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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91197504
Party	Defendant Alpha Phi Omega
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

OMEGA, S.A.,

OPPOSER,

v.

ALPHA PHI OMEGA,

APPLICANT.

Opposition Nos.
91197504 (Parent) &
91197505 (Child)

Serial Nos.
77950436 & 77905236

ALPHA PHI OMEGA'S MOTION FOR SUMMARY JUDGMENT

Comes the Applicant, Alpha Phi Omega, and by counsel it moves for summary judgment dismissal of these consolidated Opposition proceedings. In support of this Motion, Applicant submits the following:

BACKGROUND INFORMATION

Collegiate Greek letter fraternities and sororities have existed in the United States since the founding of Phi Beta Kappa in 1776. Traditionally, when a collegiate fraternity or sorority is organized, its founders adopt a specific combination of two or three Greek alphabet letters as the name of the organization. Applicant, Alpha Phi Omega, a non-profit organization, is a collegiate service fraternity founded in 1925. (London Depo. 99:22-97:1 & 12:23-13:11). The corresponding Greek alphabet letters for Alpha Phi Omega are ΑΦΩ. As described on its Internet website at <http://www.apo.org/aboutus>,

Alpha Phi Omega is a national coeducational service organization founded on the principles of Leadership, Friendship and Service. It provides its members the opportunity to develop leadership skills as they volunteer on their campus, in their community, to the nation, and to the organization. With more than 400,000 members on over 375 campuses, Alpha Phi Omega continues to provide more service on more campuses than any other collegiate service organization.

Opposer Omega, S.A. is perhaps best known as a manufacturer of watches and other time-keeping devices. Its primary products are premium priced high-end wrist watches selling for thousands of dollars each. *See* Defendant’s Exhibit 2. Although many models of Omega Watches can be acquired for “only” a few thousand dollars, some models are listed for sale at prices in excess of \$20,000 and up to nearly \$40,000. *Id.* at Misc010–016.

What these consolidated oppositions are all about is whether a consumer of fraternity or sorority affinity merchandise, primarily college students, will confuse fraternal affinity merchandise with Omega and its premium priced high-end watches or will at least associate the merchandise with Opposer or its \$5,000, \$10,000, \$15,000, \$20,000 or \$40,000 Omega watches.

Before addressing the problems with Omega’s assertions, it is helpful to review the general nature of collegiate fraternities and sororities as well as the nature of the Greek affinity goods market through which fraternity and sorority members acquire merchandise to proudly display their membership in and affinity for their beloved organization. It is traditional for the founders of Greek organizations to design a jewelry “membership pin” or “badge”



bearing the selected combination of Greek alphabet letters to be worn by members of the fraternity or sorority to denote their membership in the organization.



So too did the founders of Alpha Phi Omega; contemporaneous with the founding of the fraternity, they designed ΑΦΩ’s membership badge, shown above, the basic design of which has continuously been in use on jewelry since 1925. (London Depo. 113:9–22). Also in 1925, the founders created a coat-of-arms, also referred to as a “crest,”

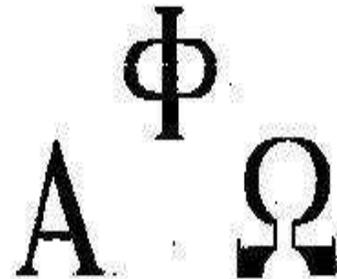
shown to the left, which contains a graphic representation of a ribbon bearing the words, ALPHA

PHI OMEGA. (London Depo. 14: 13–15; and 15:11–12).

AΦΩ is the owner of various registrations of its insignia with the PTO including two registrations of its name, ALPHA PHI OMEGA, including registration as a collective membership mark and a registration “for association services, namely, promoting the interests of members of a fraternal service association,” the ‘594 and ‘321 Registrations (*see* Plaintiff’s Exhibits 8 & 7); a registration of its Greek alphabet letters insignia, AΦΩ, as a collective membership mark, the ‘436 Registration (*see* Plaintiff’s Exhibit 10); and two registrations of the crest design discussed above, including registration as a collective membership mark and a registration “for association services, namely, promoting the interests of members of a fraternal service association,” the ‘075 and ‘138 Registrations (*see* Plaintiff’s Exhibits 11 & 6).

Back in 1929, based on use commencing in 1925, AΦΩ also applied for and received registration of its Greek alphabet letters for assorted jewelry items, including “fraternity badges,” the ‘052 Registration. *See* Plaintiff’s Exhibits 3. That registration related to the Greek alphabet insignia, AΦΩ, positioned as shown here, as used in the

member badge. The specimen of use filed with that application for registration, *see* Defendant’s Exhibit 1, included member badges of the general design such is shown



on page 2, *supra*. As Opposer likely will point out, and

correctly so, although Alpha Phi Omega effected four renewals of this registration, renewing it up to December 10, 1999, AΦΩ neglected to effect the renewal due in 1999. The current Executive Director of the fraternity is unaware of the reason AΦΩ neglected to renew that registration. (London Depo. 21:2–14).¹ Regardless, even though the registration lapsed, AΦΩ

¹ It is curious to note the non-lawyer staff persons responsible for renewing the 1929 registration renewed it four times, including three twenty year renewals through 1989 followed by a ten year renewal in 1989, shortly after the

continues to, and continuously since 1925 has used its Greek letters for jewelry. (London Depo. 113:9–22).

As is traditional with collective membership organizations, especially collegiate fraternities and sororities, it is common for student members of the organization to acquire assortments of mementos bearing the insignia of the beloved organization by which the member displays his or her membership in and affection for their respective fraternity or sorority.

Products containing a fraternity or sorority’s names or insignia are sold because those buying them wish to identify themselves with that organization. . . . Similar to the emblems or symbols of sports teams, new members’ desire to associate with their new fraternity or sorority fuels their desire to purchase items with their sorority’s name or insignia on them.

Abraham v. Alpha Chi Omega, 781 F.Supp.2d 396, 416 (N.D.Tx. 2011) *aff’d* 708 F.3d 614 (5th Cir. 2013) *cert. denied*, 134 S.Ct. 88 (2013).

That is what we are dealing with in these consolidated opposition proceedings, trademark usage of the Alpha Phi Omega collective membership marks, namely the ΑΦΩ letters, and the fraternity’s crest.

Q: How does a member of a . . . fraternity publicly indicate their membership to others?

A: By wearing paraphernalia, by their membership certificate, by their membership card, by stationery, by membership pin, by badge

(London Depo. 123:17–21). Although the marks are already registered as collective membership marks relating to continuous use dating back to 1925, Omega opposes registration relating to *use* of the collective marks for goods. “Nothing in the Trademark Act prohibits the use of the same mark as a membership mark by members and, also, as a trademark or a service mark by the

Lanham Act was amended to require renewals in ten year increments. Although purely speculative, perhaps it is fair to assume the staff person responsible for docketing renewals was unaware that going forward, renewals would be required every ten years, not twenty.

parent organization. “ TMEP 1304.03. “[N]otwithstanding the use of a collective trademark or collective service mark by the members of the collective, the collective itself may also use the same mark as a trademark for the goods or services covered by the collective trademark or service mark registration.” TMEP § 1303.01.

For example, the ALPHA PHI OMEGA collective membership word mark is also registered as a trademark for assorted clothing lines. *See* Plaintiff’s Exhibit 9. Curiously, although Omega did not oppose that application for registration, it now opposes the application to register the Greek alphabet equivalent, ΑΦΩ, for the same lines of clothing. Omega also opposes the application to register the Alpha Phi Omega collective membership crest, shown on page 2, *supra*, as a trademark for jewelry.

In these consolidated oppositions, Omegas asserts likelihood of confusion and dilution claims. In relation to the fraternity’s crest insignia, Opposer asserts that when that approximately 90 year old collective membership mark is used on jewelry, it will likely confuse the target customers into believing that the fraternity merchandise is somehow related to Opposer and its high-end watches retailing for thousands of dollars. Similarly, Opposer asserts confusion is even likely when the fraternity’s Greek letter insignia, ΑΦΩ, is displayed on *caps, sweatshirts, shirts and jackets!* In addition to assertions of likelihood of confusion, Omega contends the use of the fraternity’s marks on affinity merchandise dilutes its Omega marks. To show that, of course, Omega would need to prove the target customers for the fraternity’s affinity merchandise will “associate” the fraternity insignia with Opposer or its watches; it would need to prove “a substantial percentage of consumers [of the fraternity’s merchandise] upon seeing the [fraternity’s insignia] on its goods, are immediately reminded of [Omega Watch] and associate

the [fraternity's affinity goods] with [Omega]." *The Toro Co. v. ToroHead, Inc.*, 61 USPQ2d 1164, 1183 (TTAB 2001).

The absurdity of these assertions overlooks the reality that when the public encounters insignia consisting of a combination of two or three Greek alphabet letters, the public will recognize the insignia as a reference to a Greek letter organization such as a fraternity or sorority. "[U]se of various combinations of Greek letters, in the mind of the public, generally refers to fraternities and sororities." *Abraham*, 781 F.Supp.2d at 410. Indeed, the Board itself recently noted the same holding the letters EK on caps is not likely to be confused with the Greek alphabet letters for Sigma Kappa Sorority, namely, ΣK, because Greek letter insignia will be "perceived as identifying both Greek letters and the name of a sorority." *In re New Era Cap Co., Inc.*, No. 85515684, <http://ttabvue.uspto.gov/ttabvue/v?pno=85515684&pty=EXA&eno=21> at p.5 (TTAB July 7, 2014).

Indeed, even though Opposer and Alpha Phi Omega have coexisted for nearly 90 years, neither is aware of even a single instance of confusion or consumer association of the Alpha Phi Omega insignia with the Omega Watch marks. Regrettably though, notwithstanding years of coexistence with nary an instance of confusion or association, indications are that Opposer has now decided to bully any collegiate fraternity or sorority with the word Omega in its name; it has instituted similar proceedings in the TTAB against the Lambda Tau Omega Sorority (Proceeding No. 91208652), the Omega Psi Phi Fraternity (Proceeding No. 91197082), and the Alpha Omega Epsilon Fraternity (Consolidated Proceeding Nos. 91214449 (Parent), 91214452, 91214453, and 91214454); it has unsuccessfully sought an extension to oppose a filing of the Psi Sigma Omega Service Fraternity (Serial No. 78739642); and it has successfully bullied Omega Delta Phi into abandoning the application to register its name (Proceeding No. 91186613).

The absurdity of the assertions of Opposer is especially apparent when one considers that in addition to Alpha Phi Omega, there are *dozens* of fraternities and sororities with the Greek letter “Omega” in their name including (1) Alpha Tau **Omega**, (2) Alpha Chi **Omega**, (3) Chi **Omega**, (4) Alpha Gamma **Omega**, (5) **Omega** Chi, (6) Sigma Phi **Omega**, (7) Kappa **Omega** Tau, (8) Gamma Epsilon **Omega**, (9) Beta **Omega** Phi, (10) Sigma Phi **Omega**, (11) Alpha **Omega** Epsilon, (12) **Omega** Delta Phi, (13) Alpha Nu **Omega**, (14) Lambda Tau **Omega**, (15) **Omega** Chi, (16) **Omega** Phi Beta, (17) Gamma Phi **Omega**, (18) Sigma **Omega** Epsilon, (19) Alpha Pi **Omega**, (20) **Omega** Phi Gamma, (21) Sigma **Omega** Nu, (22) Alpha Sigma **Omega**, (23) Delta Phi **Omega**, (24) Delta Pi **Omega**, (25) **Omega** Chi Psi, (26) Sigma Kappa **Omega**, (27) Sigma **Omega** Phi, (28) Gamma Alpha **Omega**, (29) Alpha **Omega**, (30) **Omega** Tau Sigma, (31) Delta **Omega**, (32) **Omega** Psi Phi, (33) Psi Sigma **Omega**, and (34) Alpha **Omega** Sigma.

The real paradox of Opposer’s claim is that some large Greek letter organizations have been in operation and have used their insignia on Greek affinity merchandise, *including jewelry*, continuously since long prior to Opposer’s entrée into the United States with Omega Watches, including Alpha Tau Omega since 1865 (*see* Wynn Smiley Declaration), Alpha Chi Omega since 1885 (*see* Wampler Declaration),² and contemporaneous with Opposer in the mid-1890s, the Chi Omega Fraternity for women (*see* Miraglia Declaration).³ Thus, ironically, if there is a likelihood of confusion between the Omega Watch marks and fraternity jewelry bearing Greek alphabet letters including Ω, then logic would hold that Opposer is an infringer of the ATΩ and AXΩ marks, and perhaps the XΩ marks!

² *See also* U.S. Registration No. 3,183,916 , Defendant’s Exhibit 3

³ *See also* U.S. Registration No. 1,361,759 , Defendant’s Exhibit 4

The reality here is that when the public encounters insignia consisting of a combination of two or three Greek alphabet letters, the public will recognize the insignia as a reference to a Greek letter organization such as a fraternity or sorority. As a matter of law Opposer cannot show that “a substantial percentage of consumers [of the fraternity’s merchandise] upon seeing the [fraternity’s insignia] on its goods, are immediately reminded of [Omega Watch] and associate the [fraternity’s affinity goods] with [Omega].” *Toro Company*, 61 USPQ2d at 1183. Here there is no genuine dispute of any material fact, and Alpha Phi Omega is entitled to judgment as a matter of law.

I. There Is No Genuine Dispute Of Any Material Fact.

In addition to the undisputed facts discussed above, there is no genuine dispute of any material fact as to the following:

1. Opposer’s primary products are Omega watches, high-end premium priced products selling for thousands of dollars each. *See* Defendant’s Exhibit 2. Although many models of Omega watches can be acquired for “only” a few thousand dollars, some models are listed for sale in excess of \$20,000, up to at least nearly \$40,000. *Id.* at Misc010–016.

2. Applicant’s products are Greek affinity merchandise marketed to members of the fraternity. “Clothing sold under the Alpha Phi Omega Greek letter mark ΑΦΩ is currently marketed in a price range of approximately \$7 to \$55. Licensed jewelry bearing the coat-of-arms of Alpha Phi Omega is available in the price range of approximately \$3 to \$50.” *See* Applicant’s Response To Opposer’s First Set Of Interrogatories # 18.

3. Fraternities typically market jewelry bearing the fraternities’ names, Greek alphabet letter insignia, and other insignia for members to wear to denote their membership in the organization. *See* Miraglia, Wampler, and Smiley Decls. ¶ 8 and Shaver Decl. ¶ 9.

4. Fraternities with the Greek letter Ω typically utilize member badges and jewelry containing the Ω letter including Alpha Chi Omega, Alpha Omega Epsilon, Alpha Omega, Alpha Phi Omega, Alpha Tau Omega, Chi Omega, Delta Omega, and Omega Tau Sigma. *See* Shaver Decl. ¶ 10 and the attachments thereto.

5. In addition to jewelry, fraternities typically produce or license others to produce a wide assortment of affinity merchandise bearing a fraternity's name, its Greek letter insignia, and other insignia. Such merchandise includes, but is not limited to, shirts, hats, jackets, sweatshirts, intramural sports uniform shirts, banners, flags, car window decals, watches, clocks, glassware, plaques, stationery, and tote bags. *See* London Depo. pps 34, 36, 123; Plaintiff's Exhibits 12, 13, 17 & 21; Miraglia, Wampler, and Smiley Decls. ¶ 4; Shaver Decl. ¶ 7.

6. The target market for merchandise bearing the insignia of a fraternity or sorority is "Members of the . . . [f]raternity, and persons buying [the] merchandise as gifts for members of the fraternity." *See* Applicant's Response To Opposer's First Set Of Interrogatories # 17; *see also* London Depo. pp. 90 & 120; Miraglia, Wampler, and Smiley Decls. ¶ 6.

7. The channel of trade for Greek affinity merchandise is a niche market. *See* Applicant's Response To Opposer's First Set Of Interrogatories # 13:

The typical channel of trade for products sold under Applicant's marks are in the collegiate affinity products markets including display in the fraternity and sorority products sections of collegiate bookstores and gift shops, through mail order solicitations directed to members of Alpha Phi Omega, though the on-line store at Alpha Phi Omega's website, though the on-line stores operated by vendors offering fraternity and sorority merchandise and through displays made at Alpha Phi Omega member conferences and events.

See also Miraglia, Wampler, and Smiley Decls. ¶ 7 and Shaver Decl. ¶¶ 11 & 12:

[T]here has been a well-developed niche market for Greek letter organization affinity merchandise which is most commonly produced, marketed, and sold by licensed vendors who specialize

in the production, marketing, and sale of merchandise for Greek organizations including vendors such as sassysorority.com, kollegetown.com, A Greek Concept, American Greek Co., getsomegreek.com, gonegreek.com, greekandunique.net, greekcreations.com, greekgallery.net, greekt-shirtssthatrock.com, greekyearbook.com, greekgear.com, greek101.com, greekwithenvy.com, greekstreak.com, greekspirit.org, and greekshirtstore.com.

8. The commercial impression generated by merchandise bearing the name ALPHA PHI OMEGA and merchandise bearing the Greek alphabet equivalent, ΑΦΩ, is reference to the Alpha Phi Omega fraternity (London Depo. pp. 119 & 120). In the market in which consumers encounter Greek affinity merchandise, “use of various combinations of Greek letters, in the mind of the public, generally refers to fraternities and sororities.” *Abraham*, 781 F.Supp.2d at 410. Indeed, the Board itself recently noted the same holding the letters EK on caps is not likely to be confused with the Greek alphabet letters for Sigma Kappa Sorority, namely, ΣΚ, because insignia of this sort will be “perceived as identifying both Greek letters and the name of a sorority.” *In re New Era Cap*, at p.5.

9. There is no demand for Greek merchandise outside the Greek niche market. *See* London Depo. p. 120.

10. Alpha Phi Omega did not adopt its name and corresponding Greek letter insignia, ΑΦΩ, or any of its other insignia with any intention of causing confusion with the Omega Watch marks, with any intention of associating its insignia with the Omega Watch marks, or with any other intention to exploit any good will associated with Opposer or the Omega Watch marks.

11. Notwithstanding approximately 90 years of coexistence, there has not been a single instance where a consumer of any merchandise bearing any insignia of the Alpha Phi Omega Fraternity has confused, or has otherwise associated the merchandise with Opposer or any of its marks.

12. Notwithstanding discovery requests it do so, Opposer cannot, or at least did not come forward with any showing of any fame in the United States associated with its marks dating back prior to 1925; it did not come forward with any survey evidence of fame or recognition; it did not come forward with any evidence of the extent of any advertising or promotion in the United States prior to 1925; it did not come forward with any evidence of the extent of any sales in the United States prior to 1925; it did not come forward with any evidence of the extent of any unsolicited media coverage in the United States prior to 1925; and it did not come forward with any other evidence of the extent of any fame associated with its marks in the United States prior to 1925.

II. Opposer's Likelihood Of Confusion Claim Fails As A Matter Of Law.

As the Board is well aware, to determine whether Alpha Phi Omega's Greek letter equivalent, ΑΦΩ, and to determine whether its crest design containing a banner bearing the ALPHA PHI OMEGA name is likely to be confused with Opposer's marks, we are to look to the pertinent *du Pont* factors. The dispositive factors here appear to be the following:

- (1) The similarity or dissimilarity of the marks in their entireties as to appearance, sound, connotation and commercial impression.
- (3) The similarity or dissimilarity of established, likely-to-continue trade channels.
- (4) The conditions under which and buyers to whom sales are made, i.e. "impulse" vs. careful, sophisticated purchasing.
- (6) The number and nature of similar marks in use on similar goods.
- (7) The nature and extent of any actual confusion.
- (8) The length of time during and conditions under which there has been concurrent use without evidence of actual confusion.

In re E. I. Du Pont de Nemours & Co., 476 F.2d 1357, 1361 (C.C.P.A. 1973).

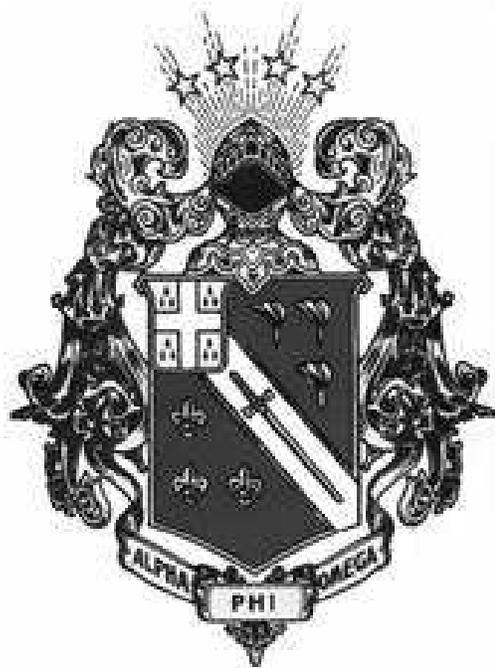
As the Board and the reviewing Courts regularly note, often the controlling factors are “similarity of the marks and relatedness of the goods.” *Coach Servs., Inc v. Triumph Learning, LLC*, 668 F.3d 1356, 1366 (Fed. Cir 2012) (quoting *Herbko Int’l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1164 (Fed. Cir 2002)).

As for similarity of goods, it is often said, of course, when an Applicant recites goods, here “jewelry” (the application to register the Alpha Phi Omega crest) and “headwear, jackets, shirts, and sweatshirts” (the application to register the letters, ΑΦΩ), “the goods are *presumed* to travel in all normal channels and to all prospective purchasers for the relevant goods.” *Coach Servs.*, 668 F.3d at 9 (emphasis added). This is merely a “presumption” though, the applicability of which is quite questionable here when we consider the fundamental realities associated with the disparate markets in which high-end watches costing thousands of dollars are sold, as compared with the niche market in which Greek affinity merchandise is offered. This is especially so considering the fundamental differences in target customers -- those who can afford watches costing thousands of dollars, as compared with college fraternity members seeking affinity merchandise costing between \$3 and \$55. *See* Listing of Undisputed Facts, No. 2. Granted, although the Board may “presume” a \$20 charm and may presume a \$30 intramural jersey bearing the ΑΦΩ insignia targeted to college students flow in the same channel of trade as high-end Omega watches costing thousands of dollars and associated merchandise targeted to persons with high net-worth, the practical reality here is that the markets do not currently overlap and *realistically never will*. Thus, as applied here, any “presumption” of overlapping markets is greatly outweighed by *du Pont* factor “(3) The similarity or dissimilarity of established, likely-to-continue trade channels” and *du Pont* factor “(4) The conditions under which and buyers to whom sales are made, i.e. ‘impulse’ vs. careful, sophisticated purchasing.”

Regardless, even assuming there were an overlap of markets, *the truly dispositive factor here* is the dissimilarity of the marks; the marks simply are not similar enough to support any plausible claim of likelihood of confusion. When applying the similarity of marks factor we are, of course, to consider “[t]he similarity or dissimilarity of the marks in their entirety as to appearance, sound, connotation and commercial impression.” *du Pont*, 476 F.2d at 1361.

As the Board is well aware, the comparing “the marks in their entirety” requirement is a reference to the fundamental anti-dissection rule. “It is well-established that it is improper to dissect a mark, and that marks must be viewed in their entirety. . . . ‘The marks are considered in their entirety, words and design.’” *Coach Servs.*, 668 F.3d at 1368 (quoting *In re Shell Oil Co.*, 992 f.2d 1204, 1206 (Fed. Cir. 1993)).

Thus, when comparing the Omega watch marks with the crest AΦΩ seeks to register for jewelry, the comparison is not simply the OMEGA word in Opposer’s marks and the “Omega” portion of the ALPHA PHI OMEGA name as used in the crest, shown here; rather the comparison must be made to the crest “in [its] entirety, words and design.” *Id.* Similarly, when comparing the Omega watch marks with the fraternity’s Greek letter insignia AΦΩ, which Applicant seeks to register for assorted clothing lines, the comparison is not simply the Ω symbol used in the Omega watch marks with the Ω component of the mark; the comparison must be made with the entire AΦΩ mark.



Further, when comparing the marks in issue, we must focus on the “sound, connotation and commercial impression” of the marks in their entireties. This is the fatal barrier Opposer cannot overcome. When viewing the marks as a whole, ALPHA PHI OMEGA plus design and the Greek letter combination, ΑΦΩ, in the “established, likely-to-continue trade channels,”⁴ consumers will readily recognize the ALPHA PHI OMEGA crest and the ΑΦΩ insignia as references to a fraternity, not the Omega Watch company or any of its products; the target customers are not at all likely to associate the insignia with anything other than a Greek letter fraternity or sorority, certainly not Opposer. As acknowledged by both the Courts and the Board, when the public encounters insignia consisting of a combination of two or three Greek alphabet letters, the public will recognize the insignia as a reference to a Greek letter organization such as a fraternity or sorority. “[U]se of various combinations of Greek letters, in the mind of the public, generally refers to fraternities and sororities.” *Abraham*, 781 F.Supp.2d at 410. Or, as the Board itself recently noted, as a matter of law, the letters EK on hats is not likely to be confused with the Greek alphabet letters for the Sigma Kappa Sorority, namely, ΣΚ, also for hats, because such insignia will be “perceived as identifying both Greek letters and the name of a sorority.” *In re New Era Cap Co., Inc.*, No. 85515684, <http://ttabvue.uspto.gov/ttabvue/v?pno=85515684&pty=EXA&eno=21> at p.5 (TTAB July 7, 2014). Just as EK for hats is not likely, as a matter of law, to be confused with ΣΚ for hats, so too, the ALPHA PHI OMEGA crest for jewelry and ΑΦΩ insignia for assorted clothing lines is not likely, as a matter of law, to be confused with the Opposer or its products.

Dissimilarity to the extent we have here is more than enough to be dispositive as a matter of law. As the Board recently held in *reversing* a finding that EK is likely to be confused with the Greek letters Sigma Kappa, namely, ΣΚ, “the dissimilarity of the marks and differences in

⁴ *du Pont* factor (3).

sound, meaning, and commercial impression are so great that they outweigh the other *du Pont* factors. . . . For that reason, we find the first *du Pont* factor to be dispositive.” *Id.* at 5-6. “[A] single *du Pont* factor may be dispositive.” *Id.* at 4 (citing *Kellogg Co. v. Pack’em Enters, Inc.*, 951 F.2d 330, 21 USPQ2d 1142 (Fed. Cir. 1991). Indeed, Opposer, through its sister company, Swatch AG is well acquainted with this rule of law. *Swatch AG v. M. Z. Berger & Co., Inc.* 108 USPQ2d 1463 (TTAB 2013) (IWATCH for assorted watches and timekeeping devices not likely to be confused with well-known SWATCH brand). As noted by the Board therein,

[T]he sound, meaning, appearance, and overall commercial impression of the marks SWATCH and IWATCH are sufficiently dissimilar to render confusion unlikely.

Thus, despite the *du Pont* factors that favor opposer, in this case, a single *du Pont* factor may be dispositive.

Id. (citing *Kellogg*, 21 USPQ2d at 1145 and *Citigroup Inc v. Capital City Bank Group Inc.*, 637 F.3d 1344, 98 USPQ2d 1253, 1260 (Fed. Cir. 2011)). Likewise here, the dissimilarity between OMEGA, primarily for watches, and ALPHA PHI OMEGA plus design for jewelry, and the dissimilarity between OMEGA and/or Ω for Opposer’s goods and the ΑΦΩ insignia for assorted lines of Greek affinity clothing is more than adequate to be dispositive.

Even if the complete dissimilarity of the marks alone were not dispositive, the lack of any appreciable likelihood of confusion or risk of dilution is especially apparent considering that Applicant’s products flow in a niche market, the Greek affinity merchandise market. There are dozens of fraternities and sororities with “Omega” in the name in this market. Many of these have coexisted with Opposer throughout its history, including at least three major fraternities and sororities, Alpha Tau **Omega**, Alpha Chi **Omega**, and Chi **Omega**. Indeed, the absence of any real likelihood of confusion or any realistic risk of dilution is clear and obvious when one considers that Opposer and Alpha Phi Omega have coexisted for approximately 90 years without

a single instance of confusion or association. Opposer is hard-pressed to now all of a sudden claim that ALPHA PHI OMEGA and ΑΦΩ are at all likely to cause confusion with Opposer and its marks.

Opposer has not come forward to show, and as a matter of law cannot show, any appreciable likelihood of confusion. Opposer's likelihood of confusion claim should be dismissed by summary judgment.

III. Opposer's Dilution Claim Fails As A Matter Of Law.

In affirming a TTAB finding of no dilution in a case involving Opposer's sister company Swatch, S.A., the Eastern District of Virginia noted that to state a claim for dilution, the plaintiff must show: (1) it owns a famous mark that is distinctive; (2) that the defendant has commenced using a mark in commerce that is allegedly diluting the famous mark; (3) that a similarity between the defendant's mark and the famous mark gives rise to an association between the marks; (4) that the association is likely to impair the distinctiveness of the famous mark or likely to harm the reputation of the famous mark. *Swatch, S.A. v. Beehive Wholesale, L.L.C.*, 888 F. Supp. 2d 738, 756-57 (E.D. Va. Aug. 16, 2012) (citing *Louis Vuitton Malletier S.A. v. Haute Diggity Dog, LLC*, 464 F. Supp. 2d 495, 264-65 (E.D. Va. 2006)).

As the TTAB is well aware, to prevail on a claim for dilution by blurring, the plaintiff must show that "a substantial percentage of consumers, upon seeing the junior party's use of a mark on its goods, are immediately reminded of the famous mark and associate the junior party's use with the owner of the famous mark." *7-Eleven, Inc. v. Lawrence I. Wechsler*, 83 USPQ2d 1715, 1728 (TTAB 2007) (citing *Toro Company*, 61 USPQ2d at 1183).

A finding of dilution is an "extraordinary remedy." *Toro Company*, 61 USPQ2d at 1173 (citing *Advantage Rent-A-Car Inc. v. Enterprise Rent-A-Car Co.*, 238 F.3d 378, 381 (5th Cir.

2001)). The level of proof of fame required to obtain anti-dilution protection is a rigorous standard. *Id.* at 1174. “Fame for dilution purposes is difficult to prove.” *Id.* at 1180 (citing *Advantage Rent-A-Car*, 238 F.3d at 381); *see also Coach Services, Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1373 (Fed. Cir. 2012) (“fame for dilution purposes is difficult to prove all trademarks are ‘distinctive’ – very few are ‘famous’”).

If Opposer genuinely believes that a fraternity name containing the word Omega is similar enough to Opposer’s marks to bring rise to a dilution claim, Opposer has dug quite a paradoxical hole. Because there are dozens of fraternities and sororities with Omega in their name, under Opposer’s wishful theory, it cannot satisfy the dilution requirement of “substantially exclusive use of the mark.” 15 U.S.C. § 1125(c)(2)(B)(iii). Under Opposer’s wishful theory, its marks and the marks of Alpha Tau Omega cause dilution. Alpha Tau Omega has used its marks, including on jewelry, since 1865⁵, well prior to Opposer’s entrée into the United States. Under Opposer’s wishful theory, its marks and the marks of Alpha Chi Omega cause dilution. Alpha Chi Omega has used its marks, including on jewelry, since 1885⁶, well prior to Opposer’s entrée into the United States.

Further, in order to prevail on the ground of dilution, Opposer must show that its mark became famous prior to the Applicant’s use of the allegedly famous mark. *Toro Company*, 61 USPQ2d at 1174, n.9 and *Chanel, Inc. v. Makarczyk*, 110 USPQ2d 2013, 2024 (TTAB May 27, 2014). Thus, the Board need not decide whether the OMEGA marks are famous today. Omega must show that its OMEGA marks became famous prior to Alpha Phi Omega’s commencement of use of crest and the Greek letter mark ΑΦΩ in 1925. Notwithstanding discovery requests that it do so, Omega has not produced *any* evidence to indicate that the OMEGA mark was famous in

⁵ See Smiley Decl.

⁶ See Wampler Decl.

the United States prior to 1925. Omega has failed to even address its burden to prove its marks were famous prior to 1925; it has done nothing to show OMEGA was a “household name” prior to 1925. *See Coach Services*, 668 F.3d at 1373 (“a famous mark is one that has become a ‘household name’”).

Regardless, the Board need not even address whether Opposer’s marks ever became famous. The Alpha Phi Omega crest and the fraternity’s ΑΦΩ insignia simply are not similar enough to Opposer’s Ω marks for dilution to occur. The test for blurring is not the same as for determining whether two marks are confusingly similar for likelihood of confusion purposes. *7-Eleven, Inc.*, 85 USPQ2d at *48. For purposes of dilution, Omega must prove more than confusing similarity between the marks at issue; it must show that the marks are “identical or very substantially similar.” *Toro Company*, 61 USPQ2d at 1183 (internal citations omitted); *See 7-Eleven, Inc. v. Lawrence I. Wechsler*, 85 USPQ2d 1715 (BIG GULP was not diluted by GULPY); *Mead Data Central, Inc. v. Toyota Motor Sales, U.S.A., Inc.*, 875 F.2d 1065 (2nd Cir. 1989) (LEXUS for cars did not dilute LEXIS for database services); *Toro Company*, 61 USPQ2d at 1163 (“While the marks TORO and ToroMR and design are similar, we do not find that they are substantially similar for dilution purposes.”); *Swatch*, 888 F. Supp. 2d at 758 (SWAP for watches does not dilute SWATCH for watches).

For dilution to occur, the marks at issue must be “similar enough that a significant segment of the target group sees the two marks as essentially the same.” *Id.* (citing *Luigino’s Inc. v. Stouffer Corp.*, 170 F.3d 827, 832 (8th Cir. 1999) (internal citations omitted)). As shown in the likelihood of confusion section above, although the marks at issue here share an Ω, the similarity ends there. The fact that Applicant’s marks connote Greek organizations adds to the dissimilarity of the marks. “[T]he use of various combinations of Greek letters, in the mind of the public,

generally refers to fraternities or sororities.” *Abraham*, 781 F. Supp. 2d at 410. Consumers seeing ΑΦΩ would recognize the mark as referring to a fraternity. *See id.* Indeed, the Board itself recently recognized, the ΣΚ Greek letter insignia will be “perceived as identifying both Greek letters and the name of a sorority.” *Id.*

Because the Greek letters ΑΦΩ connote a Greek organization, Omega simply cannot show that when the general public encounters the mark ΑΦΩ “in almost any context, it associates the term, at least initially” with Omega. *Coach Services*, 668 F.3d at 1373 (quoting *Toro Company*, 61 USPQ2d at 1180). Consumers will undoubtedly associate the mark ΑΦΩ as identifying the name of a fraternity, not a watch company. *In re New Era Cap Co., Inc.*, at page 5. Association “in the realm of dilution law means that the ordinary person on encountering [Alpha Phi Omega’s] mark[s] will think of [Omega’s] mark.” *Swatch*, 888 F. Supp. 2d at 757. This is not the case here. Upon seeing Alpha Phi Omega’s use of its crest and ΑΦΩ on affinity merchandise, consumers are not going to be “immediately reminded of the [Omega] mark and associate [Alpha Phi Omega’s] use with [Omega’s] use of the [Omega marks].” *Toro Company*, 61 USPQ2d at 1183. Like its sister company Swatch in *Swatch v. Beehive*, Omega cannot show that Alpha Phi Omega’s use of its crest or of its Greek letters ΑΦΩ is likely to impair the distinctiveness of the Omega marks. *See Swatch*, 888 F. Supp. 2d at 757.

The undisputed facts here are that the marks at issue are not “identical or very substantially similar.”⁷ There is no evidence that Alpha Phi Omega intended to create an association with Opposer or its marks. Opposer has not come forward with any evidence demonstrating any association between its marks and Alpha Phi Omega’s marks. There is no plausible argument that upon seeing Alpha Phi Omega’s crest or Greek letters ΑΦΩ, consumers will immediately associate those products with Opposer or its marks. Consumers seeing ΑΦΩ

⁷ *Toro Company*, 61 USPQ2d at 1183 (internal citations omitted).

either alone or as part of the ΑΦΩ crest will no doubt perceive the Greek letter combination as referring to the fraternity, not a watch company.

Omega has not come forward, indeed cannot come forward, with any plausible basis supporting any claim the Alpha Phi Omega marks impair the distinctiveness of Omega's marks. Omega's dilution claim fails as a matter of law; summary judgment is appropriate.

IV. The Oppositions Fail as a Matter of Law, Thus Should Be Dismissed By Summary Judgment.

It is well-settled that summary judgment is “a salutary method of disposition,” and the Board does not hesitate to resolve cases through summary judgment when appropriate. TBMP § 528.01 (citations omitted); *see also Sweats Fashions Inc. v. Pannill Knitting Co.*, 833 F.2d 1560, 4 USPQ2d 1793 (Fed. Cir. 1987). Summary judgment is “an integral part of the Federal Rules as a whole, which are designed ‘to secure the just, speedy and inexpensive determination of every action.’” *Celotex Corp. v. Catrett*, 477 U.S. 317, 327 (1986) (citing Fed. R. Civ. Proc. 1). Motions for summary judgment are “tools by which factually insufficient claims or defenses” can be “isolated and prevented from going to trial with the attendant unwarranted consumption of public and private resources.” *Id.* The purpose of summary judgment, of course, is to avoid an unnecessary trial and to “isolate and dispose of factually unsupported claims.” TBMP § 528.01 (citations omitted); *Central Mfg. Co. v. Board of Regents, University of Texas System*, 2005 TTAB LEXIS 444, *10 (TTAB 2005) (quoting *Celotex Corp.*, at 323).

If ever a case were appropriate for summary judgment, this is it. Even though Opposer and Alpha Phi Omega have coexisted for nearly 90 years, neither party is aware of even a single instance of confusion or consumer association of the Alpha Phi Omega insignia with Opposer or its marks. Indeed, there are dozens of fraternities and sororities with “Omega” in their name, many of which have coexisted with Opposer throughout its history. Notwithstanding these years

of coexistence without confusion or association, Opposer has now decided to bully any collegiate fraternity or sorority with the word Omega in its name. This case is just one of many examples of Omega's bullying tactics. Omega has instituted similar proceedings before the TTAB against the Lambda Tau Omega Sorority (Proceeding No. 91208652), the Omega Psi Phi Fraternity (Proceeding No. 91197082), and the Alpha Omega Epsilon Fraternity (Consolidated Proceeding Nos. 91214449 (Parent), 91214452, 91214453, and 91214454); has unsuccessfully sought an extension to oppose a filing of the Psi Sigma Omega Service Fraternity (Serial No. 78739642); and successfully bullied Omega Delta Phi into abandoning the application to register its name (Proceeding No. 91186613).

This trademark bullying should not go any further. The Board should put a halt to Opposer's tactics and use the summary judgment procedure for its intended purpose, to dispose of factually and legally unfounded claims. It is clear that Opposer's claims are without legal and factual basis, and that there are no issues which require a trial for their resolution. There are no genuine issues of material fact relating to Omega's groundless claims of likelihood of confusion and dilution. Alpha Phi Omega is entitled to a judgment as a matter of law.

CONCLUSION

Consumers encountering Applicant's use of insignia containing ALPHA PHI OMEGA or the Greek letters, ΑΦΩ, will perceive the marks as referring to a fraternity and will not confuse or associate the merchandise with Opposer or its marks. Omega cannot show that when the general public encounters the mark ΑΦΩ, Opposer or its marks come to mind. Opposer and Alpha Phi Omega have coexisted for nearly 90 years without a single instance of confusion, and the marks are so dissimilar that it is not likely that there will be any consumer confusion in the future. Similarly, regardless of whether the Omega marks are considered famous, consumer association of the Alpha Phi Omega insignia with the Omega Watch marks is not likely to occur.

There is no genuine issue of material fact either supporting a contention there is an appreciable likelihood of confusion or supporting any dilution claim.

Therefore, as a matter of law, both Opposer's likelihood of confusion and dilution claims must fail. Alpha Phi Omega is entitled to a judgment as a matter of law; summary judgment should be granted dismissing these Oppositions.

Respectfully requested,

/jackawheat/

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Counsel for Alpha Phi Omega

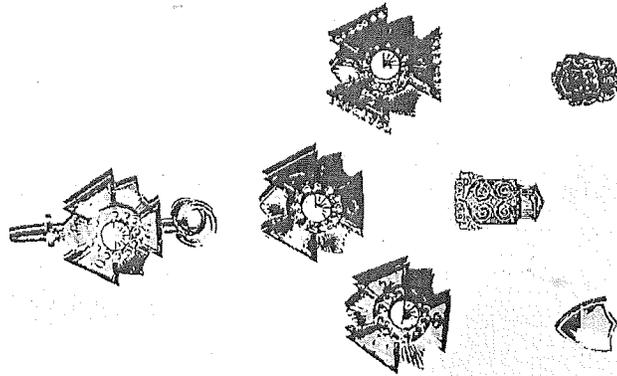
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I hereby certify that a true copy of this item, ALPHA PHI OMEGA'S MOTION FOR SUMMARY JUDGMENT is being filed electronically with the U.S. Patent and Trademark Office using the ESTTA service, and a copy has been served on counsel for Opposer by mailing said copy this 29th day of July, 2014, via First Class Mail, postage prepaid, to:

Jess M. Collen
Thomas P. Gulick
Oren Gelber
COLLEN IP
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/jackawheat/

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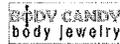
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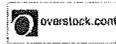
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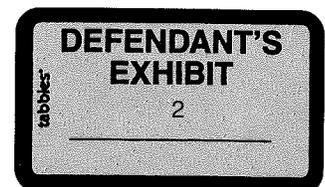
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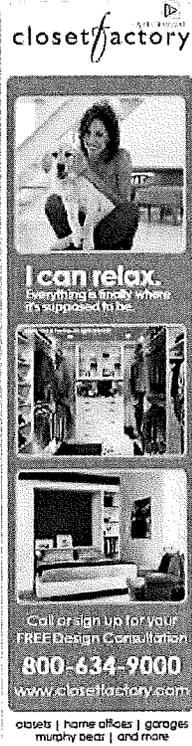
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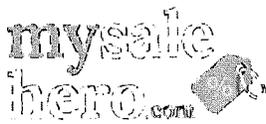


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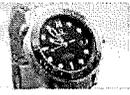
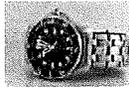


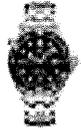
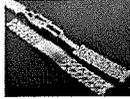
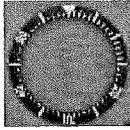
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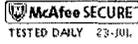
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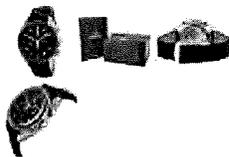
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Brand	Omega
Model number	311.63.44.51.01.001
Gender	Mens
Series	Speedmaster Moonwatch
Watch Style	Luxury
Movement	Automatic
Engine	Omega 9301
Functions	Chronograph, Date, Hour, Minute, Second
Case Material	18kt Rose Gold
Case Shape	Round
Case Diameter	44.25 mm - View the watch size chart
Case Back	Transparent
Bezel	Uni-directional Rotating with Tachymeter
Dial Color	Black
Dial Type	Analog
Dial Markers	Index
SubDials	Two - 60 Second and 12 Hour
Hands	Gold-tone
Luminiscent	Hands and Markers
Bracelet	Black Alligator Leather
Band Length	9 inches
Band Width	24.1 mm
Clasp	Deployment with Push Button
Calendar	Date display at the 3 o'clock position
Water Resistant	100 meters / 330 feet
Crystal	Scratch Resistant Sapphire
Watch Label	Swiss Made
Warranty	Warranty service for this watch will be offered through Jomashop and not the manufacturer. Omega watches have a 4 year Jomashop warranty. Please click here for additional watch warranty information.



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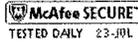
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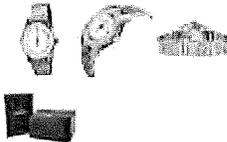
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18kt rose gold case with a 18kt rose gold bracelet. Fixed 18kt rose gold bezel. Silver dial with gold-toned hands and index hour markers. Minute markers around the outer rim. Dial Type: Analog. Date display at the 3 o'clock position. Automatic movement. Scratch resistant sapphire crystal. Push / pull crown. Solid case back. Case diameter: 41 mm. Round case shape. Deployment clasp. Water resistant at 100 meters / 330 feet. Functions: date, hour, minute, second. Luxury watch style. Watch label: Swiss Made. Omega DeVille Hour Vision Silver Dial 18kt Rose Gold Mens Watch 431.60.41.21.02.001.

Brand	Omega
Model number	431.60.41.21.02.001
Gender	Mens
Series	DeVile Hour Vision
Watch Style	Luxury
Movement	Automatic
Functions	Date, Hour, Minute, Second
Case Material	18kt Rose Gold
Case Shape	Round
Case Diameter	41 mm - View the watch size chart
Case Back	Solid
Crown	Pull / Push
Bezel	Fixed 18kt Rose Gold
Dial Color	Silver
Dial Type	Analog
Dial Markers	Index
Hands	Gold-toned
Bracelet	18kt Rose Gold
Clasp	Deployment
Calendar	Date display at the 3 o'clock position
Water Resistant	100 meters / 330 feet
Crystal	Scratch Resistant Sapphire
Watch Label	Swiss Made
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FOR THE HOME

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121.62.41.50.01.001

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Leather Mens Watch 311.63.44.51.01.001

Our Price: \$20,670.00

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THE FINEST WATCHES (//)



OMEGA

Seamaster Aqua Terra Chronograph White Gold

~~\$48,900.00~~ \$39,125.00





Misc016



Color

White Gold

Band

White Gold

Quantity

1

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Omega Seamaster Aqua Terra Chronograph Watch, round 18kt white gold case (44mm diameter) with screw-down crown and transparent case back, choice of 18kt white gold bracelet or alligator strap with 18kt white gold deployant buckle, black lacquered dial with teak pattern, date indication between 4 and 5 o'clock, chronograph function (central seconds, 30 min, 12 hr), Omega caliber 3313 self-winding Co-Axial movement with 52 hour power reserve, water-resistant to 150 meters.

The Aqua Terra represents a tribute to Omega's rich maritime heritage. The easily recognizable dial of the Omega Aqua Terra collection recalls the wooden decks

Misc017

of luxury sailboats. Co-Axial escapement for greater precision, stability and durability. Features include automatic winding in both directions to reduce winding time, the teak concept pattern dial, date window between the 4 and 5 o'clock position, and a chronograph with 30 minute and 12 hour registers. A 44mm diameter case provides ample size for most sportsmen and adventurers. At the heart of this watch beats the COSC certified caliber 3313 Co-Axial chronometer movement.

Int. Cl.: 14

Prior U.S. Cls.: 2, 27, 28 and 50

United States Patent and Trademark Office

Reg. No. 3,183,916

Registered Dec. 12, 2006

TRADEMARK
PRINCIPAL REGISTER



ALPHA CHI OMEGA FRATERNITY, INC. (IN-
DIANA CORPORATION)
5939 CASTLE CREEK PARKWAY NORTH DRIVE
INDIANAPOLIS, IN 46250

FOR: JEWELRY, IN CLASS 14 (U.S. CLS. 2, 27, 28
AND 50).

FIRST USE 0-0-1885; IN COMMERCE 0-0-1885.

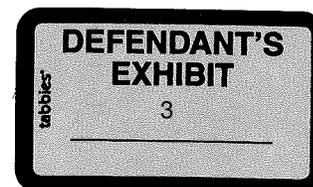
OWNER OF U.S. REG. NO. 264,413.

THE MARK CONSISTS OF A FANCIFUL REPRESENTATION OF A LYRE MUSICAL INSTRUMENT WITH CIRCULAR SHAPES AROUND THE EDGES AND A RIBBON DESIGN ACROSS A MIDDLE PORTION BEARING THE GREEK LETTERS "ALPHA", "CHI" AND "OMEGA".

SEC. 2(F).

SER. NO. 78-867,669, FILED 4-24-2006.

ESTHER A. BORSUK, EXAMINING ATTORNEY



AXO021

Int. Cls.: 14, 16 and 25

Prior U.S. Cls.: 28, 37, 38 and 39

United States Patent and Trademark Office

Reg. No. 1,361,759

Registered Sep. 24, 1985

**TRADEMARK
PRINCIPAL REGISTER**

X Ω

CHI OMEGA FRATERNITY (OHIO CORPORATION)
3300 CAREW TOWER
CINCINNATI, OH 45202

FOR: JEWELRY, IN CLASS 14 (U.S. CL. 28).
FIRST USE 0-0-1895; IN COMMERCE
0-0-1895.

FOR: PAMPHLETS AND NEWSLETTERS
PERTAINING TO SORORITY AFFAIRS, PENS
AND PENCILS, POSTERS, WRITING PAPER
AND ENVELOPES, STICKERS, LOOSELEAF
RING BINDERS, STATIONERY-TYPE PORTFOLIOS,
CLIPBOARDS, PHOTO ALBUMS, ADDRESS
BOOKS, CHECKBOOK COVERS AND

PAPER NAMETAGS, IN CLASS 16 (U.S. CLS. 37
AND 38).

FIRST USE 0-0-1895; IN COMMERCE
0-0-1895.

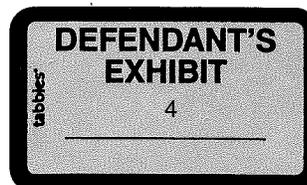
FOR: SCARVES, SHIRTS, SOCKS, JACKETS
AND CAPS, IN CLASS 25 (U.S. CL. 39).

FIRST USE 0-0-1895; IN COMMERCE
0-0-1895.

THE MARK IS COMPRISED OF THE GREEK
LETTERS "CHI" AND "OMEGA".

SER. NO. 524,691, FILED 3-1-1985.

DAVID A. HERDMAN, EXAMINING ATTORNEY



ChiO031

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UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK TRIAL AND APPEAL BOARD

OMEGA S.A. (OMEGA AG) (OMEGA LTD)

OPPOSER

V.

ALPHA PHI OMEGA

APPLICANT

DEPONENT: ROBERT LONDON
DATE: JUNE 05, 2013
REPORTER: VANESSA SCOTT

1 That convention sets the laws of the Fraternity -- and
2 policies. The Board of Directors governs the
3 Fraternity in between conventions.

4 Q And this Board of Directors, is it the
5 national headquarters?

6 A They are volunteers.

7 Q And are those volunteers members of a
8 particular chapter, or are they part of the national
9 organization?

10 A They are members of individual chapters. All
11 chapters are part of the national organization.

12 Q Do you know if the chapters sell Alpha Phi
13 Omega products?

14 A I do not -- I do not know of specific items
15 that chapters may or may not sell.

16 Q But do -- strike that. I'm not asking about
17 specific items. I just want to know, in general, do
18 the chapters sell products bearing Alpha Phi Omega?

19 A To the best of my knowledge, I would say no.

20 Q Does the national headquarters sell Alpha Phi
21 Omega products?

22 A Yes.

23 Q Can you tell me where was the first Alpha Phi
24 Omega chapter?

25 A Lafayette College in Pennsylvania.

1 Q And when did Independence, Missouri become
2 the headquarters for Alpha Phi Omega?

3 A The national headquarters at its current
4 location was built between '88 and '90. November of '90
5 is when it first started to be used.

6 Q And prior to that, was there another location
7 for the national headquarters?

8 A In Kansas City, Missouri.

9 Q And can you tell me when the first Alpha Phi
10 Omega chapter in Lafayette College was created?

11 A December of 1925.

12 Q And if you take a look in Exhibit 2 on page -
13 - let's see. It says page 6 of 8 in the upper --

14 A Um-hmm.

15 Q -- right hand corner. Is Lafayette's college
16 still listed as a chapter of --

17 A No.

18 Q Alpha Phi Omega?

19 A It is not an active chapter.

20 Q And do you know when it ceased to become an
21 active -- ceased being an active member?

22 A I do not.

23 Q Okay. In your position as Executive
24 Director, would you have knowledge concerning the
25 adoption and use of Alpha Phi Omega?

1 A Yes.

2 Q Okay. And can you tell me when did Alpha Phi
3 Omega adopt -- this is going to be a little confusing
4 so I'm going to clarify it for you. I -- I'm going to
5 -- when I talk about the crest, that's the coat of
6 arms-looking mark. And when I refer to the Greek
7 letters, that will be in reference to the actual Greek
8 letters or symbols. And when I refer to the words, I'll
9 refer to them as the words, Alpha, Phi, Omega, okay?
10 So can you tell me when did Alpha Phi Omega adopt the
11 Greek letters, Alpha, Phi, Omega?

12 A In 1925.

13 Q Okay. And can you tell me when Alpha Phi
14 Omega adopted the crest?

15 A In 1925.

16 Q Can you tell me what is the significance of
17 the Greek letters, Alpha, Phi, Omega to the Fraternity?

18 A Yes. They represent the -- the first letter
19 of Greek words that stand for the word, letter -- or
20 "leader, friend, and service."

21 Q Just to clarify the meaning then. Would the
22 Greek letter, Alpha, refer to the word leader?

23 A The Greek letter, Alpha, is the first letter
24 of a Greek word that stands for the word, leader.

25 Q Okay. And so then Phi -- the same would be

1 true of phi for friend and Omega for service?

2 A Correct.

3 Q Okay. Can you tell me what the significance
4 of the crest, Alpha Phi Omega, is?

5 A You -- you mean the words Alpha Phi Omega on
6 the crest? Is that --

7 Q No.

8 A -- the question?

9 Q In other words, is there a significance to
10 the crest symbol itself.

11 A Just the crest itself, okay. The crest
12 itself was developed by the founders in 1925. They
13 believed that, as best as I've been told the stories,
14 that it represents leadership, friendship and service.
15 The specific reasons why they developed that crest, I -
16 - nobody would be able to speak to, as they are all
17 deceased.

18 Q Can you tell me roughly when the applicant
19 started using Alpha Phi Omega, the words, on products?

20 A In 1925 when they started the Fraternity,
21 there were -- was a coat of arms and jewelry to show
22 membership.

23 Q Were these items sold to the members, or were
24 they given?

25 A I do not know.

1 locations.

2 Q Do you know who would be responsible for
3 maintaining the trademark registration?

4 A Probably the executive director.

5 Q Do you know why the mark, the Greek letter
6 mark in Plaintiff's Exhibit 3 was cancelled by the U.S.
7 Trademark Office?

8 MR. WHEAT: Objection. The -- the mark
9 wasn't cancelled. The registration was cancelled.

10 Q Correct. Do you know why the registration
11 with the Greek letters was cancelled by the U.S.
12 Trademark Office?

13 A I -- I do not as I was not in the position at
14 the time.

15 (PLAINTIFF'S EXHIBIT 6 MARKED FOR IDENTIFICATION)

16 Q Okay. I want to show you what's labeled
17 Plaintiff's Exhibit 6. Can I just ask you to take a
18 minute to review the document?

19 A Um-hmm. Okay.

20 Q Have you seen this document before?

21 A I have.

22 Q Can you tell me what this document is?

23 A Again, not -- not being an attorney or
24 involved directly with the trademark office, I believe
25 it's a service -- principal register service mark of

1 campus and community leaders through service.

2 Q Okay. I think I -- I think that answers --

3 A Okay.

4 Q -- the -- the question. As the executive
5 director, are you familiar with the range of goods that
6 Alpha Phi Omega sells under its Alpha Phi Omega word
7 mark?

8 A Yes.

9 Q Are you aware -- are you familiar with the
10 range of goods in -- that Alpha Phi Omega, the
11 Fraternity, sells under its crest mark?

12 A Yes.

13 Q Are you familiar with the range of goods that
14 applicant sells under its Greek letter marks?

15 A Yes.

16 Q Can you tell me the type of goods sold under
17 that Alpha Phi Omega word mark?

18 A Apparel items, jewelry, some educational
19 materials, glassware, banners, flags, are the items
20 that come to mind.

21 Q Okay. One of the types of goods you
22 mentioned was jewelry. Can you tell -- can you explain
23 in more detail what type of jewelry?

24 A The finger rings have the words on them. Of
25 course, our crest has the words on them as well.

1 also be true of the same type of goods that would be
2 sold under the Greek letter mark?

3 A Yes. There's probably more things that are
4 sold with the Greek letter mark.

5 Q Okay. Can you tell me what would be
6 additional?

7 A A holiday ornament, a -- stationery, note
8 cards, writing utensils are the items that come to
9 mind.

10 Q Okay. Now, can you tell me the goods that
11 the Fraternity sells with the crest.

12 A Jewelry, apparel, and glassware are the ones
13 that come to mind.

14 Q In addition to rings, are there any other
15 jewelry items sold by the Fraternity?

16 A Could -- could you clarify --

17 Q Yes.

18 A -- are you asking in general?

19 Q Well, you -- when we talked about what type
20 of jewelry you sold, you mentioned finger rings. Would
21 there be any other jewelry items that the Fraternity
22 sells?

23 A Yes.

24 Q Can you tell me what those would be?

25 A The Fraternity sells cuff links, badges,

1 we would turn that over to Affinity Consultants to
2 pursue.

3 Q And do you know how they go about pursuing
4 it?

5 A Only in a general sense that they will
6 attempt to license them and/or ask them to stop using
7 the marks.

8 Q Are you ever provided documents from Infity -
9 - Infinity Consulting regarding their contact with
10 these unlicensed vendors?

11 A No.

12 Q Do you believe that the Alpha Phi Omega --
13 the goods sold under the Alpha Phi Omega mark, are sold
14 to a particular target market?

15 A Absolutely.

16 Q What would that market be?

17 A Our members.

18 Q Do you limit -- strike that. Will products
19 bearing the Alpha Phi Omega mark be sold to people
20 outside of the membership?

21 A By whom?

22 Q Let's start with by the Fraternity itself.

23 A Not intentionally, unless they're buying them
24 as a gift for a member.

25 Q Okay. And what about by vendors?

1 organization by the Internal Revenue Service.

2 Q So can you tell me what does the revenue
3 which is generated from the sale of goods - - used for?

4 A General operation and chapter support.

5 Q Can you expand on what you mean by that?

6 A General operation includes everything from
7 paying the water bill for national headquarters to
8 traveling for depositions --

9 Q Okay.

10 A -- or deposition. Chapter support includes
11 everything from creating supplies, educational
12 programs, conferences, leadership programs.

13 MR. WHEAT: Scholarships.

14 THE WITNESS: Scholarships would --

15 MR. WHEAT: It comes from something else?

16 THE WITNESS: It's a pass-through from the --

17 MR. WHEAT: Okay.

18 BY MR. GULICK:

19 Q The -- the money generated through the
20 licenses, can you tell me what percentage of the
21 royalty does Affinity Consulting receive?

22 A I'm not positive, but I believe they receive
23 40 percent of the royalty.

24 Q So I have it right, 40 percent of the 8.5
25 percent?

1 A Yes.

2 Q Okay. And that royalty is obtained
3 essentially for all of the goods sold bearing an Alpha
4 Phi Omega mark. Is that correct?

5 A Correct.

6 Q And that's regardless of if it's in the form
7 that we would see, for instance, in Exhibit 23 or what
8 we saw from your website in Exhibit -- I think it's
9 Exhibit 12.

10 A That's incorrect.

11 Q Okay.

12 A If it's from our website, we don't get a
13 royalty where --

14 Q You collect it all.

15 A -- we collect --

16 Q Okay.

17 A -- the entire payment.

18 Q So then the royalty would be collected on
19 goods such as those that would be generated with the
20 images in Exhibit 23 as well as, let's say, the watches
21 in --

22 A Through --

23 Q Exhibit 22.

24 A -- through any licensed vendor.

25 Q And regardless of what form it comes in,

1 whether it's --

2 A Correct.

3 Q -- the word mark, the crest mark, or the
4 Greek letter mark, or a combination thereof.

5 A Let me make sure I understand the question.
6 The 8.5 percent is generated no matter which mark is
7 used, is that the question?

8 Q Correct.

9 A Yes. Except for insurance and composites.

10 Q Okay. I just have to ask what a composite
11 is. I -- I just don't know.

12 A The composite is a chapter photograph that
13 has -- is often taken yearly and has each picture --
14 each member's picture on a large framed image.

15 Q Okay. Other than those two instances, the
16 images that we've seen throughout a number of these
17 exhibits from the vendors, would be the types of
18 materials that --

19 A Correct.

20 Q -- the royalty would be generated from. That
21 would include also those that would have the
22 customization process as well. Would that be correct?

23 A That is correct.

24 Q As long as it had the word mark, the Greek
25 letters or the crest.

1 Q Were first sold.

2 A First sold.

3 Q Okay. Then I thank you for your time.

4 A Okay.

5 Q I appreciate it. And I'll leave it to Mr.

6 Wheat to see if he has any cross questions.

7 CROSS EXAMINATION

8 BY MR. WHEAT:

9 Q So the founding was in 1925.

10 A Yes.

11 Q And one of the first things done would have
12 been the design of a member badge?

13 A Yes.

14 Q And the member badge today is essentially the
15 same one that was designed in 1925.

16 A Yes.

17 Q And it has the Alpha and Phi and Omega Greek
18 letters on it?

19 A Yes.

20 Q This has been continuously in use on jewelry
21 since 1925?

22 A Yes.

23 Q Okay. When a chapter is given a charter --
24 or when a group is given a charter, that's their
25 founding as a chapter of the Fraternity, correct?

1 A Yes.

2 Q And at the bottom of that list, one of the
3 things they are prohibited from doing is using
4 copyrighted materials from others unless they obtain
5 permission.

6 A Correct.

7 Q So it's the licensee's responsibility.

8 A Absolutely.

9 Q You know, this makes sense with the stock
10 designs -- a -- a -- a jersey with standard size Greek
11 letters sewn on it, I mean, like a stock design. But
12 things like the silkscreen shirts designs that might be
13 relating to a specific event. You know, a chapter
14 service project, or a rush event, or a parents'
15 weekend, do you have an understanding of how those --
16 the silkscreen layout designs get approved? Do you
17 understand that Affinity makes the licensee submit
18 those designs?

19 A Yes.

20 Q And the Affinity staff to give a prompt
21 turnaround about whether the design is acceptable.

22 A Correct. Most of those, to my knowledge, are
23 electronically handled.

24 Q Did I get -- here -- here in America if
25 someone sees three -- three Greek alphabet letters on a

1 product, what -- what are they likely to assume?

2 MR. GULICK: Objection. Calls for
3 speculation?

4 A That they are a fraternal organization --
5 Greek letter organization.

6 Q There are hundreds of fraternities and
7 sororities, and they typically have a three Greek
8 letter --

9 A Correct.

10 Q Although there are some two, like Chi Omega
11 sorority or --

12 A Yeah. And one or two with --

13 Q That aren't Greek letters --

14 A Yes.

15 Q -- at all. What -- what is the market for
16 merchandise bearing insignia of the Alpha Phi Omega
17 fraternity?

18 A Our members and people buying gifts for our
19 members.

20 Q Would -- would anyone else want to buy
21 something with a -- the Alpha Phi Omega fraternity
22 symbols on it?

23 A Not that I would be aware of.

24 Q Does Alpha Phi Omega ever go by the name,
25 Omega?

1 to some of their order pages, and typically they'll
2 have a dropdown menu of which --

3 A Yes.

4 Q -- organization do you want it to --

5 A Yes.

6 Q So it might be cufflinks, and it'll say,
7 "Which organization", and you'll click on "Alpha Phi
8 Omega?"

9 A Exactly.

10 Q Let's go to Exhibit 10 which is the
11 registration of the Alpha Phi Omega letters
12 registration number three, 834436, issued April 17th,
13 2010, but it reflects first use in 1925, and the
14 category for this registration is indicating membership
15 in a service fraternity?

16 A Yes.

17 Q How does a member of a service fraternity
18 publically indicate their membership to others?

19 A By wearing paraphernalia, by their membership
20 certificate, by their membership card, by stationery,
21 by membership pin, by badge, and -- and in some cases,
22 all of the above.

23 Q And the badge with the Alpha Phi Omega
24 letters on it --

25 A Yes.

Registered Dec. 10, 1929

Trade-Mark 265,052

Renewed Dec. 10, 1949, to Alpha Phi Omega, of Kansas City,
Mo.

UNITED STATES PATENT OFFICE

ALPHA PHI OMEGA, OF WINCHESTER, VIRGINIA

ACT OF FEBRUARY 20, 1905

Application filed July 3, 1929. Serial No. 298,530.



STATEMENT

To all whom it may concern:

Be it known that Alpha Phi Omega, a voluntary association, having a regular and established place of business at 606 West Cork Street, Winchester, Virginia, has adopted and used the trade-mark shown in the accompanying drawing, for FRATERNITY BADGES, LAPEL BUTTONS, SCARF, LAPEL, AND BREAST PINS; CUFF LINKS, TIE CLASPS, CHARMS, FINGER RINGS, BELT BUCKLES, AND ORNAMENTAL SHIELDS, ALL OF PRECIOUS METAL, in Class 28, Jewelry and precious-metal ware.

The trade mark has been continuously used in the business of said association since December 16, 1925.

The trade mark is usually applied or affixed to the goods by attaching a printed label to the packages containing the goods or by displaying the trade mark on the goods themselves in any manner customarily employed in attaching trade marks to articles of jewelry.

ALPHA PHI OMEGA,
By FRANK R. HORTON,
National President.



AL0008

Int. Cl.: 42

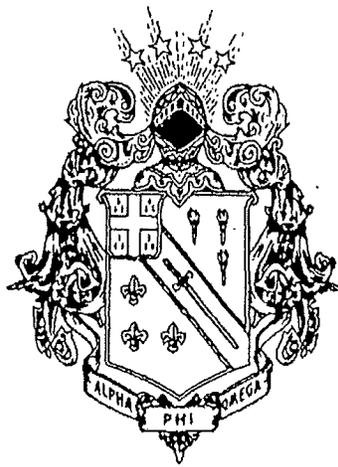
Prior U.S. Cls.: 100 and 101

Reg. No. 2,320,138

United States Patent and Trademark Office

Registered Feb. 22, 2000

SERVICE MARK
PRINCIPAL REGISTER



ALPHA PHI OMEGA (MISSOURI NOT-FOR-
PROFIT CORPORATION)
14901 EAST 42ND STREET
INDEPENDENCE, MO 64055

FOR: ASSOCIATION SERVICES, NAMELY,
PROMOTING THE INTERESTS OF THE MEM-
BERS OF A FRATERNAL SERVICE ASSOCIA-
TION, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 12-16-1925; IN COMMERCE
12-16-1925.

OWNER OF U.S. REG. NO. 265,052.

THE LINING SHOWN IN THE DRAWING IS
A DESIGN FEATURE OF THE MARK AND IS
NOT INTENDED TO INDICATE COLOR.

THE MARK CONSISTS OF A SHIELD WITH
A CROSS, TORCHES, TREFOILS AND A
SWORD ON THE FACE WITH A HELMET ON
TOP OF THE SHIELD WITH STARS EMANAT-
ING FROM IT AND A BANNER READING
"ALPHA PHI OMEGA" BELOW THE SHIELD.

SER. NO. 75-389,803, FILED 11-13-1997.

KATHLEEN KEENER, EXAMINING ATTOR-
NEY



AL0010

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,315,321

United States Patent and Trademark Office

Registered Feb. 8, 2000

SERVICE MARK
PRINCIPAL REGISTER

ALPHA PHI OMEGA

ALPHA PHI OMEGA (MISSOURI NOT-FOR-
PROFIT CORPORATION)
14901 EAST 42ND STREET
INDEPENDENCE, MO 64055

FIRST USE 12-16-1925; IN COMMERCE
12-16-1925.

OWNER OF U.S. REG. NO. 265,052.

FOR: ASSOCIATION SERVICES, NAMELY,
PROMOTING THE INTERESTS OF THE MEM-
BERS OF A FRATERNAL SERVICE ASSOCIA-
TION, IN CLASS 42 (U.S. CLS. 100 AND 101).

SER. NO. 75-389,822, FILED 11-13-1997.

KATHLEEN KEENER, EXAMINING ATTOR-
NEY



AL0011

United States of America

United States Patent and Trademark Office

ALPHA PHI OMEGA

Reg. No. 3,840,594

Registered Aug. 31, 2010

COLLECTIVE
MEMBERSHIP

PRINCIPAL REGISTER

ALPHA PHI OMEGA (MISSOURI CORPORATION), DBA ALPHA PHI OMEGA NATIONAL
SERVICE FRATERNITY
14901 EAST 42ND STREET
INDEPENDENCE, MO 64055

FOR: INDICATING MEMBERSHIP IN A SERVICE FRATERNITY, IN CLASS 200 (U.S. CL.
200).

FIRST USE 0-0-1925; IN COMMERCE 0-0-1925.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,315,321.

SER. NO. 77-904,914, FILED 1-5-2010.

LAURIE MAYES, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office



AL0012

United States of America

United States Patent and Trademark Office

ALPHA PHI OMEGA

Reg. No. 3,828,181
Registered Aug. 3, 2010
Int. Cl.: 25

TRADEMARK
PRINCIPAL REGISTER

ALPHA PHI OMEGA (MISSOURI CORPORATION), AKA ALPHA PHI OMEGA NATIONAL SERVICE FRATERNITY
14901 EAST 42ND STREET
INDEPENDENCE, MO 64055

FOR: HEADWEAR; JACKETS; SHIRTS; SWEAT SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 0-0-1980; IN COMMERCE 0-0-1980.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,315,321 AND 2,320,138.

SEC. 2(F).

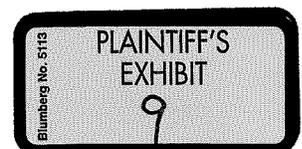
SER. NO. 77-905,132, FILED 1-5-2010.

LAURIE MAYES, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office



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United States of America

United States Patent and Trademark Office

ΑΦΩ

Reg. No. 3,834,436

Registered Aug. 17, 2010

COLLECTIVE
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PRINCIPAL REGISTER

ALPHA PHI OMEGA (MISSOURI CORPORATION), AKA ALPHA PHI OMEGA NATIONAL
SERVICE FRATERNITY
14901 EAST 42ND STREET
INDEPENDENCE, MO 64055

FOR: INDICATING MEMBERSHIP IN A(N) TO INDICATE MEMBERSHIP IN A SERVICE
FRATERNITY, IN CLASS 200 (U.S. CL. 200).

FIRST USE: 0-0-1925; IN COMMERCE 0-0-1925.

OWNER OF U.S. REG. NOS. 2,315,321 AND 2,320,138.

THE NON-LATIN CHARACTERS IN THE MARK TRANSLITERATE TO "ALPHA PHI
OMEGA" AND THESE ARE LETTERS FROM THE GREEK ALPHABET.

THE MARK CONSISTS OF THE GREEK ALPHABET LETTERS "ALPHA", "PHI" AND
"OMEGA".

SER. NO 77-905,230, FILED 1-5-2010.

LAURIE MAYES, EXAMINING ATTORNEY



David J. Kappas

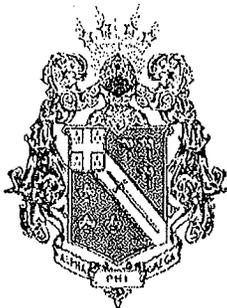
Director of the United States Patent and Trademark Office



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United States of America

United States Patent and Trademark Office



Reg. No. 3,835,075
Registered Aug. 17, 2010
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ALPHA PHI OMEGA (MISSOURI CORPORATION), DBA ALPHA PHI OMEGA NATIONAL
SERVICE FRATERNITY
14901 EAST 42ND STREET
INDEPENDENCE, MO 64055

FOR INDICATING MEMBERSHIP IN A(N) TO INDICATE MEMBERSHIP IN A SERVICE
FRATERNITY, IN CLASS 200 (U.S. CL. 200).

FIRST USE 0-0-1925; IN COMMERCE 0-0-1925.

OWNER OF U.S. REG. NOS. 2,315,321 AND 2,320,138.

THE MARK CONSISTS OF A COAT-OF-ARMS DESIGN CONTAINING A SHIELD BEARING
THREE TORCHES, THREE TREFOILS, A SWORD AND A SMALLER SHIELD CONTAINING
A CROSS AND DROPS. ATOP THE LARGER SHIELD IS A HELMET WITH RAYS AND
STARS EMANATING FROM IT AND BELOW THE LARGER SHIELD IS A RIBBON BEARING
THE WORDS "ALPHA PHI OMEGA".

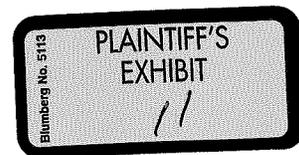
SER. NO. 77-950,430, FILED 3-4-2010.

LAURIE MAYES, EXAMINING ATTORNEY



David S. Kappas

Director of the United States Patent and Trademark Office



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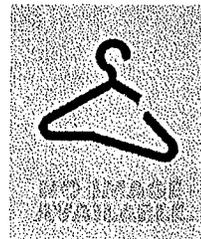
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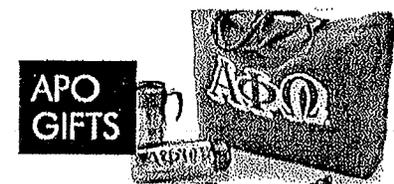
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- \$20 AND UNDER
- \$25 AND UNDER
- \$30 AND UNDER
- \$50 AND UNDER
- \$75 AND UNDER
- \$100 AND UNDER

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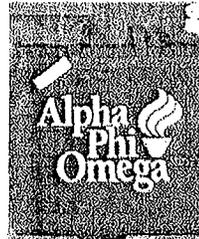
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LARGE PIN WATER DECAL
#DECLGPPIN
\$2.00 \$4.00
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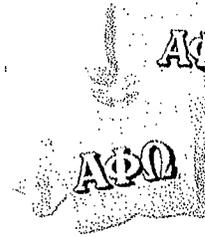
SMALL PIN WATER DECAL
#DECSMPIN
\$1.00 \$3.00
VIEW



ZIPPER NAVY TOTE
#TOTE
\$12.00 \$15.00
VIEW



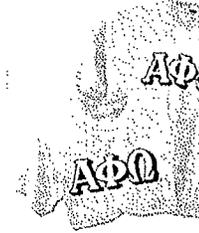
BLUE COFFEE MUG -
#COFIMUGBL
\$4.00 \$7.00
VIEW



LARGER SIZE GRAY T-SHIRT
#GRAYTSHIRT
\$7.00 \$12.00
VIEW



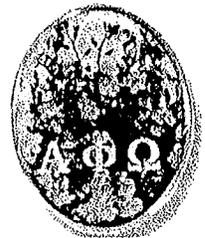
NAVY T-SHIRT - #TSHIRTS
\$7.00 \$15.00
VIEW



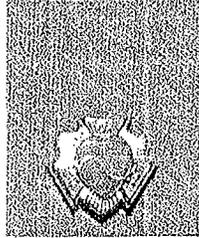
GRAY T-SHIRT -
#TSHIRTGRAY
\$7.00 \$12.00
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COLORLED BRACELET -
#BRACELET
\$25.00 \$30.00
VIEW



FORGET-ME-NOT -
#PINFLOWER
\$3.00 \$5.00
VIEW



SWEET HEART PIN -
#SWEETHEART
\$54.00 \$69.00
VIEW

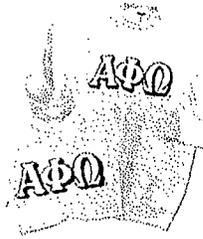


FITTED TIE-DYE T-SHIRTS
- #TIE-DYE TSHIRT
\$12.00 \$30.00
VIEW

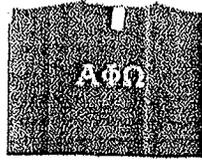


NAVY SWEATSHIRTS -
#SWEAT
\$10.00 \$20.00
VIEW

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GRAY SWEATSHIRT - #SWEATGRAY \$10.00 \$20.00 VIEW



FITTED RHINESTONE T-SHIRTS - #RHINESTONE \$15.00 \$33.00 VIEW



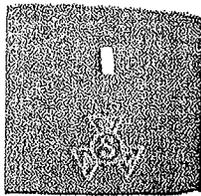
LARGER SIZE'S TORCH LOGO POLO - #LPOLO-NEW TORCH \$20.00 \$34.00 VIEW



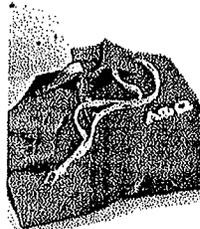
TORCH LOGO POLO - #POLO-NEW TORCH \$20.00 \$24.00 VIEW



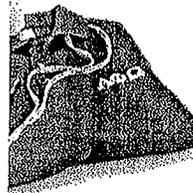
PAJAMA PANTS - #PJPARTS \$14.00 \$23.00 VIEW



NAVY FITTED TSHIRT WITH GOLD STUDS - #NAVY/GOLD STUD \$12.00 \$25.00 VIEW



GOLF POLOS - #GOLF \$30.00 \$40.00 VIEW



LARGER SIZE'S GOLF POLO - #LGOLF \$32.00 \$47.00 VIEW



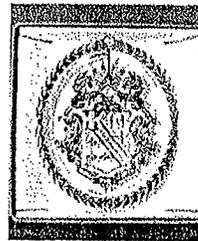
FITTED GIRLS T-SHIRT - #FITTED GIRLS T \$12.00 \$20.00 VIEW



DENIM SHIRT - #DENIM \$25.00 \$45.00 VIEW



NYLON CINCH BAG - #SLING BAG \$10.00 \$15.00 VIEW



GOLD CLAD ORNAMENT - #ORNAMENTS \$6.00 \$10.00 VIEW



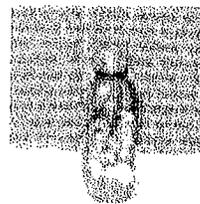
TRAVEL MUG - #MUGNEW 14OZ \$6.00 \$10.00 VIEW



LICENSE PLATE HOLDER - #LICENSEPLASTICORHME \$7.00 \$10.00 VIEW



22OZ WATER BOTTLE - #LEXAR BOTTLE 27 OZ \$5.00 \$10.00 VIEW

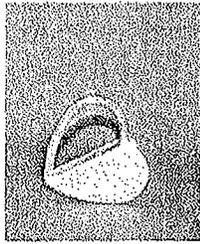


34OZ WATER BOTTLE - #LEXAR BOTTLE \$7.00 \$12.00 VIEW



LAZER ENGRAVED KNIFE - #KNIFE \$8.00 \$13.00

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REVERSIBLE KEY RING - #KEYRINGREV \$9.00 \$19.00 VIEW



CLOISONNE KEYRING - #KEYRINGCLOIS \$4.00 \$6.00 VIEW



EXECUTIVE MUG - #EXECMUG \$7.00 \$10.00 VIEW



MULTI DECAL SHEET - #DECMULTI \$6.00 \$7.00 VIEW



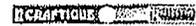
LARGE CREST WATER DECAL - #DECLARGE \$2.00 \$4.00 VIEW



INSIDE MOUNTING CREST DECAL - #DECGREEK \$2.00 \$3.00 VIEW



CREST DECAL WITH LETTERS - #DECCREST \$2.00 \$3.00 VIEW



REFLECTIVE APO DECAL - #DECALREFLECTIVE \$4.00 \$6.00 VIEW



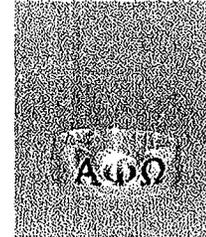
DECK OF CARDS - #CARDPLAY \$5.00 \$6.00 VIEW



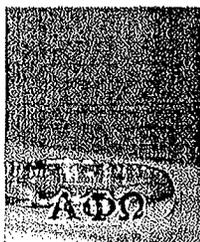
WAVE BILL CAP - #CAPS-NAVY \$10.00 \$16.00 VIEW



CERAMIC CANDY JAR - #CANJAR \$0.00 \$3.00 VIEW



MEN'S SILVER RING - #RING-WIDE \$40.00 \$45.00 VIEW



WOMENS RING - #RING-YOUN \$35.00 \$45.00 VIEW



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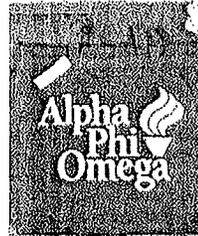
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PATCH - #1JAMBOPATCH
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ZIPPER NAVY TOTE -
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#CORDS
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BLUE COFFEE MUG -
#COFMUGBL
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#SLING BAG
\$10.00 \$19.00
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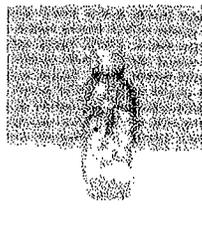
GOLD CLAD ORNAMENT -
#ORNAMENTS
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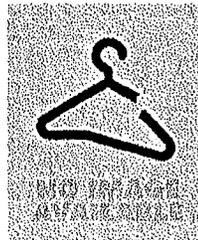
LICENSE PLATE HOLDER -
#LICENSEPLASTICCHROME
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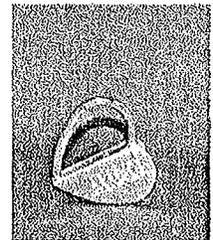
22OZ WATER BOTTLE
#LEXAN BOTTLE 22 OZ
\$6.00 \$10.00
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34OZ WATER BOTTLE
#LEXAN BOTTLE
\$7.00 \$10.00
VIEW



LAZER ENGRAVED KNIFE
- #KNIFE
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REVERSIBLE KEY RING -
#KEYRINGREV
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AL0035



CLOISONNE KEYRING - #KEYRINGCLOIS \$4.00 \$5.00 VIEW



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CERAMIC CANDY JAR - #CANJAR \$6.00 \$6.00 VIEW



PIN EMBLEM PATCH - #P142P14 \$3.00 VIEW



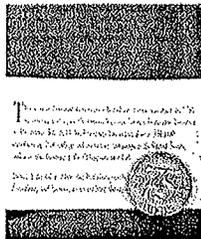
COAT-OF-ARMS PATCH - #EMPCRE \$3.00 VIEW



EMBOSSED GOLD NOTE CARDS - #EMCREGLD \$12.00 VIEW



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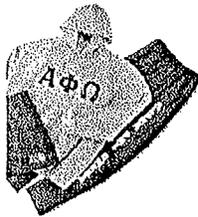
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GEAR

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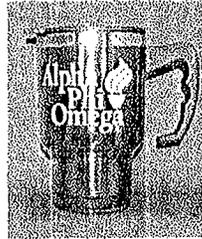
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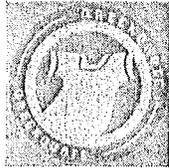
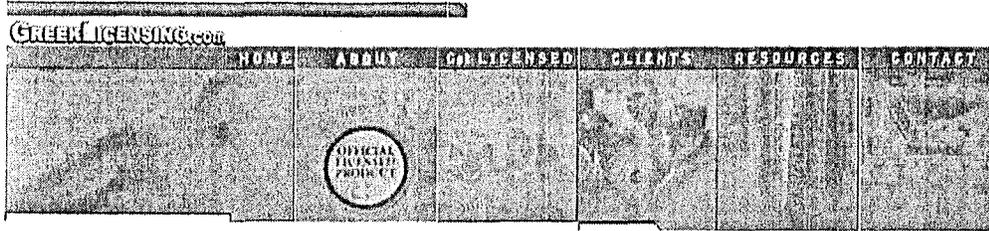


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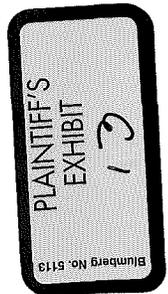
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sales@undergroundshirts.com

Screen printing and embroidery on t-shirts, sweatshirts, shorts, sweatpants, tank tops, hats, 16 oz collectors glasses, 3 oz collectors glasses, 32 oz polycarbonate bottles and BIC ClicStic pens.

Unique Impressions (800) 504-2618 www.uniqueonline.com
DonnaatUnique@aol.com

Custom screen printing, embroidery, paddles, glassware, jewelry, gift items and paper goods.

University Connection (702) 736-9179 www.universityconnection.net
jkatz@universityconnection.net

Screen printing, embroidery and applique apparel

University Graphix (949) 515-2947 www.universitygraphix.com
universitygraphix@gmail.com

Custom screen printed t-shirts

University Sports Shop / Embroidery House (309) 673-4384 mail@theunivshop.com

Screen printing, embroidery and applique apparel including hoodies, crewneck sweatshirts, jackets, hats, t-shirts and polos, blankets and bags

University Tees, Inc. / On Point Promos (800) 460-8337 www.universitytees.com
ioe@universitytees.com

Screen printing on T-shirts, long sleeve tees, hooded sweatshirts and polo shirts.

Urban Sparrow LLC (805) 732-8369 www.urbansparrowdesigns.com
sales@urbansparrowdesigns.com

Hand stamped sterling and gold filled jewelry

Vantine Imaging (888) 639-9806 ext. 732 www.vantineimaging.com
dvantine@vantineimaging.com

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Wendy's Fashion Embroidery

(916) 362-2071 wendysembroidery@comcast.net

Embroidered t-shirts, crewneck sweatshirts, hoodies, line jackets, baseball jackets, stoles and tote bags.

Whatever The Letter, L.L.C.

(570) 368-5525 www.whatevertheletter.com
iswll@comcast.net

Printed and sewn on letters on t-shirts, sweatshirts, sweatpants and shorts.

Zazzle Inc.

(888) 892-9963 www.zazzle.com
melanie@zazzle.com

Screen printing and embroidery on t-shirts, sweatshirts, bags, aprons, business cards, stationery, cards, mouse pads, binders, calendars, custom postage, posters, stickers, buttons, magnets, key chains, skate boards and shoes.

Or ask for products from these officially licensed wholesalers at a store near you. Please contact AMC if you are interested in purchasing from any of these manufacturers.

Manufacturer

A Greek Concept

All that JAS

Ann Peden Jewelry

Bev Key Inc.

C.C. Creations

Campus I.D. Inc.

Campus Lettering and Embroidery

Chlca Bands, LLC

Club Colors Buyer, LLC

CollegeWear, Inc.

Craftique Mfg Co.

Decade Productions, LLC – DBA Dog Prints, DBA The Social Life

GREEK CREATIONS

Greek Girl Outfitters / It's a Wrap Ideas, LLC

Greek101.com / Campus T-Shirt

GREEKGEAR.COM

Halo Branded Solutions

Jenna Benna & Co., LLC

Kotis Design

Lucchese, Inc.

Maxx Sunglasses

Megagreekstore.com / Off Campus Bookstore

Modern China Co.

PrIS'e Creations LLC

Pure Country, Inc.

Rah Rah Company

RFQ LLC dba Promoversity

Spirit Football Jersey

Spirit Products, LTD

Stuff4Greeks

Sweaty Bands, LLC

AL0050

The Sash Company, Inc.
Tough Gear, Inc. d/b/a Survival Straps
Urban Sparrow LLC
Wendy's Fashion Embroidery

[Back to Top](#)

AL0051

Registered Dec. 10, 1929

Trade-Mark 265,052

Renewed Dec. 10, 1949, to Alpha Phi Omega, of Kansas City,
Mo.

UNITED STATES PATENT OFFICE

ALPHA PHI OMEGA, OF WINCHESTER, VIRGINIA

ACT OF FEBRUARY 20, 1905

Application filed July 3, 1929. Serial No. 236,530.



STATEMENT

To all whom it may concern:

Be it known that Alpha Phi Omega, a voluntary association, having a regular and established place of business at 606 West Cork Street, Winchester, Virginia, has adopted and used the trade-mark shown in the accompanying drawing, for FRATERNITY BADGES, LAPEL BUTTONS, SCARF, LAPEL, AND BREAST PINS; CUFF LINKS, TIE CLASPS, CHARMS, FINGER RINGS, BELT BUCKLES, AND ORNAMENTAL SHIELDS, ALL OF PRECIOUS METAL, in Class 28, Jewelry and precious-metal ware.

The trade mark has been continuously used in the business of said association since December 16, 1925.

The trade mark is usually applied or affixed to the goods by attaching a printed label to the packages containing the goods or by displaying the trade mark on the goods themselves in any manner customarily employed in attaching trade marks to articles of jewelry.

ALPHA PHI OMEGA,
By FRANK R. HORTON,
National President.



AL0008

Registered Dec. 10, 1929

Trade-Mark 265,052

Renewed Dec. 10, 1949, to Alpha Phi Omega, of Kansas City,
Mo.

UNITED STATES PATENT OFFICE

ALPHA PHI OMEGA, OF WINCHESTER, VIRGINIA

ACT OF FEBRUARY 20, 1905

Application filed July 3, 1929. Serial No. 286,530.



STATEMENT

To all whom it may concern:

Be it known that Alpha Phi Omega, a voluntary association, having a regular and established place of business at 606 West Cork Street, Winchester, Virginia, has adopted and used the trade-mark shown in the accompanying drawing, for FRATERNITY BADGES, LAPEL BUTTONS, SCARF, LAPEL, AND BREAST PINS; CUFF LINKS, TIE CLASPS, CHARMS, FINGER RINGS, BELT BUCKLES, AND ORNAMENTAL SHIELDS, ALL OF PRECIOUS METAL, in Class 28, Jewelry and precious-metal ware.

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The trade mark is usually applied or affixed to the goods by attaching a printed label to the packages containing the goods or by displaying the trade mark on the goods themselves in any manner customarily employed in attaching trade marks to articles of jewelry.

ALPHA PHI OMEGA,
By FRANK R. HORTON,
National President.



AL0008

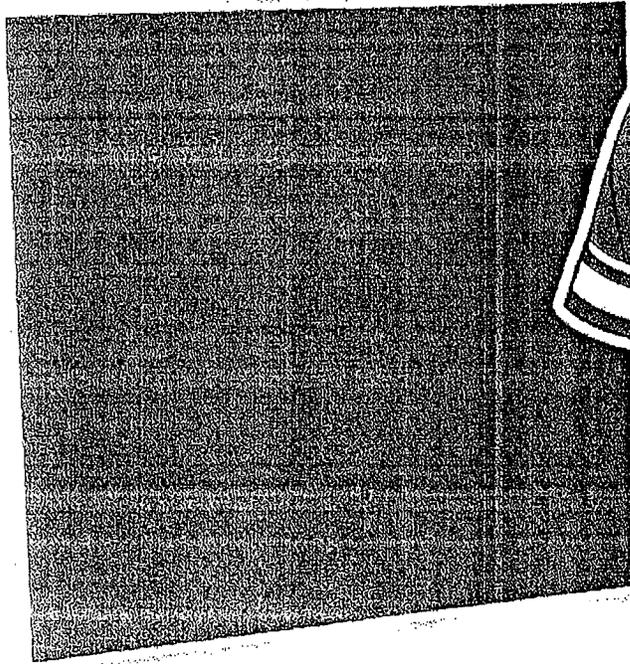
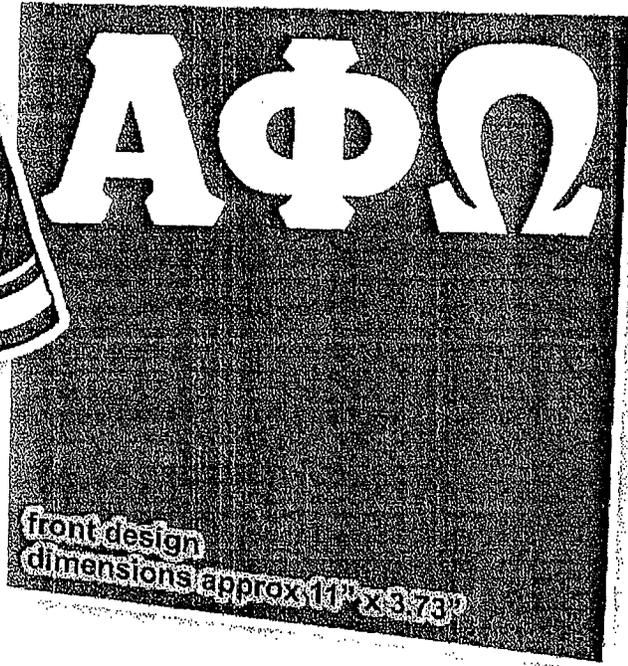
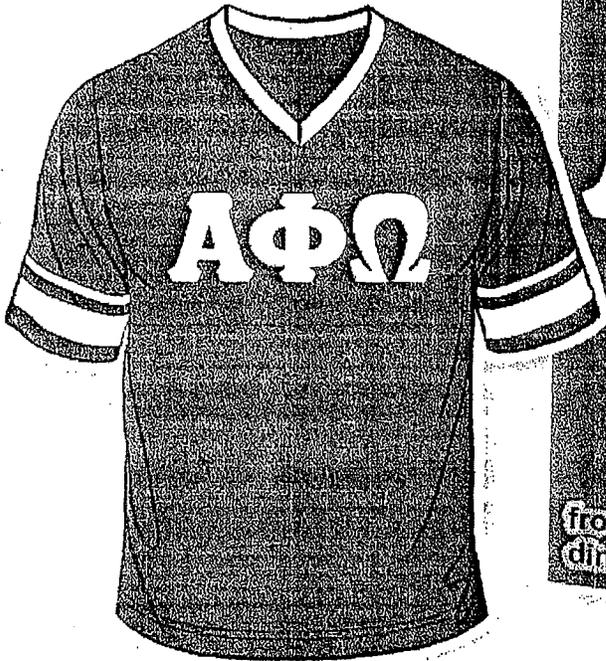
!!PLEASE NOTE!! - Due to varying monitor settings, the colors represented on your screen MAY NOT MATCH the actual ink/print colors. This should be used as an approximate reference only. Unless requested, your ink color is from our STANDARD INK CHART. Need a specific color for your logo/branding? We offer custom Pantone Color Matching at an additional charge.



CreateMyTee.com
Your Idea. Your Tee. Now.

INKS

White



*Design visual is proportional to 16" Large Tee (Adult, Youth, Ladies)

Blumberg No. 5113
PLAINTIFF'S
EXHIBIT
17

AL0071

greek GEAR.com

Keywords or Items



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Shop by SORORITY ~

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STANDARD SHIPPING ONLY \$5! USE COUPON CODE AT CHECKOUT: SHIPFOR5

(PREVIOUS)

HOME // SHOP BY FRATERNITY // ALPHA PHI OMEGA MERCHANDISE & GIFTS // ALPHA PHI OMEGA ADMIRAL WATCH



Alpha Phi Omega Admiral Watch

110-Alpha Phi Omega Admiral Watch

\$89.95

RUSH (+\$0.99)

> More Info

Personalization

QUANTITY: 1

ADD TO CART



ADD TO WISHLIST

SCRATCH & SAVE COUPON

Click and drag the coin over the scratch surface to reveal your coupon code

Copy and paste this code into the coupon area on the checkout page to apply the discount.

Earn 90 Rewards Points for this item! [Learn More](#)

NEED HELP?

CLICK TO ENLARGE

Like 4

Tweet 0

+1 0

Plus 0

DESCRIPTION

Alpha Phi Omega Admiral Watch! Men's sport watch, tan leather bands, minute marking on bezel Man: 8 3/4" X 1 3/4" Comes in great gift case.

AL0092

Blumberg No. 5113
PLAINTIFF'S
EXHIBIT
21

DAILY DEALS

TRACK ORDER CONTACT US MY ACCOUNT

0 Items \$0.00

CHECKOUT

greek GEAR.com

Keywords of Item #:



Call Us Toll Free
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(866.473.3543)

Shop by SORORITY ~

Shop by FRATERNITY ~

Shop by EVENT ~

DESIGN YOUR OWN

STANDARD SHIPPING ONLY \$5! USE COUPON CODE AT CHECKOUT: **SHIPFOR5**

(PREVIOUS)

HOME // SHOP BY FRATERNITY // ALPHA PHI OMEGA MERCHANDISE & GIFTS // ALPHA PHI OMEGA SPORTS WATCH



Alpha Phi Omega Sports Watch

IHO-Alpha Phi Omega-Sports-Watch

\$89.95

RUSH(+\$ 00)

More Info

Personalization

QUANTITY:

1

ADD TO CART



ADD TO WISHLIST

SCRATCH & SAVE COUPON

Click and drag the coin over the scratch surface to reveal your coupon code

Copy and paste this code into the coupon area on the checkout page to apply the discount



NEED HELP?

CLICK TO ENLARGE

Like 1

1

Tweet 0

0

+1 0

0

Pin it

Earn 90 Rewards Points for this item! [Learn More...](#)

DESCRIPTION

Alpha Phi Omega Sport Watch. Men's brushed steel watch with engraved Arabic numerals, precision quartz 3 hand movement, and leather strap. Men: 9" X 1 3/8". Comes in great gift box.

AL0093

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

OMEGA, S.A.,

OPPOSER,

v.

ALPHA PHI OMEGA,

APPLICANT.

Opposition No. 91197505

Serial No. 77905236

OMEGA, S.A.,

OPPOSER,

v.

ALPHA PHI OMEGA,

APPLICANT.

Opposition No. 91197504

Serial No. 77950436

APPLICANT'S RESPONSE TO OPPOSER'S
FIRST SET OF INTERROGATORIES

Applicant, Alpha Phi Omega, by counsel, for its responses to Opposer's First Set of Interrogatories, states as follows:

INTERROGATORIES

INTERROGATORY NO. 1: Identify each place of business which Applicant presently maintains in connection with trademark usage or trademark licensing in the United States, and describe the type of business activities in each place of business.

RESPONSE: Alpha Phi Omega is a collegiate service fraternity. Its headquarters location is 14901 East 42nd Street S, Independence MO 64055-7347. It has over 350 chapters located throughout the United States. Alpha Phi Omega will be producing a listing identifying each of its chapters located in the United States

INTERROGATORY NO. 2: Identify and describe each Product Applicant sells under Applicant's Marks.

RESPONSE: Alpha Phi Omega objects to the ambiguity, overbreadth, and irrelevance of this Interrogatory to the extent the Interrogatory could be interpreted to mean product lines marketed under the marks other than the goods for which the marks are sought to be registered in the opposed applications. To the extent this request relates to product lines other than the goods recited in the opposed application, Applicant objects because the requested information is neither relevant to the issues of the pending Oppositions, nor likely to lead to the discovery of any relevant information. The '236 Mark sought to be registered is Alpha Phi Omega's Greek Alphabet letters insignia, ΑΦΩ. This application for registration speaks for itself; the product line is clothing, namely, headwear, jackets, shirts, and sweat shirts. The '436 Mark sought to be registered is Alpha Phi Omega's coat-of-arms. This application speaks for itself; the product line is jewelry.

INTERROGATORY NO. 3: For each Product identified in response to Interrogatory No. 2, above, identify the earliest date susceptible to proof when Applicant made such sales of that Product in the United States.

RESPONSE: Priority of use is not an issue in the pending Oppositions. Alpha Phi Omega objects to the relevance of first "sales" of products bearing the mark and further objects to the burden of attempting to ascertain the exact date of "first" use of the marks because the marks have been in use continuously for nearly 90 years, since at least as early as 1925, so as a practical matter it is impossible to precisely identify the exact date of the first use in commerce of each mark, but can show that both marks have been in use since 1925.

INTERROGATORY NO. 4: Identify the date that Applicant first used Applicant's Marks in commerce in the United States.

RESPONSE: See Response to Interrogatory no. 3, which Response is incorporated herein by this reference.

INTERROGATORY NO. 5: Identify each person having knowledge of the dates and circumstances surrounding Applicant's first use and/or alleged trademark use of Applicant's Marks in connection with each Product identified in response to Interrogatory No. 2.

RESPONSE: The founders of Alpha Phi Omega back in 1925 were Frank R. Horton, William T. Wood, Gordon M. Looney, Everett W. Probst, E.M. Detwiler, Thane S. Cooley, Lewis B. Blair, Donald L. Terwilliger, William W. Highberger, Donald H. Fritts, George A. Olsen, Robert J. Green, Ellsworth S. Dobson and Herbert Heinrich. Each of the founders, now deceased, would have had knowledge of the commencement of use of the insignia including the Greek alphabet letters, ΑΦΩ and the Alpha Phi Omega coat-of-arms. Since then there have been nearly a half million members of the Alpha Phi Omega Fraternity, many of whom would have general historical knowledge of when Alpha Phi Omega commenced use of these insignia. Accordingly, Alpha Phi Omega objects to burden and inconvenience of identifying each of these thousands of individuals.

INTERROGATORY NO. 6: Identify three individuals most knowledgeable about the nature of the Applicant's business including the advertising, marketing, manufacturing, sales and/or licensing of Products bearing Applicant's Marks. For each individual identified provide:

[SIC]

RESPONSE: It appears Opposer neglected to complete the drafting of this interrogatory, thus to an extent, the interrogatory is incoherent. Accordingly, Alpha Phi Omega objects to the

incoherent ambiguity of this Interrogatory. Alpha Phi further objects to the burden, if not impossibility of determining which persons are "most knowledgeable" in relation to these activities. However three persons with appreciable knowledgeable about aspects "of the Applicant's business including the advertising, marketing, manufacturing, sales and/or licensing of Products bearing Applicant's Marks" include:

Bob London, CAE
Executive Director
Alpha Phi Omega National Service Fraternity
c/o Counsel for Applicant

Brooke Stites
Director of Business Development
Affinity Marketing Consultants, Inc
c/o Counsel for Applicant

Daniel A. Shaver
President and CEO
Affinity Marketing Consultants, Inc.
c/o Counsel for Applicant

INTERROGATORY NO. 7: Identify each person having knowledge of the dates and/or circumstances surrounding Applicant's creation, adoption, and/or acquisition of Applicant's Marks.

RESPONSE: See Response to Interrogatory no. 5, which Response is incorporated herein by this reference.

INTERROGATORY NO. 8: For each Product identified by Applicant in response to Interrogatory No. 2 as being sold under Applicant's Marks, set forth the amount of sales in dollars in the United States since the date of first use, broken down on a yearly basis.

RESPONSE: Alpha Phi Omega has been in business for nearly 90 years, since 1925, and has used the marks continuously since its founding. The fame of, or secondary meaning associated with the marks of the Applicant are not issues in the pending Oppositions.

Accordingly, Alpha Phi Omega objects to this Interrogatory because the requested information appears neither relevant, nor likely to lead to the discovery of any relevant information. Further, considering the lack of pertinence to the requested information, it is unnecessarily invasive for Opposer to request this information and unnecessarily burdensome for Alpha Phi Omega to accumulate the requested impertinent information.

INTERROGATORY NO. 9: Identify the total amount of marketing and/or advertising expenditures for Products bearing Applicant's Marks in the United States incurred by Applicant.

RESPONSE: Alpha Phi Omega has been in business for nearly 90 years, since 1925, and has used the marks continuously since its founding. The extent of use, fame of, or secondary meaning associated with the marks of the Applicant are not issues in the pending Oppositions. Accordingly, Alpha Phi Omega objects to this Interrogatory because the requested information appears neither relevant, nor likely to lead to the discovery of any relevant information. Further, considering the lack of pertinence to the requested information, it is unnecessarily invasive for Opposer to request this information and unnecessarily burdensome for Alpha Phi Omega to accumulate the requested impertinent information.

INTERROGATORY NO. 10: Describe in detail the reasons for the selection, adoption or creation of Applicant's Marks, including any connotations or meanings underlying or intended to be conveyed by Applicant's Marks.

RESPONSE: Collegiate Greek letter fraternities, sororities, and honorary societies, dating back to the founding of Phi Beta Kappa in 1776, typically adopt names consisting of a combination of Greek Alphabet letters, for instance combinations such as "Alpha Tau Omega," founded in 1865, "Alpha Chi Omega," founded in 1885, or "Chi Omega," founded in 1895. Consistent with this historical custom, in 1925, the founders of Alpha Phi Omega selected the

three Greek Alphabet letters "Alpha, "Phi," and "Omega" for use as Applicant's name. The meaning intended to be publicly conveyed is that Alpha Phi Omega is a collegiate fraternal organization.

INTERROGATORY NO. 11: Explain the significance of the term "OMEGA" or symbol "Ω" to Applicant or Applicant's Marks.

RESPONSE: The Greek letter Omega is the first letter of the Greek word "Ophelia" which means "Be of Service."

INTERROGATORY NO. 12: Identify any uses of Applicant's Marks in which the OMEGA portion of Applicant's Marks is emphasized, isolated or otherwise distinguished from the other elements of Applicant's Marks.

RESPONSE: The undersigned, as the Executive Director of Alpha Phi Omega affirms that he is unaware of "any uses of Applicant's Marks in which the OMEGA portion of Applicant's Marks is emphasized, isolated or otherwise distinguished from the other elements of Applicant's Marks."

INTERROGATORY NO. 13: Describe in detail the channels of trade through which Applicant's Products under the Applicant's Marks are sold.

RESPONSE: The typical channel of trade for products sold under Applicant's marks are in the collegiate affinity products markets including display in the fraternity and sorority products sections of collegiate bookstores and gift shops, through mail order solicitations directed to members of Alpha Phi Omega, though the on-line store at Alpha Phi Omega's website, though the on-line stores operated by vendors offering fraternity and sorority merchandise and through displays made at Alpha Phi Omega member conferences and events.

INTERROGATORY NO. 14: Identify all third party uses, through license agreements or otherwise, of Applicant's Marks in the United States of which Applicant is aware, including but not limited to uses of Applicant's Marks in the singular, plural, or uses in combination with other words, phrases or designs.

RESPONSE: Alpha Phi Omega has been in business for nearly 90 years, since 1925, and has used the marks continuously since its founding, including licensed uses by vendors of Greek affinity merchandise with the approval of Alpha Phi Omega. The extent of use, fame of, or secondary meaning associated with the marks of the Applicant are not issues in the pending Oppositions. Accordingly, Alpha Phi Omega objects to this Interrogatory because the requested information appears neither relevant, nor likely to lead to the discovery of any relevant information. Further, considering the lack of pertinence to the requested information, it is unnecessarily invasive for Opposer to request this information and unnecessarily burdensome for Alpha Phi Omega to accumulate the requested impertinent information.

INTERROGATORY NO. 15: Identify all outlets through which third parties sell Products under Applicant's Marks.

RESPONSE: The typical channel of trade for products sold under Applicant's marks are in the collegiate affinity products markets including display in the fraternity and sorority products sections of collegiate bookstores and gift shops, through mail order solicitations directed to members of Alpha Phi Omega, though the on-line store at Alpha Phi Omega's website, though the on-line stores operated by vendors offering fraternity and sorority merchandise and through displays made at Alpha Phi Omega member conferences and events. Alpha Phi Omega has been in business for nearly 90 years, since 1925, and has used the marks continuously since its founding, including licensed uses by vendors of Greek affinity

merchandise with the approval of Alpha Phi Omega. The extent of use, fame of, or secondary meaning associated with the marks of the Applicant are not issues in the pending Oppositions. Accordingly, Alpha Phi Omega objects to this Interrogatory because the requested information appears neither relevant, nor likely to lead to the discovery of any relevant information. Further, considering the lack of pertinence to the requested information, it is unnecessarily invasive for Opposer to request this information and unnecessarily burdensome for Alpha Phi Omega to accumulate the requested impertinent information.

INTERROGATORY NO. 16: Identify any assignment, license, royalty or other permitted use agreements with respect to any Products bearing Applicant's Marks.

RESPONSE: Alpha Phi Omega has been in business for nearly 90 years, since 1925, and has used the marks continuously since its founding, including licensed uses by vendors of Greek affinity merchandise with the approval of Alpha Phi Omega. The extent of use, fame of, or secondary meaning associated with the marks of the Applicant are not issues in the pending Oppositions. Accordingly, Alpha Phi Omega objects to this Interrogatory because the requested information appears neither relevant, nor likely to lead to the discovery of any relevant information. Further, considering the lack of pertinence to the requested information, it is unnecessarily invasive for Opposer to request this information and unnecessarily burdensome for Alpha Phi Omega to accumulate the requested impertinent information.

INTERROGATORY NO. 17: Identify the target market and target consumers to whom Products bearing Applicant's Marks are sold.

RESPONSE: Members of the Alpha Phi Omega National Service Fraternity, and persons buying Alpha Phi Omega affinity merchandise as gifts for members of the fraternity.

INTERROGATORY NO. 18: Indicate the price range for each Product Applicant sells under Applicant's Marks.

RESPONSE: Clothing sold under the Alpha Phi Omega Greek letter mark, ΑΦΩ, is currently marketed in a price range of from approximately \$7 to \$55. Licensed Jewelry bearing the coat-of-arms of Alpha Phi Omega is available in the price range of approximately \$3 to \$50.

INTERROGATORY NO. 19: Identify the specific media outlets through which Applicant advertises Products bearing Applicant's Marks in the United States.

RESPONSE: Applicant advertises products bearing the Marks on Applicant's Internet website and, in the past, through mailings directly to members of the fraternity.

INTERROGATORY NO. 20: Identify any websites through which Applicant currently advertises or sells Products bearing Applicant's Marks.

RESPONSE: www.apo.org.

INTERROGATORY NO. 21: Identify, as precisely as you can, the date on which Applicant first became aware of Opposer's Marks, and describe how Applicant first became aware of them.

RESPONSE: Alpha Phi Omega objects to the relevance of this interrogatory. Alpha Phi Omega is a corporation. The Alpha Phi Omega Fraternity has been in existence since 1925. Since then there have been nearly a half million members of the Alpha Phi Omega Fraternity whose knowledge, if any, about Opposer or its products might arguably be imputed to Applicant and thousands of those persons are deceased. Accordingly, this interrogatory is impossible to answer, thus the answer is unknown.

INTERROGATORY NO. 22: Identify any other marks incorporating the term “OMEGA” or symbol “Ω” which Applicants have used in connection with the sale, advertisement, or promotion of goods or services.

RESPONSE: The word mark, ALPHA PHI OMEGA.

INTERROGATORY NO. 23: For each mark identified in response to the preceding Interrogatory, identify the products and services sold, advertised and/or marketed by Applicant under that mark.

RESPONSE: Alpha Phi Omega objects to the unnecessary burden of compiling the requested information in relation to marks other than Applicant’s Marks in issue, which information is neither relevant, not likely to lead to the discovery of any relevant information.

INTERROGATORY NO. 24: Identify all applications filed by, or on behalf of, Applicant for federal or state registration of a mark incorporating the term “OMEGA” or symbol “Ω”.

RESPONSE: This information is public record. Regardless, Alpha Phi Omega objects to the compiling the requested information in relation to marks other than Applicant’s Marks in issue, which information is neither relevant, not likely to lead to the discovery of any relevant information.

INTERROGATORY NO. 25: Identify all other uses by Applicant of term “OMEGA”, the symbol “Ω”, and/or Applicant’s Marks, alone or in combination with other elements.

RESPONSE: See response to Interrogatory no. 23, which Response is incorporated herein by this reference.

INTERROGATORY NO. 26: Identify any communication or instance where a person has contacted or communicated with Applicant believing that Applicant or Products sold under Applicant's Marks are related to, sponsored by, affiliated with, or controlled by Opposer.

RESPONSE: The undersigned states, as the Executive Director of Alpha Phi Omega, he is unaware of any such instances

INTERROGATORY NO. 27: State whether Applicant has conducted, caused to be conducted or obtained any trademark search, survey, poll, investigation, consumer perception study, market research study, focus group study or other study relating to any issue in this proceeding, including without limitation, whether any likelihood of confusion may exist between Opposer's Marks and Applicant's Mark prior to the adoption and use of Applicant's Mark.

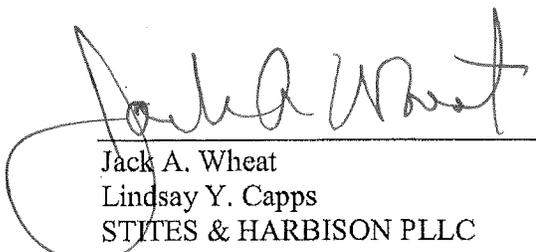
RESPONSE: No such investigation was conducted.

INTERROGATORY NO. 28: Identify the results and contents of any searches as described in the answer to the preceding Interrogatory.

RESPONSE: Not applicable.

INTERROGATORY NO. 29: Identify all persons who have participated in any way in the preparation of the answer or responses to these Interrogatories. If more than one individual is identified, state specifically, with reference to Interrogatory numbers, the areas of participation of each such person.

RESPONSE: Counsel was assisted in the preparation of these responses by Robert J. London, Executive Director, Alpha Phi Omega National Service Fraternity, c/o Counsel for Applicant.



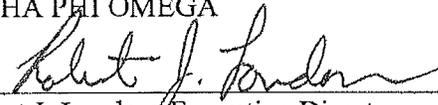
Jack A. Wheat
Lindsay Y. Capps
STITES & HARBISON PLLC
400 West Market Street, Suite 1800
Louisville, Kentucky 40202-3352
Telephone: (502) 587-3400

Counsel for Alpha Phi Omega

VERIFICATION

I hereby verify that I have read the foregoing and the factual statements contained therein are true and correct to the best of my knowledge and belief.

ALPHA PHI OMEGA

By: 

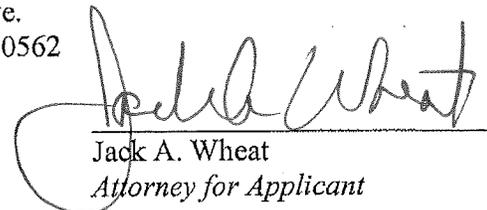
Robert J. London, Executive Director

Date: April 26, 2013

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the forgoing has been served on counsel for Opposer by mailing said copy this 1st day of May, 2013, via First Class Mail, postage prepaid, to:

Jess M. Collen
Thomas P. Gulick
Oren Gelber
COLLEN IP
The Holyoke-Manhattan Building
80 South Highland Ave.
Ossining, New York 10562



Jack A. Wheat
Attorney for Applicant

DECLARATION OF CAROL MIRAGLIA
(CHI OMEGA)

Comes the undersigned, Carol Miraglia, and understanding the statements made herein are made under penalty of perjury, she declares as follows:

1. I, Carol Miraglia, am the Chief Financial Officer of Chi Omega Fraternity (“Chi Omega”) an Ohio corporation headquartered at 3395 Players Club Parkway, Memphis, TN 38125.

2. Chi Omega is a collegiate based fraternal organization for women. It was founded in 1895, and has continually been in operation since the founding. Chi Omega is the largest fraternal organization for women in the world; over its nearly 120 year history more than 320,000 women have been members of the organization. Chi Omega currently consists of nearly 180 active chapters at various colleges and universities, as well as over 240 alumnae member chapters.

3. My duties as the Chief Financial Officer of Chi Omega include overseeing the use of the CHI OMEGA name, the Greek alphabet letters, XΩ, or any other insignia of Chi Omega on any merchandise, and I have custody and control of any business records accumulated by Chi Omega in the ordinary course of its business relating to the merchandising of the insignia of Chi Omega.

4. Like collegiate fraternities and sororities in general, Chi Omega is extensively engaged in procuring producers and licensing vendors of merchandise bearing the insignia of the fraternity to be acquired by members of the organization to indicate their membership in the

organization, including a wide variety of items such as jewelry, clothing, banners, flags, decals, stationary, and so forth.

5. Attached to this declaration and incorporated by reference are true copies of materials displaying and marketing various examples of approved merchandise bearing the name CHI OMEGA, our Greek alphabet letters, XΩ, and other Chi Omega insignia.

6. The target market for merchandise bearing our insignia is, of course, members of our organization, as well as parents and friends of members who may wish to purchase Chi Omega merchandise as gifts for our members.

7. Our merchandise is most commonly produced and marketed by licensed vendors who specialize in the production and marketing of fraternity and sorority merchandise and is most commonly marketed by Chi Omega through our on-line store Chi O Creations accessible through the fraternity's website at <http://shop.chiomega.com/>, and through college bookstores, Greek merchandise shops located near colleges and universities, through direct mailings to members of the organization, and on internet websites maintained by the merchandise vendors advertising fraternity and sorority merchandise such as www.hjgreek.com. Excerpts from our on-line store and the www.hjgreek.com website are attached hereto and incorporated herein by reference. There are numerous other Greek merchandise specific websites which market our merchandise, including www.justgreek.com, www.campus-classics.com, www.greekgear.com, www.greekcreations.com, www.somethinggreek.com, and www.metrogreek.com.

8. The very first item of merchandise bearing insignia of our organization was a jewelry item, namely, the members badge designed by Dr. Charles Richardson, a dentist who created for our organization out of dental gold a breast pin consisting of the Greek alphabet letter

“X” in front of the Greek alphabet letter “Ω.” A photograph of the very first badge utilized by our organization is reproduced on the first page of the attachment hereto. The original badge of our fraternity created in 1895 has been continuously in use as the base design for our member badges ever since. A current sample of our member badge is displayed on page 2 of the attachment to this Declaration.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, hereby declares that all statements made by me above in this document are made based on my personal knowledge and are understood to be true and correct to the best of my knowledge and belief.

Carol Miraglia
Carol Miraglia
Date: 7-25-14

AL169:00AL1:987061:1:LOUISVILLE

HISTORY



Chi Omega's First Badge

One of Chi Omega's five founders, Dr. Charles Richardson, designed the first badge, which was made with scraps of hammered dental gold.

[Share](#)



Psi Chapter, 1906



Chi Omega's First Badge



Chi Omega Badge

HISTORY



Chi Omega Badge

At Convention in 1906, the Chi Omega badge was standardized and the types of stones allowed were limited to only pearls or diamonds.

"Our badge represents the pride and honor that members feel as representatives of our Fraternity."

~Lyn Harris, National Archivist

[Share](#)



Psi Chapter, 1906



Chi Omega's First Badge



Chi Omega Badge

HISTORY



Chi Omega Crest

Chi Omega's crest was adopted in 1902.

Centered on the crest is the white carnation, with the Chi to the left and the Omega to the right of the flower. Above these symbols are both the skull and crossbones and the owl. Beneath the carnation are the five letters, Rho, Beta, Upsilon, Eta and Sigma. A laurel wreath, used by ancient Greeks to honor scholars and heroes, surrounds all of the emblems known and loved by Chi Omegas.

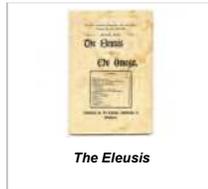
[Share](#)



Chi Omega's Symbol



Chi Omega Crest



The Eleusis

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ABOUT US	MY ACCOUNT	SHOP BY DEPARTMENT	WHAT'S NEW	SALE	 CHECK OUT
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Since 1989, Chi O Creations has been the official merchandise boutique, providing quality service and products for Chi Omega Fraternity. Shop over 600 items, from owls to tanks to jewelry...and the latest trends to classic pieces — we've got it all! Why Shop Chi O Creations? Browse owl... [More](#)

- ▶ Bid Day/Recruitment
- ▶ Hot New Items
- ▶ Tees



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ABOUT US	MY ACCOUNT	SHOP BY DEPARTMENT	WHAT'S NEW	SALE	CHECK OUT
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Departments > Bid Day / Recruitment > Bid Day Packs > Bid Day Pack A

▶ [Email Wishlist](#) |
▶ [Shipping Information](#)

Bid Day Pack A

2014A

Get ready to welcome new members with this perfect present! Includes an I♥XΩ button, owl cookie cutter, small sticky note pad and XΩ is fun pen, I♥XΩ bumper sticker, stadium cup, frameable Symphony, and clear and gold XΩ decal, all wrapped in the perfect Chi Omega gift bag!

Retail price: \$13.85

Savings of: \$3.85 per pack

Disclaimer: Items in bid day packs are subject to change at our discretion due to their high demand.

\$10.00

I want:

- [Add to Shopping Bag](#)
- [Add to Wishlist](#)

- ▶ [Continue Shopping](#)
- ▶ [Checkout](#)



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Bid Day / Recruitment

- [Bid Day Packs](#)
- [Gift Baskets](#)
- [Necessities](#)
- [Owl Pal Packs](#)
- [Recruitment / Bid Day Custom Tees](#)
- [Tees](#)

Try These Too...



[Owl Salt and Pepper Shakers](#)
\$10.00



[Owl Single Note Card](#)
\$3.00



[Large Black Owl Lantern](#)
\$123.00

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Departments > Totes and Accessories

▶ [Email Wishlist](#) 

▶ [Shipping Information](#)

Totes And Accessories



Bags, wallets, ID holders and makeup bags are just a few of the fun items in our Totes and Accessories department. Tote your belongings in Chi Omega style!

SHOP BY CATEGORY

- [Key Rings](#)
- [Makeup Bags](#)
- [Miscellaneous](#)
- [Totes](#)
- [Wallets, ID Holders, And Purses](#)

Hot New Items!

[Totes and Accessories](#)

[Alumnae / Young Professionals](#)

[At Home](#)

[Baby / Youth](#)

[Bid Day / Recruitment](#)

[Clothing](#)

[Gifts / Gift Wrap](#)

[Holiday](#)

[Jewelry](#)

[Owl Merchandise](#)

[Stationery](#)

[XΩ /Make-A-Wish Foundation®](#)

[Custom Chapter Stationery](#)

[Custom Designs](#)

[Gift Certificates](#)

[Sale](#)

Key Rings



[XΩ Key Ring](#)
\$8.50



[XΩ Umbrella](#)
\$20.00



[Hoot Owl Key Ring](#)
\$10.00



[Mascot Keychain](#)
\$9.00



[XΩ Polka Dot Ribbon Key Ring](#)
\$12.00



[XΩ Stripe Ribbon Keyring](#)
\$12.00



Ribbon Key Ring/Yellow w/White Dot
\$12.00



Olive Owl Key Cover
\$6.50



XΩ Charm Key Ring
\$10.00



Mirror Owl Key Chain
\$3.50



Owl Key Cover
\$6.50



Chevron Ribbon Key Ring
\$13.50



Large Ribbon Key Ring
\$16.00



Owl Token Key Ring
\$6.00

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ABOUT US	MY ACCOUNT	SHOP BY DEPARTMENT	WHAT'S NEW	SALE	CHECK OUT
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Departments > At Home > Blankets - Pillows > Who's Your Sister Pillowcase

▶ [Email Wishlist](#) |
▶ [Shipping Information](#)

Who's Your Sister Pillowcase

664

Egyptian cotton pillowcase with Chi Omega letters, a cute owl, and the phrase, "Whooooo's your sister?" on the top! Also available to be customized (item #664P).

\$19.00

I want:

- Add to Shopping Bag
- Add to Wishlist

- Continue Shopping
- Checkout



View Zoom

At Home

- [Blankets - Pillows](#)
- [Cups - Mugs](#)
- [Desk - Office](#)
- [Frames - Albums](#)
- [Kitchen](#)
- [Miscellaneous](#)

Try These Too...



[Owl Tote Note](#)
\$5.50



[Owl Pajama Pants](#)
\$37.50



[Red Abstract Chi Omega Symbols Ornament](#)
\$44.50

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ABOUT US	MY ACCOUNT	SHOP BY DEPARTMENT	WHAT'S NEW	SALE	CHECK OUT
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Departments > Clothing > Bottoms > Owl Pajama Pants

▶ [Email Wishlist](#)  |

▶ [Shipping Information](#)

Owl Pajama Pants

747

Calling all owl lovers! Don't miss these adorable and comfortable pajama pants with yellow owls. 100% cotton with elastic-waist and red grosgrain trim.

\$37.50

Size: ▾

I want: ▾

- [Add to Shopping Bag](#)
- [Add to Wishlist](#)
- [Continue Shopping](#)
- [Checkout](#)



 [View Zoom](#)

Clothing

- [Bath](#)
- [Bottoms](#)
- [Dress](#)
- [Family](#)
- [Footwear](#)
- [Hats - Caps](#)
- [Jackets - Outerwear](#)
- [Miscellaneous](#)
- [Scarves - Eyewear](#)
- [Sweatshirts](#)
- [Tops](#)

Try These Too...



[Love You Forever Owl Token](#)
\$6.75



[Let It Be Mug](#)
\$16.75



[Owl Umbrella Stand / Vase](#)
\$148.00

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ABOUT US	MY ACCOUNT	SHOP BY DEPARTMENT	WHAT'S NEW	SALE	CHECK OUT
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Departments > Clothing

- ▶ [Email Wishlist](#)
- ▶ [Shipping Information](#)

Clothing



Chi O Creations offers an array of clothing that lets you show your love for Chi Omega! Whether it's an embellished tee, cozy fleece, or bright scarf, our boutique is brimming with cute attire for all seasons.

SHOP BY CATEGORY

- Bath
- Bottoms
- Family
- **Footwear**
- Hats - Caps
- Jackets - Outerwear
- Scarves - Eyewear
- Sweatshirts
- Tops

- Hot New Items!
- Totes and Accessories
- Alumnae / Young Professionals
- At Home
- Baby / Youth
- Bid Day / Recruitment
- Clothing**
- Gifts / Gift Wrap
- Holiday
- Jewelry
- Owl Merchandise
- Stationery
- XΩ /Make-A-Wish Foundation®
- Custom Chapter Stationery
- Custom Designs
- Gift Certificates
- Sale

Footwear



[Chi Omega Athletic Socks](#)
\$12.00



[XΩ Flip Flops - Black](#)
\$24.50



[Auburn University Flip Flops](#)
\$22.00



[XΩ Polka Dot Flip Flops](#)
\$22.00



[Louisiana State University Flip Flops](#)
\$22.00



[Neon XΩ Flip Flops](#)
\$21.50



Ohio State Flip Flops
\$22.00



University of Tennessee Flip Flops
\$22.00



Bright Owl Socks
\$15.00

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ABOUT US	MY ACCOUNT	SHOP BY DEPARTMENT	WHAT'S NEW	SALE	CHECK OUT
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Departments > Jewelry > Bracelets > White Leather XΩ Watch

▶ [Email Wishlist](#)

▶ [Shipping Information](#)

White Leather XΩ Watch

103
 How cute! A white leather XΩ watch!
 The watch face is surrounded by tiny
 crystals and features silver letters and
 numbers.

\$65.00

I want:

- Add to Shopping Bag
- Add to Wishlist
- Continue Shopping
- Checkout



View Zoom

Jewelry

- [Bracelets](#)
- [Charms](#)
- [Earrings](#)
- [Necklaces](#)
- [Pin Boxes](#)
- [Pins / Pendants](#)
- [Rings](#)

Try These Too...



[Groovy Owl Notepad](#)
 \$5.00



[Symphony Folded Notes](#)
 \$11.00



[Pearl Bracelet with XΩ disc charm](#)
 \$32.00

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ABOUT US	MY ACCOUNT	SHOP BY DEPARTMENT	WHAT'S NEW	SALE	CHECK OUT
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Departments > Jewelry > Bracelets > Pearl Bracelet with XΩ disc charm

▶ [Email Wishlist](#)

▶ [Shipping Information](#)

Pearl Bracelet With XΩ Disc Charm

578

How lovely! Freshwater pearl bracelet features 7mm pearls and a silver XΩ disc charm.

Dimension: 7.5" L

\$32.00

I want:

- Add to Shopping Bag
- Add to Wishlist
- ▶ Continue Shopping
- ▶ Checkout



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Jewelry

- [Bracelets](#)
- [Charms](#)
- [Earrings](#)
- [Necklaces](#)
- [Pin Boxes](#)
- [Pins / Pendants](#)
- [Rings](#)

Try These Too...



[Be Happy Owl Mug](#)
\$16.75



[Carnation Bracelet](#)
\$75.00



[Antique Silver Rufous Owl Necklace](#)
\$16.00

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Departments > Jewelry > Bracelets > Oval Tag Bracelet

▶ [Email Wishlist](#)  | [Shipping Information](#)

Oval Tag Bracelet

450
 This bracelet is a classic piece for any Chi Omega. Silver plated link chain features a tag with "Est. 1895, XΩ, Chi Omega."
 Measures 7.5" long.
\$18.00

I want:

- [Add to Shopping Bag](#)
- [Add to Wishlist](#)
- [Continue Shopping](#)
- [Checkout](#)



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Jewelry

- [Bracelets](#)
- [Charms](#)
- [Earrings](#)
- [Necklaces](#)
- [Pin Boxes](#)
- [Pins / Pendants](#)
- [Rings](#)

Try These Too...



[Blue Medium Owl Pitcher](#)
\$35.00



[Owl Infant Gown](#)
\$17.00



["Hoo's There" Owl Door Mat](#)
\$62.50

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Departments > Jewelry > Bracelets > Chi Omega Charm Bracelet

▶ [Email Wishlist](#)  | [Shipping Information](#)

Chi Omega Charm Bracelet

862
Sterling silver Chi Omega charm bracelet with 0.5" XΩ and 0.75" owl charms.
Dimension: 7" link chain

 **\$83.00**

I want:

-  [Add to Shopping Bag](#)
-  [Add to Wishlist](#)
-  [Continue Shopping](#)
-  [Checkout](#)



 [View Zoom](#)

Jewelry

- [Bracelets](#)
- [Charms](#)
- [Earrings](#)
- [Necklaces](#)
- [Pin Boxes](#)
- [Pins / Pendants](#)
- [Rings](#)

Try These Too...



[Boy Owl Washcloth and Bib Set](#)
\$14.00



[Pink Owl Feeding Bib](#)
\$21.00



[Colorful Owl ID Pouch](#)
\$15.00

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- CHECK OUT

Departments > Jewelry > Pins / Pendants > Crystal XΩ Pin

▶ [Email Wishlist](#)  | [Shipping Information](#)

Crystal XΩ Pin

1059

Swarovski crystal XΩ pin. A dainty and elegant way to show your love for Chi Omega.

Dimensions: 0.25" L x 0.75" W

\$18.00

I want:

-  Add to Shopping Bag
-  Add to Wishlist

▶ [Continue Shopping](#)
▶ [Checkout](#)



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Jewelry

- [Bracelets](#)
- [Charms](#)
- [Earrings](#)
- [Necklaces](#)
- [Pin Boxes](#)
- [Pins / Pendants](#)
- [Rings](#)

Try These Too...



[Brown Owl Laptop Case](#)
\$34.00



[Symphony Tee](#)
\$26.50



[Louisiana State University Flip Flops](#)
\$22.00

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ABOUT US	MY ACCOUNT	SHOP BY DEPARTMENT	WHAT'S NEW	SALE	CHECK OUT
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Departments > Jewelry > Rings > Greek Letter Ring

▶ [Email Wishlist](#) |
▶ [Shipping Information](#)

Greek Letter Ring

1077
Sterling silver ring with XΩ.

\$32.00
Size:

I want:

- Add to Shopping Bag
- Add to Wishlist

- ▶ Continue Shopping
- ▶ Checkout



View Zoom

Jewelry

- [Bracelets](#)
- [Charms](#)
- [Earrings](#)
- [Necklaces](#)
- [Pin Boxes](#)
- [Pins / Pendants](#)
- [Rings](#)

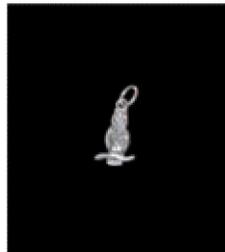
Try These Too...



XΩ Toothbrush
\$3.00



White Leather XΩ Watch
\$65.00



Modeled Owl Charm
\$16.00

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Departments > Jewelry > Rings > Heritage Ring

▶ [Email Wishlist](#)  |

▶ [Shipping Information](#)

Heritage Ring

913
 Sterling silver. Greek Chi Omega symbols and 1895 incised on the front. "Chi Omega" spelled out on the inside of the band for added detail. This ring is a must have! Available in whole sizes 6-8.

This item takes four weeks for delivery.
 It will be worth the wait!

\$62.00

Sizes:

I want:

- [Add to Shopping Bag](#)
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 ▶ [Checkout](#)



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Jewelry

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- [Charms](#)
- [Earrings](#)
- [Necklaces](#)
- [Pin Boxes](#)
- [Pins / Pendants](#)
- [Rings](#)

Try These Too...



[Chi Omega Letter Basket](#)
 \$50.00



[Polka Dot Tumbler](#)
 \$5.75



[Raspberry Baseball Cap](#)
 \$22.50

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Departments > Clothing > Hats - Caps > Raspberry Baseball Cap

▶ [Email Wishlist](#)

▶ [Shipping Information](#)

Raspberry Baseball Cap

112
 Raspberry pigment dyed baseball cap.
 Features Chi Omega embroidered in a
 tan and blue chevron pattern.
 Adjustable strap.
 100% cotton.
\$22.50

I want:

- Add to Shopping Bag
- Add to Wishlist

- Continue Shopping
- Checkout



View Zoom

Clothing

- [Bath](#)
- [Bottoms](#)
- [Dress](#)
- [Family](#)
- [Footwear](#)
- [Hats - Caps](#)
- [Jackets - Outerwear](#)
- [Miscellaneous](#)
- [Scarves - Eyewear](#)
- [Sweatshirts](#)
- [Tops](#)

Try These Too...



[Wide Owl Cutout Lantern](#)
 \$34.00



[Blue Owl Receiving Blanket](#)
 \$28.00



[Red Bar Design Cap](#)
 \$17.00

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Chi Omega Online Store

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The Greek Division of Herff Jones serves as Official Jeweler to a majority of college fraternities, sororities, honor societies, professional, and local organizations. It is our constant goal not only to meet, but to exceed our customers' deservedly high expectations for the finest in Greek jewelry craftsmanship, exceptional quality, experienced personal service, and an enduring commitment to the Greek system. [View our movie](#) showing how we make your membership more meaningful!



Featured Product



Carnation Brooch
The carnation brooch is a beautiful accent to a blazer jacket or even winter coat. Sterling silver and cubic zirconia.

Products



Pins



Accessories



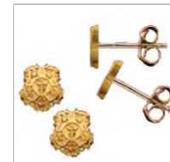
Badges & Guards



Bracelets



Charms



Earrings



Necklaces



Rings



Dangles

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Chi Omega Online Store

[Catalog](#) » [Chi Omega](#) » [Badges & Guards](#) » Crown Pearl Badge



Like  6

Crown Pearl Badge J70130107

Available in Yellow Gold, White Gold & Sterling Silver. 1/2" X 1/2".

This product is not available to purchase online.

This item is available through your National Headquarters.

Product returns must be made within thirty (30) days of ship date for reasons unrelated to a quality defect or incorrect item. Products that are customarily stocked by Herff Jones and that are returned for reason(s) other than product quality are subject to a restocking fee of 25% of order value.

Custom-made products are not returnable; this includes all rings and any other non-stock jewelry items. Customer is responsible for any postal or shipping charges incurred in returning the product to the Greek Division of Herff Jones

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Chi Omega Online Store

[Catalog](#) » [Chi Omega](#) » [Charms](#) » Eternity Necklace



Like 0

Eternity Necklace J70133883CZ OR RUBY

The eternity necklace is a fashion must have! Your choice of *rubies or cz's mounted into a polished circular charm with Chi Omega Greek letters engraved delicately. The charm hangs like a slide on an 18" snake chain. *Colored stones are synthetic.

Select Metal Quality:

Select Stone Selection:

ADD TO CART

Product returns must be made within thirty (30) days of ship date for reasons unrelated to a quality defect or incorrect item. Products that are customarily stocked by Herff Jones and that are returned for reason(s) other than product quality are subject to a restocking fee of 25% of order value.

Custom-made products are not returnable; this includes all rings and any other non-stock jewelry items. Customer is responsible for any postal or shipping charges incurred in returning the product to the Greek Division of Herff Jones

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Chi Omega Online Store

[Catalog](#) » [Chi Omega](#) » [Charms](#) » Vertical Letters Lavalier



Like 1

Vertical Letters Lavalier L2647CHOM

The most popular lavalier in our line. This traditional lavalier or "drop" featuring Chi Omega Greek letters is oriented vertically as a pendant. Finely polished 1/2"L.

Select Metal Quality:

ADD TO CART

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Like 0

Staggered Letter Lavaliers L2646CHOM

5/16" H. and 1/2" W.

Select Metal Quality:

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Chi Omega Online Store

[Catalog](#) » [Chi Omega](#) » [Rings](#) » Scallop Border Ring



Like 0

Scallop Border Ring J7013R70130932

Perfect ring for an understated fashionable look. The Scallop Border Ring is detailed with an intricate border and has the Chi Omega Greek letters engraved on the center base.

Select Ring Size:

Select Metal Quality:

ADD TO CART

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Chi Omega Online Store

[Catalog](#) » [Chi Omega](#) » [Rings](#) » Whimsical Ring with CZ and pearl accents



Like 0

Whimsical Ring with CZ and pearl accents R70138337

Band measures 3/8" wide.

Select Material:

Select Ring Size:

ADD TO CART

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Chi Omega Online Store

[Catalog](#) » [Chi Omega](#) » [Rings](#) » Swirl Ring with 4 Rubies



Like 0

Swirl Ring with 4 Rubies R70131005

Ring measures 1/4" across Greek letters and stones.

Select Material:

Select Size:

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Chi Omega Online Store

[Catalog](#) » [Chi Omega](#) » [Rings](#) » Narrow Band Incised Letter Ring



Like 0

Narrow Band Incised Letter Ring R70139119

Band is 1/8"w.

Select Ring Size:

Select Metal Quality:

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[Catalog](#) » [Chi Omega](#) » [Necklaces](#) » Horizontal Letter Festoon Necklace



Like 0

Horizontal Letter Festoon Necklace J70131025

Chain for 10KYG festoon is gold-filled.
Chain length 18". Chi Omega Greek letters measure approximately 1/2" wide and 1/4" high.

Select Metal Quality:

ADD TO CART

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DECLARATION OF JANINE WAMPLER
(ALPHA CHI OMEGA)

Comes the undersigned, Janine Wampler, and understanding the statements made herein are made under penalty of perjury, she declares as follows:

1. I, Janine Wampler, am the Marketing and Communications Director of Alpha Chi Omega Fraternity, Inc. (“Alpha Chi Omega”) an Indiana corporation headquartered at 5939 Castle Creek Pkwy North Dr., Indianapolis, IN 46250-4343.

2. Alpha Chi Omega is a collegiate based fraternal organization for women. It was founded in 1885, and has continually been in operation since the founding. Alpha Chi Omega currently consists of more than 130 active chapters at various colleges and universities, as well as approximately 200 alumnae member chapters located throughout the United States.

3. My duties as the Marketing and Communications Director of Alpha Chi Omega include overseeing the use of the ALPHA CHI OMEGA name, the Greek alphabet letters, AXΩ, or any other insignia of Alpha Chi Omega on any merchandise, and I have oversight of any business records accumulated by Alpha Chi Omega in the ordinary course of its business relating to the merchandising of the insignia of Alpha Chi Omega.

4. Like collegiate fraternities and sororities in general, Alpha Chi Omega is extensively engaged in procuring producers and licensing vendors of merchandise bearing the insignia of the fraternity to be acquired by members of the organization to indicate their membership in the organization, including a wide variety of items such as jewelry, clothing, banners, flags, decals, stationary, and so forth.

5. Attached to this declaration and incorporated by reference are true copies of materials displaying and marketing various examples of approved merchandise bearing the name ALPHA CHI OMEGA, our Greek alphabet letters, AXΩ, and other Alpha Chi Omega insignia.

6. The target market for merchandise bearing our insignia is, of course, members of our organization, as well as parents and friends of members who may wish to purchase Alpha Chi Omega merchandise as gifts for our members.

7. Our merchandise is most commonly produced and marketed by licensed vendors who specialize in the production and marketing of fraternity and sorority merchandise and is most commonly marketed through college bookstores, Greek merchandise shops located near colleges and universities, through direct mailings to members of the organization, and on internet websites maintained by the merchandise vendors advertising fraternity and sorority merchandise. Examples of typical Greek merchandise websites advertising our merchandise, including www.greekcreations.com, www.somethinggreek.com, and www.hjgreek.com are attached hereto and incorporated herein by reference.

8. The very first item of merchandise bearing insignia of our organization was a jewelry item, namely, the members badge designed by the founders of our organization and utilized at the official founding of the organization in 1885. A photograph of the very first badge utilized by our organization is reproduced on the first page of the attachment hereto. The design of the badge of our fraternity dating continuously back to 1885 has always consisted of the representation of a Greek lyre with an image of a sash or banner bearing the Greek alphabet letters AXΩ.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, hereby declares that all statements made by me above in this document are made based on my personal knowledge and are understood to be true and correct to the best of my knowledge and belief.

AL169:00AL1:987061:1:LOUISVILLE

Janice Wampler
7.25.14





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The Greek Division of Herff Jones serves as Official Jeweler to a majority of college fraternities, sororities, honor societies, professional, and local organizations. It is our constant goal not only to meet, but to exceed our customers' deservedly high expectations for the finest in Greek jewelry craftsmanship, exceptional quality, experienced personal service, and an enduring commitment to the Greek system. [View our movie](#) showing how we make your membership more meaningful!



Featured Product



Carnation Brooch

The carnation brooch is a beautiful accent to a blazer jacket or even winter coat. Sterling silver and cubic zirconia.

Products



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Badges & Pins



Bracelets



Earrings & Necklaces



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Alpha Chi Omega Online Store

[Catalog](#) » [Alpha Chi Omega](#) » [Badges & Pins](#) » [Crown Diamond Badge](#)



Like 1

Crown Diamond Badge J70010106

This product is not available to purchase online.

This item may only be ordered through your National Headquarters. To reach your headquarters dial 317-579-5050.

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Alpha Chi Omega Online Store

[Catalog](#) » [Alpha Chi Omega](#) » [Badges & Pins](#) » Crown Pearl Vintage Badge



Like

Crown Pearl Vintage Badge J70010089

The most recognized symbol of Alpha Chi Omega, the badge! This style offers crown pearls set in a beautiful handcrafted crown setting.

This product is not available to purchase online.

This item must be ordered from your National Headquarters. Please contact them at 317.579.5050

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Alpha Chi Omega Online Store

[Catalog](#) » [Alpha Chi Omega](#) » [Rings](#) » Swirl Ring with *Garnets



Like 3

Swirl Ring with *Garnets R70011000

Our fashionable, unique Alpha Chi Omega swirl ring is beautifully accented by three garnet* stones set in a subtly wrapped ribbon band. Comes in a leather presentation box. Ring measures 1/4"W across stones and Greek letter engraving.

*Colored stones are synthetic.

Select Ring Size:

Select Metal Quality:

ADD TO CART

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Alpha Chi Omega Online Store

[Catalog](#) » [Alpha Chi Omega](#) » [Rings](#) » Swirl Ring with CZ's



Like 0

Swirl Ring with CZ's R70011000C

Band is 1/4" at widest point across stones and engraving.

Select Ring Size:

Select Metal:

ADD TO CART

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Alpha Chi Omega Online Store

[Catalog](#) » [Alpha Chi Omega](#) » [Watches](#) » Wynterice Watch



Like 5

Wynterice Watch J7001WYNTERIC

Polished ionic plated brass casing accented with sparkling crystals with a stainless steel backing. The Sunray silver tone dial detail includes Alpha Chi Omega Greek letters and 12, 3, 6, and 9 hour marks. Complete with a padded genuine white leather band. This watch is a must have! Watch face measures 1 1/2" dia.

Price: \$40.00

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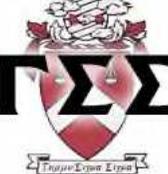
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AXO014

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Alpha Chi Omega Greek Lanyard

Price: ~~\$6.95~~

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Carry your keys the Alpha Chi Omega way.



Alpha Chi Omega I.D. Holder

Price: ~~\$3.95~~

VIEW

Show off Alpha Chi Omega wherever you go.



Alpha Chi Omega Key Chain

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Your lyre symbol and Alpha Chi Omega letters can't get any cuter!



Alpha Chi Omega Lyre Tray

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Keep all of your Alpha Chi Omega jewelry in one colorful place!



Alpha Chi Omega Paddle Key Chain

Price: ~~\$3.95~~
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4 inch acrylic paddle shaped keychain with mirror back and the A Chi O letters

ON SALE !!!



Alpha Chi Omega Paddle Magnet

Price: ~~\$3.95~~
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VIEW

4 inch acrylic paddle shaped magnet with mirror back and the A Chi O letters

ON SALE !!!



Alpha Chi Omega Pillowcase

Price: ~~\$13.95~~

VIEW

Sleep tight on this cute Alpha Chi Omega pillowcase.



Alpha Chi Omega T-Shirt Key Chain

Price: ~~\$3.95~~

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Dress up your keys with this cute Alpha Chi Omega keychain!

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A Chi O Vinyl Sticker Mixed Set

Price: **\$7.95**

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Great set of mixed Alpha Chi Omega vinyl stickers

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Get creative with your A Chi O hands with these nail appliques.



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Your Alpha Chi Omega crest has never looked so good.



Alpha Chi Omega Latex Balloons (5pk)

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Show off Alpha Chi Omega on the road.



Alpha Chi Omega Mylar Balloon

Price: **\$3.95**

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Lift your Alpha Chi Omega love high!



Alpha Chi Omega Name Window Decal

Price: **\$6.95**

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This classic Alpha Chi Omega decal looks great anywhere!



Alpha Chi Omega Oval Decal

Price: **\$4.95**

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Make your Alpha Chi Omega letters stand out!



Alpha Chi Omega Reflective Vinyl Decal

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Display your Alpha Chi Omega letters on the highway.



Alpha Chi Omega Round Bumper Sticker

Price: **\$3.95**

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Make all the other cars jealous.



Alpha Chi Omega Scrapbook Decal Collection

Price: **\$6.95**

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A Chi O and generic sorority memory album approved stickers.



Alpha Chi Omega White Letters Window Decal

Price: **\$5.95**

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A classic decal with your Alpha Chi Omega letters in white.



Alpha Chi Omega Clipboard

Price: **\$14.95**

Sale Price: **\$3.74**

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It's the perfect accessory for your Alpha Chi Omega events!

ON SALE !!!



Alpha Chi Omega Memo Note Cube

Price: **\$5.95**

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500 ways to leave your A-Chi-O sister a note!



Alpha Chi Omega Peace Pen

Price: **\$4.95**

Sale Price: **\$0.50**

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Alpha Chi Omega Sorority Mascot Notepad

Price: **\$4.95**

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Alpha Chi Omega Square Note Pad

Price: **\$8.95**

Sale Price: **\$1.79**



Alpha Chi Omega Sticky Tab Book

Price: **\$9.95**

Sale Price: **\$6.97**

These A-Chi-O pens are groovy!

ON SALE !!!

Perfect for those 'just because' notes to your Alpha Chi Omega sisters.

VIEW

An adorable desktop accessory with Alpha Chi Omega name and lyre symbol.

ON SALE !!!

VIEW

Leave a little note for your favorite Alpha Chi Omega sis.

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DECLARATION OF WYNN SMILEY
(ALPHA TAU OMEGA)

Comes the undersigned, Wynn Smiley, and understanding the statements made herein are made under penalty of perjury, he declares as follows:

1. I, Wynn Smiley, am the Chief Executive Officer of Alpha Tau Omega Fraternity, Inc. ("Alpha Tau Omega"), a Maryland corporation headquartered at One North Pennsylvania Street, 12th Floor, Indianapolis, IN 46204.

2. Alpha Tau Omega is a collegiate based fraternity. It was founded in 1865, and has continually been in operation since the founding. Alpha Tau Omega currently consists of approximately 140 active chapters at various colleges and universities located throughout the United States.

3. My duties as the Chief Executive Officer of Alpha Tau Omega include overseeing the use of the ALPHA TAU OMEGA name, the Greek alphabet letters, ATΩ, or any other insignia of Alpha Tau Omega on any merchandise, and I have custody and control of any business records accumulated by Alpha Tau Omega maintained in the ordinary course of its business relating to the merchandising of the insignia of Alpha Tau Omega.

4. Like collegiate fraternities and sororities in general, Alpha Tau Omega is extensively engaged in procuring producers and licensing vendors of merchandise bearing the insignia of the fraternity to be acquired by members of the organization to indicate their membership in the organization, including a wide variety of items such as jewelry, clothing, banners, flags, decals, stationary, and so forth.

5. Attached to this declaration and incorporated by reference are true copies of materials displaying and marketing various examples of approved merchandise bearing the name ALPHA TAU OMEGA, our Greek alphabet letters, ATΩ, and other Alpha Tau Omega insignia.

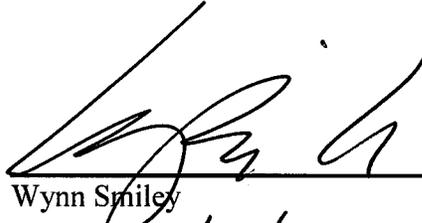
6. The target market for merchandise bearing our insignia is, of course, members of our organization, as well as parents and friends of members who may wish to purchase Alpha Tau Omega merchandise as gifts for our members.

7. Our merchandise is most commonly produced and marketed by licensed vendors who specialize in the production and marketing of fraternity and sorority merchandise and is most commonly marketed by Alpha Tau Omega through our on-line store associated with the fraternity's website, accessible at <http://www.ato.org/AlphaTauOmega/atohistory/atocreed.aspx>, and through college bookstores, Greek merchandise shops located near colleges and universities, through direct mailings to members of the organization, and on internet websites maintained by the merchandise vendors advertising fraternity and sorority merchandise such as www.hjgreek.com. Excerpts from our on-line store and the www.hjgreek.com website are attached hereto and incorporated herein by reference. There are numerous other Greek merchandise specific websites which market our merchandise, including www.justgreek.com, www.campus-classics.com, www.greekforme.com, www.greekgear.com, www.greekcreations.com, www.somethinggreek.com, and www.metrogreek.com.

8. The very first item of merchandise bearing insignia of our organization was a jewelry item, namely, the member's badge designed in 1865 by Otis Allan Glazebrook, a founder of our fraternity. The basic design of the members badge consist of a Maltese cross shape bearing our Greek letter insignia, ATΩ. Three photographs of samples of our member badges are

reproduced on the first page of the attachment hereto. The basic design of our member badges have been continuously used since our founding in 1865.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, hereby declares that all statements made by me above in this document are made based on my personal knowledge and are understood to be true and correct to the best of my knowledge and belief.



Wynn Smiley
Date: 7/25/14

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Featured Product



Tie Bar
Tie bar mounted with Alpha Tau Omega enameled crest in Gold Filled. 2" x 1/4"

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Crown Pearl and
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Like 0

Formal Shirt Stud Set (of 4) w/Badge Replica J00955001

Set of Four(4) Studs, securely fashioned with enameled badge replica mounting, with a spring-loaded stud backing to be worn with formal shirt attire in gold-filled. The perfect gift for an ATO groomsman or gentleman who wears formal attire occasionally.

Select Metal Quality:

ADD TO CART

Product returns must be made within thirty (30) days of ship date for reasons unrelated to a quality defect or incorrect item. Products that are customarily stocked by Herff Jones and that are returned for reason(s) other than product quality are subject to a restocking fee of 25% of order value.

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ATO004



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[Catalog](#) » [Alpha Tau Omega](#) » [Cufflinks](#) » Oval Cufflinks w/Badge Replica



Like 4

Oval Cufflinks w/Badge Replica J00954001GF

Oval Cufflinks, highly polished, with the ATO badge replica with black enamel mounted in center of link. Gold-filled, not gold-plated -- 1/10th 10K gold-filled. The perfect accessory gift for the ATO who has everything ... but who might occasionally wear cufflinks. 1/2" H X 13/16" W

Price: \$88.00

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Pendant



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Lavalier



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with Enameled
Crest



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Filigree Charm
w/Enameled
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Crown Pearl
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Antique Coat-of-
Arms Pendant.
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Like 0

Traditional Lavalier L2647ALTAOM

The most popular lavalier in our line. This traditional lavalier or "drop" featuring ATO Greek letters is oriented vertically as a pendant. Finely polished on all surfaces. (Chain sold separately.) 3/4" L.

Select Metal Quality:

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Alpha Tau Omega Online Store

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Like 0

Heart Lavalier L2604ALTAOM

Heart lavalier with ATO letters cast within in diagonal fashion. Nicely weighted and fully polished on all surfaces. (Chain sold separately.) 9/16" h.

Select Metal Quality:

ADD TO CART

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[Catalog](#) » [Alpha Tau Omega](#) » [Rings](#) » Life Loyal Tau Ring



Like 0

Life Loyal Tau Ring R00951449

Introducing a new ring available to Life Loyal Tau members. This ring features a large round base with ATO badge shape with enameled background. Engrave your name or initials (up to 15 characters) inside the ring at no extra charge. Comes to you in a custom leather ring presentation box.

1 **Configure** 2 Set Quantity 3 Engravings

Select Ring Size:

Select Metal Quality:

CONTINUE

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- Hunting & Fishing
- Infants & Toddlers
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- NIKE®
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- Sweatshirts
- T-Shirts
- Tailgate & Leisure
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\$3.98

Collapsible Navy Can Holder
'Cross'



\$3.98

Collapsible Navy Can Holder
'ATO Greek Letters'



\$3.98

Collapsible Black Can Holder
'Cross'



\$3.98

Collapsible Black Can Holder
'ATO Greek Letters'



\$8.98

Collapsible Black Bottle Koozie
'Cross'



\$8.98

Collapsible Black Bottle Koozie
'ATO Greek Letters'



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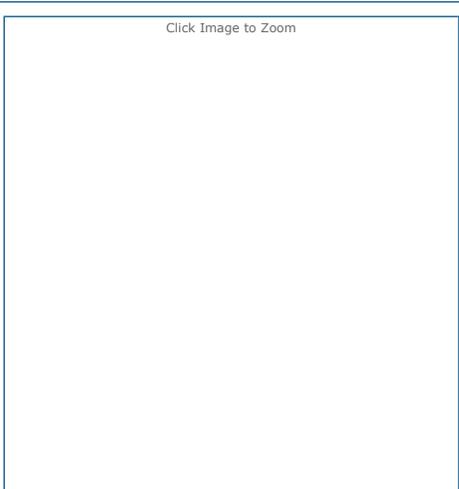
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Enter Desired Quantities

- 0 \$39.98 Small
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- 0 \$45.98 XX-Large (+\$6.00)
- 0 \$48.98 XXX-Large (+\$9.00)

0 \$0.00 Total

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View Size Chart

Fleece Full Zip Royal Jacket
'ATO Greek Letters'

Item# 6-34-IK17RA

Ready for layering, this cozy full-zip fleece jacket will keep you warm when the weather isn't. Comfortable and versatile, it's great for life on the go.

- 100% spun soft polyester fleece with non-pill surface finish
- Embroidered logo
- Midweight fleece - highly breathable
- Dyed-to-match zippers and zipper pull, bottom hem with drawcord and toggles
- Front-zip pockets, front yoke, non-roll elastic cuffs

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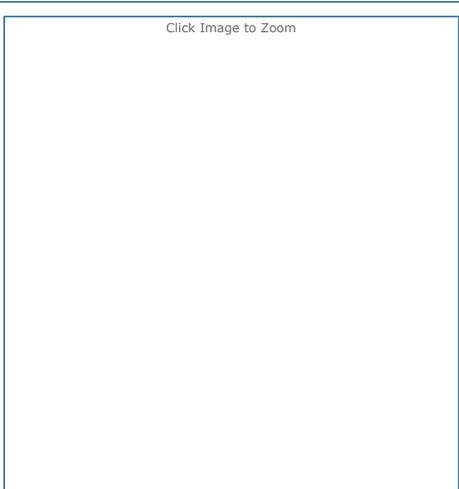
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Enter Desired Quantities

1 \$39.98

1 \$39.98 Total

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Navy/White Umbrella
'ATO Greek Letters'

Item# 6-71-1K0113A

Stay safe and beat the elements in classic style...this sporty umbrella is a must-have accessory and its contrasting color will make you stand out, even on the dreariest day!

- Nylon fabric, fiberglass windproof frame, genuine wood handle
- Screen printed logo
- Fiberglass shaft and ribs provide added safety from the elements
- Manual open; pinch-proof runner to protect fingers
- Folded length-43 inches; diameter-54.4 inches; arc-64 inches

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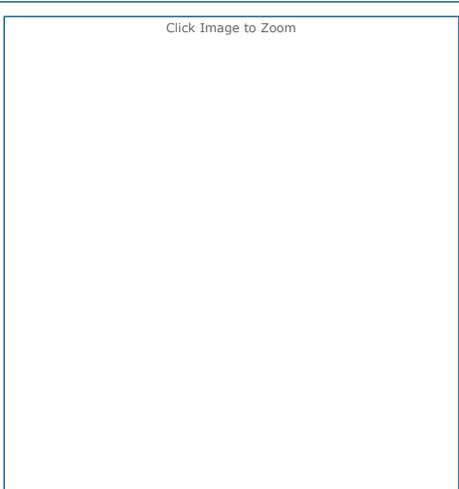
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Home>Golf

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Enter Desired Quantities

1 \$39.98

1 \$39.98 Total

Add To Cart

Royal/White Umbrella
'Official Logo'

Item# 6-71-IK4112

Stay safe and beat the elements in classic style...this sporty umbrella is a must-have accessory and its contrasting color will make you stand out, even on the dreariest day!

- Nylon fabric, fiberglass windproof frame, genuine wood handle
- Screen printed logo
- Fiberglass shaft and ribs provide added safety from the elements
- Manual open; pinch-proof runner to protect fingers
- Folded length-43 inches; diameter-54.4 inches; arc-64 inches

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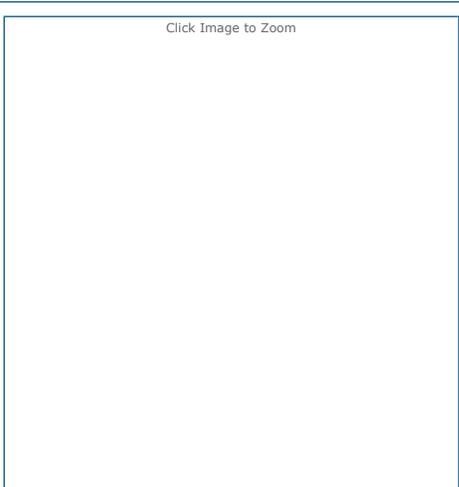
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Home>Hats



Enter Desired Quantities

1 \$19.98

1 \$19.98 Total

Add To Cart

Gold Heavyweight Twill Pro Style Hat
'ATO Greek Letters'

Item# 6-38-IK1638A

Classic and relaxed, this pro style hat offers a laid-back medium profile and a flexible fit that will compliment any casual fashion look.

- 100% cotton
- Embroidered logo
- Structured; firm front panel; low-fitting; 6-panel cap
- Seamed front panel with full buckram, 6 embroidered eyelets, Pro Stitch on crown, 6 rows stitching on visor
- Matching fabric undervisor, matching color sweatband, and matching fabric adjustable strap with velcro closure

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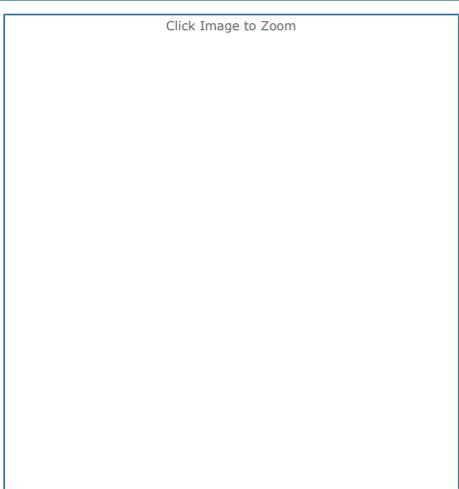
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Home>Long Sleeve Shirts>Men's



Enter Desired Quantities

- 0 \$39.98 Small
- 0 \$39.98 Medium
- 0 \$39.98 Large
- 0 \$39.98 X-Large
- 0 \$42.98 XX-Large (+\$3.00)
- 0 \$45.98 XXX-Large (+\$6.00)

0 \$0.00 Total

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View Size Chart

Gold Twill Button Down Long Sleeve
'ATO Greek Letters'

Item# 6-34-1K1635

Designed for style and comfort, this super soft peached twill shirt will become one of your favorites - it's a great choice for any day of the week, whether you're going for a business or casual look.

- 100% cotton
- Embroidered logo
- Button down collar, center back collar button with adjustable cuff, wood tone buttons
- Wood tone buttons
- Left chest pocket

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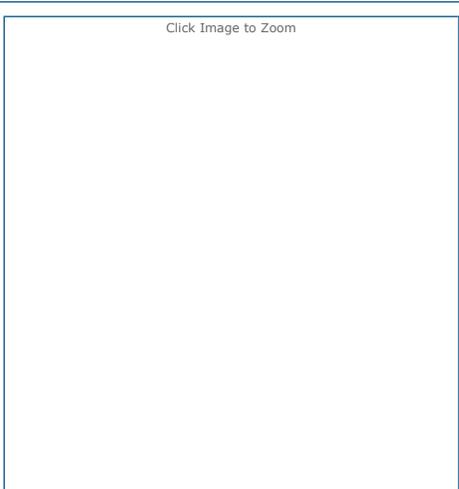
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Home>Polos & Short Sleeve Shirts>Men's



Enter Desired Quantities

- 0 \$43.98 Small
- 0 \$43.98 Medium
- 0 \$43.98 Large
- 0 \$43.98 X-Large
- 0 \$47.98 XX-Large (+\$4.00)
- 0 \$50.98 XXX-Large (+\$7.00)

0 \$0.00 Total

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**White Mini Stripe Polo
'ATO Greek Letters'**

Item# 6-34-1K19VSD

A step up in style from the everyday polo, this eye-catching mini-stripe shirt takes casual dressing to the next level. It looks great whether you're on the course with clients or having dinner at the clubhouse.

- Syntrel Extreme Moisture Management Polyester
- Embroidered logo
- Tonal mini stripe knit
- Fashion collar
- Open hemmed sleeve

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- Under Armour®

Home>T-Shirts>Men's Short Sleeve

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**Black T Shirt
'Official Logo'**

Item# 6-33-IK1291C

Practical, basic t-shirt that can be layered or worn alone. You can never have too many of these versatile shirts in your closet - just toss one on and go.

- 6.1 oz 100% cotton jersey
- Screen printed logo
- Seamless rib collar
- Double-needle cover stitching
- Crew neck

Enter Desired Quantities

- 0 \$16.98 Small
- 0 \$16.98 Medium
- 0 \$16.98 Large
- 0 \$16.98 X-Large
- 0 \$22.48 XX-Large (+\$5.50)
- 0 \$22.98 XXX-Large (+\$6.00)

0 \$0.00 Total

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DECLARATION OF DANIEL A. SHAVER

Comes the undersigned, Daniel A. Shaver, and understanding the statements in this Declaration to be under penalty of perjury, he hereby submits the following:

1. I have been employed since 1994 in the field of administering licensing programs through which collegiate fraternal organizations authorize approved vendors to market merchandise bearing the trademarks of the organizations, including the names, Greek letters and insignia of the fraternal organizations.

2. Since 1997 I have been employed fulltime as the President of Affinity Marketing Consultants, Inc. ("Affinity"), a company that administers marketing and licensing programs for leading Greek organizations throughout North America. In that capacity, I am responsible for the receipt and approval, or rejection of applications of merchandise vendors for permission to utilize the trademarks of the Greek organizations in association with a broad assortment of merchandising activities. Affinity is the worldwide leader in the administration of Greek organization licensing programs.

3. Affinity currently represents ninety-four fraternities and sororities, including Alpha Chi Omega, Alpha Omega Epsilon, Alpha Phi Omega, Alpha Tau Omega, Chi Omega, and Gamma Alpha Omega.

4. Affinity's clients represent a collective market of more than 600,000 students and over 7 million alumni members throughout North America.

5. As President of Affinity, I oversee the use and licensing of the trademarks of the Greek organizations Affinity represents, including the use of the Greek names, the Greek alphabet letters, and any other insignia affiliated with the Greek organizations, on merchandise.

6. I have custody and control of all license agreements and business records that

pertain to the use of the trademarks of the Greek organizations Affinity represents on merchandise.

7. We assist all of the clients we represent in licensing vendors of merchandise bearing the insignia of the sorority or fraternity to be acquired by members of those organizations to publicly indicate their membership in, and display their affinity for their respective fraternity or sorority. This merchandise includes a wide variety of items such as jewelry, clothing, banners, flags, decals, stationary, clocks, mugs, water bottles, aprons, backpacks, lamps, magnets, collectables, towels, stuffed animals, candles, board games, and bags.

9. The leading categories of fraternity and sorority merchandise bearing the insignia of the Greek organizations are jewelry and clothing.

10. The first item of fraternity or sorority merchandise that a member of a Greek organization usually receives is a member pin bearing either the name of the fraternity or sorority or the Greek letters of the fraternity or sorority to which the member belongs. Photographs showing examples these member pins attached hereto and incorporated herein by reference.

11. Since prior to my involvement with the merchandising of fraternity and sorority membership insignia, there has been a well-developed niche market for Greek letter organization affinity merchandise which is most commonly produced, marketed, and sold by licensed vendors who specialize in the production, marketing, and sale of merchandise for Greek organizations including vendors such as sassysorority.com, kollegetown.com, A Greek Concept, American Greek Co., getsomegreek.com, gonegreek.com, greekandunique.net, greekcreations.com, greekgallery.net, greekt-shirtsthatrock.com, greekyearbook.com, greekgear.com, greek101.com, greekwithenvy.com,

greekstreak.com, greekspirit.org, and greekshirtstore.com. Screenshots from the websites of some of these licensed vendors are attached hereto and are incorporated herein by reference.

12. Aside from being sold online through websites maintained by licensed vendors, Greek merchandise is commonly sold online through the websites of the Greek organizations, through college bookstores, through Greek merchandise shops located geographically near colleges and universities, and through direct mailings to members and alumnae of the Greek organizations.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment hereby declares that all statements made above in this document are based on my own personal knowledge and are understood to be true and correct to the best of my knowledge and belief.


.....
Daniel A. Shaver

Date: 7/25/14



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Online Store

Catalog

Please click on your organization(s) of choice to view jewelry products on-line and start shopping!

Acacia	Delta Theta Tau	Phi Sigma Pi
Accessory Collection	Delta Upsilon	Phi Sigma Rho
Alpha Chi Omega	Delta Zeta	Phi Sigma Sigma
Alpha Chi Rho	Eta Kappa Nu	Philaethean
Alpha Chi Sigma	Gamma Phi Beta	Pi Beta Phi
Alpha Delta Pi Jewelry	Gamma Phi Delta	Pi Kappa Alpha
Alpha Epsilon Phi	Gamma Sigma Epsilon	Pi Kappa Phi
Alpha Epsilon Pi	Gamma Theta Upsilon	Pi Lambda Phi
Alpha Epsilon Pi Centennial Collection	Iota Phi Theta Fraternity, Inc.	Pi Sigma Epsilon
Alpha Gamma Rho	Kappa Alpha Order	Psi Beta
Alpha Gamma Delta	Kappa Alpha Psi Fraternity, Inc.	Psi Upsilon
Alpha Gamma Sigma	Kappa Alpha Theta Accessory Jewelry	Rho Lambda
Alpha Kappa Alpha	Kappa Delta	Sigma Alpha Agricultural
Alpha Kappa Divah	Kappa Delta Chi	Sigma Alpha Epsilon
Alpha Kappa Lambda	Kappa Delta Epsilon	Sigma Alpha Iota
Alpha Kappa Psi	Kappa Delta Phi	Sigma Alpha Mu
Alpha Omega	Kappa Delta Phi National Sorority	Sigma Alpha Sorority
Alpha Omega Epsilon	Kappa Delta Pi	Sigma Beta
Alpha Omicron Pi	Kappa Delta Rho	Sigma Chi
Alpha Phi	Kappa Kappa Gamma	Sigma Delta Tau
Alpha Phi Alpha	Kappa Kappa Sigma	Sigma Gamma Rho
Alpha Phi Delta	Kappa Phi	Sigma Lambda Beta
Alpha Phi Omega	Kappa Psi	Sigma Kappa
Alpha Rho Chi	Kappa Sigma	Sigma Lambda Gamma
Alpha Pi Phi	Lambda Chi Alpha	Sigma Nu
Alpha Psi Lambda	Lambda Chi Omega	Sigma Phi Epsilon
Alpha Sigma Alpha	Lambda Kappa Sigma	Sigma Phi Gamma
Alpha Sigma Phi	Lambda Tau Upsilon	Sigma Pi
Alpha Sigma Tau	Mu Phi Epsilon	Sigma Sigma Sigma
Alpha Tau Omega	Omega Tau Sigma	Sigma Theta Tau

<u>Alpha Xi Delta</u>	<u>Omicron Delta Kappa</u>	<u>Sigma Xi</u>
<u>Beta Gamma Sigma</u>	<u>Omicron Delta Kappa Centennial Collection</u>	<u>Tau Delta Phi</u>
<u>Beta Sigma Chi</u>	<u>P.E.O.</u>	<u>Tau Epsilon Phi</u>
<u>Beta Theta Pi</u>	<u>Phi Alpha Delta</u>	<u>Tau Kappa Epsilon</u>
<u>Chi Omega</u>	<u>Phi Beta</u>	<u>Theta Chi</u>
<u>Chi Phi</u>	<u>Phi Beta Chi</u>	<u>Tau Sigma Delta</u>
<u>Chi Psi</u>	<u>Phi Beta Psi</u>	<u>Theta Phi Alpha</u>
<u>Chi Sigma Iota</u>	<u>Phi Chi</u>	<u>Theta Tau Fraternity</u>
<u>Delta Chi</u>	<u>Phi Chi Theta</u>	<u>Theta Xi</u>
<u>Delta Delta Delta</u>	<u>Phi Delta Chi</u>	<u>Triangle Fraternity</u>
<u>Delta Gamma Accessory Jewelry</u>	<u>Phi Delta Theta</u>	<u>Zeta Beta Tau</u>
<u>Delta Mu Delta</u>	<u>Phi Eta Sigma</u>	<u>Zeta Phi Beta</u>
<u>Delta Kappa Epsilon</u>	<u>Phi Gamma Delta</u>	<u>Zeta Psi</u>
<u>Delta Omega</u>	<u>Phi Iota Alpha</u>	<u>Zeta Tau Alpha</u>
<u>Delta Omicron</u>	<u>Phi Kappa Psi</u>	<u>Delta Phi Epsilon Alumnae</u>
<u>Delta Phi Epsilon</u>	<u>Phi Kappa Sigma</u>	<u>Gamma Phi Beta Volunteer</u>
<u>Delta Phi Mu</u>	<u>Phi Kappa Tau</u>	<u>Gamma Phi Beta Alumna</u>
<u>Delta Sigma Phi</u>	<u>Phi Kappa Theta</u>	<u>Test Org</u>
<u>Delta Sigma Pi</u>	<u>Phi Lambda Chi</u>	
<u>Delta Tau Delta</u>	<u>Phi Mu</u>	
<u>Delta Theta Phi</u>	<u>Phi Mu Alpha Sinfonia</u>	
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Featured Product



Carnation Brooch
The carnation brooch is a beautiful accent to a blazer jacket or even winter coat. Sterling silver and cubic zirconia.

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Products



Crown Diamond Badge



House Corp Button



Crown Pearl Vintage Badge



Sisterhood Button



Crown Diamond Vintage Badge



Crown Pearl Vintage Badge with 3 diamonds



Crown Pearl Vintage Badge with 1 Diamond



White Gold Crown Pearl Badge



Crown Pearl Badge with 2 Diamonds



Crown Pearl Badge with 1 Diamond



Crown Pearl Badge with 3 Diamonds



Crown Pearl Badge



Chased Badge with 3 Pearls



Lyre Brooch



Mother's Sweetheart Barpin w/Lyre Bird

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AMC005



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Crown Diamond Badge J70010106

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This item may only be ordered through your National Headquarters. To reach your headquarters dial 317-579-5050.

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Custom-made products are not returnable; this includes all rings and any other non-stock jewelry items. Customer is responsible for any postal or shipping charges incurred in returning the product to the Greek Division of Herff Jones

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Featured Product



Pearl Drop Earrings
 Mixing a classic design with a fashion flare the fish hook pearl earrings are a must have this season! Sterling silver. 5/8" wide by 7/8" long.

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Chapter Guards



Dangles



Lavaliere & Charms



Pins & Buttons



Rings



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Vice President
Committees



Treasurer
Committees



Secretary
Committees



Interchapter
Relations
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Committees



Alumnae
Relations Officer
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Expansion
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Like 0

Chased Border Badge J70390102

3/4" W x 5/16" H

Select Material:

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Like 3

Plain Badge J70390100

3/4" W x 5/16" H

Select Material:

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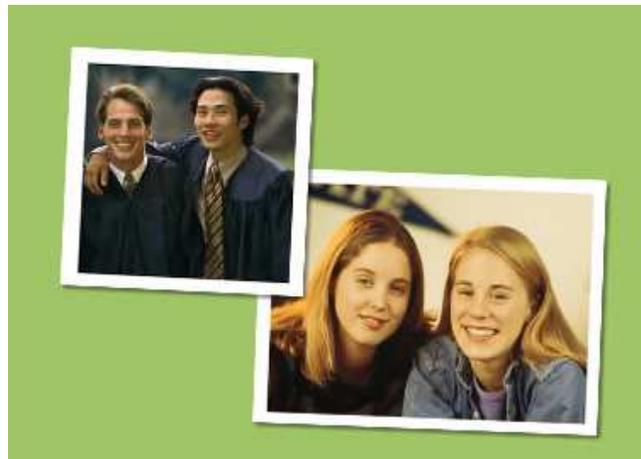
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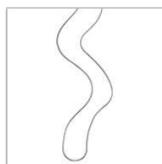
Traditional Lavalier

The most popular lavalier in our line. The traditional lavalier or "drop" featuring Alpha Omega Greek letters is oriented vertically as a pendant. Finely polished on all surfaces. (Chain sold separately.)
7/16" L.

Products



Lavaliere



Necklaces



Official Jewelry

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Like 0

Traditional Lavalier L2647ALOM

The most popular lavalier in our line. The traditional lavalier or "drop" featuring Alpha Omega Greek letters is oriented vertically as a pendant. Finely polished on all surfaces. (Chain sold separately.) 7/16" L.

Select Metal Quality:

ADD TO CART

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Featured Product



Pocketknife
Sterling Silver

Products



Accessories



Guards



Official Jewelry



Officer Dangles



Charms



Lapel /
Recognition
Pins



Earrings &
Necklaces



Bracelets



Rings - Group
One



Rings - Group
Two



Cufflinks

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Products



Sweetheart
Badge



Crown Pearl
Badge



Plain Badge

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Like 2

Sweetheart Badge 0101

Select Metal Quality:

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Alpha Phi Omega Online Store

[Catalog](#) » [Alpha Phi Omega](#) » [Official Jewelry](#) » Plain Badge



Like 0

Plain Badge J71040100

5/8" h X 3/4" w.

This product is not available to purchase online.

This item is available for purchase at the Alpha Phi Omega online store.

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Featured Product



Tie Bar
Tie bar mounted with Alpha Tau Omega enameled crest in Gold Filled. 2" x 1/4"

Products



Accessories



Sweetheart Jewelry / Gifts



Official Badges



Chapter Guards



Cufflinks



Officer Dangles



Lavalieres & Pendants



Money Clip



Lapel / Recognition Pins



Rings

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Products



Small Plain
Badge



Miniature Plain
Sweetheart Pin



Initiate Badge,
10K



Glazebrook
Badge



Crown Diamond
and Sapphire
Badge



Crown Sapphire
Badge with
Diamond
Additives



Crown Pearl and
*Sapphire
Sweetheart Pin



Crown Pearl
Sweetheart Pin



Crown Pearl
Badge



Crown Pearl
Badge w/
*Sapphire Points



Crown Pearl
Badge w/ *Ruby
Points

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[Catalog](#) » [Alpha Tau Omega](#) » [Official Badges](#) » [Initiate Badge, 10K](#)



Like 2

Initiate Badge, 10K J00950010

This product is not available to purchase online.

PLEASE CONTACT ALPHA TAU
OMEGA HEADQUARTERS TO
PURCHASE THIS ITEM. 800-798-9286

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Alpha Tau Omega Online Store

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Like 0

Glazebrook Badge J00950808

Select Metal Quality:

ADD TO CART

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Chi Omega Online Store

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Featured Product



Carnation Brooch
 The carnation brooch is a beautiful accent to a blazer jacket or even winter coat. Sterling silver and cubic zirconia.

Products



Pins



Accessories



Badges & Guards



Bracelets



Charms



Earrings



Necklaces



Rings



Dangles

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Products



Crown Diamond
Badge



Crown Pearl
Badge



Crown Pearl
Double Letter
Guard



Plain Single
Letter Guard



Plain Double
Letter Guard



Crown Pearl
Single Letter
Guard

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Chi Omega Online Store

[Catalog](#) » [Chi Omega](#) » [Badges & Guards](#) » Crown Diamond Badge



Like 1

Crown Diamond Badge J70130106

1/2" X 1/2".

This product is not available to purchase online.

Badge purchases must be made through Chi Omega Fraternity.

Product returns must be made within thirty (30) days of ship date for reasons unrelated to a quality defect or incorrect item. Products that are customarily stocked by Herff Jones and that are returned for reason(s) other than product quality are subject to a restocking fee of 25% of order value.

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Chi Omega Online Store

[Catalog](#) » [Chi Omega](#) » [Badges & Guards](#) » Crown Pearl Badge



Like  6

Crown Pearl Badge J70130107

Available in Yellow Gold, White Gold & Sterling Silver. 1/2" X 1/2".

This product is not available to purchase online.

This item is available through your National Headquarters.

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Featured Product



Standard Keypin, GE
Pin back. Measures approximately
1 3/4" h x 3/4" w.

Products



Charms & Pins



Accessories

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Delta Omega Online Store

[Catalog](#) » [Delta Omega](#) » [Charms & Pins](#) » Standard Key (charm), GE



Like  0

Standard Key (charm), GE J02275010

Measures approximately 1 3/4" h. x 3/4 w.

Price: \$27.50

ADD TO CART

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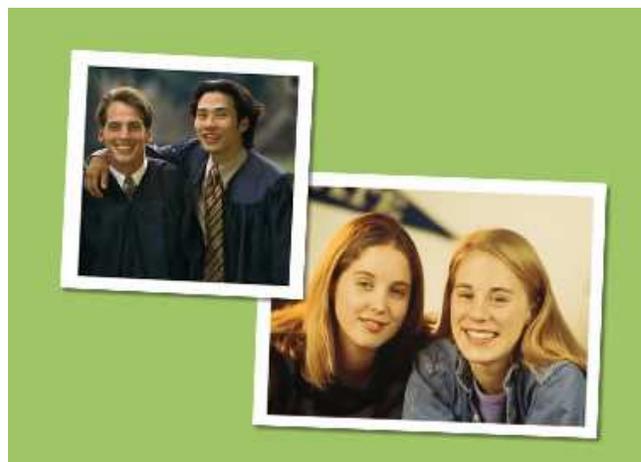
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Featured Product



Pledge Button
Measures approximately 3/8".

Products



Badges



Charms



Guards



Dangles



Lavalieres & Buttons



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Omega Tau Sigma Online Store

[Catalog](#) » [Omega Tau Sigma](#) » [Badges](#) » Crown Pearl Badge w/ 4 Ruby Points



Like 0

Crown Pearl Badge w/ 4 Ruby Points J71140112

Measures approximately 3/4". Ruby
stones are synthetic

Select Metal Quality:

ADD TO CART

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Omega Tau Sigma Online Store

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Like  0

Plain Badge J71140110

Measures approximately 3/4"

Select Metal Quality:

ADD TO CART

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Omega Tau Sigma Online Store

[Catalog](#) » [Omega Tau Sigma](#) » [Badges](#) » Crown Pearl Badge



Like 0

Crown Pearl Badge J71140111

Measures approximately 3/4". Synthetic sapphire and ruby

Select Metal Quality:

ADD TO CART

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