ALPHA XI DELTA;

(b) Registration No. 763,915 issued on January 28, 1964, Registration No. 1,635,514 issued on February 19, 1991, Registration No. 1,636,140 issued on February 26, 1991 and Registration No. 1,642,136 issued on April 23, 1991 of its Greek letter insignia, ΑΞΔ;

(c) Registration No. 620,401 issued on January 31, 1956, Registration No. 1,641,220 issued on April 16, 1991, Registration No. 1,666,772 issued on December 3, 1991 and Registration No. 1,671,809 issued on January 14, 1992 of a graphic design consisting of the following:



BETA THETA PI

49. Beta Theta Pi is an unincorporated association, and its affiliate, Beta Theta Pi Corporation, is an Ohio corporation. Both are hereinafter collectively referred to as "Beta Theta Pi."

50. Beta Theta Pi, also known as Beta or Betas, is a fraternity with its principal office located at 5134 Bonham Road, Oxford, Ohio 45056.

51. Beta Theta Pi was founded in 1839 at Miami University, Oxford Ohio and now has approximately 135 chapters located at various colleges and universities with a current active membership of approximately 7,200 students. There are approximately 190,000 living Betas.

52. Beta Theta Pi owns and uses various distinctive marks and insignia to represent membership in the fraternity and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

53. Beta Theta Pi is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

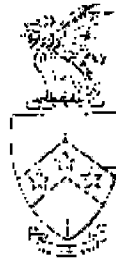
(a) Registration No. 2,535,885 issued on February 5, 2002 of the word mark, BETA THETA PI;

(b) Registration No. 287,743 issued on October 6, 1931 and Registration No. 2,603,638 issued on August 6, 2002 of its Greek letter insignia, ΒΘΠ;

(c) Registration No. 2,683,257 issued on February 4, 2003 of a design mark consisting of the following;



(d) Registration No. 2,734,193 issued on July 8, 2003 of a graphic design consisting of the following:



(e) Registration No. 2,736,192 issued on July 15, 2003 of a graphic design representing a mythical creature known as a gryphon (also known as a griffon or griffin) which appears as follows:



(f) Registration No. 2,812,226 issued on February 10, 2004 of a graphic design consisting of the following:



CHI OMEGA

54. Chi Omega is an unincorporated association, and its affiliate, Chi Omega Fraternity Corporation, is an Ohio corporation. Both are hereinafter collectively referred to as "Chi Omega."

55. Chi Omega, also known as Chi O, is a fraternal organization for women, commonly referred to as a sorority, with its principal office located at 3395 Players Club Parkway, Memphis, Tennessee 38125.

56. Chi Omega was founded in 1895 at The University of Arkansas and now has approximately 170 chapters located at various colleges and universities with a current active membership of approximately 16,000 students. There are approximately 201,000 living Chi Omegas.

57. Chi Omega owns and uses various distinctive marks and insignia to represent membership in the sorority and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

58. Chi Omega is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

(a) Registration No. 1,359,187 issued on September 10, 1985 and Registration No. 1,375,043 issued on December 10, 1985 of the word mark, CHI OMEGA;

(b) Registration No. 1,362,416 issued on September 24, 1985 and Registration No. 1,361,759 issued on September 24, 1985 of its Greek letter insignia, XΩ;

(c) Registration No. 1,378,500 issued on January 14, 1986 of a graphic design consisting of the following:



(d) Registration No. 1,375,765 issued on December 17, 1985 of a graphic design consisting of the following:



(e) Registration No. 1,559,754 issued on October 10, 1989 of a graphic design consisting of the following:



CHI PHI

59. Chi Phi is an unincorporated association, and its affiliate, The Chi Phi Fraternity, Inc., is a Georgia corporation. Both are hereinafter collectively referred to as "Chi Phi."

60. Chi Phi is a fraternity, with its principal office 850 Indian Trail Road Northwest, Lilburn, Georgia 30047-6866.

61. Chi Phi was founded in 1824 at the College of New Jersey, now known as Princeton University, in Princeton, New Jersey, and now has approximately 59 chapters. There are approximately 40,500 living Chi Phis.

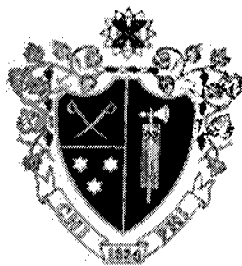
62. Chi Phi owns and uses various distinctive marks and insignia to represent membership in the fraternity and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia

63. Chi Phi is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

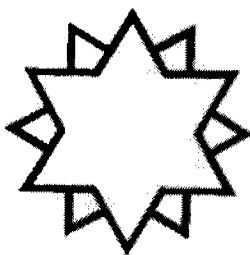
(a) Registrations Nos. 3,246,441 and 3,246,442, both issued on May 29, 2007, of the word mark, CHI PHI;

(b) Registration No. 3,334,571 issued on November 13, 2007 and Registration No. 3,339,390 issued on November 20, 2007 of its Greek letter insignia, XΦ;

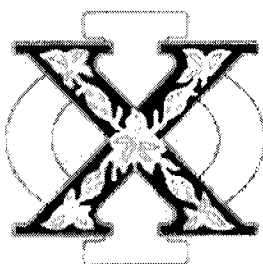
(c) Registrations Nos. 3,176,661 and 3,176,666, both issued on November 28, 2006, of a graphic design consisting of the following:



(d) Registration No. 3,176,659 issued on November 28, 2006 and Registration No. 3,418,281 issued on April 29, 2008 of a graphic design consisting of the following:



(e) Registration No. 3,329,180 issued on November 6, 2007 of a graphic design consisting of the following:



DELTA CHI

64. Delta Chi is an unincorporated association, and its affiliate, The Delta Chi Fraternity, Inc., is an Iowa corporation. Both are hereinafter collectively referred to as "Delta Chi."

65. Delta Chi is a fraternity with its principal office located at 314 Church Street, P.O. Box 1817, Iowa City, Iowa 52244-1817.

66. Delta Chi was founded in 1890 at Cornell University in Ithaca, New York, and now has approximately 115 chapters located at various colleges and universities with a current active membership of approximately 3,800 students. There are approximately 58,800 living Delta Chis.

67. Delta Chi owns and uses various distinctive marks and insignia to represent membership in the fraternity and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

68. Delta Chi is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

(a) Registration No. 1,589,899 issued on April 3, 1990 of the word mark, DELTA CHI;

(b) Registration No. 1,591,924 issued on April 17, 1990 of the word mark, THE DELTA CHI FRATERNITY;

(c) Registration No. 1,591,925 issued on April 17, 1990 of its Greek letter insignia, ΔΧ;

(d) Registration No. 271,236 issued on May 27, 1930 of a graphic design consisting of the following:



(e) Registration No. 1,596,304 issued on May 15, 1990 of a graphic design consisting of the following:



DELTA DELTA DELTA

69. Delta Delta Delta is an unincorporated association, and its affiliate, Delta Delta Delta Corporation, is an Illinois corporation. Both are hereinafter collectively referred to as "Delta Delta Delta."

70. Delta Delta Delta, also known as Tri-Delta, is a fraternal organization for women, commonly referred to as a sorority, with its principal office located at 2331 Brookhollow Plaza Drive, P.O. Box 5987, Arlington, Texas 76005-5987.

71. Delta Delta Delta was founded at Boston University in 1888, and now has approximately 135 chapters located at various colleges and universities with a current active membership of approximately 12,300 students, and also has approximately 350 alumni chapters. There are approximately 130,000 living Tri-Delts.

72. Delta Delta Delta owns and uses various distinctive marks and insignia to represent membership in the sorority and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

73. Delta Delta Delta is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

(a) Registration No. 694,711 issued on March 15, 1960 of the word mark, DELTA DELTA DELTA;

(b) Registration No. 739,179 issued on October 9, 1962 of the word mark, TRI DELTA;

(c) Registration No. 223,230 issued on January 25, 1927 of a stylized mark consisting of its Greek letter insignia $\Delta\Delta\Delta$;

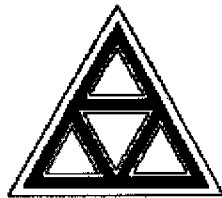
(d) Registration No. 852,339 issued on July 9, 1968 of a graphic design consisting of the following:



(e) Registration No. 687,720 issued on November 3, 1959 of a graphic design consisting of the following:



(f) Registration No. 687,408 issued on October 27, 1959 of a graphic design consisting of the following:



DELTA GAMMA

74. Delta Gamma is an unincorporated association, and its affiliate, Delta Gamma Fraternity Corporation, is an Ohio corporation. Both are hereinafter collectively referred to as “Delta Gamma.”

75. Delta Gamma, also known as DG or Dee Gee, is a fraternal organization for women, commonly referred to as a sorority, with its principal office located at 3250 Riverside Drive, Columbus, Ohio 43221-0397.

76. Delta Gamma was founded in 1873 at The University of Mississippi, and now has approximately 140 chapters located at various colleges and universities with a current active

membership of approximately 13,600 students. There are approximately 113,400 living Delta Gammas.

77. Delta Gamma owns and uses various distinctive marks and insignia to represent membership in the sorority and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

78. Delta Gamma is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

(a) Registration No. 699,172 issued on June 7, 1960 of the word mark, DELTA GAMMA;

(b) Registration No. 585,700 issued on February 16, 1954 of its Greek letter insignia, $\Delta \Gamma$;

(c) Registration No. 730,578 issued on April 24, 1962 of a graphic design consisting of the following:



(d) Registration No. 699,586 issued on June 14, 1960 of a graphic design consisting of the following:



DELTA PHI EPSILON

79. Delta Phi Epsilon is an unincorporated association, and its affiliate, Delta Phi Epsilon, Inc., is a New York corporation. Both are hereinafter collectively referred to as “Delta Phi Epsilon.”

80. Delta Phi Epsilon, also known as D Phi E, is a sorority with its principal office located at 16A Worthington Drive, Maryland Heights, Missouri, 63043.

81. Delta Phi Epsilon was founded in 1917 at the New York University Law School in New York City, and now has approximately 78 chapters located at various colleges and universities with a current active membership of approximately 3,500 students. There are approximately 30,000 living Delta Phi Epsilons.

82. Delta Phi Epsilon owns and uses various distinctive marks and insignia to represent membership in the sorority and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

83. Delta Phi Epsilon is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

(a) Registration No. 3,138,627 issued on September 5, 2006 and Registration No. 3,150,790 issued on October 3, 2006 of the word mark DELTA PHI EPSILON;

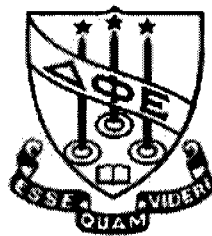
(b) Registration No. 3,200,908 issued on January 23, 2007 of the Delta Phi Epsilon nickname D PHI E;

(c) Registration No. 3,138,621 issued on September 5, 2006 and Registration No. 3,167,934 issued on November 7, 2006 of its Greek letter insignia $\Delta\Phi E$;

(d) Registration No. 3,210,422 issued on February 20, 2007 and Registration No. 3,221,555 issued on March 27, 2007 of a graphic design consisting of the following:



(e) Registration No. 3,153,507 issued on October 10, 2006 and Registration No. 3,214,951 issued on March 6, 2007 of a graphic design consisting of the following:



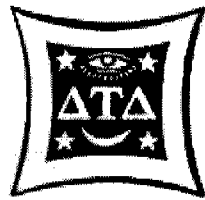
DELTA TAU DELTA

84. Delta Tau Delta is an unincorporated association, and its affiliate, Delta Tau Delta Corporation, is a New York corporation. Both are hereinafter collectively referred to as "Delta Tau Delta."

85. Delta Tau Delta, also known as Delts or Delta Taus, is a fraternity with its principal office located at 10000 Allisonville Road, Fishers, Indiana 46038-2008.

86. Delta Tau Delta was founded at Bethany College in 1858, and now has approximately 110 chapters located at various colleges and universities with a current active membership of approximately 5,800 students, and also has approximately 25 alumni chapters. There are approximately 106,500 living Delts.

87. Delta Tau Delta owns and uses various distinctive marks and insignia to represent membership in the fraternity and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing the its marks and insignia including graphic designs consisting of the following:



88. Delta Tau Delta is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

- (a) Registration No. 1,188,245 issued on January 26, 1982 of the word mark, DELTA TAU DELTA; and
- (b) Registration No. 1,189,637 issued on February 9, 1982 of its Greek letter insignia, ΔΤΔ;

GAMMA PHI BETA

89. Gamma Phi Beta is an unincorporated association, and its affiliate, Gamma Phi Beta Sorority, Inc., is an Illinois corporation. Both are hereinafter collectively referred to as "Gamma Phi Beta."

90. Gamma Phi Beta is a sorority with its principal office located at 12737 E. Euclid Drive, Centennial, Colorado 80111-6445.

91. Gamma Phi Beta was founded in 1874 at The Syracuse University, and now has approximately 113 chapters located at various colleges and universities with a current active membership of approximately 8,000 students. There are approximately 88,000 living Gamma Phi Betas.

92. Gamma Phi Beta owns and uses various distinctive marks and insignia to represent membership in the sorority and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

93. Gamma Phi Beta is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

- (a) Registration No. 749,237 issued on May 7, 1963 of the word mark, GAMMA PHI BETA;
- (b) Registration No. 751,452 issued on June 18, 1963 of its Greek letter insignia, $\Gamma\Phi\beta$;
- (c) Registration No. 616,336 issued on November 15, 1955 and Registration No. 749,236 issued on May 7, 1963 of a graphic design consisting of the following:



KAPPA ALPHA ORDER

94. Kappa Alpha Order is an unincorporated association, and its affiliate, Kappa Alpha Order Corporation, is a Virginia corporation. Both are hereinafter collectively referred to as "Kappa Alpha."

95. Kappa Alpha, also known as KA, is a fraternity with its principal office located at P.O. Box 1865, Lexington, Virginia 24450.

96. Kappa Alpha was founded in 1865, at Washington College, now known as Washington & Lee, in Lexington, Virginia, and now has approximately 128 chapters located at various colleges and universities with a current active membership of approximately 6,000 students, and also has approximately 103 alumni chapters. There are approximately 107,000 living Kappa Alphas.

97. Kappa Alpha owns and uses various distinctive marks and insignia to represent membership in the fraternity and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia including the Greek letters KA and the following graphic design:



98. Kappa Alpha is the owner of a valid registration on the principal register of the PTO of the word mark, KAPPA ALPHA, namely Registration No. 2,387,271 issued on September 19, 2000.

KAPPA DELTA

99. Kappa Delta Sorority is an unincorporated association, and its affiliate, Kappa Delta Sorority, Incorporated, is a Virginia corporation. Both are hereinafter collectively referred to as "Kappa Delta."

100. Kappa Delta, also known as KD, is a sorority with its principal office located at 3205 Players Lane, Memphis, Tennessee 38125.

101. Kappa Delta was founded in 1897 at The State Female Normal School, now known as Longwood University, in Farmington, Virginia, and has approximately 125 chapters located at various colleges and universities with a current active membership of approximately 12,000 students. There are approximately 104,000 living Kappa Deltas.

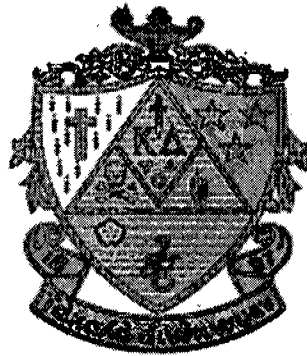
102. Kappa Delta owns and uses various distinctive marks and insignia to represent membership in the sorority, including the sorority's nickname, KD, and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

103. Kappa Delta is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

(a) Registration No. 2,002,806 issued September 24, 1996 of the word mark, KAPPA DELTA SORORITY;

(b) Registration No. 238,465 issued February 7, 1928 of its Greek letter insignia, KΔ;

(c) Registration No. 688,114 issued on November 10, 1959 of a graphic design consisting of the following:



(d) Registration No. 688,113 issued on November 10, 1959 of a graphic design consisting of the following:



(e) Registration No. 688,869 issued on November 24, 1959 of a similar graphic design consisting of the following:



KAPPA SIGMA

104. Kappa Sigma Fraternity ("Kappa Sigma") is an unincorporated association with its principal office located at 2020 Avon Court, Suite 29, Charlottesville, Virginia 22902.

105. Kappa Sigma was founded in 1869 at the University of Virginia in Charlottesville, Virginia, and now has approximately 234 college chapters, and over 11,000 undergraduate members.

106. Kappa Sigma owns and uses various distinctive marks and insignia to represent membership in the fraternity and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its mark and insignia.

107. Kappa Sigma is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

- (a) Registration No. 630,180 issued July 3, 1956 of the word mark KAPPA SIGMA;
- (b) Registration No. 591,775 issued June 22, 1954 of its Greek letter insignia KΣ;
- (c) Registration No. 590,906 issued on June, 8 1954 of a graphic design consisting of the following:



- (d) Registration No. 577,760 issued on July 21, 1953 of a graphic design consisting of the following:



(e) Registration No. 590,907 issued on June 8, 1954 of a graphic design consisting of the following:



LAMBDA CHI ALPHA

108. Lambda Chi Alpha Fraternity is an unincorporated association, and its affiliate, Lambda Chi Alpha Fraternity Incorporated, is an Indiana corporation. Both are hereinafter collectively referred to as "Lambda Chi Alpha."

109. Lambda Chi Alpha, also known as Lambda Chi, is a fraternity with its principal office located at 8741 Founders Road, Indianapolis, Indiana 46268-1389.

110. Lambda Chi Alpha was founded at Boston University in 1909 and now has approximately 210 chapters located at various colleges and universities with a current active membership of approximately 9,800 students. There are approximately 122,000 living Lambda Chi Alphas.

111. Lambda Chi Alpha owns and uses various distinctive marks and insignia to represent membership in the fraternity and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia including its name LAMBDA CHI ALPHA, its nickname LAMBDA CHI, its Greek Letter insignia AXA, and graphic designs consisting of the following:



PHI DELTA THETA

112. Phi Delta Theta Fraternity is an unincorporated association, and its affiliate, Phi Delta Theta Fraternity Corporation, is an Ohio corporation. Both are hereinafter collectively referred to as "Phi Delta Theta."

113. Phi Delta Theta, also known as Phi Delt, is a fraternity with its principal office located at 2 South Campus Avenue, Oxford, Ohio 45056-1872.

114. Phi Delta Theta was founded in 1848 at Miami University in Oxford, Ohio and now has approximately 165 chapters located at various colleges and universities and approximately 100 alumni chapters. There have been approximately 218,000 members of Phi Delta Theta.

115. Phi Delta Theta owns and uses various distinctive marks and insignia to represent membership in the fraternity and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

116. Phi Delta Theta is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

(a) Registration No. 2,701,924 issued on April 1, 2003 and Registration No. 2,873,167 issued on August 17, 2004 of the word mark, PHI DELTA THETA;

(b) Registration No. 224,978 issued on March 8, 1927, Registration No. 2,688,127 issued on February 18, 2003, and Registration No. 2,837,693 issued on May 4, 2004, of its Greek letter insignia, $\Phi\Delta\Theta$; and

(c) Registration No. 2,638,906 issued on October 22, 2002 of a graphic design consisting of the following:



PHI GAMMA DELTA

117. Phi Gamma Delta is an unincorporated association, and its affiliate, The Fraternity of Phi Gamma Delta, Inc., is an Indiana corporation. Both are hereinafter collectively referred to as "Phi Gamma Delta."

118. Phi Gamma Delta, also known as Fiji or Phi Gam, is a fraternity with its principal office located at 1201 Red Mile Road, P.O. Box 4599, Lexington, KY 40544-4599.

119. Phi Gamma Delta was founded in 1848 at Jefferson College, in Canonsburg, Pennsylvania and now has approximately 110 chapters located at various colleges and universities and approximately 50 alumni chapters.

120. Phi Gamma Delta owns and uses various distinctive marks and insignia to represent membership in the fraternity and maintains a merchandising program to oversee the production, distribution, and sale of assorted items bearing its marks and insignia.

121. Phi Gamma Delta is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

(a) Registration No. 583,737 issued on December 15, 1953 of the word mark PHI GAMMA DELTA;

(b) Registration No. 934,231 issued on May 16, 1972 and Registration No. 1,605,659 issued on July 10, 1990 of the word mark FIJI;

(c) Registration No. 1,506,696 issued on September 27, 1988 of the word mark PHI GAM;

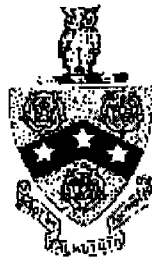
(d) Registration No. 576,863 issued on June 30, 1953 of a graphic design consisting of the following:



(e) Registration No. 921,355 issued on September 28, 1971 of a graphic design consisting of the following:



(f) Registration No. 609724 issued on July 26, 1955 of a graphic design consisting of the following:



PHI KAPPA SIGMA

122. Phi Kappa Sigma is an unincorporated association, and its affiliate, Phi Kappa Sigma Fraternity, Inc., is a Pennsylvania corporation. Both are hereinafter collectively referred to as "Phi Kappa Sigma."

123. Phi Kappa Sigma, also known as Phi Kap, is a fraternity with its principal office located at 2 Timber Drive, Chester Springs, Pennsylvania 19425.

124. Phi Kappa Sigma was founded in 1850 at the University of Pennsylvania in Philadelphia, Pennsylvania and now has more than 60 chapters located at various colleges and universities. There are now more than 42,000 living members of Phi Kappa Sigma.

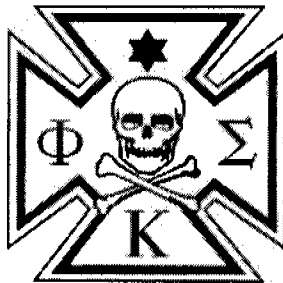
125. Phi Kappa Sigma owns and uses various distinctive marks and insignia to represent membership in the fraternity and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

126. Phi Kappa Sigma is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

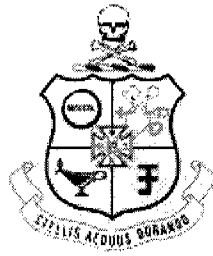
(a) Registration No. 2,529,662 issued on January 15, 2002 and Registration No. 3,351,803 issued December 11, 2007 of the word mark PHI KAPPA SIGMA;

(b) Registration No. 2,515,036 issued on December 4, 2001, Registration No. 2,529,663 issued on January 15, 2002 and Registration No. 3,351,802 issued on December 11, 2007 of its Greek letter insignia $\Phi\Kappa\Sigma$;

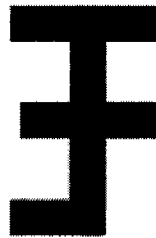
(c) Registration No. 3,351,610 issued on December 11, 2007 of a graphic design consisting of the following:



(d) Registration No. 3,347,892 issued on December 4, 2007 of a graphic design consisting of the following:



(e) Registration No. 3,328,978 issued on November 6, 2007 of a graphic design consisting of the following:



PHI KAPPA TAU

127. Phi Kappa Tau Fraternity is an unincorporated association, and its affiliate, The Phi Kappa Tau Fraternity Corporation, is an Ohio corporation. Both are hereinafter collectively referred to as "Phi Kappa Tau."

128. Phi Kappa Tau, also known as Phi Tau, is a fraternal organization with its principal office located at 5221 Morning Sun Road, Oxford, Ohio 45056.

129. Phi Kappa Tau was founded in 1906 at Miami University in Oxford, Ohio and now has approximately 95 chapters located at various colleges and universities. There are approximately 65,000 living members of Phi Kappa Tau.

130. Phi Kappa Tau owns and uses various distinctive marks and insignia to represent membership in the fraternity and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

131. Phi Kappa Tau is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

- (a) Registration No. 2,150,274 issued on April 14, 1998 of the word mark, PHI KAPPA TAU;
- (b) Registration No. 287,744 issued on October 6, 1931 of its Greek letter insignia, ΦKT;
- (c) Registration No. 590,905 issued on June 8, 1954 of a graphic design consisting of the following:



- (d) Registration No. 587,758 issued on April 6, 1954 of its badge design mark.

PHI KAPPA THETA

132. Phi Kappa Theta Fraternity is an unincorporated association, and its affiliate, Phi Kappa Theta Fraternity Corporation, is an Ohio corporation. Both are hereinafter collectively referred to as "Phi Kappa Theta."

133. Phi Kappa Theta, also known as Phi Kaps, is a fraternity with its principal office located at 9640 N. Augusta Drive, Suite 420, Carmel, Indiana 46032.

134. Phi Kappa Theta was founded in 1959 and is the successor in interest resulting from the merger of the Phi Kappa Fraternity, founded in 1889 and the Theta Kappa Phi Fraternity, founded in 1921. The merged organization now has approximately 54 chapters located at various colleges and universities with a current active membership of approximately 2,000 students, and also has approximately 22 alumni chapters. There are approximately 33,000 living members of Phi Kappa Theta.

135. Phi Kappa Theta owns and uses various distinctive marks and insignia to represent membership in the fraternity and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

136. Phi Kappa Theta is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

(a) Registration No. 3,167,851 issued on November 7, 2006 of the word mark, PHI KAPPA THETA;

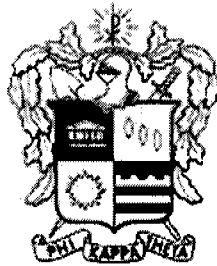
(b) Registration No. 3,164,903 issued on October 31, 2006 of its Greek letter insignia $\Phi K \Theta$;

(c) Registration No. 3,052,327 issued on January 31, 2006 of the word mark PHI KAPS;

(d) Registration No. 3,212,395 issued on February 27, 2007 and Registration No. 3,253,649 issued on June 19, 2007 of a graphic design consisting of the following:



(e) Registration No. 1,612,875 issued on September 11, 1990 and Registration No. 3,167,850 issued on November 7, 2006 of a graphic design consisting of the following:



PI KAPPA ALPHA

137. Pi Kappa Alpha is an unincorporated association, and its affiliate Pi Kappa Alpha Corporation, is a Tennessee corporation. Both are hereinafter collectively referred to as “Pi Kappa Alpha.”

138. Pi Kappa Alpha, also known as “Pike” or “Pikes”, is a fraternity with its principal office located at 8347 West Range Cove, Germantown, Tennessee 38138.

139. Pi Kappa Alpha was founded in 1868 at the University of Virginia in Charlottesville, Virginia and now has approximately 201 chapters located at various colleges and universities. There are more than 220,000 Pi Kappa Alphas.

140. Pi Kappa Alpha owns and uses various distinctive marks and insignia to represent membership in the fraternity and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

141. Pi Kappa Alpha is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

- (a) Registration No. 641,550 issued on February 12, 1957 of its Greek letter insignia ΠΚΑ;
- (b) Registration No. 1,912,041 issued on August 15, 1995 of the word mark PIKE;
- (c) Registration No. 1,912,042 issued on August 15, 1995 of the word mark PIKES;
- (d) Registration No. 642,147 issued on February 26, 1957 of a graphic design consisting of the following:



- (e) Registration No. 644,004 issued on April 9, 1957 of a graphic design consisting of the following:



PI BETA PHI

142. Pi Beta Phi is an unincorporated association, and its affiliate, Pi Beta Phi Corporation, is an Illinois corporation. Both are hereinafter collectively referred to as “Pi Beta Phi.”

143. Pi Beta Phi, also known as Pi Phi, is a fraternity for women, commonly referred to as a sorority, with its principal office located at 1154 Town & Country Commons Drive, Town & Country, Missouri 63017.

144. Pi Beta Phi was founded in 1867 at Monmouth College in Monmouth, Illinois and now has approximately 130 chapters located at various colleges and universities. The sorority has a total initiated membership in excess of 233,000 members.

145. Pi Beta Phi owns and uses various distinctive marks and insignia to represent membership in the fraternity and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

146. Pi Beta Phi is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

(a) Registration No. 3,203,751 issued on January 30, 2007 and Registration No. 3,210,863 issued on February 20, 2007 of the word mark, PI BETA PHI;

(b) Registration No. 244,812 issued on July 31, 1928, Registration No. 617,299 issued on December 6, 1955, and Registration No. 3,186,812 issued on December 19, 2006 of its Greek letter insignia ΠΒΦ; and

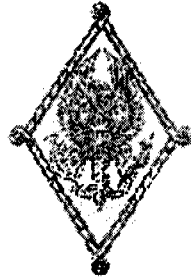
(c) Registration No. 3,135,560 issued on August 29, 2006 of a graphic design consisting of the following:



(d) Registration No. 3,268,196 issued on July 24, 2007 of a graphic design consisting of the following:



(e) Registration No. 3,260,339 issued on July 10, 2007 and Registration No. 3,264,475 issued on July 17, 2007 of a graphic design consisting of the following:



(f) Registration No. 3,316,493 issued on October 23, 2007 of the work mark, PI PHI;

SIGMA ALPHA EPSILON

147. Sigma Alpha Epsilon is an unincorporated association, and its affiliate, Sigma Alpha Epsilon Fraternity Corporation, is an Illinois corporation. Both are hereinafter collectively referred to as "Sigma Alpha Epsilon."

148. Sigma Alpha Epsilon, also known as SAE, is a fraternity with its principal office located at 1856 Sheridan Road, Evanston, Illinois 60201-3837.

149. Sigma Alpha Epsilon was founded in 1856 at The University of Alabama and now has approximately 200 chapters located at various colleges and universities with a current active membership of approximately 8,000 students. There are also approximately 75 alumni chapters and approximately 140,000 living Sigma Alpha Epsilons.

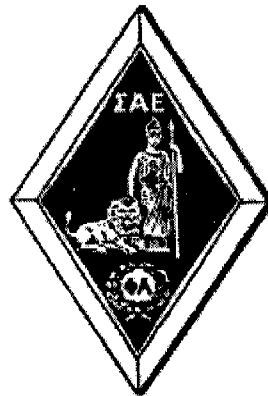
150. Sigma Alpha Epsilon owns and uses various distinctive marks and insignia to represent membership in the fraternity and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

151. Sigma Alpha Epsilon is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

(a) Registration No. 2,665,456 issued on December 24, 2002 of the word mark, SIGMA ALPHA EPSILON;

(b) Registration No. 538,680 issued on February 27, 1951 of its Greek letter insignia, ΣΑΕ;

(c) Registration No. 617,624 issued on December 13, 1955 of a graphic design consisting of the following:



(d) Registration No. 617,623 issued on December 13, 1955 of a graphic design consisting of the following:



SIGMA CHI

152. Sigma Chi Fraternity is an unincorporated association, and its affiliate, Sigma Chi Corporation, is an Illinois corporation. Both are hereinafter collectively referred to as "Sigma Chi."

153. Sigma Chi, also known as "Sig", is a fraternity with its principal office located at 1714 Hinman Avenue, P.O. Box 469, Evanston, Illinois 60204-0469.

154. Sigma Chi was founded in 1855 at Miami University in Oxford, Ohio and now has approximately 220 chapters located at various colleges and universities with a current active membership of approximately 10,600 students. There are also approximately 145 alumni chapters and approximately 208,000 living Sigma Chis.

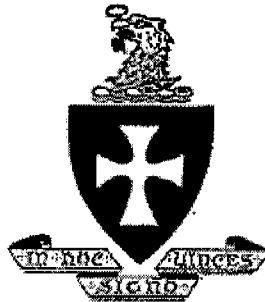
155. Sigma Chi owns and uses various distinctive marks and insignia to represent membership in the fraternity and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

156. Sigma Chi is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

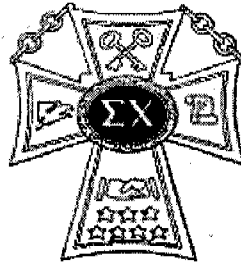
(a) Registration No. 1,167,884 issued on September 1, 1981 and Registration No. 3,398,093 issued on March 18, 2008 of the word mark, SIGMA CHI;

(b) Registration No. 218,796 issued on October 5, 1926, Registration No. 1,152,026 issued on April 21, 1981 and Registration No. 3,398,125 issued on March 18, 2008 of its Greek letter insignia, ΣΧ;

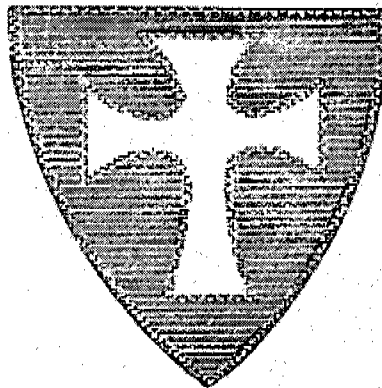
(c) Registration No. 566,397 issued on November 4, 1952 of a graphic design consisting of the following:



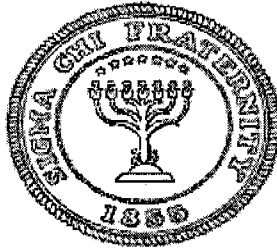
(d) Registration No. 564,224 issued on September 16, 1952 and Registration No. 3,398,151 issued on March 18, 2008 of a graphic design consisting of the following:



(e) Registration No. 1,152,027 issued on April 21, 1981 of a graphic design consisting of the following:



(f) Registration No. 566,396 issued on November 4, 1952 of a graphic design consisting of the following:



SIGMA KAPPA

157. Sigma Kappa Sorority is an unincorporated association, and its affiliate, Sigma Kappa Corporation, is a Maine corporation. Both are hereinafter collectively referred to as "Sigma Kappa."

158. Sigma Kappa is a sorority with its principal office located at 8733 Founders Road, Indianapolis, Indiana 46268-4015.

159. Sigma Kappa was founded in 1874 at Colby College in Waterville, Maine and now has approximately 106 chapters located at various colleges and universities with a current active membership of approximately 8,370 students. There are also approximately 136 alumni chapters and approximately 145,000 living Sigma Kappas.

160. Sigma Kappa owns and uses various distinctive marks and insignia to represent membership in the sorority and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

161. Sigma Kappa is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

(a) Registration No. 2,543,009 issued on February 26, 2002 of the word mark, SIGMA KAPPA;

(b) Registration No. 244,810 issued on July 31, 1928 and Registration No. 2,372,119 issued on August 1, 2000 of its Greek letter insignia, ΣΚ;

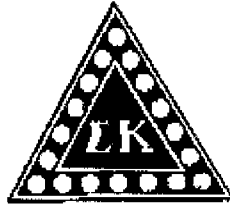
(c) Registration No. 746,764 issued on March 12, 1963 and Registration No. 2,374,375 issued on August 8, 2000 of a graphic design consisting of the following:



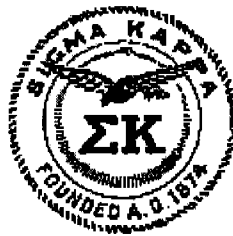
(d) Registration No. 738,030 issued on September 18, 1962 of a graphic design consisting of the following:



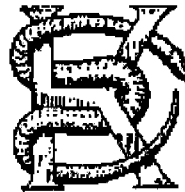
(e) Registration No. 2,365,788 issued on July 11, 2000 of a similar graphic design consisting of the following:



(f) Registration No. 2,901,086 issued November 9, 2004 of a graphic design consisting of the following:



(g) Registration No. 738,029 issued on September 18, 1962 of a graphic design consisting of the following:



SIGMA PHI EPSILON

162. Sigma Phi Epsilon Fraternity is an unincorporated association, and its affiliate, Sigma Phi Epsilon Fraternity Corporation, is a Virginia corporation. Both are hereinafter collectively referred to as "Sig Phi Epsilon."

163. Sigma Phi Epsilon, also known as "Sig Ep," is a fraternity with its principal office located at 310 S. Boulevard, P.O. Box 1901, Richmond, Virginia 23218.

164. Sig Ep was founded at Richmond College, now known as the University of Richmond, in 1901, and has approximately 260 chapters located at various colleges and universities with a current active membership of approximately 14,000 students. There are approximately 140,000 living Sig Eps.

165. Sig Ep owns and uses various distinctive marks and insignia to represent membership in the fraternity and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing the insignia of the fraternity.

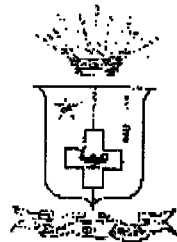
166. Sig Ep is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

(a) Registration No. 573,579 issued on April 21, 1953 and Registration No. 2,555,567 issued on April 2, 2002 of the word mark, SIGMA PHI EPSILON;

(b) Registration No. 2,552,331 issued on March 26, 2002 of the word mark, SigEp;

(c) Registration No. 387,956 issued on June 10, 1941, Registration No. 2,552,330 issued on March 26, 2002, and Registration No. 2,555,568 issued on April 2, 2002, of its Greek letter insignia, ΣΦΕ;

(d) Registration No. 998,846 issued on November 19, 1974 and Registration No. 2,617,187 issued on September 10, 2002 of a graphic design consisting of the following:



(e) Registration No. 1,673,103 issued on January 21, 1992 and Registration No. 2,617,188 issued on September 10, 2002 of a graphic design consisting of the following:



TAU KAPPA EPSILON

167. Tau Kappa Epsilon Fraternity is an unincorporated association, and its affiliate, Tau Kappa Epsilon Fraternity Corporation, is an Indiana corporation. Both are hereinafter collectively referred to as "Tau Kappa Epsilon."

168. Tau Kappa Epsilon, also known as "Teke," is a fraternity with its principal office located at 8645 Founders Road, Indianapolis, Indiana 46268-1336.

169. Tau Kappa Epsilon was founded in 1899 at Illinois Wesleyan University and now has 270 chapters located at various colleges and universities with a current active membership

of approximately 10,000 students. There are also approximately 56 alumni chapters and have been approximately 240,000 members of Tau Kappa Epsilon.

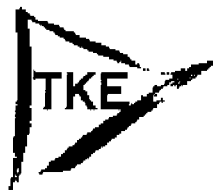
170. Tau Kappa Epsilon owns and uses various distinctive marks and insignia to represent membership in the fraternity and maintains a merchandising program to oversee the production, distribution and sale of assorted items bearing its marks and insignia.

171. Tau Kappa Epsilon is the owner of valid registrations on the principal register of the PTO of various of its marks and insignia, including:

(a) Registration No. 871,961 issued on June 24, 1969 of the word mark, TAU KAPPA EPSILON;

(b) Registration No. 866,987 issued on March 18, 1969 and Registration No. 2,928,798 issued on March 1, 2005 of its Greek letter insignia, TKE;

(c) Registration No. 2,747,112 issued on August 5, 2003 of a graphic design consisting of the following:

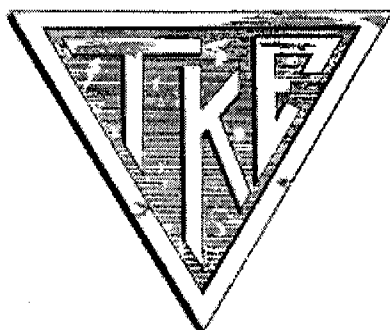


(d) Registration No. 880,683 issued on November 11, 1969 of the word mark, TEKE;

(e) Registration No. 871,958 issued on June 24, 1969 of a graphic design consisting of the following:



(f) Registration No. 873,233 issued on July 15, 1969 of a graphic design consisting of the following:



(g) Registration No. 866,988 issued on March 18, 1969 of a graphic design consisting of the following:



FACTUAL ALLEGATIONS APPLICABLE TO ALL COUNTS

172. Through the years, considerable goodwill has inured to the benefit of Plaintiffs symbolized by their marks and insignia resulting from the reputations of the respective Greek

Organizations, the quality of the services provided to their respective members, the goods and services of their licensed vendors, and successful promotional efforts.

173. Each of the Greek Organizations have extensive formalized licensing programs through which they arrange for acceptable vendors to produce and market affinity merchandise bearing the marks and insignia of the respective Greek Organizations.

174. In association with said licensing programs, the Greek Organizations retain the right to, and do exercise control over the quality of said licensed merchandise.

175. In association with said licensing programs, the Plaintiff Greek Organizations have entered into licensing agreements with a wide assortment of vendors whereby such licensed vendors are permitted to advertise and sell merchandise bearing marks owned by the respective Plaintiffs, including the marks described above. Such licensed merchandise is currently, and at all times pertinent to this Complaint has been, offered for sale throughout the United States, including in the State of Indiana.

176. Said licensing programs are regularly advertised to the members of the Greek Organizations.

OFFENDING ACTIVITIES OF DEFENDANT JOE TOGA

177. Defendant joeToga has not entered into License Agreements with the Plaintiff Greek Organizations.

178. Based upon information and belief, Defendant joeToga has offered for sale, produced and distributed throughout the United States, including in the State of Indiana, merchandise bearing various of the marks and insignia of the Plaintiff Greek Organizations.

179. Said activities were without the consent of the Plaintiff Greek Organizations. Said unauthorized sales are hereinafter sometimes referred to as "Offending Activities."

180. Representatives of the Plaintiff Greek Organizations have repeatedly directed Defendant joeToga to cease and desist from any continuation of the Offending Activities absent entry into licensing arrangements allowing same.

181. Defendant joeToga has refused to become a licensed vendor, all the while persisting with the Offending Activities.

182. The Offending Activities constitute an intentional, willful and wanton disregard of the Plaintiffs' rights and property interests.

183. Unless the Offending Activities are enjoined, Plaintiffs will suffer irreparable injury for which there is no adequate remedy at law.

OFFENDING ACTIVITIES OF DEFENDANTS TAYLOR & TAYMARK

184. Although proceeding with claims against the other Defendants, Sigma Chi makes no claims in this litigation against the Taylor and Taymark Defendants. Sigma Chi's claims against Defendants Taylor and Taymark are being addressed through a previously pending action in the United States District Court for the Southern District of Florida, namely, the action styled *Sigma Chi Fraternity et al v. Sethscot Collection, et al*, Case No. 98-2102 CIV-SEITZ.

185. The Taylor/Taymark Defendants have not entered into License Agreements with the Plaintiff Greek Organizations.

186. The Taylor/Taymark Defendants have offered for sale, produced and distributed throughout the United States, including in the State of Indiana, merchandise bearing various of the marks and insignia of the Plaintiff Greek Organizations.

187. Said activities were without the consent of the Plaintiff Greek Organizations. Said unauthorized sales are hereinafter sometimes referred to as "Offending Activities."

188. Representatives of the Plaintiff Greek Organizations have repeatedly directed the Taylor/Taymark Defendants to cease and desist from any continuation of the Offending Activities absent entry into licensing arrangements allowing same.

189. The Taylor/Taymark Defendants have refused to become a licensed vendor, all the while persisting with the Offending Activities.

190. The Offending Activities constitute an intentional, willful and wanton disregard of the Plaintiffs' rights and property interests.

191. Unless the Offending Activities are enjoined, Plaintiffs will suffer irreparable injury for which there is no adequate remedy at law.

OFFENDING ACTIVITIES OF THE RAH RAH DEFENDANT

192. The Rah Rah Defendant has not entered into License Agreements with the Plaintiff Greek Organizations.

193. The Rah Rah Defendant has offered for sale, produced and distributed throughout the United States, including in the State of Indiana, merchandise bearing various of the marks and insignia of the Plaintiff Greek Organizations.

194. Said activities were without the consent of the Plaintiff Greek Organizations. Said unauthorized sales are hereinafter sometimes referred to as "Offending Activities."

195. Representatives of the Plaintiff Greek Organizations have repeatedly directed the Rah Rah Defendant to cease and desist from any continuation of the Offending Activities absent entry into licensing arrangements allowing same.

196. The Rah Rah Defendant has refused to become a licensed vendor, all the while persisting with the Offending Activities.

197. The Offending Activities constitute an intentional, willful and wanton disregard of the Plaintiffs' rights and property interests.

198. Unless the Offending Activities are enjoined, Plaintiffs will suffer irreparable injury for which there is no adequate remedy at law.

COUNT ONE
FEDERAL TRADEMARK INFRINGEMENT

199. Each of the foregoing paragraphs of this Complaint is hereby incorporated in this Count by this reference.

200. The Offending Activities of Defendants constitute the use in commerce of a reproduction, counterfeit, copy, or colorable imitation of Plaintiffs' registered marks in connection with the sale, offering for sale, or advertising of goods, which use is likely to cause confusion, or to cause mistake, or to deceive.

201. Because the Offending Activities involve utilization of exact or virtually identical replications of the Greek Organizations' insignia, and because the offending merchandise is even marketed as containing the Plaintiffs' insignia, a resulting likelihood of confusion is inevitable.

202. Said Offending Activities of Defendants constitute a violation of Section 32(1)(a) of the Lanham Act, 15 U.S.C. § 1114(1)(a).

COUNT TWO
FEDERAL UNFAIR COMPETITION

203. Each of the foregoing paragraphs of this Complaint is hereby incorporated in this Count by this reference.

204. The Offending Activities of Defendants, in using both registered and unregistered marks of the Plaintiff Greek Organizations, constitute false designations, descriptions, and representations used in commerce tending to cause confusion, mistake, or deception or otherwise create the false impression that Defendants are affiliated with, sponsored by, or approved by Plaintiffs.

205. Because the Offending Activities involve utilization of exact or virtually identical replications of the Greek Organizations' insignia, and because the offending merchandise is even marketed as containing the Plaintiffs' insignia, a resulting likelihood of confusion is inevitable.

206. Said Offending Activities of Defendants constitute a violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

COUNT THREE
COMMON LAW UNFAIR COMPETITION

207. Each of the foregoing paragraphs in this Complaint is hereby incorporated in this Count by this reference.

208. Defendants' Offending Activities have likely caused and will likely continue to cause confusion or misunderstanding as to the source, sponsorship, or approval of Defendants' goods and will likely cause persons to mistakenly believe that Defendants are affiliated, connected, or associated with Plaintiffs.

209. Because the Offending Activities involve utilization of exact or virtually identical replications of the Greek Organizations' insignia, and because the offending merchandise is even marketed as containing the Plaintiffs' insignia, a resulting likelihood of confusion is inevitable.

210. Plaintiffs have been and, unless the actions of Defendants are enjoined, will likely continue to be damaged by Defendants' Offending Activities.

211. Said Offending Activities constitute a violation of the common law of the State of Indiana.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief against Defendants as follows:

A. An order temporarily, preliminarily and permanently enjoining Defendants, their respective officers, agents, servants, employees, and attorneys, and any other persons in active concert or participation with them, from the Offending Activities, and the manufacture, marketing and sale of any products in association with any other confusingly similar marks, designations, or indicia;

B. An order requiring Defendants to take any other action reasonably necessary to prevent any false impression that Defendants' business or goods sold by Defendants are affiliated with, sponsored, or approved by Plaintiffs;

C. An award to Plaintiffs of their damages incurred as a result of Defendants' unauthorized use of their marks, including an accounting of Defendants' profits realized in association with said use with prejudgment interest thereon;

D. Trebling of said award pursuant to 15 U.S.C. § 1117;

E. An award to Plaintiffs of punitive damages in an amount deemed appropriate by the finder of fact;

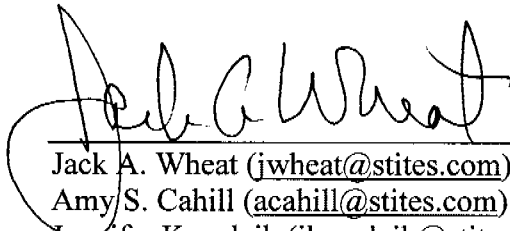
F. An award to Plaintiffs of interest on any judgment rendered in this action;

G. An assessment against Defendants of the costs of this action, including Plaintiffs' reasonable attorneys' fees; and

H. Any further relief to which Plaintiffs may appear entitled.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable.

A handwritten signature in black ink, appearing to read "Jack A. Wheat", is written over a horizontal line. The signature is fluid and cursive.

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Amy S. Cahill (acahill@stites.com)

Jennifer Kovalcik (jkovalcik@stites.com)

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