

ESTTA Tracking number: **ESTTA621995**

Filing date: **08/18/2014**

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

Proceeding	91197504
Party	Defendant Alpha Phi Omega
Correspondence Address	JACK A WHEAT STITES HARBISON PLLC 400 WEST MARKET STREET, SUITE 1800 LOUISVILLE, KY 40202-3352 UNITED STATES jwheat@stites.com
Submission	Opposition/Response to Motion
Filer's Name	Jack A. Wheat
Filer's e-mail	jwheat@stites.com
Signature	/jackawheat/
Date	08/18/2014
Attachments	LOUISVILLE-#990639-v1-Opp2MTExclude.pdf(166315 bytes) DX5 Dec 27, 2010 Corres.PDF(2111607 bytes) DX6 May 5, 2011 Corres .PDF(72011 bytes) DX7 AlphaPhiOmega Initial Disclosures.PDF(130050 bytes) Doc AL002-005.pdf(256001 bytes)

**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 OPPOSITION TO MOTION TO PRECLUDE EVIDENCE
AND TO COMPEL DISCOVERY**

“Disingenuous” is a nice word describing Omega’s feigned claim of “surprise” associated with the truths its seek to hide from the Board. A better word to describe Omega’s approach and demeanor is “denial,” denial in the sense of the psychological deficiency in which Omega refuses to acknowledge the information repeatedly brought to its attention. Ignoring our letters where we brought the pertinent information to the attention of Omega’s counsel is one thing. Most striking though – no, most shocking – is Omega’s mistaken claim the information was never disclosed in discovery. The witnesses and exhibits were *actually disclosed* to Omega in Applicant’s Initial Disclosures! It is not our fault Omega ignored this information, rather than specifically address it in their discovery requests. Like the metaphorical ostrich hiding it’s head in the sand, Omega ignores the pertinent facts every time they are brought to Omega’s attention. It is no one’s fault other than Omega that it never sought discovery relating to the key information brought to its attention in writing at the outset of this litigation, later brought to it attention in other correspondence, and again formally brought to its attention in our Initial Disclosures.

Omega's ranting and raving aside, the issues in these consolidated oppositions are quite simple; the issues are not factually intensive. The Applicant here, Alpha Phi Omega is an 89 year old fraternity. It provides its members with a wide array of affinity products including jewelry and clothing bearing its name and insignia for members to display to proudly proclaim their membership in the fraternity. The parties have coexisted since 1925 without a single known instance of confusion. Nonetheless now, after all these years, Omega contends the Alpha Phi Omega affinity merchandise infringes and dilutes Opposer's marks.

The paradoxical bind Omega finds itself in is the practical difficulty – if not impossibility – of proving that Alpha Phi Omega, clearly a fraternity name, is likely to be confused with the watch company's marks, marks which are most commonly used with high end timepieces costing thousands of dollars. The possibility of proving Omega's claim of fame for dilution purposes is just as inconceivable.

A fundamental problem with Omega's claim is the reality it tries to ignore, dozens of Greek letter fraternities and sororities with the Greek letter "Omega" in their name have coexisted with Omega Watch for scores of years. Indeed, the Omega Watch assertions are especially complicated by the fact that at least three major national fraternities and sororities, Alpha Tau Omega, Alpha Chi Omega and Chi Omega, have been in operation since the 1800s, since prior to the entrée of the Omega Watch brand into the United States. The ironical paradox thus is this: if there is a likelihood of confusion between the Omega Watch marks and fraternity jewelry bearing Greek alphabet letters including Ω , basic logic suggests that Opposer is an infringer of the Alpha Tau Omega, Alpha Chi Omega marks, and the Chi Omega marks! Furthermore, the widespread use of "Omega" in fraternity and sorority names is likely lethal to Omega's dilution claim.

This paradox is what Omega tries to obfuscate with the pending motion. Omega seeks to exclude Declarations provided with our pending Motion for Summary Judgment, namely

- **Declaration of Dan Shaver**, a licensing executive who handles merchandise licensing for 94 fraternities and sororities, including numerous with “Omega” in their name. The pertinence of his Declaration is to describe how fraternities and sororities typically merchandise their names and Greek alphabet letters on jewelry and other affinity merchandise for members to wear and display to denote membership in their respective fraternity or sorority.
- **Declaration offered on behalf of the Alpha Tau Omega Fraternity** that it has been in existence since 1865 and continuously since its founding, its Greek letter insignia, ATΩ, has been utilized on jewelry.
- **Declaration offered on behalf of the Alpha Chi Omega Fraternity**, a fraternity for women commonly referred to as a sorority that it has been in existence since 1885 and continually since its founding, its Greek letter insignia, AXΩ, has been utilized on jewelry.
- **Declaration offered on behalf of the Chi Omega Fraternity**, a fraternity for women commonly referred to as a sorority that it has been in existence since 1895 and continuously since its founding, its Greek letter insignia, XΩ, has been utilized on jewelry.

Omega misrepresents to the Board that this information was not brought to its attention until just prior to the opening of the testimony period. What Omega ignores in its denial to acknowledge reality is that this precise information was brought to its attention *at the very outset of these Oppositions*. In a cover letter to Omega’s counsel provided with our Answers, on December 27, 2010, we pointed out to them –

We assume you understand that there are numerous Greek letter collegiate fraternal organizations, and that each one typically uses a combination of two to three Greek alphabet letters as its name. Many of these utilize the Greek alphabet letter “Omega” in their

name. Perhaps you were unaware that there is a well-established niche market through which Greek letter collegiate fraternal organizations make available for purchase by their members various affinity products, including clothing, badges, jewelry and so forth containing their Greek names and letters, including various of those organizations that use the Greek alphabet letter “Omega” in their name.

Our brief research reveals an extensive amount of third-party use of the Greek letter “Omega” by Greek organizations. For example, the website of just one Greek jewelry vendor, <http://www.hjgreek.com/index.cfm?event=Products.showOrganizations>, displays jewelry for *six* Greek organizations which include the word “Omega,” namely, Alpha Chi Omega, Alpha Omega Epsilon, Alpha Phi Omega, Alpha Tau Omega, Chi Omega and Omega Tau Sigma. ***Printouts for each of these organizations prominently displaying clothing and jewelry with the word “Omega” are enclosed for your review.*** It is worth noting that at least two of these, Alpha Chi Omega and Alpha Tau Omega, founded respectively in 1885 and 1865, predate your client. Further, a simple online Google search reveals an additional *four* Greek organizations which include the word “Omega,” namely, Omega Psi Phi, Alpha Omega Theta, Alpha Nu Omega and Gamma Phi Omega. Enclosures demonstrating advertisement of clothing and jewelry bearing these organizations’ names are also attached for your review. Given the widespread use within the Greek community of the Greek letter “Omega” in connection with clothing and jewelry, we hope you will agree that the pending oppositions are not good candidates for successful dilution claims.

A copy of this December 27, 2010 correspondence to Omega’s counsel is submitted herewith marked as Defendant’s Exhibit 5 (emphasis added). With that correspondence, we included printouts of many of the documents of which Omega now feigns “surprise.” Further, the internet website link provided to Omega’s counsel in that letter,

<http://www.hjgreek.com/index.cfm?event=Products.showOrganizations>, is the website from which numerous of the pages are found which were included with the Declarations Omega wishes to exclude. This information was brought to Omega’s counsel’s attention nearly four years ago, by letter dated December 27, 2010. It is disingenuous for Omega to claim it was

unaware of this information *until the end of July, 2014!*

Not only was all of this information brought to the attention of Omega's counsel in 2010 (Defendant's Exhibit 5), it was again brought to their attention in a letter dated May 5, 2011 –

Alpha Phi Omega has been in existence for over 85 years, since 1925. Jewelry bearing the Alpha Phi Omega name or Greek Alphabet letters has been produced for that entire time period. For however long Omega SA has been doing business in the United States markets, the parties have coexisted without any instances of confusion known to us. Are you aware of any? We expect there has been none. Considering that Alpha Phi Omega is a collegiate fraternal organization, just like numerous other collegiate Greek letter fraternities and sororities who utilize the Greek Alphabet letter "Omega" in their name, we would be quite surprised if anyone ever confuses Omega SA's commercial endeavors and products with fraternities and sororities or their Greek affinity merchandise.

This firm and Alpha Phi Omega's merchandising company also represent the *Alpha Tau Omega Fraternity, founded in 1865, and the Alpha Chi Omega Sorority, founded in 1885. Jewelry bearing both of these organizations names or Greek Alphabet letters has been produced for them ever since their founding dates, dates which predate any first use of the Omega SA marks anywhere, much less here in the States.*

This firm and Alpha Phi Omega's merchandising company also represent the *Chi Omega Sorority, founded in the spring of 1895 apparently about simultaneous with the first use of the Omega SA marks. Chi Omega is the largest collegiate sorority and like all fraternities and sororities, jewelry bearing its name or Greek Alphabet letters has been produced for it since its founding. See Trademark Registration No. 1,361,759.*

A copy of this May 5, 2011 correspondence to Omega's counsel is submitted herewith marked as Defendant's Exhibit 6 (emphasis added).

Not only was this information brought to Omega's counsel's attention by us in correspondence in 2010, again by correspondence in 2011, it was **again** formally brought to their attention in our Initial Disclosures. *See* Defendant's Exhibit 7.

Notwithstanding having this information at least three times brought to their attention, Omega here seems to exclude the following:

Dan Shaver Declaration: It is disingenuous for Omega to claim “surprise” relating to the Declaration of Dan Shaver in which he describes how fraternities and sororities typically merchandise their names and Greek alphabet letters on jewelry and other affinity merchandise to note membership in their respective fraternity or sorority. In our Initial Disclosures, this was clearly brought to their attention. We identified him and disclosed his “[g]eneral knowledge relating to the history of the fraternity and sorority system in the United States; the Greek affinity products market and common usage by fraternities and sororities of their names and initials on jewelry and other merchandise.”

Alpha Tau Omega Declaration: It is disingenuous for Omega to claim “surprise” relating to the Declaration the Alpha Tau Omega Fraternity which notes the founding of that fraternity in 1865 and the common use of the fraternity name and Greek letter insignia, ATΩ, on merchandise used by members to indicate their membership in the organization, including use of the ATΩ insignia on jewelry continuously since 1865. *In addition to* bringing this information to the attention of Omega’s counsel in the 2010 cover letter with our Answers and again in the 2011 correspondence, this information was also formally disclosed in our Initial Disclosures. In our Initial Disclosures, we identified Alpha Tau Omega Fraternity and disclosed that its Designees could provide information relating to “[t]he history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise.”

Alpha Chi Omega Declaration: It is disingenuous for Omega to claim “surprise” relating to the Declaration the Alpha Chi Omega Fraternity, a fraternity for women commonly referred to as a sorority. This Declaration notes the founding of the sorority in 1885 and the

common use of the sorority name and Greek letter insignia, AXΩ, on merchandise used by members to indicate their membership in the organization, including use of the AXΩ insignia on jewelry continuously since 1885. ***In addition to*** bringing this information to the attention of Omega’s counsel in the 2010 cover letter with our Answers and again in the 2011 correspondence, this information was also formally disclosed in our Initial Disclosures. In our Initial Disclosures, we identified Alpha Chi Omega and disclosed that its Designees could provide information relating to “[t]he history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise.”

Chi Omega Declaration: It is disingenuous for Omega to claim “surprise” relating to the Declaration the Chi Omega Fraternity, a fraternity for women commonly referred to as a sorority. This Declaration notes the founding of that sorority in 1895 and the common use of the sorority name and Greek letter insignia, XΩ on merchandise used by members to indicate their membership in the organization, including use of the XΩ insignia on jewelry continuously since 1895. ***In addition to*** bringing this information to the attention of Omega’s counsel in the 2010 cover letter with our Answers and in the 2011 correspondence, this information was also formally disclosed in our Initial Disclosures. In our Initial Disclosures, we identified Chi Omega and disclosed that its Designees could provide information relating to “[t]he history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise.”

In addition to identifying the *Declarants* in our Initial Disclosures, we also disclosed the *documents* now complained of by Omega, informing Omega as follows:

Categories of documents and tangible things within the possession, custody or control of Applicant, which it may use to support its claims and defenses in this action:

2. Examples of widespread use of the Omega word and symbol, Ω, on fraternity and sorority jewelry and other merchandise dating back to the 1800s.

Omega cannot candidly state it was “surprised” by the Shaver, Alpha Tau Omega, Alpha Chi Omega, and Chi Omega Declarations, nor can it complain about the documentary materials included therewith. All of this information was repeatedly brought to its attention, by correspondence dated December 27, 2010, (Defendant’s Exhibit 5), by correspondence dated May 5, 2011, (Defendant’s Exhibit 6), and formally in our Initial Disclosures, (Defendant’s Exhibit 7).

If indeed the Initial Disclosures were inadequate, Omega was freely able to bring a motion so claiming. *See* TBMP § 523.01, However, such a motion is untimely unless brought prior to the close of discovery. *See* TBMP § 523.03. Regardless, there was nothing deficient about the Initial Disclosures which overtly put Omega on notice of the information relating to which it now feigns “surprise.”

The truth remains, dating back to 2010, and repeatedly thereafter, it was brought to the attention of Opposer and its counsel that numerous fraternities and sororities have “Omega” in their name, fraternities and sororities commonly utilize their insignia on jewelry and other items and Alpha Tau Omega has done so since 1865, Alpha Chi Omega has done so since 1885, and Chi Omega has done so since 1895. In our Initial Disclosures, we listed Dan Shaver, and Designees of Alpha Tau Omega, Alpha Chi Omega, and Chi Omega. For Omega to claim it is now “surprised” by this information is ludicrous. It is not our fault Omega for some peculiar reason never sought any follow up discovery relating to this information. That strategy decision is Omega’s self-inflicted problem, not grounds to hide from the Board the truth about the Greek merchandise market and its history.

This is not a case where witnesses the Opposer seeks to exclude were not identified in Initial Disclosures, discovery, or any supplements thereto, in which case it might be appropriate

to consider whether “surprise” is grounds for excluding evidence of lesser import. *See Pepsico, Inc. v. Pirincci*, 2013 TTAB LEXIS 633, at *6-7 (TTAB, Jan 7, 2013). All of the truths Omega wishes to exclude were long ago brought to its attention, including through correspondence dated December 27, 2010, (Defendant’s Exhibit5), correspondence dated May 5, 2011, (Defendant’s Exhibit 6), and formally in our Initial Disclosures, (Defendant’s Exhibit7).

Omega cannot candidly claim to be surprised by the Declarations. It is not our fault Omega propounded no discovery requests specifically relating to this information. It is not our fault Omega did not take the Shaver’s deposition. Both he and the information he authenticates was disclosed and described in our Initial Disclosures and further, many of the documentary items appended to his Declaration were earlier provided to Omega’s counsel back on December 27, 2010, (Defendant’s Exhibit 5). It is not our fault Omega did not take depositions of the Designees of Alpha Tau Omega , Alpha Chi Omega, and Chi Omega. Each of them, and the information they authenticate was disclosed and described in our Initial Disclosures and further, many of the documentary items appended to the Declarations were earlier provided to Omega’s counsel back on December 27, 2010, (Defendant’s Exhibit 5).

It’s not our fault Omega became like an ostrich. Those identified in Initial Disclosures should “reasonably be viewed as possible witnesses.” *Jules Jurgensen/Rhapsody, Inc. v. Baumberger*, 2009 TTAB LEXIS 472 (TTAB, July 6, 2009); *see also Spier Wines (PTY) Ltd. v. Shepher*, 2012 TTAB LEXIS 218, at *9 (TTAB, June 12, 2012) (“persons identified in initial disclosures may reasonably be viewed as possible trial witnesses”). One such as Omega “will not now be heard to complain. *Time Warner Entm’t Co. v. Jones*, 65 USPQ2d 1650, 1656-57 (TTAB 2002) Omega had “the opportunity to notice and take discovery depositions . . . of persons with

knowledge of relevant facts. In these circumstances, [Opposer's] claim that [it] was deprived of the opportunity to obtain discovery . . . prior to trial is not persuasive." *Id.*

Even if we had not as long ago as December 27, 2010, (Defendant's Exhibit5), and even if we had not repeatedly thereafter pointed out to Omega that numerous fraternities and sororities have Omega in their name and typically reproduce their name and Greek letters on affinity merchandise including jewelry, such evidence of third party use of similar marks "should not have come as a surprise because it is common practice to introduce third-party use to demonstrate that a mark is weak and , therefore, entitled to only a narrow scope of protection." *Mfrs Technical Insts, Inc. v. Pinnacle Coll., LLC*, 2013 TTAB LEXIS 478, at *6 (TTAB, Sept. 4, 2013). But that is not even what we are here dealing with, this is not a situation where undisclosed evidence of third-party use was first disclosed at trial, the information Omega here seeks to exclude was brought to its attention back in 2010, again brought up thereafter including formal inclusion in our Initial Disclosures.

This is not a situation where neither the witness nor the documents were identified until our pre-trial disclosures, but even if it were, Omega would have been hard-pressed to claim prejudicial surprise.

[A]pplicant's attempt to present evidence of third-party use... should not have come as a surprise because it is common practice to introduce third-party use to demonstrate that a mark is weak and, therefore, entitled to only a narrow scope of protection. The documents. . . were equally accessible to opposer, i.e., they were publicly available via the internet. Finally, opposer had thirty days between the close of applicant's testimony period and the opening of its rebuttal period to prepare any rebuttal against the evidence of third-party use. Accordingly, opposer's objection to the Fuchs' testimony deposition exhibits on the basis that the documents were not previously produced in response to opposer's discovery requests is overruled.

Mfrs. Tech. Insts., Inc. v. Pinnacle College, LLC, 2013 TTAB LEXIS 478, 6-7 (TTAB

Sept. 4, 2013) quoting *Rocket Trademark Pty Ltd. V. Phard S.p.A.*, 98 USPQ2d 1066, 1071-72 (TTAB 2011).

The case law relied upon by Omega in support of its effort to avoid the truth is inapplicable on its face. *Hunter Indus. v. Toro Co.*, 110 USPQ2d 1651, (TTAB 2014), the untimely exhibits, requested in discovery, were not produced until “during applicant’s testimony period.” Quite to the contrary here, many of the documents were produced with the 2010 cover letter to our Answers (Defendant’s Exhibit 5) and the remaining few were identified in our Initial disclosures. As for the Declarant’s they too were identified in our Initial Disclosures, and the Declarations were produced, the day prepared and signed, prior to any of the testimony periods, unlike the situation in *Great Seats Inc. v. Great Seats Ltd.*, 100 USPQ2d 1323 (TTAB 2011). In *Great Seats*, one of the trial witnesses was not identified by Opposer until its pretrial disclosures, and an additional 26 previously undisclosed trial witnesses were not identified until months later in amended and supplemental pretrial disclosures. *Id.* at 1325. Even there, the Board only precluded the testimony of the 26 witnesses never disclosed until the amended and supplemental pretrial disclosures, but allowed Opposer to go forward with the witness never disclosed until the pretrial disclosures. *Id.* at 1328.

Unlike *Hunter Indus.* and *Great Seats*, here we are not dealing with a situation where witnesses and exhibits was not disclosed until a party’s pre-trial disclosure (or later), here the truths Omega seeks hide were disclosed *prior to even the commencement of discovery* through correspondence dated December 27, 2010, (Defendant’s Exhibit 5), correspondence dated May 5, 2011, (Defendant’s Exhibit 6), and formally in our Initial Disclosures, (Defendant’s Exhibit 7).

For Omega to claim surprise simply because persons with knowledgeable information were not *re-identified* in response to an interrogatory inquiry about which witnesses we may have decided to present at trial misses the point. Omega cannot candidly claim surprise.

In identifying individuals through initial disclosures, a party need not identify all those that may be called at trial as potential "trial witnesses," and instead must identify any trial witnesses through pretrial disclosures. However, because individuals identified through initial disclosures have knowledge that the disclosing party may use to support its claims or defenses, the *persons identified in initial disclosures may reasonably be viewed as possible trial witnesses*.

Spier Wines (PTY) Ltd. v. Shepher, 2012 TTAB LEXIS 218, 8-9 (Trademark Trial & App. Bd. June 12, 2012) (quoting *Jules Jurgensen/Rhapsody, Inc. v. Baumberger*, 91 USPQ2d 1443, 1443 n.1 (TTAB 2009)) (emphasis added).

This is not a case of failure to supplement, or prejudicially late supplementation. There is no "obligation to provide supplemental or corrective information that has been otherwise made known to the parties in writing or during the discovery process. Fed. R. Civ. P. 26(a)(1)(A)(i); *see also Galaxy Metal Gear, Inc. v. Direct Access Technology, Inc.*, 91 USPQ2d 1859, 1861 (TTAB 2009) and TBMP § 414 (7) (same). "There is no *real* surprise for applicant to cure." *Sheetz of Dela., Inc., v. Doctor's Assocs. Inc.*, 2013 TTAB LEXIS 468, at *10.

Omega propounded 53 request for Production, 22 Request for Admissions, and 29 interrogatories. For some reason though, none of those discovery requests specifically addressed the key defenses brought to Omega's attention in the cover letter with our Answers, later correspondence, and in our Initial Disclosures. Although we cannot fathom the strategic reason, short of a refusal to recognize reality, for some reason Omega never saw the need to propound any discovery requests specifically directed to investigating the information so many times brought to it attention. Dan Shaver and the other Declarant's were formally brought to Omega's

attention in our initial disclosures. The link to the website of the jeweler specializing in fraternity and sorority jewelry from which many of the attachments to the Declarations were taken was provided to Omega's counsel back December 27, 2010, (Defendant's Exhibit 5), along with an assortment of other representative point of purchase displays showing fraternity and sorority merchandise. "There is no *real* surprise for applicant to cure." *Sheetz of Dela., Inc.*, 2013 TTAB LEXIS 468, at *10

None of the 104 discovery requests propounded by Omega specifically address the information Omega now seeks to exclude. Perhaps the closest general request is the invalid and properly objected to Request for Production No. 42 which requested "all documents that applicant contends are relevant to this proceeding." Such a request is properly objectionable as vague and overbroad in violation of the rule that a Request for Production "must describe with *reasonable particularity*" what is sought. *See* Fed. R. Civ. P. 34(b)(1)(A). Indeed, as the Board itself notes, such an overly broad request "may be disregarded." *Kegan v. Lane*, 1998 TTAB LEXIS 276 at *3 (TTAB, Apr. 15, 1998) ("document request which requires applicant to produce documents 'relevant to our interrogatory requests or to our admissions requests' is overbroad and vague and may be disregarded").

None of the other discovery request in the pending motion have anything at all to do with the Declarations Omega wrongly seeks to exclude through feigned cries of "prejudicial surprise." There is no "obligation to provide supplemental or corrective information that has been otherwise made known to the parties in writing or during the discovery process. Fed. R. Civ. P. 26(a)(1)(A)(i); *see also Galaxy Metal Gear, Inc. v. Direct Access Technology, Inc.*, 91 USPQ2d 1859, 1861 (TTAB 2009) and TBMP § 414 (7) (same). The remaining requests were appropriately responded to; there is no basis to compel anything further. Note the following:

- Request No. 1 sought documents relating to the “first use” of Applicant’s marks.

We produced documents AL002-005 (see attached) evidencing jewelry designs adopted by Applicant in 1925 bearing the Greek letters. ΑΦΩ. We have nothing further referencing the “first use” of the marks. There is nothing to compel.

- Request No. 35 sought documents “applicant intends to offer into evidence.”

Although Applicant’s pretrial disclosures are not yet due, no decision has yet been made to introduce anything other than what has already been produced or identified. There is no “obligation to provide supplemental or corrective information that has been otherwise made known to the parties in writing or during the discovery process. Fed R. Civ. P. 26(a)(1)(A)(i); *see also Galaxy Metal Gear*, 91 USPQ2d at 1861. *See also* TBMP § 414 (7).

- Request No. 36 seeks “documents” identifying persons Applicant intends to call

to testify. Although Applicant’s pretrial disclosures are not yet due, no decision has yet been made to call any witnesses other than those already identified. There is no “obligation to provide supplemental or corrective information that has been otherwise made known to the parties in writing or during the discovery process. Fed R. Civ. P. 26(a)(1)(A)(i); *see also Galaxy Metal Gear*, 91 USPQ2d at 1861. *See also* TBMP § 414 (7).

- Request No. 42 seeks production of “any” relevant information. As discussed

above, this request was properly objected to; the request is invalid on its face. *Kegan*, 1998 TTAB LEXIS 276 at *3 (“document request which requires applicant to produce documents ‘relevant to our interrogatory requests or to our admissions requests’ is overbroad and vague and may be disregarded”).

- Request No. 44 seeks documents relating to the first use of Applicant’s marks on

jewelry. Applicant properly responded to this request. See comments above re Request No. 1.

- Request Nos. 45 and 47 seek documents relating to the first use of Applicant's marks on watches. Applicant admits that it has used its marks on watches, and has produced license agreements and point of purchase displays relating to same, but otherwise objects to these requests as neither relevant, not calculated to lead to the discover of any relevant evidence. Neither of the applications in issue seek registration in relation to watches. Opposer claims it is pertinent though for them to discover whether the marks are also used with watches. We have acknowledged they are and have produced that information. It is not possible though to locate documents relating to the "*first use*" on watches, or the "decision " to reproduce the marks on watches. Applicant has been in existence for nearly 90 years and does not have any known access to any records relating to same.

- Request No. 46 seeks documents relating to the first use of Applicant's marks on clothing. As discussed just above, It is not possible to locate documents relating to the "**first use**" on clothing. Applicant has been in existence for nearly 90 years and does not have any known access to any records relating to same.

- Request No. 56 seeks "all documents" reflecting the yearly revenues Applicant has received relating to merchandising its marks dating back to 1925. We objected to this request as overly burdensome, harassing and neither relevant, nor calculated to lead to the discovery of any relevant evidence. Further, we have advised Opposer's counsel that applicant does not have any known access to any records relating to such records dating all the way back to 1925. We are not here dealing with descriptive marks. There is no need for Applicant to show any acquired distinctiveness of it marks. The extent of Applicant's merchandising dating back to 1925 is of no pertinence to the issues of this case. Further the request relates to that simply are not that type a non-profit fraternity should reasonably be expected to retain. Regardless, by earlier agreement

with Opposer's counsel, *we did produce* compilations providing this information for the past five years. We stand by any assurance we may have made to Opposer's counsel we consider this information irrelevant; it certainly is not something they should fear we will present at trial. Especially considering the impertinence of this information to the actual issues in these oppositions, we stand by our objections.

CONCLUSION

All of the information Opposer seeks to exclude was disclosed through correspondence dated December 27, 2010, (Defendant's Exhibit 5), correspondence dated May 5, 2011, (Defendant's Exhibit 6), and formally in our Initial Disclosures, (Defendant's Exhibit 7).

This is not a case of failure to supplement, or prejudicially late supplementation. There is no "obligation to provide supplemental or corrective information that has been otherwise made known to the parties in writing or during the discovery process. Fed R. Civ. P. 26(a)(1)(A)(i); *see also Galaxy Metal Gear*, , 91 USPQ2d at 1861; *see also* TBMP § 414 (7). "There is no *real* surprise for applicant to cure." *Sheetz of Dela., Inc.*, 2013 TTAB LEXIS 468, at *10.

Alpha Phi Omega properly responded to Opposer's discovery requests. There is no basis for a motion to preclude evidence or to compel discovery. ACCORDINGLY, the motion should be denied.

Respectfully requested,

/jackawheat/

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

Counsel for Alpha Phi Omega

CERTIFICATE OF SERVICE AND ELECTRONIC SUBMISSION

I hereby certify that a true copy of this item, ALPHA PHI OMEGA'S OPPOSITION TO MOTION TO PRECLUDE EVIDENCE AND TO COMPEL DISCOVERY 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 18th day of August, 2014, 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

/jackawheat/

Jack A. Wheat

AL169:00AL1:990639:1:LOUISVILLE

400 West Market Street
Suite 1800
Louisville, KY 40202-3352
(502) 587-3400
(502) 587-6391 Fax
www.stites.com

December 27, 2010

Jack A. Wheat
(502) 681-0323
(502) 779-8273 FAX
jwheat@stites.com

Jess M. Collen
Oren Gelber
COLLEN IP
The Holyoke-Manhattan Building
80 South Highland Ave
Ossining, NY 10562

RE: Alpha Phi Omega/Omega SA Oppositions
C/M Code: AL169/00AL1

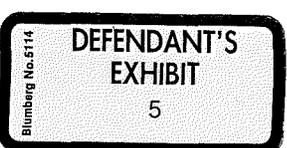
Dear Mr. Collen and Ms. Gelber:

Enclosed you will find Alpha Phi Omega's Answers to your client's, Omega SA, Notices of Opposition, specifically Opposition Nos. 91197504 and 91197505.

Our client, Alpha Phi Omega, is a Greek letter collegiate fraternal organization. We do not believe the Oppositions are necessary, and we are hopeful that when you consider the market realities you will agree that the use by Alpha Phi Omega of its insignia on fraternal merchandise does not present any dilution of or likelihood of confusion with your client's trademarks.

We assume you understand that there are numerous Greek letter collegiate fraternal organizations, and that each one typically uses a combination of two to three Greek alphabet letters as its name. Many of these utilize the Greek alphabet letter "Omega" in their name. Perhaps you were unaware that there is a well-established niche market through which Greek letter collegiate fraternal organizations make available for purchase by their members various affinity products, including clothing, badges, jewelry and so forth containing their Greek names and letters, including various of those organizations that use the Greek alphabet letter "Omega" in their name.

Our brief research reveals an extensive amount of third-party use of the Greek letter "Omega" by Greek organizations. For example, the website of just one Greek jewelry vendor, <http://www.higreek.com/index.cfm?event=Products.showOrganizations>, displays jewelry for six Greek organizations which include the word "Omega," namely, Alpha Chi Omega, Alpha Omega Epsilon, Alpha Phi Omega, Alpha Tau Omega, Chi Omega and Omega Tau Sigma. Printouts for each of these organizations prominently displaying clothing and jewelry with the word "Omega" are enclosed for your review. It is worth noting that at least two of these, Alpha Chi Omega and Alpha Tau Omega, founded respectively in 1885 and 1865, predate your client. Further, a simple online Google search reveals an additional *four* Greek organizations which



Jess M. Collen
December 27, 2010
Page 2

include the word "Omega," namely, Omega Psi Phi, Alpha Omega Theta, Alpha Nu Omega and Gamma Phi Omega. Enclosures demonstrating advertisement of clothing and jewelry bearing these organizations' names are also attached for your review. Given the widespread use within the Greek community of the Greek letter "Omega" in connection with clothing and jewelry, we hope you will agree that the pending oppositions are not good candidates for successful dilution claims.

Further, Greek merchandise is purchased by sophisticated consumers in a very narrow niche channel of trade, namely, channels of trade featuring fraternity and sorority merchandise, markets uniquely directed to members of collegiate fraternities and sororities, and tightly controlled by a licensing official (Affinity Marketing Consultants, *see* <http://www.greeklicensing.com/about.asp>).

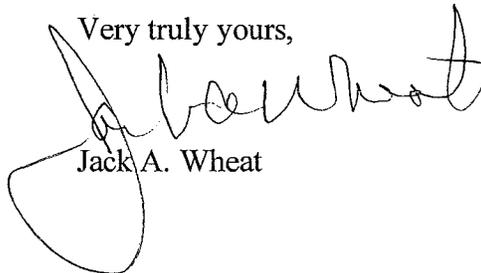
The target customers for Alpha Phi Omega merchandise, namely members of Alpha Phi Omega, are not at all likely to assume that clothing or jewelry bearing their organization's name or insignia is affiliated with your client. Joining a fraternity or sorority is not an impulsive spur of the moment decision. To join a collegiate fraternal organizations like Alpha Phi Omega, an individual must first identify the organization and express his or her interest therein. Then, the organizations must invite the individual to join. Finally, the individual is initiated into the organization and is required to fulfill certain obligations to maintain his or her membership status. These obligations often include paying dues and participating in events. Clearly, this process, and a member's continuing involvement in the organization, makes that member a sophisticated purchaser. Therefore, both the intimate familiarity created through membership and the narrow and tightly controlled channels of trade serve to preclude any confusion between Alpha Phi Omega and your client.

The simple solution is to amend our client's recitation of goods to note that the goods are "purchased by and for members of the Alpha Phi Omega collegiate fraternity through authorized vendors featuring fraternity and sorority affinity merchandise." We are willing to propose this solution to our client if you think it is workable.

We look forward to hearing from you.

Jess M. Collen
December 27, 2010
Page 3

Very truly yours,

A handwritten signature in black ink, appearing to read "Jack A. Wheat". The signature is written in a cursive style with a large, sweeping initial "J".

Jack A. Wheat

cc: Alpha Phi Omega (w/encls.)

AL169:00AL1:815483:1:LOUISVILLE



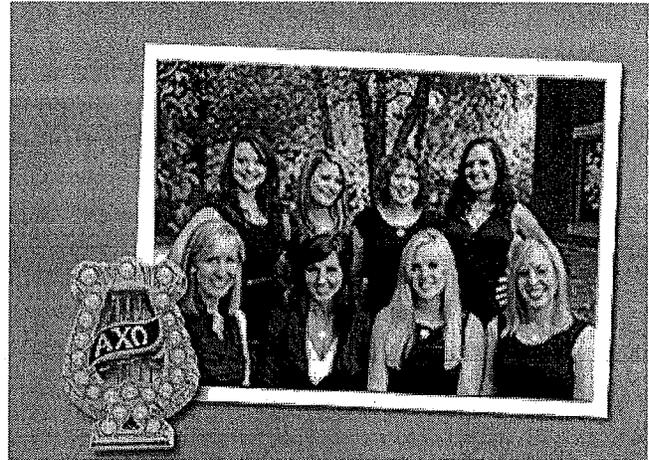
Home Shop Brochure About FAQs Contact Us Your Cart

Alpha Chi Omega Online Store

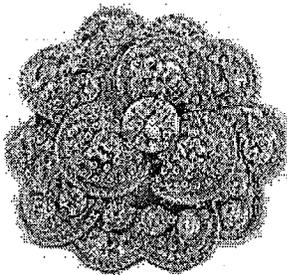
Search Alpha Chi Omega Products:

[Catalog](#) » Alpha Chi Omega

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!

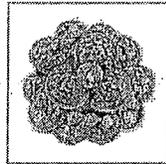


Featured Product

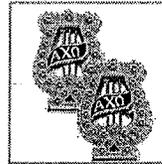


Carnation Brooch
Sterling silver and cubic zirconia.

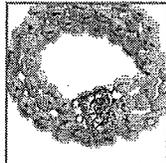
Products



Accessories



Badges & Pins



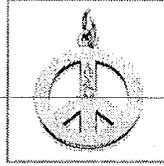
Bracelets



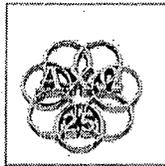
Earrings & Necklaces



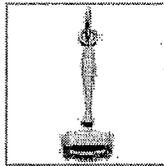
Guards



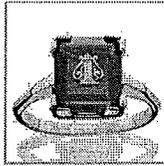
Lavalieres & Charms



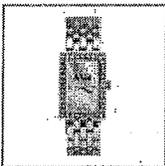
Milestone Pieces



Officer Dangles



Rings



Watches

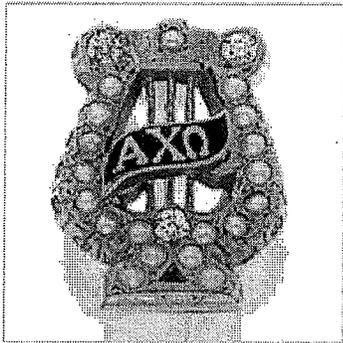
[Privacy Notice](#) | © Herff Jones Inc., 2010. All rights reserved.



[Home](#) [Shop](#) [Brochure](#) [About](#) [FAQs](#) [Contact Us](#) [Your Cart](#)

Alpha Chi Omega Online Store

[Catalog](#) » [Alpha Chi Omega](#) » [Badges & Pins](#) » [Crown Pearl Badge with 3 Diamonds](#)



Crown Pearl Badge with 3 Diamonds J70010117

5/8" h. x 1/2" w.

This product is not available to purchase online.

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

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

[Privacy Notice](#) | © Herff Jones Inc., 2010. All rights reserved.

Daily Deal Bar Save 20% For The Rest Of The Year! Coupon "Save20Now" @ Checkout. Follow Daily Deals

greek R.COM

Items in Cart: 0 Subtotal: \$0.00

VIEW CART CHECKOUT

About Us | Customer Service | Track Order | Wish List | Design Your Own | My Account **SHOPPING CART**

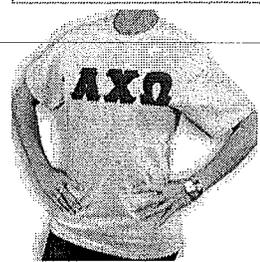
YOUR GREEK SUPERSTORE! call us toll free Mon.-Fri. 8am-5pm
866.GREEKGear (866.473.3543)

Keywords or Item #s **DESIGN YOUR OWN GREEK GEAR** **FAST SHIP GUARANTEE**

HOME: ALPHA CHI OMEGA MERCHANDISE & GIFTS · ALPHA CHI OMEGA LETTERED SHIRTS

-Select Sorority- -Select Fraternity-

IMAGE VIEW



CLICK TO ENLARGE

Alpha Chi Omega Lettered Shirts
IHO-Alpha IHO-Chi Omega Lettered Shirts
[Rate and Review this Item](#)
Our Price: \$21.95
As Low As: \$13.50

Apparel:

Apparel Color:

Foreground Letters:

Background Letters:

Production Time:

Quantity:

ADD TO CART

Save 20% Now! Coupon "Save20Now"

Sign Up to see what your friends like.

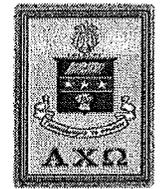
QUANTITY DISCOUNTS AVAILABLE!

1 - 4	5 - 11	12 - 23	24 - 47	48 - 59	60 - 97	98 +
\$21.95 ea.	\$19.95 ea.	\$17.50 ea.	\$17.00 ea.	\$16.00 ea.	\$15.00 ea.	\$13.50 ea.

ITEM DESCRIPTION **CUSTOMER REVIEWS** **SIZING & COLOR INFO** **GREEK GEAR RECOMMENDS**

The "Classic" Alpha Delta Pi sorority lettered T-Shirt. This Greek Tee is a must for every Alpha Della.Pi on campus! 100% heavyweight cotton T-shirts.. Our T-Shirts are "unisex" - Geared more towards men so order size accordingly. [View Color Swatches](#)

[View new patterned twill](#)
[Production Times And Policies](#)



Alpha Chi Omega Afghan Blanket Throw
Reg. Price: \$53.95
Sale Price: \$49.95



Alpha Chi Omega Sweatshirts Hoodie
As Low As: \$37.00

Email Address

**SUPER
CLOSEOUTS**

BUYER'S GUIDE
Great info on designing
perfect sweatshirts to super
Greek fundraising ideas.

**Open A Free
Account &
SAVE**

WISH LIST
▶ CLICK TO GET STARTED

**DESIGN
YOUR OWN**
T-SHIRTS, SWEATSHIRTS,
GLASSWARE, PADDLES
& MORE!



CLICK HERE



Alpha Chi Omega Lettered
Shirts
As Low As: \$13.50
[VIEW DETAILS](#)



**CAMPUS
REPS**
Earn Cash &
Marketing Skills.
SIGN UP TODAY!



Partner with Us
Become a part of our affiliate
program to help market Greek Gear and
your company in a positive way.
CLICK HERE FOR MORE INFO ▶

Shop **t-shirt
hub** FUNNY
Cheap
Graphic
Tees!

 **JOIN US ON FACEBOOK**
CLICK HERE ▶

 **FOLLOW US ON TWITTER**
CLICK HERE ▶

WINNERS! ADD GREEK GEAR TO YOUR SITE & GET A \$10 GIFT CERTIFICATE



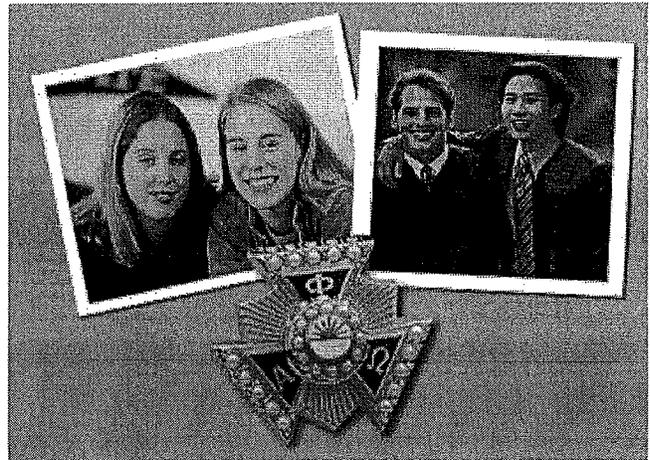
Home Shop Brochure About FAQs Contact Us Your Cart

Alpha Phi Omega Online Store

Search Alpha Phi Omega Products:

Catalog » Alpha Phi Omega

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!

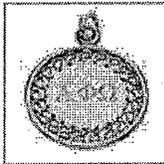


Featured Product

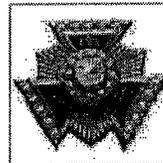


Small Round Filigree Charm with Engraving
3/4" Diameter.

Products



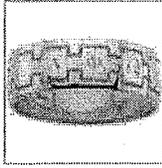
Accessories



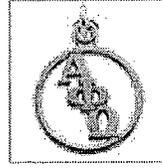
Official Jewelry



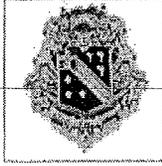
Officer Dangles



Rings



Charms



Lapel /
Recognition
Pins

[Privacy Notice](#) | © Herff Jones Inc., 2010. All rights reserved.



[Home](#) [Shop](#) [Brochure](#) [About](#) [FAQs](#) [Contact Us](#) [Your Cart](#)

Alpha Phi Omega Online Store

[Catalog](#) » [Alpha Phi Omega](#) » [Accessories](#) » [Small Round Filigree Charm with Engraving](#)



Small Round Filigree Charm with Engraving J71040419E

3/4" Diameter.

Select Material:

[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

[Privacy Notice](#) | © Herff Jones Inc., 2010. All rights reserved.

Daily Deal Bar Save 20% For The Rest Of The Year! Coupon "Save20Now" @ Checkout. Follow Daily Deals

greek Items in Cart: 0 Subtotal: \$0.00 [VIEW CART](#) [CHECKOUT](#) [R.COM](#)

About Us | Customer Service | Track Order | Wish List | Design Your Own | My Account **SHOPPING CART**

YOUR GREEK SUPERSTORE! call us toll free Mon.-Fri. 9am-5pm
866.GREEKGEAR (866.473.3543)

Keywords or Item #s **SEARCH** **DESIGN YOUR OWN GREEK GEAR** **FAST SHIP GUARANTEE** [CLICK HERE](#)

--Select Sorority-- --Select Fraternity--

HOME > SHOP BY FRATERNITY > ALPHA PHI OMEGA MERCHANDISE & GIFTS > ALPHA PHI OMEGA LINE HAT

IMAGE VIEW



[CLICK TO ENLARGE](#) [EMAIL TO A FRIEND](#)

[BOOKMARK](#) [SHARE THIS ITEM ON FACEBOOK](#) [ADD TO WISH LIST](#) [ADD TO FAVORITES](#)

Like Sign up to see what your friends like.

Alpha Phi Omega Line Hat
 IHO-Alpha Phi Omega Line Hat
[Rate and Review this Item](#)
Our Price: \$18.95
 As Low As: \$10.00

Hat Color: Choose

Line Color: Choose

Text Color: Choose

Text Below Bar:

Production Time: Produced in 1 working Day (+10.00)

Quantity: 1

ADD TO CART

Save 20% Now! Coupon "Save20Now"

QUANTITY DISCOUNTS AVAILABLE!

1+	2 - 5	6 - 11	12 - 23	24 +
\$18.95 ea.	\$17.00 ea.	\$13.00 ea.	\$12.00 ea.	\$10.00 ea.

ITEM DESCRIPTION | **CUSTOMER REVIEWS** | **SIZING & COLOR INFO** | **GREEK GEAR RECOMMENDS**

Now you can customize your own Alpha Phi Omega fraternity hats! These Alpha Phi Omega fraternity hats are the best quality, low profile hats available! They are made from durable 100% cotton with a low profile, comfortable fit and adjustable closing band! Order more and save!

[View Thread Colors](#)

Get optional embroidery on back [by clicking here!](#)

[Click here to see other Alpha Phi Omega hats & Caps](#)

[Production Times And Policies](#)




Alpha Phi Omega Afghan Blanket Throw
 Reg. Price: \$53.95
Sale Price: \$49.95
[VIEW DETAILS](#)


Alpha Phi Omega
 Our Price: \$28.95
[VIEW DETAILS](#)


Alpha Phi Omega Line Hat
 As Low As: \$10.00
[VIEW DETAILS](#)

Email Address

SUBMIT

**SUPER
CLOSEOUTS**

BUYERS GUIDE
Great info on designing
perfect sweatshirts to save
Greek fundraising ideas.

**Open A Free
Account &
SAVE**

WISH LIST
▶ **CLICK TO GET STARTED**

**DESIGN
YOUR OWN**
T-SHIRTS, SWEATSHIRTS,
GLASSWARE, PADDLES
& MORE!

**CLICK
HERE**



**CAMPUS
REPS**
Earn Cash &
Marketing Skills.
SIGN UP TODAY!

Partner with Us
Become a part of our affiliate
program to help market Greek Gear and
your company in a positive way.
CLICK HERE FOR MORE INFO

**Shop
t-shirt
hub** **FUNNY
Greek
Graphic
Tees!**

f JOIN US ON FACEBOOK
CLICK HERE ▶

t FOLLOW US ON TWITTER
CLICK HERE ▶

earn cash! **ADD GREEK GEAR TO YOUR SITE & GET A \$10 GIFT CERTIFICATE**

Fraternity | Sorority | Resources | Affiliate | Customer Service | Wholesale | Gift Cards
Copyright 2010 Greekgear All Rights Reserved View Our [Site Map](#)



Home Shop Brochure About FAQs Contact Us Your Cart

Alpha Tau Omega Online Store

Search Alpha Tau Omega Products:

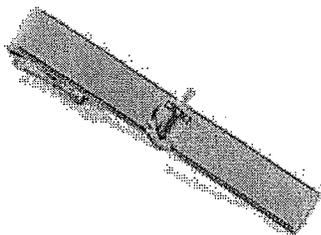
Go

[Catalog](#) » Alpha Tau Omega

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!

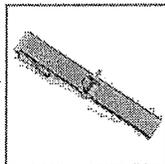


Featured Product

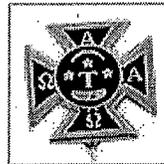


Tie Bar
Tie bar mounted with Alpha Tau Omega enameled crest in Gold Filled. 2" x 1/4"

Products



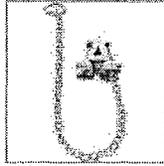
Accessories



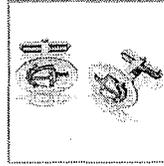
Sweetheart Jewelry / Gifts



Official Badges



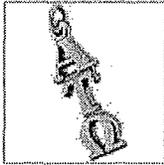
Chapter Guards



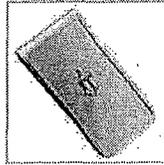
Cufflinks



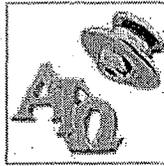
Officer Dangles



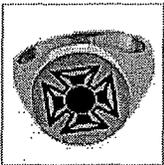
Lavaliere &
Pendants



Money Clip



Lapel /
Recognition
Pins



Rings

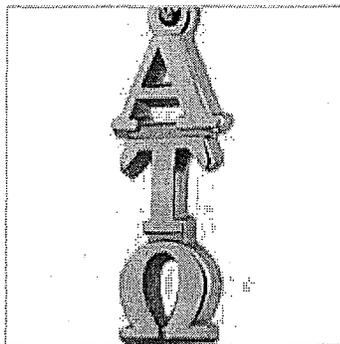
[Privacy Notice](#) | © Herff Jones Inc., 2010. All rights reserved.



[Home](#) [Shop](#) [Brochure](#) [About](#) [FAQs](#) [Contact Us](#) [Your Cart](#)

Alpha Tau Omega Online Store

[Catalog](#) » [Alpha Tau Omega](#) » [Lavalieres & Pendants](#) » [Traditional Lavalier](#)



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:

[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

[Privacy Notice](#) | © Herff Jones Inc., 2010. All rights reserved.

Daily Deal Bar

Save 20% For The Rest Of The Year! Coupon "Save20Now" @ Checkout. Follow Daily Deals



About Us | Customer Service | Track Order | Wish List | Design Your Own | My Account

SHOPPING CART

YOUR GREEK SUPERSTORE!
FEATURING A HUGE SELECTION OF GREEK APPAREL & GIFTS

call us toll free Mon.-Fri. 9am-5pm
866.GREEKGEAR
(866.473.3543)

Keywords or Item #s

SEARCH

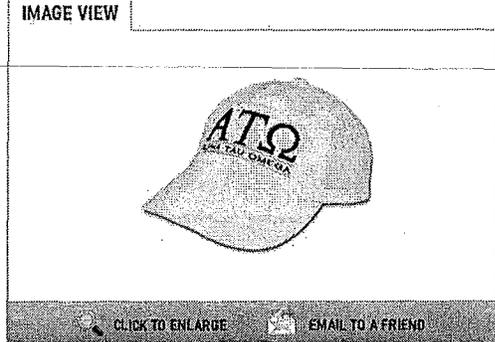
DESIGN YOUR OWN GREEK GEAR

FAST SHIP GUARANTEE
CLICK HERE

--Select Sorority--

--Select Fraternity--

HOME : ALPHA TAU OMEGA MERCHANDISE & GIFTS : ALPHA TAU OMEGA CLOTHING : ALPHA TAU OMEGA LINE HAT



Alpha Tau Omega Line Hat

IHO-Alpha Tau Omega Line Hat

[Rate and Review this Item](#)

Our Price: \$18.95

As Low As: \$10.00

Hat Color:

Line Color:

Text Color:

Text Below Bar:

Production Time:

Quantity:

ADD TO CART

Save 20% Now!
Coupon "Save20Now"

BOOKMARK, SHARE THIS ITEM ON FACEBOOK, ADD TO WISH LIST, ADD TO FAVORITES

Like Sign Up to see what your friends like.

QUANTITY DISCOUNTS AVAILABLE!

1+	2 - 5	6 - 11	12 - 23	24 +
\$18.95 ea.	\$17.00 ea.	\$13.00 ea.	\$12.00 ea.	\$10.00 ea.

ITEM DESCRIPTION | CUSTOMER REVIEWS | SIZING & COLOR INFO | GREEK GEAR RECOMMENDS

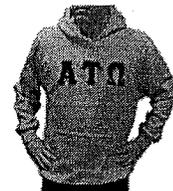
Now you can customize your own Alpha Tau Omega fraternity hats! These Alpha Tau Omega fraternity hats are the best quality, low profile hats available! They are made from durable 100% cotton with a low profile, comfortable fit and adjustable closing band! Order more and save!

View Thread Colors

Get optional embroidery on back by [clicking here!](#)

[Click here to see other Alpha Tau Omega hats & Caps](#)

[Production Times And Policies](#)



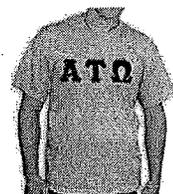
Alpha Tau Omega Sweatshirts Hoodie
Reg. Price: \$58.95
Sale Price: \$53.95

[VIEW DETAILS](#)



Alpha Tau Omega Line Hat
As Low As: \$10.00

[VIEW DETAILS](#)



Alpha Tau Omega Lettered T-Shirt
As Low As: \$13.50

Email Address

SUBMIT

SUPER GLOSEOUTS

[VIEW DETAILS](#)

BUYERS GUIDE
Great info on designing perfect sweatshirts to super Greek fundraising ideas.

Open A Free Account & SAVE

WISH LIST
CLICK TO GET STARTED

DESIGN YOUR OWN
TSHIRTS, SWEATSHIRTS, GLASSWARE, PADDLES & MORE!



[CLICK HERE](#)



CAMPUS REPS
Earn Cash & Marketing Skills.
SIGN UP TODAY!



Partner with Us
Become a part of our affiliate program to help market Greek Gear and your company in a positive way.
[CLICK HERE FOR MORE INFO](#)

t-shirt hub
FUNNY Greek Graphic Tees!

[JOIN US ON FACEBOOK](#)
CLICK HERE >

[FOLLOW US ON TWITTER](#)
CLICK HERE >

EARN CASH! ADD GREEK GEAR TO YOUR SITE & GET A \$10 GIFT CERTIFICATE



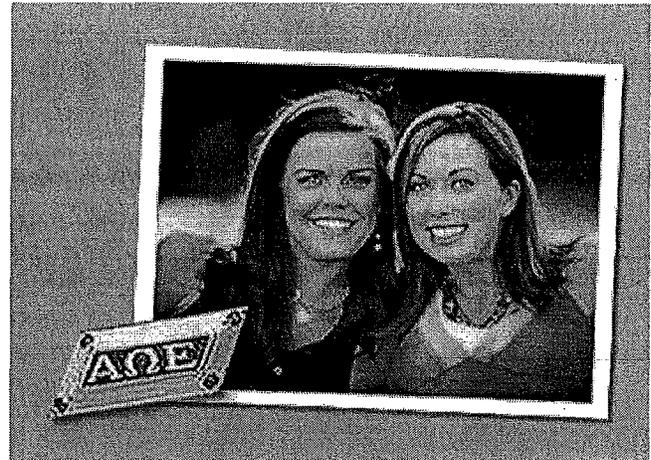
Home Shop Brochure About FAQs Contact Us Your Cart

Alpha Omega Epsilon Online Store

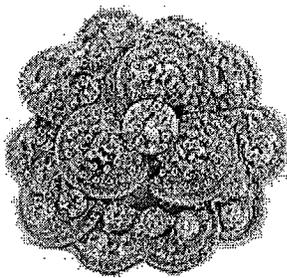
Search Alpha Omega Epsilon Products:

[Catalog](#) » Alpha Omega Epsilon

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!

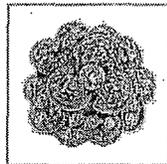


Featured Product

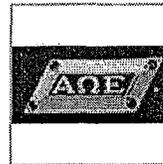


Carnation Brooch
Sterling silver and cubic zirconia.

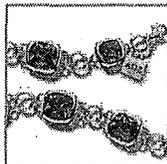
Products



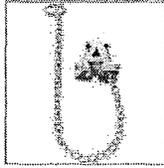
Accessories



Badges & Guards



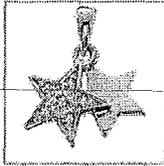
Bracelets



Chapter Guards



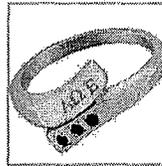
Dangles



Lavalieres & Charms



Pins & Buttons



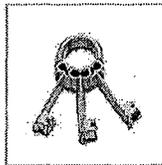
Rings



President Committees



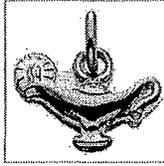
Vice President Committees



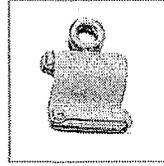
Treasurer Committees



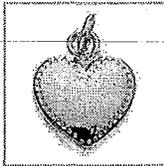
Secretary Committees



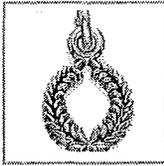
Interchapter
Relations
Committees



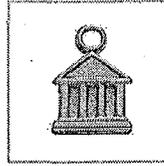
Director of
Publications
Committees



Alumnae
Relations Officer
Committees



Director of
Expansion
Committees



Chapter
Committees



Foundation



Necklaces

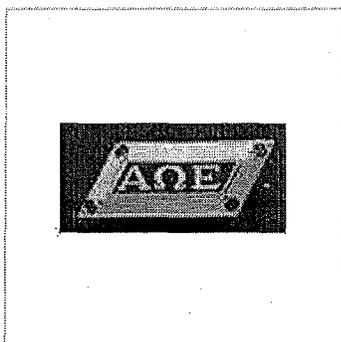
[Privacy Notice](#) | © Herff Jones Inc., 2010. All rights reserved.



[Home](#) [Shop](#) [Brochure](#) [About](#) [FAQs](#) [Contact Us](#) [Your Cart](#)

Alpha Omega Epsilon Online Store

[Catalog](#) » [Alpha Omega Epsilon](#) » [Badges & Guards](#) » [Plain Badge w/4 *Sapphires](#)



Plain Badge w/4 *Sapphires J70390101

*Sapphires are synthetic. 3/4" W x 5/16"
H.

Select Material:

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

[Privacy Notice](#) | © Herff Jones Inc., 2010. All rights reserved.



Home Shop Brochure About FAQs Contact Us Your Cart

Chi Omega Online Store

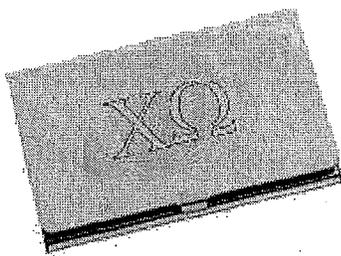
Search Chi Omega Products:

[Catalog](#) » Chi Omega

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!

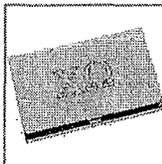


Featured Product



Business Card Case with Chi Omega Engraved
2 1/2" X 3 5/8"

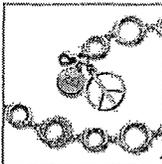
Products



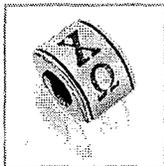
Accessories



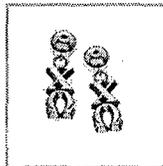
Badges & Guards



Bracelets



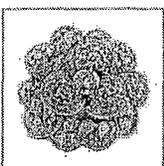
Charms



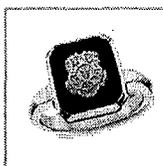
Earrings



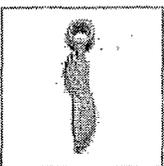
Necklaces



Pins



Rings



Dangles

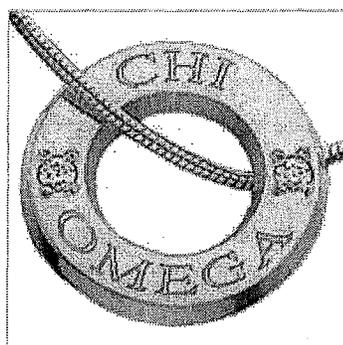
[Privacy Notice](#) | © Herff Jones Inc., 2010. All rights reserved.



Home Shop Brochure About FAQs Contact Us Your Cart

Chi Omega Online Store

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



Eternity Necklace J70133883CZ OR RUBY

18" L. Chain. Your choice of rubies or cz's. 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.

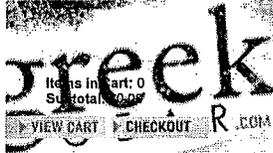
Custom-made products are not returnable; this includes all rings and any other non-stock jewelry items. Customer is responsible for any postal or shipping charges incurred in returning the product to the Greek Division of Herff Jones

[Privacy Notice](#) | © Herff Jones Inc., 2010. All rights reserved.

Daily Deal Bar

Save 20% For The Rest Of The Year! Coupon "Save20Now" @ Checkout.

Follow Daily Deals



About Us | Customer Service | Track Order | Wish List | Design Your Own | My Account

SHOPPING CART

YOUR GREEK SUPERSTORE!
FEATURING A HUGE SELECTION OF GREEK APPAREL & GIFTS

call us toll free Mon.-Fri. 8am-5pm
866.GREEKGEAR
(866.473.3543)

Keywords or Item #s

SEARCH

DESIGN YOUR OWN GREEK GEAR

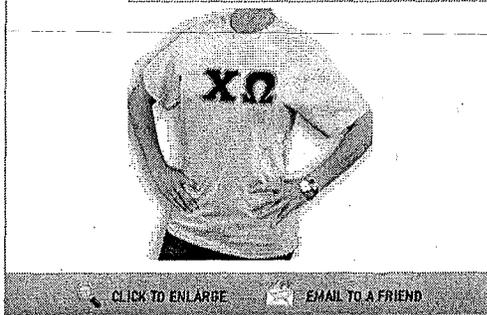
FAST SHIP GUARANTEE
CLICK HERE

--Select Sorority--

--Select Fraternity--

HOME : CHI OMEGA MERCHANDISE & GIFTS : CHI OMEGA LETTERED SHIRTS

IMAGE VIEW



CLICK TO ENLARGE

EMAIL TO A FRIEND



SHARE THIS ITEM ON FACEBOOK

ADD TO WISH LIST

ADD TO FAVORITES

Like

Sign Up to see what your friends like.

Chi Omega Lettered Shirts

IHO-Chi Omega Lettered Shirts

(2 reviews)

Our Price: \$21.95

As Low As: \$13.50

Apparel:

Size

Apparel Color:

Choose

Foreground Letters:

Choose

Background Letters:

None

Production Time:

Produced in 5 working days(+10.00)

Quantity:

1

SEE IT BEFORE YOU BUY! CLICK HERE

ADD TO CART



Save 20% Now!
Coupon "Save20Now"

QUANTITY DISCOUNTS AVAILABLE!

1 - 4	5 - 11	12 - 23	24 - 47	48 - 59	60 - 97	98 +
\$21.95 ea.	\$19.95 ea.	\$17.50 ea.	\$17.00 ea.	\$16.00 ea.	\$16.00 ea.	\$13.50 ea.

ITEM DESCRIPTION | CUSTOMER REVIEWS | SIZING & COLOR INFO | GREEK GEAR RECOMMENDS

The "Classic" Chi Omega sorority lettered T-Shirt. This Greek Tee is a must for every Chi Omega on campus! 100% heavyweight cotton T-shirts.. Our T-Shirts are "unisex" - Geared more towards men so order size accordingly. [View Color Swatches](#)

[View new patterned twill](#)

[Production Times And Policies](#)



Chi Omega T-Shirts & Tees

VIEW DETAILS



Chi Omega Line Hat

Our Price: \$18.95

VIEW DETAILS



Chi Omega Sweatshirts Hoodie

As Low As: \$37.00

VIEW DETAILS

Email Address

SUBMIT

**SUPER
CLOSEOUTS**

BUYERS GUIDE
Great info on designing
perfect sweatshirts to super
Greek fundraising ideas.

**Open A Free
Account &
SAVE**

WISH LIST
▶ **CLICK TO GET STARTED**

**DESIGN
YOUR OWN**
T-SHIRTS, SWEATSHIRTS,
GLASSWARE, PADDLES
& MORE!

**CLICK
HERE**



**CAMPUS
REPS**
Earn Cash &
Marketing Skills.
SIGN UP TODAY!

Partner with Us
Become a part of our affiliate
program to help market Greek Gear and
your company in a positive way.
CLICK HERE FOR MORE INFO

**Shop
t-shirt
hub** **FUNNY
Cheap
Graphic
Tees!**

JOIN US ON FACEBOOK
CLICK HERE ▶

FOLLOW US ON TWITTER
CLICK HERE ▶

EARN CASH! **ADD GREEK GEAR TO YOUR SITE & GET A \$10 GIFT CERTIFICATE**



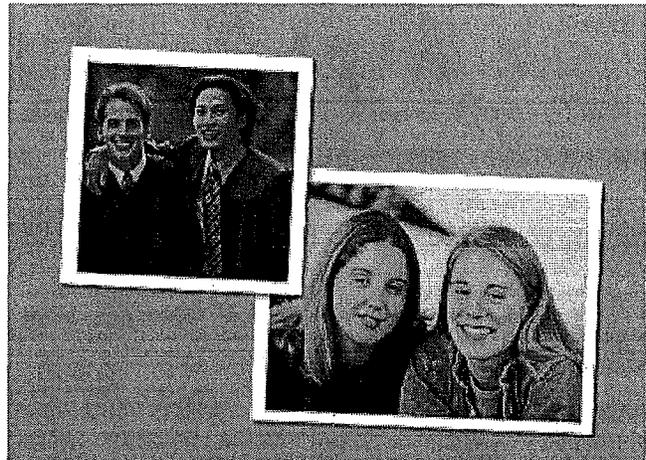
Home Shop Brochure About FAQs Contact Us Your Cart

Omega Tau Sigma Online Store

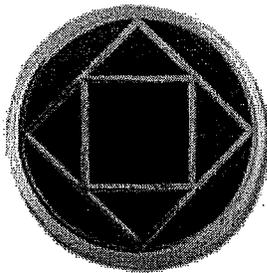
Search Omega Tau Sigma Products:

[Catalog](#) » Omega Tau Sigma

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!

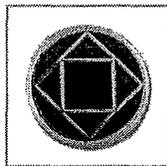


Featured Product



Pledge Button
Measures approximately 3/8".

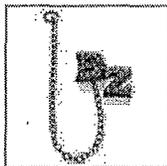
Products



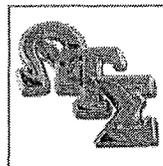
Badges



Charms



Guards



Dangles

Lavalieres &
Buttons

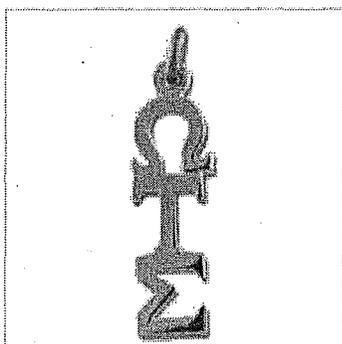
[Privacy Notice](#) | © Herff Jones Inc., 2010. All rights reserved.



[Home](#) [Shop](#) [Brochure](#) [About](#) [FAQs](#) [Contact Us](#) [Your Cart](#)

Omega Tau Sigma Online Store

[Catalog](#) » [Omega Tau Sigma](#) » [Lavalieres & Buttons](#) » [Vertical Letter Lavalier](#)



Vertical Letter Lavalier
L2647OMTASI

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.

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

[Privacy Notice](#) | © Herff Jones Inc., 2010. All rights reserved.



GreekForMe

Shop for Your Sorority
or Fraternity Merchandise



View Cart Items: 0 \$0.00

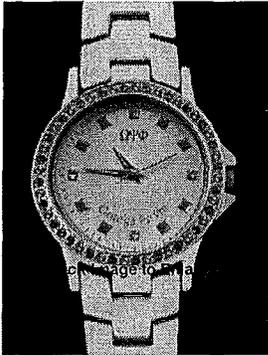
Call Us 877-245-9960

search

You are Here > [Home](#) > [Black Greek Paraphernalia](#) > [Omega Psi Phi Merchandise](#) > [Omega Psi Phi Watch](#)

Omega Psi Phi Watch

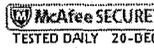
See Other [Omega Psi Phi Merchandise](#)



Price: \$39.99

Quantity Desired:

Add to Shopping Cart



Description for Omega Psi Phi Watch

Here is a great looking Omega Psi Phi Watch. This watch features your organization's name and letters on the face of this custom greek watch.

Additional Information

[When Will I Get this Item ?](#)

Share It



Quick Links

- [Home](#)
- [Find Your Sorority](#)
- [Find Your Fraternity](#)
- [Shop Divine Nine](#)
- [Custom Greek Merchandise](#)

Shopping Categories

- [Clothing & Apparel](#)
- [Hoodies & Sweatshirts](#)
- [Jewelry](#)
- [License Plates](#)
- [Glassware](#)

Store Info

- [View Cart](#)
- [Contact Us](#)
- [Privacy & Security](#)
- [Shipping Information](#)
- [Returns Policy](#)

Resources

- [Sign Up for Deals](#)
- [Find Fundraising Ideas](#)
- [Sorority Sitemap](#)
- [Fraternity Sitemap](#)
- [Greek Sitemap](#)

Copyright 2003 - 2010 GreekForMe.com - [Greek Merchandise](#) - [Greek Clothing](#)

Daily Deal Bar Save 20% For The Rest Of The Year! Coupon "Save20Now" @ Checkout. Follow Daily Deals



About Us | Customer Service | Track Order | Wish List | Design Your Own | My Account SHOPPING CART

YOUR GREEK SUPERSTORE!
FEATURING A HUGE SELECTION OF GREEK APPAREL & GIFTS

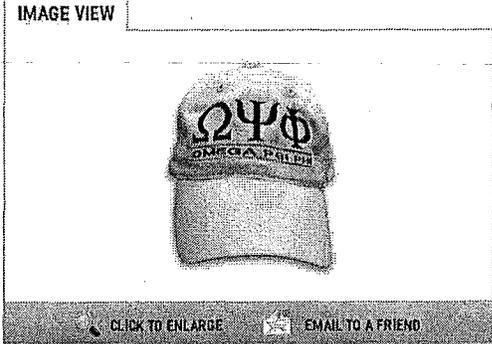
call us toll free Mon.-Fri. 8am-5pm
866.GREEKGEAR
(866.473.3543)

Keywords or Item #s

SEARCH DESIGN YOUR OWN GREEK GEAR FAST SHIP GUARANTEE

--Select Sorority-- --Select Fraternity--

HOME : SHOP BY SORORITY : DIVINE NINE GEAR : OMEGA PSI PHI MERCHANDISE & GIFTS : OMEGA PSI PHI GIFTS ITEMS : OMEGA PSI PHI LINE HAT



Omega Psi Phi Line Hat

IHO-Omega Psi Phi Line Hat-2

★★★★★ (1 review)

Our Price: \$18.95

As Low As: \$10.00

Hat Color:

Line Color:

Text Color:

Text Below Bar:

Production Time:

Quantity:

CLICK TO ENLARGE EMAIL TO A FRIEND

BOOKMARK SHARE THIS ITEM ON FACEBOOK ADD TO WISHLIST ADD TO FAVORITES

ADD TO CART

Save 20% Now! Coupon "Save20Now"

Like Sign Up to see what your friends like.

QUANTITY DISCOUNTS AVAILABLE!

1+	2 - 5	6 - 11	12 - 23	24 +
\$18.95 ea.	\$17.00 ea.	\$13.00 ea.	\$12.00 ea.	\$10.00 ea.

ITEM DESCRIPTION CUSTOMER REVIEWS SIZING & COLOR INFO GREEK GEAR RECOMMENDS

Now you can customize your own Omega Psi Phi fraternity hats! These Omega Psi Phi fraternity hats are the best quality, low profile hats available! They are made from durable 100% cotton with a low profile, comfortable fit and adjustable closing band! Order more and save!

View Thread Colors

Get optional embroidery on back by [clicking here!](#)

[Click here to see other Omega Psi Phi hats & Caps](#)

[Production Times And Policies](#)



Omega Psi Phi Afghan Blanket Throw
Reg. Price: \$53.95
Sale Price: \$49.95

[VIEW DETAILS](#)



Omega Psi Phi Sweatshirt Hoodie

Our Price: \$53.95

[VIEW DETAILS](#)



Email Address SUBMIT

**SUPER
CLOSEOUTS**

BUYERS GUIDE
Great info on designing
perfect sweatshirts to super
Greek fundraising ideas.

**Open A Free
Account &
SAVE**

WISH LIST
▶ **CLICK TO GET STARTED**

**DESIGN
YOUR OWN**
T-SHIRTS, SWEATSHIRTS,
GLASSWARE, PADDLES
& MORE!

**CLICK
HERE**

Omega Psi Phi Line Jacket
Reg. Price: \$119.95
Sale Price: \$89.95
VIEW DETAILS



**CAMPUS
REPS**
Earn Cash &
Marketing Skills.
SIGN UP TODAY!

Partner with Us
Become a part of our affiliate
program to help market Greek Gear and
your company in a positive way.
CLICK HERE FOR MORE INFO!

**Shop
t-shirt
hub** **SUNNY
Cheap
Graphic
Tees!**

JOIN US ON FACEBOOK
CLICK HERE ▶

FOLLOW US ON TWITTER
CLICK HERE ▶

EARN CASH! ADD GREEK GEAR TO YOUR SITE & GET A \$10 GIFT CERTIFICATE

Get gifts in time! Save on Premium Shipping! Take \$15 off when you spend \$75+ Code: GIFT

Details



50% off select iphone cases | 50% off select t-shirts | 50% off select water bottles

create and sell t-shirts | read our blog

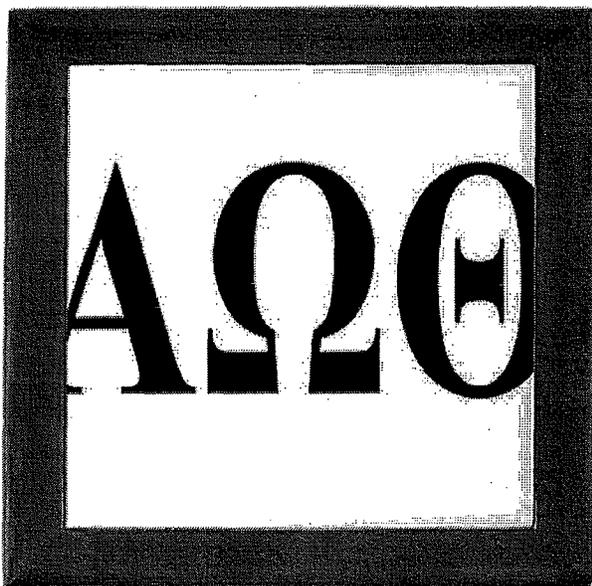
Search bar with Submit button

sign in | help | Cart: 0 items

100% Satisfaction Guaranteed | Most Orders Ship in 24 Hours | Easy Returns, Easy Exchanges | Need Help? Call Us! 1-877-809-1659

CafePress > Keepsake Boxes > ALPHA OMEGA THETA Tile Box

\$22.00 ALPHA OMEGA THETA Tile Box



Keepsake Box

Perfect for stylishly storing jewelry and mementos, this hardwood box showcases a ceramic tile. Spring-loaded hinged lid stays open without tipping the box over and snaps closed securely.

- Made of solid hardwood with high-gloss lacquer finish
• Interior is fully lined in velvet; bottom is covered with felt
• Measures 5.5" x 5.5" x 2.25" with a 4.25" x 4.25" ceramic tile

Select Color: Mahogany

Product ID: 214682979



Quantity: 1

Add to Cart

100% Satisfaction Guaranteed
Availability: In Stock.

Like

Sign Up to see what your friends like.

Share



Made by Standard Decal
on January 15, 2008 at 11:58 PM

ALPHA OMEGA THETA Tile Box

Greek letter shirts and products. More shirts at www.stickdeez.com. - ALPHA OMEGA THETA - Tile Box

More Like This:

Keepsake Boxes: Sorority, chapters, sororities, corporations, fraternities, academic, freemason, mason, masonic, sorority

All Products: Sorority gifts, chapters gift, sororities merchandise, corporations gift ideas, fraternities stuff, academic themed gear, freemason gifts, mason gift, masonic merchandise, sorority gift ideas

Designer's Shop: Standard Decal

International Sites: Australia Canada United Kingdom United States & Worldwide

Currency: AUD CAD GBP EUR USD

Non-US currency rates are updated daily and may fluctuate.

Email Exclusives

Enter your email address to receive special offers and promotions from CafePress.

Email Address input field with Submit button

[About CafePress](#) | [Help](#) | [Privacy Policy](#) | [Intellectual Property Policy](#) | [Content Disclaimer](#) | [Tags](#) | [Products](#) | [Sitemap](#)
All Content Copyright © 1999- 2010 CafePress.com. Use of this web site constitutes acceptance of the Terms of Service.

View products by: [Title](#) | [Part No](#) | [Price](#) **View topsellers by:** [Popularity](#) **View popular items by:** [Popularity](#) | [Our Choices](#) | [All-Round Favorites](#)

[Apparel](#) [Gifts](#) [Paddles](#) [Clearance](#)



[Design Tool Box](#) [Gallery](#) [AQ](#) [My Account](#) [My Wishlist](#) [My Cart](#) [Checkout](#) [Log In](#)

[Home / Organizations / Alpha Nu Omega](#)

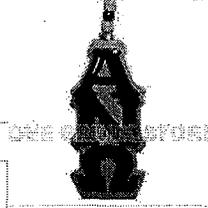
Search entire store here...

BROWSE BY SHOPPING OPTIONS

Alpha Nu Omega

Category

- Fraternity Gifts
- Tikis



MY CART

You have no items in your shopping cart.

Alpha Nu Omega Wide Block Tiki

\$16.99

COMPARE PRODUCTS

You have no items to compare.

[Add to Wishlist](#)
[Add to Compare](#)

DESIGN TOOL BOX

- [Terminology](#)
- [Sewn-On Letter/Number Colors](#)
- [Additional Embroidery Fonts](#)
- [Additional Sewn-On Letter Fonts](#)
- [Additional Sewn-On Number Fonts](#)
- [Stock Images](#)
- [Gallery](#)

POPULAR TAGS [VIEW ALL](#)

delta

ORGANIZATIONS [VIEW ALL](#)

- Acacia
- Alpha Chi Omega
- Alpha Chi Rho
- Alpha Delta Gamma
- Alpha Delta Phi
- Alpha Delta Pi
- Alpha Epsilon Phi
- Alpha Epsilon Pi
- Alpha Gamma Delta
- Alpha Gamma Rho
- Alpha Iota Omicron
- Alpha Kappa Alpha
- Alpha Kappa Delta Phi
- Alpha Kappa Lambda
- Alpha Kappa Psi
- Alpha Lambda Omega
- Alpha Nu Omega
- Alpha Omega Eta
- Alpha Omicron Pi

Alpha Phi
Alpha Phi Alpha
Alpha Phi Delta
Alpha Phi Gamma
Alpha Phi Omega
Alpha Pi Omega

[About](#) [Customer Service](#) [FAQs](#) [News](#) [Testimonials](#) [Gallery](#) [Employment](#) [Site Map](#) [Organizations](#) [Search Terms](#) [Advanced Search](#) [Contact Us](#)

Newsletter Sign-up:



© Copyright 2006 - 2010 One Greek Store. All Rights Reserved.
1113 W. University Ave. : Gainesville, FL 32601

Daily Deal Bar *Holiday production and shipping schedule. Time to Rush!! - Click Here!* Follow Daily Deals 

greek   [About Us](#) | [Customer Service](#) | [Track Order](#) | [Wish List](#) | [Design Your Own](#) | [My Account](#) **SHOPPING CART**

YOUR GREEK SUPERSTORE! call us toll free Mon.-Fri. 6am-5pm
866.GREEKGEAR
 (866.473.3543)

Items in cart: 0
 Subtotal: \$0.00
[VIEW CART](#) [CHECKOUT](#) [R.COM](#)

Keywords or item # **SEARCH** **DESIGN YOUR OWN GREEK GEAR** **FAST SHIP GUARANTEE** [CLICK HERE](#)

--Select Sorority-- --Select Fraternity--

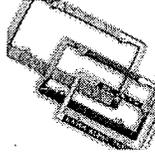
HOME : PREVIOUS PAGE : GAMMA PHI OMEGA MERCHANDISE & GIFTS

Gamma Phi Omega Clothing, Gamma Phi Omega Merchandise, Gamma Phi Omega Jewelry & Gamma Phi Omega Gifts

Sort By: Default Name | Price
 Go To Page: 1 | 2 | [View All >](#)



Gamma Phi Omega Letter Sweatshirts



Gamma Phi Omega License Plate Frames



Gamma Phi Omega T-Shirts



Gamma Phi Omega Tees



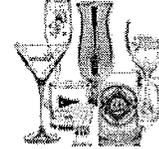
Gamma Phi Omega Tshirt



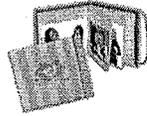
Gamma Phi Omega Merchandise



Gamma Phi Omega Necklaces



Gamma Phi Omega Party Favors



Gamma Phi Omega Frames



Gamma Phi Omega Shirts



Gamma Phi Omega Sister Gifts



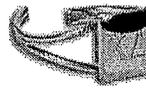
Gamma Phi Omega Sorority Gifts



Gamma Phi Omega Stuff



Gamma Phi Omega Sweatshirts



Gamma Phi Omega Toe Rings



Gamma Phi Omega Towels



Gamma Phi Omega Water Bottles



Gamma Phi Omega Umbrellas



Gamma Phi Omega Magnets



Gamma Phi Omega Car Mats

Email Address **SUBMIT**



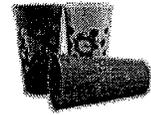
Gamma Phi Omega Rugs



Gamma Phi Omega Clothing



Gamma Phi Omega Watches



Gamma Phi Omega Glassware

Sort By: Default Name | Price
 Go To Page: 1 | 2 | [View All >](#)

**SUPER
CLOSEOUTS**

BUYERS GUIDE
Great info on designing
perfect sweatshirts to spike
Greek fundraising ideas.

**Open A Free
Account &
SAVE**

WISH LIST
▶ **CLICK TO GET STARTED**

**DESIGN
YOUR OWN**
T-SHIRTS, SWEATSHIRTS,
GLASSWARE, PADDLES
& MORE!

**CLICK
HERE**



**CAMPUS
REPS**
Earn Cash &
Marketing Skills.
SIGN UP TODAY!

Partner with Us
Become a part of our affiliate
program to help market Greek Gear and
your company in a positive way.
CLICK HERE FOR MORE INFO

**Shop
t-shirt
hub** **FUNNY
Cheap
Graphic
Tees!**

JOIN US ON FACEBOOK
CLICK HERE ▶

FOLLOW US ON TWITTER
CLICK HERE ▶

EMAIL US! ADD GREEK GEAR TO YOUR SITE & GET A \$10 GIFT CERTIFICATE

STTTES & HARRISON PLLC

ATTORNEYS

400 West Market Street
Suite 1800
Louisville, KY 40202-3352
[502] 587-3400
[502] 587-6391 Fax
www.stttes.com

May 5, 2011

Jack A. Wheat
(502) 681-0323
(502) 779-8273 FAX
jwheat@stttes.com

Ms. Oren Gelber
COLLEN IP
The Holyoke-Manhattan Building
80 South Highland Avenue
Ossining, New York 10562

RE: Omega SA v. Alpha Phi Omega
Your Refs. : K654 and K655
C/M Code: AL169/00AL1

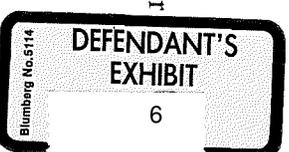
Dear Oren:

The Omega SA offer set forth in your letter of April 19, 2011 has been reviewed with our client. We understand the reference in your letter to application Serial No. 77/905.236 was in error. Although the request was that we withdraw that application for registration "in Class 14," as you realize, that application does not relate to Class 14. Thus we understand that this was actually intended to be a reference to application Serial No. 77/950.436, our pending application to register the Alpha Phi Omega coat-of-arms design as a trademark for jewelry in Class 14.

Although the proposal set forth in your letter is not quite acceptable, I believe we should be able to achieve a meaningful and fair resolution of this dispute.

The pending application of concern is not an application to register the Alpha Phi Omega coat-of-arms for clocks, watches, timepieces or any other horological or chronometric instruments, it is an application for registration for jewelry. If ever we do seek to register for any such devices, you would certainly right to oppose such an application, but here we are not dealing with such a product line.

Alpha Phi Omega has been in existence for over 85 years, since 1925. Jewelry bearing the Alpha Phi Omega name or Greek Alphabet letters has been produced for that entire time period. For however long Omega SA has been doing business in the United States markets, the parties have coexisted without any instances of confusion known to us. Are you aware of any? We expect there has been none. Considering that Alpha Phi Omega is a collegiate fraternal organization, just like numerous other collegiate Greek letter fraternities and sororities who utilize the Greek Alphabet letter "Omega" in their name, we would be quite surprised if anyone ever confuses Omega SA's commercial endeavors and products with fraternities and sororities or their Greek affinity merchandise.



Ms. Oren Gelber

May 5, 2011

Page 2

This firm and Alpha Phi Omega's merchandising company also represent the Alpha Tau Omega Fraternity, founded in 1865, and the Alpha Chi Omega Sorority, founded in 1885. Jewelry bearing both of these organizations names or Greek Alphabet letters has been produced for them ever since their founding dates, dates which predate any first use of the Omega SA marks anywhere, much less here in the states.

This firm and Alpha Phi Omega's merchandising company also represent the Chi Omega Sorority, founded in the spring of 1895 apparently about simultaneous with the first use of the Omega SA marks. Chi Omega is the largest collegiate sorority and like all fraternities and sororities, jewelry bearing it name or Greek Alphabet letters has been produced for it since its founding. See Trademark Registration No. 1,361,759.

Omega watches have coexisted with fraternity and sorority merchandise, including jewelry, bearing the word Omega or the Greek Alphabet letter, Ω , for over 100 years. We are unaware of even a single instance of confusion of a potential customer and doubt if there has been any.

Both the Courts and the PTO have held that uses of two and three Greek Alphabet letter combinations in a mark are recognized as references to collegiate fraternities and sororities, and in the channels of trade, the commonality of one or two Greek Alphabet letters does not cause confusion. For example, as recently noted by the United States District Court for the Northern District of Texas, "A member of Alpha Omicron Pi could certainly distinguish the mark of her organization from the mark of Alpha Delta Pi, despite the fact they both contain two of the same letters." *Abraham v. Alpha Chi Omega et al*, Civil Action No. 3:08-cv-570-F (Memorandum Opinion entered April 26, 2011 at pps. 23 & 24).

Omega SA has a likely insurmountable burden to overcome to prevail in these Oppositions. We doubt that Omega SA has considered the self-destructive, indeed suicidal consequences of prevailing in the unlikely event it could do so. To prevail, it must show that a two or three Greek letter combination containing the Greek Alphabet word "Omega" or letter, Ω is likely to be confused with Omega and its products. The consequence of prevailing is self-destructive. To prevail in this action would be binding and **usable against** Omega SA in any actions brought against Omega SA by any of our other fraternity and sorority clients with "Omega" in their name which were founded prior to Omega SA's expansion into the United States markets. Simply stated, if the name Alpha Phi Omega is likely to be confused with Omega SA and its products simply by virtue of the non-emphasized use of "Omega" in the name, then, as a matter of law, Omega SA and its products are likely to be confused with other of our clients including Alpha Tau Omega, founded in 1865, and Alpha Chi Omega, founded in 1885. Surely Omega SA does not wish to merely win this battle, but then lose the war when it is asked to account to fraternities and sororities with rights senior to Omega SA.

Ms. Oren Gelber
May 5, 2011
Page 3

As we assume you are aware, the Doctrine of Judicial Estoppel would prevent Omega SA from contending that one is an infringement, and then to turn about and argue the opposite in the other situation. As the United States Supreme Court notes, "Where a party assumes a certain position in a legal proceeding, and succeeds in maintaining that position, he may not thereafter, simply because his interests have changed, assume a contrary position. . . . The doctrine of judicial estoppel prevents a party from asserting a claim in a legal proceeding that is inconsistent with a claim taken by that party in a previous proceeding." *State of New Hampshire v. State of Maine*, 532 U.S. 742, 749 (2001). "[J]udicial estoppel forbids use of 'intentional self-contradiction . . . as a means of obtaining unfair advantage.'" *Id.* at 751 (2001).

[I]ts purpose is 'to protect the integrity of the judicial process . . .'
by 'prohibiting parties from deliberately changing positions
according to the exigencies of the moment' 'Judicial Estoppel
'protects the essential integrity of the judicial process' . . .
[J]udicial estoppel prevents parties from 'playing fast and loose
with the courts.'

Id. at 749 & 50 (citations omitted).

This rule is just as applicable to quasi-judicial proceeding such as the current Oppositions. For instance, as noted by the United States Court of Appeals for the Federal Circuit, the Court which governs proceedings of the United States Patent and Trademark Office,

[T]he doctrine of judicial estoppel is an equitable concept that prevents a party who prevails on one ground in a lawsuit from then repudiating that ground in order to prevail in another lawsuit
The doctrine also applies to administrative proceedings in which a party obtains a favorable order by making an argument that it seeks to repudiate in a subsequent judicial proceeding. . . . The estoppel applies where intentional self-contradiction is being used as a means of obtaining an unfair advantage.

Lampi Corp. v. American Power Products, Inc., 228 F.3d 1365, 1377 (Fed.Cir. 2000) (citations omitted; emphasis added).

The pending Oppositions against the Alpha Phi Omega applications are the wrong "test case" for Omega SA. None of this firm's numerous fraternity or sorority clients with "Omega" in their name emphasize "Omega" over the other Greek Alphabet letters in their names and in resolution of the pending Oppositions against its applications, Alpha Phi Omega is willing to contractually commit it will never do so in the future.

Ms. Oren Gelber
May 5, 2011
Page 4

Perhaps if Alpha Phi Omega was emphasizing the word "Omega" or the Greek Alphabet letter Ω , as compared with the other Greek Alphabet letters in its name, it might be a good test case, but to assert that a fraternity or sorority name which merely contains "Omega," without emphasis of that letter will likely cause confusion brings to mind the apropos metaphor, "a bridge to far." It is a self-destructive, suicidal position to take.

Asserting a dilution argument against nearly 100 year old fraternities and sororities is just as ill-advised. Again, Alpha Phi Omega has been using its name and Greek letters on jewelry since 1925. To prevail on a dilution theory in this context, Omega SA would be required to prove that its marks were generally famous throughout the U.S. since prior to 1925, prior to when Alpha Phi Omega commenced its use. See 15 U.S.C. § 1125(c). Further, any effort to show fame in this context would make relevant the fact that *numerous* fraternities and sororities with "Omega" in their name actually predate the entry of the Omega SA products into the U.S.

If indeed Omega SA wants to assert that the fraternity and sorority market is pertinent for a dilution approach, it certainly risk an adjudication that in that context its marks *are not famous for dilution purposes*. Again, this is the wrong test case, Omega SA is heading towards "a bridge too far."

The realistic solution of the pending Oppositions against Alpha Phi Omega is, as we have already suggested, as follows:

1. In exchange for dismissal of the Oppositions, Alpha Phi Omega is willing to contractually commit that use of its name on merchandise will never emphasize the "Omega" or " Ω " portion in comparison with the "Alpha" and "Phi" components; and
2. As for the pending application to register the mark in class 014, Alpha Phi Omega is willing to restrict the recitation of goods to read, "jewelry for members of the Alpha Phi Omega Fraternity marketed through authorized vendors featuring fraternity and sorority affinity merchandise."

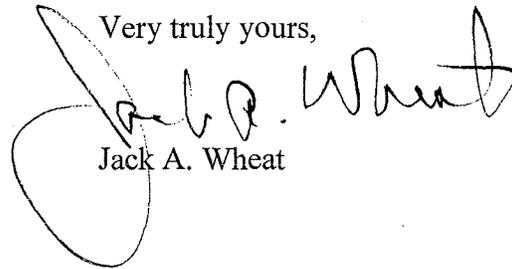
We have not sought to register ALPHA PHI OMEGA or the letters for timepieces of any sort and are not suggesting you agree we may do so. If ever we do, you would certainly retain the right to oppose such an application for registration.

We are satisfied this is the sensible solution of the Opposition to the pending Alpha Phi Omega applications. This is not a situation where we emphasize the Omega component of the fraternity name, nor is this a non-fraternity/non-sorority commercial endeavor engaged in under the Omega name. Those situations might be the appropriate test cases for your client. Conversely, our situation does not appear to be a good test case.

Ms. Oren Gelber
May 5, 2011
Page 5

Thus, we hope Omega SA will consider its real interests and be comfortable with our proposal.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jack A. Wheat". The signature is written in a cursive style with a large, looping initial "J".

Jack A. Wheat

AL169:00AL1:382646:1:LEXINGTON

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

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

OPPOSER,

V.

ALPHA PHI OMEGA,

APPLICANT.

Opposition No. 91197504

Serial No. 77950436

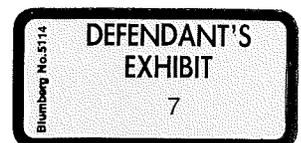
APPLICANT'S INITIAL DISCLOSURES

Alpha Phi Omega (hereinafter "Applicant") submits these Initial Disclosures in accordance with the revised Trademark Trial and Appeal Board Manual of Procedure. The Initial Disclosures are based on the information reasonably available to Applicant at this time.

A. Witnesses:

The following persons are likely to have discoverable information that Applicant may use to support its claims and defenses in this action:

Name	Contact Information	Subjects
Various current and prior employees of Applicant, including but not necessarily limited to Robert London	C/o Counsel for Applicant	The history of Applicant and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Dan Shaver, Affinity Marketing Consultants, Inc.	3231-C Business Park Drive #300 Vista, CA 92083 (706) 734-6764	General knowledge relating to the history of the fraternity and sorority system in the United States; the Greek affinity products market and common usage by fraternities and sororities of their names and initials on jewelry and other merchandise



Name	Contact Information	Subjects
Designees of Affinity Marketing Consultants, Inc.	3231-C Business Park Drive #300 Vista, CA 92083 (706) 734-6764	General knowledge relating to the history of the fraternity and sorority system in the United States; the Greek affinity products market and common usage by fraternities and sororities of their names and initials on jewelry and other merchandise
Designees of Alpha Tau Omega	C/o Counsel for Applicant	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Alpha Chi Omega	C/o Counsel for Applicant	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Chi Omega	C/o Counsel for Applicant	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Omega Psi Phi	3951 Snapdragon Parkway Decatur, GA 30035 (404) 284-5533	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Alpha Gamma Omega	28000 Meadow Drive, Suite 104 Evergreen, CO 80439 (303) 674-3561	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Omega Chi	Ursinus College 601 E Main St. Collegeville, PA 19426 (610) 409-3000	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise

Name	Contact Information	Subjects
Designees of Sigma Phi Omega	PO Box 52738 Irvine, CA 92619 (949) 654-4111	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Kappa Omega Tau	1808 S. 9 th St. Waco, TX 76706 (214) 886-4373	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Gamma Epsilon Omega	2627 Magnolia Ave. Los Angeles, CA 90007	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Beta Omega Phi	624 W. 28 th Street Los Angeles, CA 90007 (626) 244-5551	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Sigma Phi Omega	1220 L Street NW, Suite 901 Washington, DC 20005 (336) 370-0457	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Alpha Omega Epsilon	C/o Counsel for Applicant	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Omega Delta Phi	PO Box 590358 Houston, TX 77259 (281) 282-0034	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Alpha Nu Omega	PO Box 39033 Baltimore, MD 21212 (866) 337-1988	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise

Name	Contact Information	Subjects
Designees of Lambda Tau Omega	2436 W. Haddon, 1 st Floor Chicago, IL 60622 (773) 517-8028	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Omega Phi Chi	PO Box 11684 New Brunswick, NJ 08906 (602) 579-3638	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Gamma Omega Delta	200 Water St., Apt. 510 New York, New York 10038 (212) 896-0918	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Omega Phi Beta	Grand Central Station PO Box 3352 New York, NY 10163 (917) 673-0365	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Gamma Phi Omega	PO Box 4680 Chicago, Illinois 60680 (773) 218-2553	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Sigma Omega Epsilon	2 Main Street Delhi, NY 13753 (607) 746-4565	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Alpha Pi Omega	5035 E. 7 th Tulsa, OK 74112 (918) 629-5505	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Omega Phi Gamma	600 West 28 th #209 Austin, TX 78705 (512) 555-5555	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise

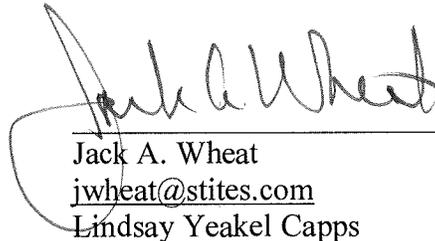
Name	Contact Information	Subjects
Designees of Sigma Omega Nu	3059 Rosemont Drive Sacramento, CA 95826 (408) 416-1522	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Alpha Sigma Omega	1717 11 th Street Waukegan, IL 60085	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Delta Phi Omega	2420 Yorktown Apt. 490 Houston, TX 77056 (713) 840-8380	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Delta Pi Omega	285 Old Westport Rd. North Dartmouth, MA 02747 (508) 999-8000	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Omega Chi Psi	600 South 43 rd Street Philadelphia, PA 19104 (215) 596-8800	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Sigma Kappa Omega	PO Box 352 Huntsville, TX 77342 (713) 859-1320	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Sigma Omega Phi	638 Waynes Ct. SE Atlanta, GA 30329 (678) 973-8088	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise
Designees of Alpha Omega Sigma	PO Box 170354 Spartanburg, SC 29301 (678) 805-7476	The history of their organization and the use of the Omega word and symbol, Ω, on jewelry and other merchandise

B. Documents and Things:

Categories of documents and tangible things within the possession, custody or control of Applicant, which it may use to support its claims and defenses in this action:

1. Documentation relating to the history of Applicant and use of the Omega word and symbol, Ω , dating back to 1925.
2. Examples of widespread use of the Omega word and symbol, Ω , on fraternity and sorority jewelry and other merchandise dating back to the 1800s.

Applicant reserves the right to supplement this disclosure should it become aware of additional pertinent information or documents.



Jack A. Wheat

jwheat@stites.com

Lindsay Yeakel Capps

lcapps@stites.com

STITES & HARBISON PLLC

400 West Market Street, Suite 1800

Louisville, Kentucky 40202

Phone: (502) 587-3400

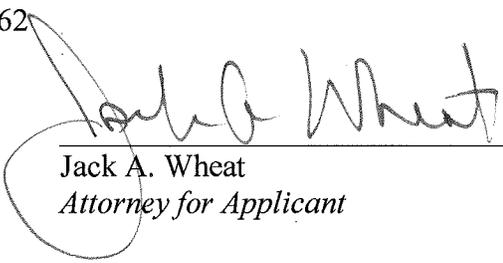
Facsimile (502) 587-6391

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the forgoing **APPLICANT'S RULE 26 DISCLOSURES** has been served on counsel for Opposer by mailing said copy this 28th day of February, 2013, via First Class Mail, postage prepaid, to:

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



Jack A. Wheat
Attorney for Applicant

AL169:00AL1:919504:1:LOUISVILLE

Α Φ Ω

Proprietor

Alpha Phi Omega

By *A. H. Benjamin*

Attorney

P E T I T I O N

TO THE COMMISSIONER OF PATENTS.

The undersigned presents herewith a drawing and five (5) specimens of its trade mark, and requests that the same together with the accompanying Statement and Declaration may be registered in the United States Patent Office in accordance with the law in such cases made and provided.

AND it hereby appoints H. H. BENJAMIN (Register No. 11,597), of Washington Loan & Trust Building, Washington, D. C., its attorney, with full power of substitution and revocation, to prosecute this application for registration, to make alterations and amendments therein, to receive the Certificate of Registration, when issued, and to prosecute and transact all business in the Patent Office connected therewith.

AND IT HEREBY designates said H. H. Benjamin as the person upon whom process and notice of proceedings affecting the right of ownership of said trade mark may be served.

Dated at Winchester, Virginia, this 28th day of June, 1929.

ALPHA PHI OMEGA

By FRANK N. HORTON
National President

S T A T E M E N T

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 15, 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 N. HORTON
National President