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

Proceeding	91214449
Party	Defendant Alpha Omega Epsilon, Inc.
Correspondence Address	JACK A WHEAT STITES & HARBISON PLLC 400 W MARKET ST, STE 1800 LOUISVILLE, KY 40202 3352 UNITED STATES jwheat@stites.com
Submission	Motion for Summary Judgment
Filer's Name	Jack A. Wheat
Filer's e-mail	jwheat@stites.com
Signature	/jackawheat/
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**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 OMEGA EPSILON, INC.

APPLICANT.

Opposition Nos. 91214449 (Parent)  
91214452  
91214453  
91214454

Serial Nos. 85/855823  
85/857062  
85/857065  
85/855839

**ALPHA OMEGA EPSILON'S MOTION FOR SUMMARY JUDGMENT**

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

**BACKGROUND INFORMATION**

Collegiate Greek letter fraternities and sororities have existed in the United States since the founding of Phi Beta Kappa in 1776. As a collegiate fraternity or sorority is organized, its founders adopt a specific combination of two or three Greek alphabet letters as the name of the organization, for example, the Alpha Tau Omega Fraternity also known as ATΩ (founded in 1865), or the Chi Omega Fraternity for women also known as XΩ (founded in 1895). *See e.g.* Defendant's Exhibit 1 (Registration Nos. 2,394,954; 2,392,845; 1,375,043; and 1,361,759).

Applicant, Alpha Omega Epsilon, also known as AΩE, a non-profit organization, is a Greek letter sorority.

Alpha Omega Epsilon is a professional and social sorority composed of female students and alumnae in the field of engineering and technical sciences. The sorority was founded on November 13, 1983, and four months later, on March 22, 1984, became a recognized organization on the Marquette University Campus in Milwaukee, Wisconsin. The idea of uniting female

engineers of all curricula spread to other campuses. As a result, we have twenty-two chapters.

The Sisters of Alpha Omega Epsilon promote ideals and objectives that hope to further the advancement of female engineers and scientists, while at the same time developing bonds of lifelong friendships. Alpha Omega Epsilon strives for scholarship and academic achievement. The sisters create a friendly, warm atmosphere where integrity, character, and self-confidence can foster. The sorority hopes to enlighten female engineers to the career opportunities available. Alpha Omega Epsilon encourages ties with other Greek Organizations, leads to the discovery of additional extracurricular activities, and aids in pursuing contacts with engineers in industry.

[http://alphaomegapsilon.org/index.php?option=com\\_content&view=article&id=97&Itemid=58](http://alphaomegapsilon.org/index.php?option=com_content&view=article&id=97&Itemid=58).

Opposer Omega, S.A. is perhaps best known as a manufacturer of watches and other time-keeping devices. Its primary consumer products are premium-priced high-end wrist watches selling for thousands of dollars each. *See* Defendant's Exhibit 2. Although various models of Omega Watches can be acquired for "only" a few thousand dollars, many models sell for tens of thousands of dollars. *Id.* at Misc010–016.

What these consolidated oppositions are all about is whether a consumer of fraternity or sorority affinity merchandise, primarily college students, will confuse fraternal affinity merchandise with Omega and its premium-priced high-end watches, or will at least associate the merchandise with Opposer or its \$2,000, \$5,000, \$10,000, \$20,000 or \$40,000 Omega watches.

Before addressing the implausibility of Omega's assertions, it is helpful to recognize the general nature of collegiate fraternities and sororities as well as the nature of the Greek affinity goods market through which fraternity and sorority members acquire merchandise to proudly display their membership in and affinity for their beloved organization. It is common for the members to acquire assorted mementos bearing the insignia of his or her fraternity or sorority through which to display membership in and affection for their respective fraternity or sorority.

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

*Abraham v. Alpha Chi Omega*, 781 F.Supp.2d 396, 416 (N.D.Tx. 2011) *aff'd* 708 F.3d 614 (5th Cir. 2013) *cert. denied*, 134 S.Ct. 88 (2013). Perhaps the most common forms of merchandise through which members display their membership in, and affinity for their respective fraternity or sorority are jewelry and clothing items. As for Greek affinity jewelry, even the PTO has so noted in its *Trademark Manual of Examining Procedure* recognizing that, “[m]any associations, particularly fraternal societies, use jewelry such as pins, rings, or charms to indicate membership” *Id.* at § 1304.08(e) (citing *In re Triangle Club of Princeton University*, 138 USPQ 332 (TTAB 1963)). Upon initiation into a fraternity or sorority, it is traditional for new members to receive a “membership pin,” often referred to as a “membership badge,” bearing the organization's Greek alphabet letters for the member to wear to denote membership in the organization. The membership badge for Alpha Omega Epsilon comprised of the sorority's Greek letter insignia, ΑΩΕ, is shown above.



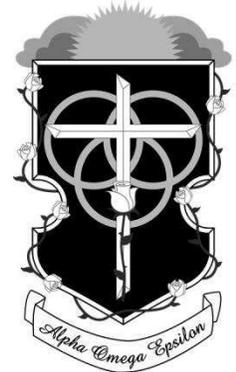
Applicant's use of its Greek letter insignia, ΑΩΕ, is registered as a collective membership mark with the PTO, namely Registration No. 4,450,386. *See* Defendant's Exhibit 3. In one of the applications for registration opposed here, Applicant seeks to register the same Greek letter insignia as a trademark for “Jewelry” and for “Hats; Jackets; Shirts; Sweat pants; Sweat shirts; Sweaters,” namely, Application Serial No. 85/855823 (“the ‘823 Application”). “Nothing in the Trademark Act prohibits the use of the same mark as a membership mark by members and, also, as a trademark or a service mark by the parent organization.” TMEP 1304.03. [N]otwithstanding the use of a collective trademark or collective service mark by the members of the collective, the

collective itself may also use the same mark as a trademark for the goods or services covered by the collective trademark or service mark registration.” TMEP § 1303.01.

Although Omega did not oppose the application to register the ΑΩΕ insignia as a collective membership mark, for some reason, it opposes the application to register its phonetic equivalent, the words ALPHA OMEGA EPSILON, as a collective membership mark, the ‘065 Application. It also opposes the ‘839 Application to register the ALPHA OMEGA EPSILON words for the same lines of clothing as are recited in the opposed application to register the ΑΩΕ insignia as a trademark. Even more curious, although Omega did not oppose the application to register the ΑΩΕ Greek letter insignia as a collective membership mark, in this consolidated proceeding it opposes the ‘062 Application to register Applicant’s coat-of

arms, shown here, also known as a “crest,” as a collective membership mark.

The crest insignia, described in the registration application as “a heraldic crest graphic design containing a shield bearing a rose with stem positioned in front of a cross positioned in front of three rings. Roses and vines are



along the side and bottom edges of the shield. Above the shield is a representation of a rising sun and clouds and below the shield is a banner or ribbon bearing the words ‘Alpha Omega Epsilon.’

In these consolidated oppositions, Omega asserts likelihood of confusion and dilution. Opposer apparently contends that those viewing members of the sorority displaying the ALPHA OMEGA EPSILON name, or use of the crest design as a collective membership mark will likely be confused into believing such a display is somehow related to Opposer and its high-end watches retailing for thousands of dollars.

As for the application to register the ΑΩΕ insignia for jewelry as well as hats, jackets, shirts, sweat pants, sweat shirts, and sweaters, and the application to register the ALPHA

OMEGA EPSILON name for the same clothing lines, Opposer speculates that consumers viewing jewelry or clothing bearing these multiple Greek letter or multiple word insignia will likely be confused into believing the sorority merchandise is somehow related to Opposer and its high-end watches retailing for thousands of dollars.

In addition to assertions of likelihood of confusion, Omega contends the use of the sorority's insignia on affinity merchandise dilutes its Omega marks. To show that, of course, Omega must be able to prove the target customers for the sorority's affinity merchandise will "associate" the insignia with Opposer or its watches; it would need to prove "a substantial percentage of consumers [of the sorority's merchandise] upon seeing the [sorority's insignia] on its goods, are immediately reminded of [Omega Watch] and associate the [sorority's affinity goods] with [Omega]." *The Toro Co. v. ToroHead, Inc.*, 61 USPQ2d 1164, 1183 (TTAB 2001).

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

Opposer and Alpha Omega Epsilon have coexisted for over 30 years, since 1983. Although coexisting for over 30 years, neither is aware of even a single instance of confusion or

consumer association of the Alpha Omega Epsilon insignia with the Omega Watch marks. Although Omega bears the burden of proof to come forward with adequate evidence to support its 2(d) claims, it wrongly objects to our discovery inquiries whether it is aware of *any* instances of confusion contending such requests are “not likely to lead to the discovery of admissible evidence” and are requests “outside the scope of the Federal Rules of Civil Procedures [sic].” Although objecting to these discovery requests, Opposer did nonetheless admit it “has no responsive documents within its possession, custody or control” to support any contention any relevant consumer has been confused, mistaken, or deceived into suspecting that any product marketed in association with any of Applicant’s marks was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer. *See* Defendant’s Exhibit 4 (Excerpts of Opposer’s response to request for production) at Request No. 16 and the response thereto. Similarly, although objecting on the same improper grounds to Requests for Admissions, “Opposer admits that it presently has” no evidentiary basis to support any contention any relevant consumer has been confused, mistaken, or deceived into suspecting any product bearing Applicant’s marks, or any marketing thereof, was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer. *See* Defendant’s Exhibit 5 (Excerpts of Opposer’s response to requests for admissions) at Request Nos. 30, 34, and 38 and the responses thereto.

Notwithstanding years of coexistence with nary an instance of confusion or association, indications are that Opposer has now decided to bully AΩE as well as any other collegiate fraternity or sorority with the word Omega in its name. It has instituted similar proceedings in the TTAB against the Omega Psi Phi Fraternity which has coexisted with Omega over 100 years, since 1911 (Proceeding No. 91197082), the Alpha Phi Omega Fraternity which has coexisted

with Omega nearly 90 years, since 1925<sup>1</sup> (consolidated Proceeding Nos. 91197504 (Parent)), and the Lambda Tau Omega Sorority (Proceeding No. 91208652). Omega also has unsuccessfully sought an extension to oppose a filing of the Psi Sigma Omega Service Fraternity (Serial No. 78739642); and it successfully bullied Omega Delta Phi into abandoning the application to register its name (Proceeding No. 91186613).

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

Opposer even acknowledges it is aware of the existence of numerous fraternities and sororities with Omega in their names including, Alpha Chi **Omega**, Alpha **Omega** Epsilon, Alpha Phi **Omega**, Alpha Tau **Omega**, Chi **Omega**, Delta Phi **Omega**, Gamma Phi **Omega**, Lambda Tau **Omega**, **Omega** Psi Phi, **Omega** Delta Phi, **Omega** Phi Beta, **Omega** Phi Chi, and Sigma **Omega** Phi. *See* Defendant's Exhibit 6 (Excerpts of Opposer's response to interrogatories) response to Interrogatory No. 12.

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<sup>1</sup> Co-pending before the TTAB in the Alpha Phi Omega consolidated opposition proceeding is a Alpha Phi Omega's Motion for Summary Judgment which is essentially identical to this Motion.

In addition to the dozens of fraternities and sororities with the word Omega in their name in their name, it is especially interesting to note that the actual leadership honor society for outstanding members of fraternities and sororities is even named the Order of **Omega**.

Order of Omega is a leadership honor society for members of Fraternity & Sorority organizations. Order of Omega recognizes juniors and seniors who have exemplified high standards in the areas of scholarship, leadership, involvement within their respective organization and within the Fraternity/Sorority, campus, and local community. Members are selected from the top 3% of students at each institution. To date, over 500 chapters have been chartered throughout North America, each sharing the common goal of recognizing the many outstanding student leaders at their institution.

<http://orderofomega.org/>. See also Defendant's Exhibit 7.

Consistent with the PTO recognition that “[m]any associations, particularly fraternal societies, use jewelry such as pins, rings, or charms to indicate membership,”<sup>2</sup> the actual membership badge, or pin, for members of the Order of Omega is simply the Greek letter “Ω.” See Defendant's Exhibit 7 at p.2.

If the fact that the coexistence of the Opposer's marks with dozens of fraternity and sorority marks containing the word Omega is not alone dispositive here, the especially fatal flaw of Opposer's claim is that some large Greek letter organizations have been in operation, and have used their insignia on Greek affinity merchandise, including jewelry, continuously *since prior to Opposer's entrée into the United States* with Omega Watches, including Alpha Tau Omega since 1865 (see Defendant's Exhibit 8 (Wynn Smiley Declaration)), Alpha Chi Omega since 1885 (see Defendant's Exhibit 9 (Wampler Declaration)),<sup>3</sup> and contemporaneous with Opposer in the mid-1890s, the Chi Omega Fraternity for women (see Defendant's Exhibit 10 (Miraglia

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<sup>2</sup> TMEP § 1304.08(e) (citing *In re Triangle Club of Princeton University*, 138 USPQ 332 (TTAB 1963))

<sup>3</sup> See also U.S. Registration No. 3,183,916, Defendant's Exhibit 11.

Declaration)).<sup>4</sup> Thus, ironically, if there is a likelihood of confusion between the Omega Watch marks and fraternity sorority jewelry bearing Greek alphabet letters including Ω, then logic would hold that Opposer is an infringer of the ATΩ and AXΩ marks, and perhaps the XΩ marks!

Regardless of the self-destructive irony of Opposer's contentions, the reality here is that when the public encounters insignia consisting of a combination of two or three Greek alphabet letters, the public will recognize the insignia as a reference to a Greek letter organization such as a fraternity or sorority. As a matter of law Opposer cannot show that "a substantial percentage of consumers [of the sorority's merchandise] upon seeing the [sorority's insignia] on its goods, are immediately reminded of [Omega Watch] and associate the [sorority's affinity goods] with [Omega]." *Toro Company*, 61 USPQ2d at 1183.

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

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

1. Opposer's primary consumer products are Omega watches, high-end premium-priced products selling for thousands of dollars each. *See* Defendant's Exhibit 2. Although many models of Omega watches can be acquired for "as little as" a few thousand dollars, some models are listed for sale for up to tens of thousands of dollars. *Id.* at Misc 010–016.

2. Fraternities and sororities typically market jewelry bearing the respective organization's insignia for members to wear to denote their membership in the organization. *See* Defendant's Exhibits 8 – 10 (Miraglia, Wampler, and Smiley Decls. ¶ 8) and Defendant's Exhibit 12 (Shaver Decl. ¶ 9). "Many associations, particularly fraternal societies, use jewelry such as pins, rings, or charms to indicate membership" TMEP § 1304.08(e) (citing *In re Triangle Club of Princeton University*, 138 USPQ 332 (TTAB 1963)).

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<sup>4</sup> *See also* U.S. Registration No. 1,361,759, Defendant's Exhibit 1 at p.4.

3. Fraternities with the Greek letter Ω typically utilize member badges and jewelry containing the Ω letter including Alpha Chi Omega, Alpha Omega Epsilon, Alpha Omega, Alpha Phi Omega, Alpha Tau Omega, Chi Omega, Delta Omega, and Omega Tau Sigma. *See* Defendant's Exhibit 12 (Shaver Decl. ¶ 10 and the attachments thereto). The member badge for the fraternity and sorority honorary, the Order of Omega is simply the Greek letter "Ω." *See* Defendant's Exhibit 7 at p.2.

4. In addition to jewelry, fraternities and sororities typically produce or license others to produce a wide assortment of affinity merchandise bearing a organization's insignia. Such merchandise includes, but is not limited to, shirts, hats, jackets, sweatshirts, intramural sports uniform shirts, banners, flags, car window decals, watches, clocks, glassware, plaques, stationery, and tote bags. *See* Defendant's Exhibits 8 – 10 (Miraglia, Wampler, and Smiley Decls. ¶ 4) and Defendant's Exhibit 12 (Shaver Decl. ¶ 7).

5. Applicant's goods are Greek affinity merchandise marketed to members of the sorority. *See* Defendant's Exhibit 13 (AQE Point of Purchase Displays).

6. The target market for merchandise bearing the insignia of a fraternity or sorority is "[m]embers of the . . . [f]raternity, and persons buying [the] merchandise as gifts for members of the fraternity." *See* Defendant's Exhibits 8 – 10 (Miraglia, Wampler, and Smiley Decls. ¶ 6). *See also Alpha Tau Omega Fraternity, Inc. v. Pure Country, Inc.*, 2004 U.S. Dist. LEXIS 32043, at \*7 (S.D.In. 2004) ("primary markets for Defendant's [products bearing insignia of fraternities and sororities] was membership of the various Greek organizations and their friends and relatives who might purchase the [products] as gifts').

7. The channel of trade for Greek affinity merchandise is a niche market. *See* Defendant's Exhibits 8 – 10 (Miraglia, Wampler, and Smiley Decls. ¶ 7) and Defendant's

Exhibit 12 (Shaver Decl. ¶¶ 11 & 12):

[T]here has been a well-developed niche market for Greek letter organization affinity merchandise which is most commonly produced, marketed, and sold by licensed vendors who specialize in the production, marketing, and sale of merchandise for Greek organizations including vendors such as sassysorority.com, kollegetown.com, A Greek Concept, American Greek Co., getsomegreek.com, gonegreek.com, greekandunique.net, greekcreations.com, greekgallery.net, greekt-shirtsthatrock.com, greekyearbook.com, greekgear.com, greek101.com, greekwithenvy.com, greekstreak.com, greekspirit.org, and greekshirtstore.com.

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

9. There is no demand for Greek merchandise outside the Greek niche market.

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

11. Notwithstanding over 30 years of coexistence, there has not been a single instance where a consumer of any merchandise bearing any insignia of the Alpha Omega Epsilon Fraternity has confused, or has otherwise associated the merchandise with Opposer or any of its

marks. *See* Defendant's Exhibit 4 (Excerpts of Opposer's response to request for production) at Request No. 16 and the response thereto and Defendant's Exhibit 5 (Excerpts of Opposer's response to requests for admissions) at Request Nos. 30, 34, and 38 and the responses thereto.

12. Although Opposer bears the burden on its dilution claim to prove fame of its marks prior to the adoption in 1983 by ALPHA OMEGA EPSILON of its name and Greek letter insignia, and notwithstanding discovery requests it do so, Opposer cannot, or at least did not come forward with any showing of any fame in the United States associated with its marks dating back prior to 1983. Interrogatory No. 3 directed Omega to itemize the extent of its sales in the United States under the Omega marks for the period from 1963 to 1983. Omega responded that its document production would provide this information. Interrogatory No. 4 directed Omega to itemize the extent of its promotional efforts in the United States associated with the Omega marks for the period from 1963 to 1983. Omega responded that its document production would provide this information. Further, Request for Production No. 25 requested production of records reflecting the extent of advertising and marketing expenditures for the period from 1963 to 1983. Omega responded that it would be producing records reflecting these expenditures. Interrogatory No. 8 directed Omega to describe in detail any factual basis to contend the marks were famous in the United States prior to 1983. In response, Omega said it would be producing documents "relating to Opposer's annual sales" and "Opposer's advertising expenditures." *See* Defendant's Exhibits 5 & 6. Although stating this information would be included in its document production, Omega did not come forward with *anything* providing the requested information. Instead, it dumped nearly 3200 documents on us, from which we could locate *nothing* providing the pertinent information. *See* Defendant's Exhibit 14 (correspondence requesting "meet and confer" outlining production deficiencies).

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

As the Board is well aware, to determine whether the ALPHA OMEGA EPSILON word mark and its Greek letter equivalent, ΑΩΕ , and to determine whether the sorority’s crest design containing a banner bearing the ALPHA OMEGA EPSILON name is likely to be confused with Opposer’s marks, we are to look to the pertinent *du Pont* factors. The dispositive factors here appear to be the following:

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

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

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

As for similarity of goods, it is often said, of course, when an Applicant recites goods, here “jewelry” or “hats; jackets; shirts; sweat pants; sweat shirts; sweaters,” the goods normally “are *presumed* to travel in all normal channels and to all prospective purchasers for the relevant goods.” *Coach Servs.*, 668 F.3d at 9 (emphasis added). This is merely a “presumption” though, the applicability of which is quite questionable here when we consider the fundamental realities

associated with the disparate markets in which high-end watches costing up to tens of thousands of dollars are sold, as compared with the niche market in which Greek affinity merchandise is offered. This is especially so considering the fundamental differences in target customers -- those who can afford watches costing up to tens of thousands of dollars, as compared with college fraternity members purchasing costume jewelry, caps, jackets and intramural jerseys typically costing less than \$100. Granted, although the Board may “presume” a \$36 finger ring<sup>5</sup> may flow in the same channel of trade as high-end Omega watches costing up to tens of thousands of dollars targeted to persons with high net-worth, the practical reality here is that the markets do not currently overlap and *realistically never will*. Thus, as applied here, any “presumption” of overlapping markets is greatly outweighed by *du Pont* factor “(3) The similarity or dissimilarity of established, likely-to-continue trade channels” and *du Pont* factor “(4) The conditions under which and buyers to whom sales are made, i.e. ‘impulse’ vs. careful, sophisticated purchasing.”

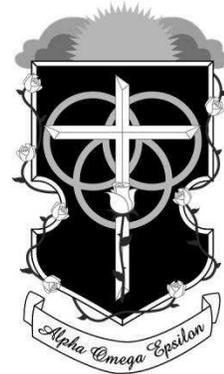
Regardless, even assuming there were an overlap of markets, *the truly dispositive factor here* is the dissimilarity of the marks; the marks simply are not similar enough to support any plausible claim of likelihood of confusion. When applying the similarity of marks factor we are, of course, to consider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

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

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<sup>5</sup> See Defendant’s Exhibit 13 at p. AOE0201.

Thus, when comparing the Omega watch marks with the crest AΩE seeks to register as a collective membership mark, the comparison is not simply the OMEGA word in Opposer’s marks and the “Omega” portion of the ALPHA OMEGA EPSILON name as used in the crest, shown here; rather the comparison must be made to the crest “in [its] entirety[y], words and design.” *Id.* Similarly, when comparing the Omega watch marks with the sorority’s word mark, ALPHA OMEGA EPSILON and the Greek letter insignia AΩE, the comparison is not simply the OMEGA word and/or Ω symbol used in the Omega watch marks with the OMEGA or Ω components of the mark sought to be registered; the comparison must be made with the marks in their entireties.



And when comparing the marks in their entireties, we must focus on the “sound, connotation and commercial impression” of the marks. This is one of the fatal problems with Opposer’s claims it cannot overcome as a matter of law. When viewing the marks as a whole, the ALPHA OMEGA EPSILON word mark, the ALPHA OMEGA EPSILON coat-of-arms mark, and the Greek letter combination, AΩE, in the “established, likely-to-continue trade channels,”<sup>6</sup> consumers will readily recognize the ALPHA OMEGA EPSILON crest and the AΩE insignia as references to a fraternity or sorority, not a reference to the Opposer or any of its products; the target customers are not at all likely to associate the insignia with anything other than a Greek letter fraternity or sorority, certainly not Opposer. As recognized by both the Courts and the Board, when the public encounters insignia consisting of a combination of two or three Greek alphabet letters, the public will recognize the insignia as a reference to a Greek letter fraternity or sorority. “[U]se of various combinations of Greek letters, in the mind of the public, generally refers to fraternities and sororities.” *Abraham*, 781 F.Supp.2d at 410. Or, as the Board itself

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<sup>6</sup> *du Pont* factor (3).

recently held, **as a matter of law**, the letters EK on hats is not likely to be confused with the Greek alphabet letters for the Sigma Kappa Sorority, namely, ΣK, also for hats, because such insignia will be “perceived as identifying both Greek letters and the name of a sorority.” *In re New Era Cap Co., Inc.*, <http://ttabvue.uspto.gov/ttabvue/v?pno=85515684&pty=EXA&eno=21> at p.5 (TTAB July 7, 2014). Just as EK for hats is not likely, as a matter of law, to be confused with ΣK for hats, so too, the ALPHA OMEGA EPSILON word mark, coat-of-arms, and ΑΦΩ insignia as collective membership marks and as trademarks for jewelry and assorted clothing lines is not likely, as a matter of law, to be confused with the Opposer or its products.

Dissimilarity to the extent we have here is more than enough to be dispositive as a matter of law. As the Board recently held **reversing** a finding that EK is likely to be confused with the Greek letters Sigma Kappa, namely, ΣK, “the dissimilarity of the marks and differences in sound, meaning, and commercial impression are so great that they outweigh the other *du Pont* factors. . . . For that reason, we find the first *du Pont* factor to be dispositive.” *Id.* at 5-6. “[A] single *du Pont* factor may be dispositive.” *Id.* at 4 (citing *Kellogg Co. v. Pack’em Enters, Inc.*, 951 F.2d 330, 21 USPQ2d 1142 (Fed. Cir. 1991). Indeed, Opposer, through its parent company, Swatch AG is well acquainted with this rule of law. *Swatch AG v. M. Z. Berger & Co., Inc.* 108 USPQ2d 1463 (TTAB 2013) (IWATCH for assorted watches and timekeeping devices not likely to be confused with well-known SWATCH brand). As noted by the Board therein,

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

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

*Id.* (citing *Kellogg*, 21 USPQ2d at 1145 and *Citigroup Inc v. Capital City Bank Group Inc.*, 637 F.3d 1344, 98 USPQ2d 1253, 1260 (Fed. Cir. 2011)). Likewise here, the dissimilarity between

OMEGA, primarily for watches, and the ALPHA OMEGA EPSILON word mark, coat-of-arms, and AΩE insignia as collective membership marks and as trademarks for jewelry and assorted clothing lines is more than adequate to be dispositive as a matter of law.

Even if the complete dissimilarity of the marks alone was not dispositive, the lack of any appreciable likelihood of confusion or any risk of dilution is especially apparent considering that Applicant's products flow in a niche market, the Greek affinity merchandise market. There are dozens of fraternities and sororities with "Omega" in their name. Many of these have coexisted with Opposer throughout its history, including at least three major fraternities and sororities which actually predate opposer, Alpha Tau **Omega**, Alpha Chi **Omega**, and Chi **Omega**. Further, the absence of any real likelihood of confusion or any realistic risk of dilution is clear and obvious when one considers that Opposer and Alpha Omega Epsilon have coexisted for over 30 years without a single instance of confusion or association. Opposer is hard-pressed to now all of a sudden claim that ALPHA OMEGA EPSILON and AΩE are at all likely to cause confusion with Opposer and its marks. Opposer has not come forward to show, and as a matter of law cannot show, any appreciable likelihood of confusion. Opposer's likelihood of confusion claim should be dismissed by summary judgment.

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

In affirming a TTAB finding of no dilution in a case involving Opposer's parent company Swatch, S.A., the Eastern District of Virginia noted that to state a claim for dilution, the plaintiff must show: (1) it owns a famous mark that is distinctive; (2) that the defendant has commenced using a mark in commerce that is allegedly diluting the famous mark; (3) that a similarity between the defendant's mark and the famous mark gives rise to an association between the marks; (4) that the association is likely to impair the distinctiveness of the famous

mark or likely to harm the reputation of the famous mark. *Swatch, S.A. v. Beehive Wholesale, L.L.C.*, 888 F. Supp. 2d 738, 756-57 (E.D. Va. Aug. 16, 2012) (citing *Louis Vuitton Malletier S.A. v. Haute Diggity Dog, LLC*, 464 F. Supp. 2d 495, 264-65 (E.D. Va. 2006)).

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

A finding of dilution is an “extraordinary remedy.” *Toro Company*, 61 USPQ2d at 1173 (citing *Advantage Rent-A-Car Inc. v. Enterprise Rent-A-Car Co.*, 238 F.3d 378, 381 (5th Cir. 2001)). The level of proof required to establish dilution is a rigorous standard. *Id.* at 1174. “Fame for dilution purposes is difficult to prove.” *Id.* at 1180 (citing *Advantage Rent-A-Car*, 238 F.3d at 381); *see also Coach Services, Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1373 (Fed. Cir. 2012) (“fame for dilution purposes is difficult to prove . . . all trademarks are ‘distinctive’ – very few are ‘famous’”).

If Opposer genuinely believes that a sorority name containing the word Omega is similar enough to Opposer’s marks to bring rise to a dilution claim, Opposer has dug quite a paradoxical hole. Because there are dozens of fraternities and sororities with Omega in their name, under Opposer’s wishful broad theory, it cannot satisfy the dilution requirement of “substantially exclusive use of the mark.” 15 U.S.C. § 1125(c)(2)(B)(iii). Under Opposer’s wishful broad theory, its marks and the marks of Alpha Tau Omega cause dilution. Alpha Tau Omega has used its marks, including on jewelry, since 1865<sup>7</sup>, well prior to Opposer’s entrée into the United States. Under Opposer’s wishful broad theory, its marks and the marks of Alpha Chi Omega

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<sup>7</sup> See Defendant’s Exhibit 8 (Smiley Decl.)

cause dilution. Alpha Chi Omega has used its marks, including on jewelry, since 1885<sup>8</sup>, well prior to Opposer's entrée into the United States. If Opposer insists on claiming a sorority name containing the word Omega is similar enough to Opposer's marks to bring rise to a dilution claim, opposer claim self-destructs in light of the fact that dozens of fraternities and sororities have the word "Omega" in their name, Opposer cannot plausibly show the requisite "substantially exclusive use of the mark." *Id.*

Further, in order to prevail on the ground of dilution, Opposer must show that its mark became famous prior to the Applicant's use of the allegedly famous mark. *Toro Company*, 61 USPQ2d at 1174, n.9 and *Chanel, Inc. v. Makarczyk*, 110 USPQ2d 2013, 2024 (TTAB May 27, 2014). Thus, the Board need not decide whether the OMEGA marks might be famous today. Omega must show that its OMEGA marks became famous prior to Alpha Omega Epsilon's commencement of use of the ALPHA OMEGA EPSILON name and Greek letter insignia, ΑΩΕ in 1983. Notwithstanding discovery requests that it do so, Omega has not produced *any* evidence to indicate that the OMEGA mark was famous in the United States prior to 1983. Omega has failed to even address its burden to prove its marks were famous prior to 1983; it has done nothing to show OMEGA was a "household name" in the United States prior to 1983. *See Coach Services*, 668 F.3d at 1373 ("a famous mark is one that has become a 'household name'").

Although Opposer bears the burden of proof to prove fame of its marks prior to the adoption in 1983 by ALPHA OMEGA EPSILON of its name and Greek letter insignia, ΑΩΕ, and notwithstanding discovery requests it do so, Interrogatory No. 3 directed Omega to itemize the extent of its sales in the United States under the Omega marks for the period from 1963 to 1983. Omega responded that its document production would provide this information. Interrogatory No. 4 directed Omega to itemize the extent of its promotional efforts in the United

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<sup>8</sup> *See* Defendant's Exhibit 9 (Wampler Decl.)

States associated with the Omega marks for the period from 1963 to 1983. Omega responded that its document production would provide this information. Further, Request for Production No. 25 requested production of records reflecting the extent of advertising and marketing expenditures for the period from 1963 to 1983. Omega responded that it would be producing records reflecting these expenditures. Interrogatory No. 8 directed Omega to describe in detail any factual basis to contend the marks were famous in the United States prior to 1983. In response, Omega said it would be producing documents “relating to Opposer’s annual sales” and “Opposer’s advertising expenditures.” *See* Defendant’s Exhibits 4 & 6. Although *stating* this information would be included in its document production, Omega did not come forward with **anything** providing the requested information. Instead, it dumped nearly 3200 documents on us from which we could locate **nothing** providing the pertinent information. *See* Defendant’s Exhibit 14 (correspondence requesting “meet and confer” outlining production deficiencies).

Regardless of Opposer’s failure to satisfy its burden of coming forward with this information, the Board need not even address whether Opposer’s marks ever became famous. The ALPHA OMEGA EPSILON word mark and coat-of-arms, and the sorority’s AΩE insignia simply are not similar enough to Opposer’s marks to support a dilution claim. The test for blurring is not the same as for determining whether two marks are confusingly similar for likelihood of confusion purposes. *7-Eleven, Inc.*, 85 USPQ2d at \*48. For purposes of dilution, Omega must prove more than confusing similarity between the marks at issue; it must show that the marks are “identical or very substantially similar.” *Toro Company*, 61 USPQ2d at 1183 (internal citations omitted); *See 7-Eleven, Inc. v. Lawrence I. Wechsler*, 85 USPQ2d 1715 (BIG GULP was not diluted by GULPY); *Mead Data Central, Inc. v. Toyota Motor Sales, U.S.A., Inc.*, 875 F.2d 1065 (2nd Cir. 1989) (LEXUS for cars did not dilute LEXIS for database services);

*Toro Company*, 61 USPQ2d at 1163 (“While the marks TORO and ToroMR and design are similar, we do not find that they are substantially similar for dilution purposes.”); *Swatch*, 888 F. Supp. 2d at 758 (SWAP for watches not similar enough to dilute SWATCH for watches).

For dilution to occur, the marks at issue must be “similar enough that a significant segment of the target group sees the two marks as essentially the same.” *Id.* (citing *Luigino’s Inc. v. Stouffer Corp.*, 170 F.3d 827, 832 (8th Cir. 1999) (internal citations omitted)). As shown in the likelihood of confusion discussion above, although the marks at issue here share an Ω, the similarity ends there. The fact that Applicant’s marks connote Greek organizations adds to the dissimilarity of the marks. “[T]he use of various combinations of Greek letters, in the mind of the public, generally refers to fraternities or sororities.” *Abraham*, 781 F. Supp. 2d at 410. Consumers seeing ΑΦΩ would recognize the mark as referring to a fraternity. *See id.* Indeed, as the Board itself recently recognized, the ΣΚ Greek letter insignia will be “perceived as identifying both Greek letters and the name of a sorority.” *In re New Era Cap Co., Inc.*, <http://ttabvue.uspto.gov/ttabvue/v?pno=85515684&pty=EXA&eno=21> at p.5 (TTAB July 7, 2014).

Because the ALPHA OMEGA EPSILON word mark and the sorority’s ΑΩΕ insignia connote a Greek organization, Omega simply cannot show that when the general public encounters the ALPHA OMEGA EPSILON word mark, the coat-of-arms, or the sorority’s ΑΩΕ insignia “in almost any context, it associates the term” with Omega. *Coach Services*, 668 F.3d at 1373 (quoting *Toro Company*, 61 USPQ2d at 1180). Rather, consumers undoubtedly will associate the ALPHA OMEGA EPSILON insignia as identifying the name of a sorority or fraternity, not a watch company. *Id.* Association “in the realm of dilution law means that the ordinary person on encountering [Alpha Omega Epsilon’s] mark[s] will think of [Omega’s]

mark.” *Swatch*, 888 F. Supp. 2d at 757. This is not the case here. Upon seeing the ALPHA OMEGA EPSILON word mark, or coat-of-arms, or the sorority’s AΩE insignia on affinity merchandise, consumers are not going to be “immediately reminded of the [Omega] mark and associate [Alpha Omega Epsilon’s] use with [Omega’s] use of the [Omega marks].” *Toro Company*, 61 USPQ2d at 1183. Like its parent company Swatch in *Swatch v. Beehive*, Omega cannot show that the ALPHA OMEGA EPSILON insignia is likely to impair the distinctiveness of the Omega marks. *See Swatch*, 888 F. Supp. 2d at 757.

This is undisputed; the marks at issue are not “identical or very substantially similar.”<sup>9</sup> There is no evidence that Alpha Omega Epsilon intended to create an association with Opposer or its marks. Opposer has not come forward with any evidence demonstrating any association between its marks and Alpha Omega Epsilon’s marks. There is no plausible argument that upon seeing Alpha Omega Epsilon’s crest or Greek letters AΩE, consumers will immediately associate those products with Opposer or its marks. Consumers seeing AΩE either alone or as part of the AΩE crest will no doubt perceive the Greek letter combination as referring to a fraternity or a sorority, not a watch company.

Omega has not come forward, indeed cannot come forward, with any plausible basis for any claim the Alpha Omega Epsilon marks impair the distinctiveness of Omega’s marks.

Omega’s dilution claim fails as a matter of law; summary judgment is appropriate.

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

It is well-settled that summary judgment is “a salutary method of disposition,” and the Board does not hesitate to resolve cases through summary judgment when appropriate. TBMP § 528.01 (citations omitted); *see also Sweats Fashions Inc. v. Pannill Knitting Co.*, 833 F.2d 1560,

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<sup>9</sup> *Toro Company*, 61 USPQ2d at 1183 (internal citations omitted).

4 USPQ2d 1793 (Fed. Cir. 1987). Summary judgment is “an integral part of the Federal Rules as a whole, which are designed ‘to secure the just, speedy and inexpensive determination of every action.’” *Celotex Corp. v. Catrett*, 477 U.S. 317, 327 (1986) (citing Fed. R. Civ. Proc. 1).

Motions for summary judgment are “tools by which factually insufficient claims or defenses” can be “isolated and prevented from going to trial with the attendant unwarranted consumption of public and private resources.” *Id.* The purpose of summary judgment is to avoid an unnecessary trial and to “isolate and dispose of factually unsupported claims.” TBMP § 528.01 (citations omitted); *Central Mfg. Co. v. Board of Regents, University of Texas System*, 2005 TTAB LEXIS 444, at\*10 (TTAB 2005) (quoting *Celotex Corp.*, at 323).

If ever a case were appropriate for summary judgment, this is it. Even though Opposer and Alpha Omega Epsilon have coexisted for over 30 years, neither party is aware of even a single instance of confusion or consumer association of the Alpha Omega Epsilon insignia with Opposer or its marks. Indeed, there are dozens of fraternities and sororities with “Omega” in their name, many of which have coexisted with Opposer throughout its history. Notwithstanding these years of coexistence without confusion or association, Opposer has now decided to bully any collegiate fraternity or sorority with the word Omega in its name. This case is just one of many examples of Omega’s bullying tactics. It has instituted similar proceedings in the TTAB against the Omega Psi Phi Fraternity which has coexisted with Omega over 100 years, since 1911 (Proceeding No. 91197082), the Alpha Phi Omega Fraternity which has coexisted with Omega nearly 90 years, since 1925<sup>10</sup> (consolidated Proceeding Nos. 91197504 (Parent)), and the Lambda Tau Omega Sorority (Proceeding No. 91208652). Omega also has unsuccessfully sought an extension to oppose a filing of the Psi Sigma Omega Service Fraternity (Serial No.

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<sup>10</sup> Co-pending before the TTAB in the Alpha Phi Omega consolidated opposition proceeding is a Alpha Phi Omega’s Motion for Summary Judgment which is essentially identical to this Motion.

78739642); and it successfully bullied Omega Delta Phi into abandoning the application to register its name (Proceeding No. 91186613).

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

### **CONCLUSION**

Consumers encountering Applicant's use of insignia containing ALPHA OMEGA EPSILON or the Greek letters, ΑΩΕ, will perceive the marks as referring to a fraternity or sorority and will not confuse or associate the merchandise with Opposer or its marks. Opposer and Alpha Omega Epsilon have coexisted for over 30 years without a single instance of confusion, and the marks are so dissimilar that it is not likely that there will ever be any consumer confusion in the future. Similarly, regardless of whether the Omega marks are considered famous, consumer association of the Alpha Omega Epsilon insignia with the Omega Watch marks is not likely to occur. There is no genuine issue of material fact either supporting a contention there is an appreciable likelihood of confusion or supporting any dilution claim.

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

Respectfully requested,

*/jackawheat/*

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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 Omega Epsilon

**CERTIFICATE OF SERVICE AND ELECTRONIC SUBMISSION**

I hereby certify that a true copy of this item, ALPHA OMEGA EPSILON'S MOTION FOR SUMMARY JUDGMENT is being filed electronically with the U.S. Patent and Trademark Office using the ESTTA service, and a copy has been served on counsel for Opposer by mailing said copy this 8th day of September, 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/*

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Jack A. Wheat

AL191:00AL1:992448:1:LOUISVILLE

# Defendant's Exhibit 1









# Defendant's Exhibit 2

omega watches price list

**Top Category Matches**

- > Watches 2
- > Other Electronics 1

**Price**

\$  Min to \$  Max

**Store**

- Overstock.com 2
- Bodycandy.com 1

**Brand**

- OMEGA 2

**Color**

- 1
- 1
- 1

Ads related to: omega watches price list

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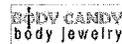
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Chronograph 37.5mm Unisex 222.32.38.50.01-

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Seamaster Planet Ocean Men's Chronograph W...

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232.90.46.21.03.001 Seamaster Planet

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232.92.46.21.03.001 Seamaster Planet

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Chronograph 45.5mm Men's 232.30.46.51.01-

\$9,200.00-\$5,905.00

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Seamaster Planet Ocean 46mm Men's Watch 23...

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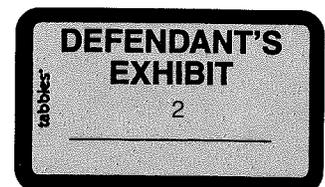
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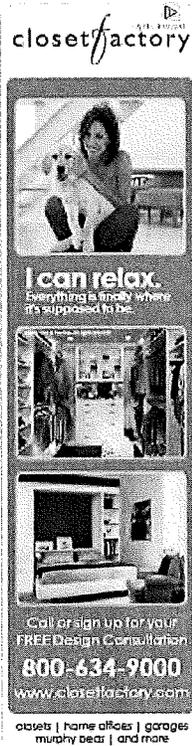
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<input type="text"/>	Subr
Price Range	
Under \$3263	327
\$3263 - \$5471	331
\$5471 - \$10982	333
\$10982+	330
\$ <input type="text"/> to \$ <input type="text"/>	<input type="button" value="Update"/>
Condition	
New	1321
Shipping	
Free Shipping	1278
Top Brands	
Omega	1173
Longines	1
Time	1
General Electric	1
Swiss	7
GS	3
Calibre	1
+ See all	
Gender	
Men	468
Women	470
Unisex	40
Dial Color	
Black	139
White	23
Blue	22
Silver	123
Gold	3
Champagne	9
Pearl	54
+ See all	
Fastener Type	

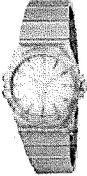
<p>Omega Moonwatch Co-Axial Chronograph...</p> <p>WATCH MAXX</p> <p>as low as <b>\$8,475.00</b></p> <p>SEE IT</p> <p>more info</p>	<p>Omega Seamaster James Bond Watch...</p> <p>Authentic Watches.com</p> <p>seller rating: 4.5/5</p> <p>as low as <b>\$2,970.00</b></p> <p>SEE IT</p> <p>more info</p>	<p>Omega Seamaster James Bond 007 Limited...</p> <p>Authentic Watches.com</p> <p>seller rating: 4.5/5</p> <p>as low as <b>\$4,390.00</b></p> <p>SEE IT</p> <p>more info</p>	<p>Omega Seamaster Aqua Terra Quartz 38.5mm...</p> <p>Authentic Watches.com</p> <p>seller rating: 4.5/5</p> <p>as low as <b>\$2,070.00</b></p> <p>SEE IT</p> <p>more info</p>
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<p>Omega Constellation Brushed Quartz 27mm...</p> <p>Authentic Watches.com</p> <p>seller rating: 4.5/5</p> <p>as low as <b>\$2,870.00</b></p> <p>SEE IT</p> <p>more info</p>	<p>Omega De Ville Quartz 22mm Women's...</p> <p>Authentic Watches.com</p> <p>seller rating: 4.5/5</p> <p>as low as <b>\$2,590.00</b></p> <p>SEE IT</p> <p>more info</p>	<p>Omega Seamaster Planet Ocean 46mm Men's...</p> <p>Authentic Watches.com</p> <p>seller rating: 4.5/5</p> <p>as low as <b>\$3,970.00</b></p> <p>SEE IT</p> <p>more info</p>	<p>Omega Automatic Chronometer 38.5mm...</p> <p>Authentic Watches.com</p> <p>seller rating: 4.5/5</p> <p>as low as <b>\$3,890.00</b></p> <p>SEE IT</p> <p>more info</p>

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Buckle	708
Push Button	250
Deployment	788
Invisible / Hidden	18
<b>Material</b>	
Gold	406
Leather Band	112
Rubber Band	24
Silver	301
Steel	82
Titanium	11
<b>Movement</b>	
Automatic	352
Manual	1
Quartz	305
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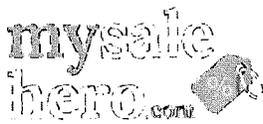


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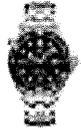
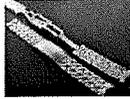
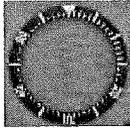
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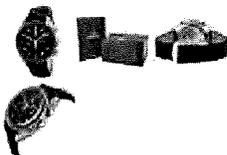
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18kt rose gold case with a black alligator leather strap. Uni-directional rotating bezel with tachymeter. Black dial with gold-tone hands and index hour markers. Minute markers around the outer rim. Dial Type: Analog. Date display at the 3 o'clock position. Two sub-dials displaying: 60 second and 12 hour. Automatic movement. Scratch resistant sapphire crystal. Case diameter: 44.25 mm. Round case shape. Deployment with push button clasp. Water resistant at 100 meters / 330 feet. Functions: chronograph, date, hour, minute, second. Luxury watch style. Watch label: Swiss Made. Omega Speedmaster Moonwatch Black Dial Chronograph 18kt Rose Gold Black Alligator Leather Mens Watch 311.63.44.51.01.001.



Omega Speedmaster Racing Grey Dial Black Rubber Mens Watch...  
Retail Price: \$4,700.00  
Sale Price \$3,399.00



Omega Seamaster Blue Dial Automatic Stainless Steel Mens ...  
Retail Price: \$4,400.00  
Sale Price \$3,350.00



Omega Speedmaster Moonwatch Black Dial Brown Leather Mens...  
Retail Price: \$5,300.00  
Sale Price \$3,975.00

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

Misc010



May we also suggest...



Omega DeVille Hour Vision Silver Dial 18kt Rose Gold Mens Watch 431.60.41.21.02.001

Our Price: \$25,425.00



Omega Constellation Black Dial 18kt Rose Gold Black Rubber Automatic Mens Watch 121.62.41.50.01.001

Our Price: \$17,706.00

New Image Coming Soon

Omega Constellation Brown Dial 18kt Rose Gold Brown Leather Automatic Mens Watch 231.53.42.21.06.001

Our Price: \$15,372.00

**Omega Watches**

Omega watches have been a standard for quality and excellence for over 150 years, when the company began as Switzerland's first watch manufacturer. When elegance and strength come together to form an extraordinary timepiece, the result can only be an Omega wristwatch. Jomashop is proud to offer a full line of Omega watches; featuring the Constellation series as endorsed by model Cindy Crawford. The Omega Cindy Crawford Constellation watch series is renowned for elegance, beauty, and sophistication. Jomashop is proud to offer a full line of other Omega watches, including Omega Seamaster, Omega Aqua Terra, Omega Speedmaster, Omega double eagle, Omega Broad Arrow, and Omega Co-Axial at competitive prices.

[view other... Omega Watches](#)

**Our Code**

SKU # : OMEGA-WATCH-311-63-44-51-01-001

Warranty on this item

2 Year Jomashop.com Warranty

[...for more detail on warranty](#)

**Our Promise to You, It's simple...**

Jomashop features genuine Omega Speedmaster Moonwatch Black Dial Chronograph 18kt Rose Gold Black Alligator Leather Mens Watch 311.63.44.51.01.001. All items sold on Jomashop.com are authentic, brand new with manufacturer's packaging. Jomashop.com has been on the Internet since 1999 selling Omega Speedmaster Moonwatch Black Dial Chronograph 18kt Rose Gold Black Alligator Leather Mens Watch 311.63.44.51.01.001 and thousands of other brand name products at unheard of discounts plus top customer service, with most items shipping the same day. Join thousands of satisfied customers and buy your Omega Speedmaster Moonwatch Black Dial Chronograph 18kt Rose Gold Black Alligator Leather Mens Watch 311.63.44.51.01.001 with complete satisfaction. A Jomashop.com 30 Day Money Back Guarantee is included with every Omega Speedmaster Moonwatch Black Dial Chronograph 18kt Rose Gold Black Alligator Leather Mens Watch 311.63.44.51.01.001 for secure, risk-free online shopping. A Jomashop.com 30 Day Money Back Guarantee is included with every Omega Speedmaster Moonwatch Black Dial Chronograph 18kt Rose Gold Black Alligator Leather Mens Watch 311.63.44.51.01.001 for secure, risk-free online shopping. Jomashop.com does not charge sales tax for the Omega Speedmaster Moonwatch Black Dial Chronograph 18kt Rose Gold Black Alligator Leather Mens Watch 311.63.44.51.01.001, unless shipped within New York State. Jomashop.com is a top rated 5 star Yahoo! store, with over 100,000 satisfied customers. Please join our mail lists for discounts, coupons, and special private sales. Buy Omega Speedmaster Moonwatch Black Dial Chronograph 18kt Rose Gold Black Alligator Leather Mens Watch 311.63.44.51.01.001 now!

**Guides to help you make more informed decisions**

- Watch Sizing Guide
- Ring Guide
- Ring Size Chart

**Recently Viewed Items**



Omega Constellation Black Dial 18kt Rose Gold Black Rubber Automatic Mens Watch 121.62.41.50.01.001



Omega Speedmaster Moonwatch Black Dial Chronograph 18kt Rose Gold Black Alligator Leather Mens Watch 311.63.44.51.01.001



Omega DeVille Hour Vision Silver Dial 18kt Rose Gold Mens Watch 431.60.41.21.02.001

**This item is also in these section/s:**

Home: Featured Brands :: Omega :: Omega Speedmaster Watches :: Omega Speedmaster Moonwatch Black Dial Chronograph 18kt Rose Gold Black Alligator Leather Mens Watch 311.63.44.51.01.001  
 Home: Featured Brands :: Omega :: Omega Speedmaster Watches :: Omega Speedmaster Moonwatch Black Dial Chronograph 18kt Rose Gold Black Alligator Leather Mens Watch 311.63.44.51.01.001  
 Home: View All Watches :: Omega :: Omega Speedmaster Watches :: Omega Speedmaster Moonwatch Black Dial Chronograph 18kt Rose Gold Black Alligator Leather Mens Watch 311.63.44.51.01.001  
 Home: Shop By Style :: Luxury Watches :: Omega :: Omega Speedmaster Watches :: Omega Speedmaster Moonwatch Black Dial Chronograph 18kt Rose Gold Black Alligator Leather Mens Watch 311.63.44.51.01.001  
 Home: Luxury Watches :: Omega :: Omega Speedmaster Watches :: Omega Speedmaster Moonwatch Black Dial Chronograph 18kt Rose Gold Black Alligator Leather Mens Watch 311.63.44.51.01.001

Misc011

<b>FLASH SALES</b> SHOP NOW >		<b>INVICTA</b> DEALS OF THE WEEK >		<b>JOMADEALS</b> UNBEATABLE DAILY DEALS >		Sign Up For Updates And Special Offers 
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**CUSTOMER SERVICE**

- Contact Us
- Order Processing
- Order Status
- Order Change/Cancel
- Payment Methods
- Shipping Methods & Timeframe
- International Orders
- Sales Tax
- Return Policy
- Warranty

**ABOUT US**

- Our History
- Authenticity Guarantee
- Money Back Guarantee
- Terms & Conditions
- Privacy Policy
- Site Map
- Affiliate Program
- Wholesale Inquiries

**REVIEWS**

- Resellarratings.com: 2,000+ lifetime reviews
- Yahoo.com: 14,000+ lifetime reviews
- Amazon.com: 28,000+ lifetime reviews
- ShopperApproved.com: 25,000+ reviews

**SOCIAL**

- The Jomashop Blog
- Jomashop VIP Rewards
- Update Your Email Preferences
- Jomashop Google +
- Jomashop Twitter
- Jomashop Pinterest
- Jomashop on Facebook

**FOLLOW US**

- Google+

**WE'RE HERE TO HELP**

- Customer Service Hours:  
Mon-Thur: 9:00AM - 6:00PM  
Fri: 9:00AM - 3:00PM
- Any Questions? Call Us!  
Phone: (877) 834-1434
- Chat Now
- Contact Us Online

All brands are trademarks of their respective holders. Retail price is manufacturer's suggested retail price and may not reflect actual selling prices. All items are covered by JOMASHOP.com's guarantee to refund your purchase price, if you are not completely satisfied. Our guarantee applies even though some items may not be covered by the manufacturer's warranty, because JOMASHOP.com is not an "authorized" dealer of the merchandise.

Call our Toll Free Number: (877) 834-1434

Jomashop.com is not affiliated with any website that sells fake or replica watches.

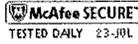
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Call us: 877.834.1434 | Chat Now

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0 Items Total: \$0.00

BRAND A-Z MEN'S WATCHES LADIES WATCHES ACCESSORIES FINE GIFTS FLASH SALES



Home :: Featured Brands :: Omega :: Omega DeVille Watches :: Omega DeVille Hour Vision Silver Dial 18kt Rose Gold Mens Watch 431.60.41.21.02.001

FEATURED BRANDS

- BAUME & MERCIER
- BREITLING
- CARTIER
- CITIZEN
- HAMILTON
- INVICTA
- IWC
- MICHAEL KORS
- OMEGA
- PANERAI
- RAYMOND WEIL
- ROLEX
- SEIKO
- TAG HEUER
- TISSOT

BRANDS

- A. Lange & Sohne
- Activa
- Adidas
- Akribos XXIV
- Alpina
- Armani (Emporio)
- AJX Armani Exchange
- Audemars Piguet
- August Steiner
- AVI-8
- Avin Milann

SHOP ALL BRANDS A - Z

WATCH ACCESSORIES

- Watch Boxes
- Watch Straps
- Watch Tools
- Watch Winders

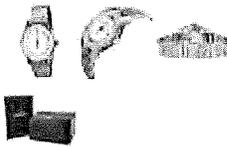
CRYSTAL AND FIGURINES

- Baccarat Crystal
- Lalique Crystal
- Ioan Nemtoi Glassware
- M.I. Hummel Figurines
- Swarovski Crystal
- Walt Disney Classic Figurines
- Other Crystals and Figurines

FINE PENS

FASHION JEWELRY

DESIGNER ACCESSORIES



Click image to enlarge

Omega DeVille Hour Vision Silver Dial 18kt Rose Gold Mens Watch 431.60.41.21.02.001

[Write a Review](#)

ITEM CODE: OMEGA-WATCH-431-60-41-21-02-001

Get fast advice from customers who own this item  
[ASK A QUESTION](#)

Retail Price: \$33,900.00  
Savings: \$8475 (25%)  
Shipping: (Within US) FREE  
**Sale Price: \$25,425.00**  
Usually Ships In 2 - 3 Weeks

**BUY NOW**

With your purchase, receive at no cost:  
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18kt rose gold case with a 18kt rose gold bracelet. Fixed 18kt rose gold bezel. Silver dial with gold-toned hands and index hour markers. Minute markers around the outer rim. Dial Type: Analog. Date display at the 3 o'clock position. Automatic movement. Scratch resistant sapphire crystal. Push / pull crown. Solid case back. Case diameter: 41 mm. Round case shape. Deployment clasp. Water resistant at 100 meters / 330 feet. Functions: date, hour, minute, second. Luxury watch style. Watch label: Swiss Made. Omega DeVille Hour Vision Silver Dial 18kt Rose Gold Mens Watch 431.60.41.21.02.001.

Brand	Omega
Model number	431.60.41.21.02.001
Gender	Mens
Series	DeVile Hour Vision
Watch Style	Luxury
Movement	Automatic
Functions	Date, Hour, Minute, Second
Case Material	18kt Rose Gold
Case Shape	Round
Case Diameter	41 mm - <a href="#">View the watch size chart</a>
Case Back	Solid
Crown	Pull / Push
Bezel	Fixed 18kt Rose Gold
Dial Color	Silver
Dial Type	Analog
Dial Markers	Index
Hands	Gold-toned
Bracelet	18kt Rose Gold
Clasp	Deployment
Calendar	Date display at the 3 o'clock position
Water Resistant	100 meters / 330 feet
Crystal	Scratch Resistant Sapphire
Watch Label	Swiss Made
Warranty	Warranty service for this watch will be offered through Jomashop and not the manufacturer. Omega watches have a 4 year Jomashop warranty. Please click <a href="#">here</a> for additional watch warranty information.

You May Also Like:



Omega DeVille Prestige Automatic Diamond Yellow Gold Men...  
Retail Price: \$10,800.00  
Sale Price \$7,462.38



Omega Seamaster Aqua Terra Mens Watch 23110396002001  
Retail Price: \$2,750.00  
Sale Price \$2,095.24



Omega Seamaster Planet Ocean Black Dial Stainless Steel Me...  
Retail Price: \$6,200.00  
Sale Price \$4,595.00

May we also suggest...

Misc013

FOR THE HOME

GIFT CERTIFICATE



Omega Constellation Black Dial 18kt Rose Gold  
Black Rubber Automatic Mens Watch  
121.62.41.50.01.001

**Our Price: \$17,706.00**

New Image Coming Soon

Omega Constellation Brown Dial 18kt Rose Gold  
Brown Leather Automatic Mens Watch  
231.53.42.21.06.001

**Our Price: \$15,372.00**



Omega Speedmaster Moonwatch Black Dial  
Chronograph 18kt Rose Gold Black Alligator  
Leather Mens Watch 311.63.44.51.01.001

**Our Price: \$20,670.00**

800.998.3082 International 1.415.360.5503

THE FINEST WATCHES (//)



OMEGA

# Seamaster Aqua Terra Chronograph White Gold

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



Misc015



Misc016



Color

White Gold

Band

White Gold

Quantity

1

**ADD TO CART**

[Description](#)

[Payment](#)

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[Price Match](#)

[Trade-In](#)

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

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

Misc017

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

# Defendant's Exhibit 3

# United States of America

United States Patent and Trademark Office

# AΩE

**Reg. No. 4,450,386**

**Registered Dec. 17, 2013**

**COLLECTIVE  
MEMBERSHIP**

**PRINCIPAL REGISTER**

ALPHA OMEGA EPSILON, INC. (WISCONSIN CORPORATION)  
4731 ARLINGTON BOULEVARD  
ARLINGTON, VA 22203

FOR: INDICATING MEMBERSHIP IN A PROFESSIONAL AND SOCIAL COLLEGIATE  
SORORITY FOR STUDENT AND ALUMNA MEMBERS, IN CLASS 200 (U.S. CL. 200).

FIRST USE 0-0-1983; IN COMMERCE 0-0-1983.

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

SER. NO. 85-862,441, FILED 2-28-2013.

KELLY TRUSILO, EXAMINING ATTORNEY



*Deborah S. Cohn*

Commissioner for Trademarks of the  
United States Patent and Trademark Office

# Defendant's Exhibit 4

**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 OMEGA EPSILON, INC.,  
Applicant.

Mark:  $\Omega E$   
Opp. No.: 91214449 (Parent)  
Serial No.: 85855823

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

Opposer,

v.

ALPHA OMEGA EPSILON, INC.,  
Applicant.

Mark: ALPHA OMEGA EPSILON  
Opp. No.: 91214454 (Child)  
Serial No.: 85855839

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

Opposer,

v.

ALPHA OMEGA EPSILON, INC.,  
Applicant.

Mark: ALPHA OMEGA EPSILON &  
Design  
Opp. No.: 91214452 (Child)  
Serial No.: 85857062

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

Opposer,

v.

ALPHA OMEGA EPSILON, INC.,  
Applicant.

Mark: ALPHA OMEGA EPSILON  
Opp. No.: 91214453 (Child)  
Serial No.: 85857065

**OPPOSER'S RESPONSES AND OBJECTIONS TO APPLICANT'S  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS**

Opposer Omega SA (Omega AG) (Omega Ltd.) (hereafter, "Opposer"), hereby serves its responses and objections to Applicant's Request for Production of Documents and Things pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure.

**GENERAL OBJECTIONS**

1. Opposer objects to each and every Document Request in their entirety on the ground that Opposer is responding on the basis of its current knowledge and information. Opposer reserves the right to supplement each response to these Document Requests.
2. Opposer objects to each and every Document Request insofar as and to the extent it seeks production of documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity, and will not produce such information. Any inadvertent disclosure of such information shall not be a waiver of the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity.
3. Opposer objects to each and every Document Request insofar as and to the extent it seeks divulgence of trade secrets, confidential or proprietary information of any third-party, such information will not be disclosed. To the extent each and every request seeks divulgence of such information of Opposer, such information will be disclosed subject to an appropriate protective order, signed by the parties and their counsel, and ordered by the Trademark Trial & Appeal Board.
4. Opposer objects to each and every Document Request to the extent it seeks disclosure of information relating to or revealing proprietary development and marketing activities for

products not yet manufactured or not yet on sale or otherwise employed. The slight relevance, if any, of such highly confidential trade secret information is vastly outweighed by the severe prejudice that would result to Opposer were it to be disclosed or available to competitors of Opposer. Opposer will not provide such information.

5. Opposer objects to each and every Document Request to the extent it calls for information neither relevant to the subject matter of this Action nor reasonably calculated to lead to the discovery of admissible evidence.

6. Opposer objects to Applicant's definitions in their entirety to the extent same seeks to impose obligations on Opposer beyond those permitted by the Federal Rules of Civil Procedure or the Local Rules applicable to this matter.

7. Opposer objects to each and every Document Request to the extent it calls for information that exceeds a reasonable durational scope.

8. Opposer objects to each and every Document Request to the extent it calls for information not yet available as these responses are made during the discovery process. Opposer reserves the right to supplement responses when the information becomes available.

9. Opposer objects to each and every Document Request to the extent it is overly broad, vague and ambiguous, unduly burdensome or not reasonably calculated to lead to the discovery of admissible evidence.

10. Opposer objects to each and every Document Request to the extent it is duplicative.

11. Opposer objects to each and every Document Request to the extent that it is not limited in geographic scope to the United States.

Opposer objects to this Document Request as overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Notwithstanding and without waiving the foregoing objections, Opposer refers Applicant to Opposer's document production and the documents of record in these Oppositions. Opposer reserves the right to supplement its response to this Document Request.

**DOCUMENT REQUEST NO. 16:** Any and all documents and things which support any contention any relevant consumer has been confused, mistaken, or deceived into suspecting that any product marketed in association with any of the Applicant's marks was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer objects to this Document Request as compound. Opposer further objects to this Request as overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects that this request is indefinite, ambiguous and vague, specifically, with regard to the undefined term "relevant consumer." Opposer objects that this Document Request seeks production of documents and information that is within Applicant's knowledge, possession and/or control. As of the date of service of these responses, Applicant has not produced any documents, thus Opposer cannot provide a complete response. Opposer objects that this Document Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational and geographic scope,

and taking “relevant consumer” to mean “consumer,” Opposer presently has no responsive documents within its possession, custody or control. Opposer reserves its right to supplement its response to this Document Request.

**DOCUMENT REQUEST NO. 17:** Any and all documents and things which support any contention any relevant consumer is likely to be confused, mistaken, or deceived into suspecting that any product marketed in association with any of the Applicant’s marks is merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer objects to this Document Request as compound. Opposer further objects to this Request as overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects that this request is indefinite, ambiguous and vague, specifically, with regard to the undefined term “relevant consumer.” Opposer objects that this Document Request seeks production of documents and information that is within Applicant’s knowledge, possession and/or control. As of the date of service of these responses, Applicant has not produced any documents, thus Opposer cannot provide a complete response. Opposer objects that this Document Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational and geographic scope, and taking “relevant consumer” to mean “consumer,” Opposer responds that responsive documents are of record in these Oppositions, Opposer further produced responsive documents

within its possession, custody, and control. Opposer reserves its right to supplement its response to this Document Request.

**DOCUMENT REQUEST NO. 18:** Any and all documents and things which support any contention any relevant consumer has associated any product marketed in association with any of the Applicant's marks was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer objects to this Document Request as compound. Opposer further objects to this Request as overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects that this request is indefinite, ambiguous and vague, specifically, with regard to the undefined term "relevant consumer." Opposer objects that this Document Request seeks production of documents and information that is within Applicant's knowledge, possession and/or control. As of the date of service of these responses, Applicant has not produced any documents, thus Opposer cannot provide a complete response. Opposer objects that this Document Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational and geographic scope, and taking "relevant consumer" to mean "consumer," Opposer presently has no responsive documents within its possession, custody or control. Opposer reserves its right to supplement its response to this Document Request.

reasonable geographic and durational scope, Opposer responds that it will make responsive, non-privileged documents available for inspection at a reasonable time and place.

**DOCUMENT REQUEST NO. 24:** Any settlement agreement, license agreement, or consent of any sort relating to permission granted by or on behalf Opposer since 1983 allowing others to use in the United States any name or mark containing the word Omega or the Greek alphabet symbol, Ω.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Document Request as compound. Opposer objects to this Document Request as overly broad and unduly burdensome. Opposer objects to this Document Request to the extent it seeks production of documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity, and will not produce such information. Opposer objects to this Document Request to the extent that it seeks to compel Opposer to violate confidentiality clauses in such agreements.

**DOCUMENT REQUEST NO. 25:** Representative documents reflecting the extent of expenditures for any advertising or marketing of products under the marks upon which the Oppositions are based in the United States during the period of time from the beginning of Opposer's calendar or fiscal year 1963 through calendar or fiscal year 1983.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer specifically objects that this Document Request is not reasonably tailored to lead to the

discovery of admissible evidence. Opposer further objects to this Document Request is not relevant to the instant proceedings. Opposer objects that this Document Request is overly broad and unduly burdensome to the extent it seeks information that is not reasonably limited in durational scope. Notwithstanding and without waiving the foregoing objections, and limiting its responses to a reasonable durational scope, and taking “the marks upon which the Oppositions are based” to mean Opposer’s Marks, Opposer has produced a representative sampling of responsive documents within its custody, possession and control. Opposer reserves its right to supplement its response to this Document Request.

**DOCUMENT REQUEST NO. 26:** Any and all documents or things reflecting any media attention in the United States relating to any product marketed under the marks upon which this Opposition is based at any time from the beginning of Opposer’s calendar or fiscal year 1963 through calendar or fiscal year 1983.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer specifically objects that this Document Request is not reasonably tailored to lead to the discovery of admissible evidence. Opposer further objects that this Document Request is not relevant to the instant proceedings. Opposer objects to this Document Request as ambiguous and vague. Opposer objects that this Document Request is overly broad and unduly burdensome to the extent it seeks information that is not reasonably limited in durational scope. Notwithstanding and without waiving the foregoing objections, and limiting its responses to a reasonable durational scope, and taking “the marks upon which the Oppositions are based” to mean Opposer’s Marks, Opposer has produced a representative sampling of documents that are

# Defendant's Exhibit 5

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 OMEGA EPSILON, INC.,  
Applicant.

Mark: AΩE  
Opp. No.: 91214449 (Parent)  
Serial No.: 85855823

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

Opposer,

v.

ALPHA OMEGA EPSILON, INC.,  
Applicant.

Mark: ALPHA OMEGA EPSILON  
Opp. No.: 91214454 (Child)  
Serial No.: 85855839

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

Opposer,

v.

ALPHA OMEGA EPSILON, INC.,  
Applicant.

Mark: ALPHA OMEGA EPSILON &  
Design  
Opp. No.: 91214452 (Child)  
Serial No.: 85857062

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

Opposer,

v.

ALPHA OMEGA EPSILON, INC.,  
Applicant.

Mark: ALPHA OMEGA EPSILON  
Opp. No.: 91214453 (Child)  
Serial No.: 85857065

**OPPOSER'S RESPONSES AND OBJECTIONS TO APPLICANT'S  
FIRST REQUEST FOR ADMISSIONS**

Opposer Omega SA (Omega AG) (Omega Ltd.) (hereafter, "Opposer"), hereby serves its responses and objections to Applicant's Request for Admissions pursuant to Rules 26 and 36 of the Federal Rules of Civil Procedure.

**GENERAL OBJECTIONS**

1. Opposer objects to each and every request in their entirety on the ground that Opposer is responding on the basis of its current knowledge and information. Opposer reserves the right to supplement each response to these interrogatories.

2. Opposer objects to each and every request insofar as and to the extent it seeks production of documents protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity, and will not produce such information. Any inadvertent disclosure of such information shall not be a waiver of the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity.

3. Opposer objects to each and every request insofar as and to the extent it seeks divulgence of trade secrets, confidential or proprietary information of any third-party, such information will not be disclosed. To the extent each and every request seeks divulgence of such information of Opposer, such information will be disclosed subject to an appropriate protective order, signed by the parties and their counsel, and ordered by the Trademark Trial & Appeal Board.

4. Opposer objects to each and every request to the extent it seeks disclosure of information relating to or revealing proprietary development and marketing activities for products not yet manufactured or not yet on sale or otherwise employed. The slight relevance, if any, of such

highly confidential trade secret information is vastly outweighed by the severe prejudice that would result to Opposer were it to be disclosed or available to competitors of Opposer. Opposer will not provide such information.

5. Opposer objects to each and every request to the extent it calls for information neither relevant to the subject matter of this Action nor reasonably calculated to lead to the discovery of admissible evidence.

6. Opposer objects to Applicant's definitions in their entirety to the extent same seeks to impose obligations on Opposer beyond those permitted by the Federal Rules of Civil Procedure or the Local Rules applicable to this matter.

7. Opposer objects to each and every request to the extent it calls for information that exceeds a reasonable durational scope.

8. Opposer objects to each and every request to the extent it calls for information not yet available as these responses are made during the discovery process. Opposer reserves the right to supplement responses when the information becomes available.

9. Opposer objects to each and every request to the extent it is overly broad, vague and ambiguous, unduly burdensome or not reasonably calculated to lead to the discovery of admissible evidence.

10. Opposer objects to each and every request to the extent it is duplicative.

11. Opposer objects to each and every request to the extent that it is not limited in geographic scope to the United States.

**REQUEST NO. 30:** Admit that Opposer has no evidentiary basis to support a contention any relevant consumer has been confused, mistaken, or deceived into suspecting that any product bearing Applicant's word mark, ALPHA OMEGA EPSILON, or any marketing thereof, was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer objects to this request as compound. Opposer further objects to this Request as overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects that this request is indefinite, ambiguous and vague, specifically, with regard to the undefined terms "evidentiary basis," and "relevant consumer." Opposer also objects to this Request as it requires Opposer to make an admission based upon information that is within Applicant's knowledge, possession and/or control. Opposer also objects that this Request is not limited to a reasonable durational or geographic scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational and geographic scope, and taking "relevant consumer" to mean "consumer," Opposer admits that it presently has no evidence within its possession, custody or control to dispute Request No. 30. Opposer's response does not establish the truth of the underlying proposition that no relevant consumer has been confused, mistaken, or deceived into suspecting that any product bearing Applicant's Marks, or any marketing thereof, was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

**REQUEST NO. 31:** Admit that Opposer has no evidentiary basis to support a contention any appreciable amount of relevant consumers have been confused, mistaken, or deceived into suspecting that any product bearing Applicant's word mark, ALPHA OMEGA EPSILON, or any marketing thereof, was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer objects to this request as compound. Opposer further objects to this Request as overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects that this request is indefinite, ambiguous and vague, specifically, with regard to the undefined terms "evidentiary basis," and "appreciable amount of relevant consumers." Opposer also objects to this Request as it requires Opposer to make an admission based upon information that is within Applicant's knowledge, possession and/or control. Opposer also objects that this Request is not limited to a reasonable durational or geographic scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational and geographic scope, Opposer admits that it presently has no evidence within its possession, custody or control to dispute Request No. 31. Opposer's response does not establish the truth of the underlying proposition that no appreciable amount of relevant consumers have been confused, mistaken, or deceived into suspecting that any product bearing Applicant's Marks, or any marketing thereof, was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Request as indefinite and confusing, specifically with regard to the wording “is recognition of the mark.” Opposer objects that this request is indefinite, ambiguous and vague, specifically, with regard to the undefined term “evidentiary basis.” Opposer also objects to this Request as it requires Opposer to make an admission based upon information that is within Applicant’s knowledge, possession and/or control. Opposer also objects that this Request is not limited to a reasonable durational or geographic scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Opposer objects to this Request as duplicative of Request No. 29. Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational and geographic scope, and taking the wording “is recognition of the mark,” to mean “is recognized,” and taking “evidentiary basis” to mean any possible support, Opposer denies.

**REQUEST NO. 34:** Admit that Opposer has no evidentiary basis to support a contention any relevant consumer has been confused, mistaken, or deceived into suspecting that any product bearing Applicant’s Greek alphabet insignia, ΑΩΕ, or any marketing thereof, was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer objects to this request as compound. Opposer further objects to this Request as overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects that this request is indefinite, ambiguous and vague, specifically, with regard to the

undefined terms “evidentiary basis,” and “relevant consumer.” Opposer also objects to this Request as it requires Opposer to make an admission based upon information that is within Applicant’s knowledge, possession and/or control. Opposer also objects that this Request is not limited to a reasonable durational or geographic scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Opposer objects to this Request as duplicative of Request No. 30.

Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational and geographic scope, and taking “relevant consumer” to mean “consumer,” Opposer admits that it presently has no evidence within its possession, custody or control to dispute Request No. 34. Opposer’s response does not establish the truth of the underlying proposition that no relevant consumer has been confused, mistaken, or deceived into suspecting that any product bearing Applicant’s Greek alphabet insignia, ΑΩΕ, or any marketing thereof, was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

**REQUEST NO. 35:** Admit that Opposer has no evidentiary basis to support a contention any appreciable amount of relevant consumers have been confused, mistaken, or deceived into suspecting that any product bearing Applicant’s Greek alphabet insignia, ΑΩΕ, or any marketing thereof, was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer objects to this request as compound. Opposer further objects to this Request as overly broad and not

reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects that this request is indefinite, ambiguous and vague, specifically, with regard to the undefined terms “evidentiary basis,” and “appreciable amount of relevant consumers.” Opposer also objects to this Request as it requires Opposer to make an admission based upon information that is within Applicant’s knowledge, possession and/or control. Opposer also objects that this Request is not limited to a reasonable durational or geographic scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Opposer objects to this Request as duplicative of Request No. 31.

Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational and geographic scope, Opposer admits that it presently has no evidence within its possession, custody or control to dispute Request No. 35. Opposer’s response does not establish the truth of the underlying proposition that no appreciable amount of relevant consumers have been confused, mistaken, or deceived into suspecting that any product bearing Applicant’s Greek alphabet insignia, AΩE, or any marketing thereof, was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

**REQUEST NO. 36:** Admit that Opposer has no evidentiary basis to support a contention that target consumers for Opposer’s products associate any product bearing Applicant’s Greek alphabet insignia, AΩE, with Opposer.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Request as overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects that this request is indefinite, ambiguous

Procedures. Opposer objects to this Request as duplicative of Request Nos. 29 and 33.

Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational and geographic scope, and taking the wording “is recognition of the mark,” to mean “is recognized,” and taking “evidentiary basis” to mean any possible support, Opposer denies.

**REQUEST NO. 38:** Admit that Opposer has no evidentiary basis to support a contention any relevant consumer has been confused, mistaken, or deceived into suspecting that any product bearing Applicant’s Crest, or any marketing thereof, was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer objects to this request as compound. Opposer further objects to this Request as overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects that this request is indefinite, ambiguous and vague, specifically, with regard to the undefined terms “evidentiary basis,” and “relevant consumer.” Opposer also objects to this Request as it requires Opposer to make an admission based upon information that is within Applicant’s knowledge, possession and/or control. Opposer also objects that this Request is not limited to a reasonable durational or geographic scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Opposer objects to this Request as duplicative of Request Nos. 30 and 34. Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational and geographic scope, and taking “relevant consumer” to mean

“consumer,” Opposer admits that it presently has no evidence within its possession, custody or control to dispute Request No. 38. Opposer’s response does not establish the truth of the underlying proposition that no relevant consumer has been confused, mistaken, or deceived into suspecting that any product bearing Applicant’s Crest, or any marketing thereof, was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

**REQUEST NO. 39:** Admit that Opposer has no evidentiary basis to support a contention any appreciable amount of relevant consumers have been confused, mistaken, or deceived into suspecting that any product bearing Applicant’s Crest, or any marketing thereof, was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer objects to this request as compound. Opposer further objects to this Request as overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects that this request is indefinite, ambiguous and vague, specifically, with regard to the undefined terms “evidentiary basis,” and “appreciable amount of relevant consumers.” Opposer also objects to this Request as it requires Opposer to make an admission based upon information that is within Applicant’s knowledge, possession and/or control. Opposer also objects that this Request is not limited to a reasonable durational or geographic scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Opposer objects to this Request as duplicative of Request Nos. 31 and 35.

Notwithstanding and without waiving the foregoing objections, and limiting its response to a reasonable durational and geographic scope, Opposer admits that it presently has no evidence within its possession, custody or control to dispute Request No. 39. Opposer's response does not establish the truth of the underlying proposition that no appreciable amount of relevant consumers have been confused, mistaken, or deceived into suspecting that any product bearing Applicant's Crest, or any marketing thereof, was merchandise produced or marketed by or on behalf of Opposer, or otherwise sponsored or approved by Opposer.

**REQUEST NO. 40:** Admit that Opposer has no evidentiary basis to support a contention that target consumers for Opposer's products associate any product bearing Applicant's Crest with Opposer.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Opposer further objects to this Request as overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects that this request is indefinite, ambiguous and vague, specifically, with regard to the undefined term "evidentiary basis." Opposer also objects that this Request is not limited to a reasonable durational or geographic scope. Opposer objects that this Request seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Opposer objects to this Request as duplicative of Request Nos. 32 and 36. Notwithstanding and without waiving the foregoing objections, taking "evidentiary basis" to mean any possible support, and limiting its response to a reasonable durational and geographic scope, Opposer denies.

# Defendant's Exhibit 6

**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 OMEGA EPSILON, INC.,  
Applicant.

Mark: AQE  
Opp. No.: 91214449 (Parent)  
Serial No.: 85855823

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

Opposer,

v.

ALPHA OMEGA EPSILON, INC.,  
Applicant.

Mark: ALPHA OMEGA EPSILON  
Opp. No.: 91214454 (Child)  
Serial No.: 85855839

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

Opposer,

v.

ALPHA OMEGA EPSILON, INC.,  
Applicant.

Mark: ALPHA OMEGA EPSILON &  
Design  
Opp. No.: 91214452 (Child)  
Serial No.: 85857062

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

Opposer,

v.

ALPHA OMEGA EPSILON, INC.,  
Applicant.

Mark: ALPHA OMEGA EPSILON  
Opp. No.: 91214453 (Child)  
Serial No.: 85857065

**OPPOSER'S RESPONSES AND OBJECTIONS TO APPLICANT'S  
FIRST SET OF INTERROGATORIES**

Opposer Omega SA (Omega AG) (Omega Ltd.) (hereafter, "Opposer"), hereby serves its responses and objections to Applicant's First Set of Interrogatories pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure.

**GENERAL OBJECTIONS**

1. Opposer objects to each and every Interrogatory in their entirety on the ground that Opposer is responding on the basis of its current knowledge and information. Opposer reserves the right to supplement each response to these interrogatories.
2. Opposer objects to each and every Interrogatory insofar as and to the extent it seeks information protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity, and will not produce such information. Any inadvertent disclosure of such information shall not be a waiver of the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity.
3. Opposer objects to each and every Interrogatory insofar as and to the extent it seeks divulgence of trade secrets, confidential or proprietary information of any third-party, such information will not be disclosed. To the extent each and every request seeks divulgence of such information of Opposer, such information will be disclosed subject to an appropriate protective order, signed by the parties and their counsel, and ordered by the Trademark Trial & Appeal Board.
4. Opposer objects to each and every Interrogatory to the extent it seeks disclosure of information relating to or revealing proprietary development and marketing activities for products not yet manufactured or not yet on sale or otherwise employed. The slight relevance, if

any, of such highly confidential trade secret information is vastly outweighed by the severe prejudice that would result to Opposer were it to be disclosed or available to competitors of Opposer. Opposer will not provide such information.

5. Opposer objects to each and every Interrogatory to the extent it calls for information neither relevant to the subject matter of this Action nor reasonably calculated to lead to the discovery of admissible evidence.

6. Opposer objects to Applicant's definitions in their entirety to the extent same seeks to impose obligations on Opposer beyond those permitted by the Federal Rules of Civil Procedure or the Local Rules applicable to this matter.

7. Opposer objects to each and every Interrogatory to the extent it calls for information that exceeds a reasonable durational scope.

8. Opposer objects to each and every Interrogatory to the extent it calls for information not yet available as these responses are made during the discovery process. Opposer reserves the right to supplement responses when the information becomes available.

9. Opposer objects to each and every Interrogatory to the extent it is overly broad, vague and ambiguous, unduly burdensome or not reasonably calculated to lead to the discovery of admissible evidence.

10. Opposer objects to each and every Interrogatory to the extent it is duplicative.

11. Opposer objects to each and every Interrogatory to the extent that it is not limited in geographic scope to the United States.

12. Opposer objects to the extent it is not required to respond to these interrogatories to the extent that Applicant has exceeded the permitted number of interrogatories, including subparts, as set forth in 37 C.F.R. § 2.120(d)(1), and TBMP §§ 405.03(a) and 405.03(e).

entireties, Opposer uses its Marks in conjunction with other words, phrases and designs (OMEGA SEAMASTER, OMEGA CONSTELLATION, Omega Globe Design, etc.), Applicant seeks to register its marks in Classes which are identical or which are highly related to those in Opposer's Registrations, and Applicant's application are unlimited as to target consumers or channels of trade, Opposer's registrations are unlimited as to target consumers and channels of trade.

**INTERROGATORY NO. 11:**

Describe in detail any demographic characteristics, including income, net worth, or extent of disposable income characteristics of the primary types of customers with whom Opposer does or intends to do business in the United States in connection with the marks upon which the Oppositions are based.

**ANSWER:**

Opposer incorporates by reference its General Objections, as if fully stated herein. Opposer objects to this Interrogatory as compound. Opposer objects to this Interrogatory as overly broad, ambiguous and vague. Opposer objects to this Interrogatory as unduly burdensome. Notwithstanding and without waiving the foregoing objections, Opposer responds that is customers are the public in general, that said customers' specific income, net worth or extent of disposable income falls within a wide range encompassing many income brackets.

**INTERROGATORY NO. 12:**

Identify all collegiate Greek letter fraternities and sororities with the word "Omega" in their name that Opposer is aware of, including any identified or otherwise noted in any survey,

Internet search, poll, investigation, market study, research, trademark search, conducted by or on behalf of Opposer.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Interrogatory as compound. Opposer further objects to this Interrogatory as it seeks information not relevant to the instant proceedings and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding. Opposer objects to this Interrogatory it requires Opposer to provide information that is within Applicant's knowledge, possession and/or control. Opposer objects that this Interrogatory seeks to impose an obligation on Opposer that is outside the scope of the Federal Rules of Civil Procedures. Opposer objects to this Interrogatory to the extent that Applicant is attempting to shift the burden of establishing its defenses to Opposer. Notwithstanding and without waiving the foregoing objections, Opposer responds that through its enforcement efforts it has become aware of the following: Alpha Chi Omega, Alpha Omega Epsilon, Alpha Phi Omega, Alpha Pi Omega, Alpha Tau Omega, Chi Omega, Delta Phi Omega, Gamma Phi Omega, Lambda Tau Omega, Omega Psi Phi, Omega Delta Phi, Omega Phi Beta, Omega Phi Chi, Sigma Omega Phi.

**INTERROGATORY NO. 13:**

Indicate the average or median, or approximate average or median price range of products sold under the marks upon which the Oppositions are based.

**ANSWER:**

Opposer hereby incorporates by reference all of its General Objections. Additionally, Opposer objects to this Interrogatory as compound. Opposer objects to this Interrogatory as

# Defendant's Exhibit 7

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**HQ Adds New Staff Member**

DIRECTOR OF MEMBERSHIP & CHAPTER SERVICES 2013

Mike Taddesse joined the Order of Omega HQ ...

**Order of Omega Celebrates \$1 Million in Scholarships & Fellowships Awarded**

Order of Omega is pleased to announce, with the scholarship presented to our top 2012 recipient, we will have reached ...

**Scholarship Leadership Service**



Order of Omega is a leadership honor society for members of Fraternity & Sorority organizations. Order of Omega recognizes juniors

and seniors who have exemplified high standards in the areas of scholarship, leadership, involvement within their respective organization and within the Fraternity/Sorority, campus, and local community. Members are selected from the top 3% of students at each institution. To date, over 500 chapters have been chartered throughout North America, each sharing the common goal of recognizing the many outstanding student leaders at their institution.

**PHOTO GALLERY**



Get a first hand look at what our Order of Omega Chapters are doing by viewing the photo gallery. For photo submissions, please email your pictures and a brief description of the activity to [hq@orderofomega.org](mailto:hq@orderofomega.org).

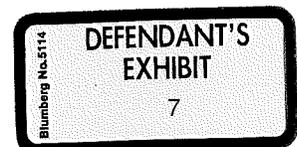
**HEADQUARTERS:**

Order of Omega Headquarters is located in Arlington, Texas. Headquarters was built in 2006, and is home to the Executive Director, Assistant Executive Director, Director of Membership & Chapter Services, and office staff.

300 E. Border St., Arlington, TX 76010  
 Phone: (817) 265-4074 Fax: (817) 459-3355  
 Email: [hq@orderofomega.org](mailto:hq@orderofomega.org)



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## Omega Store

Shop and pay online at [shop.orderofomega.org](http://shop.orderofomega.org)

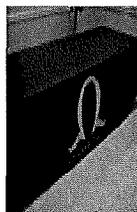
Order of Omega is pleased to offer you two options for ordering and paying for your official merchandise. You can order your merchandise and pay online through our [Omega Shop](#), or you still have the option of printing the [Merchandise Order Form](#) and mailing it with payment (check or money order) to HQ.

In addition to the products you find on this page. Other merchandise and professional attire is available through the [Order of Omega Land's End Business Outfitters](#). Please note this will take you to a site not run by Order of Omega.

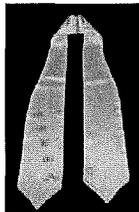
### OFFICIAL ORDER OF OMEGA MERCHANDISE



OMEGA BANNER



6' TABLE COVER



OFFICER STOLE



GRADUATION STOLE



HONOR CORDS



MEMBER PIN



MEN'S T-SHIRT



LONGSLEEVE



WOMEN'S SCOOP & V-NECK



HOODED SWEATSHIRT



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# Defendant's Exhibit 8

**DECLARATION OF WYNN SMILEY**  
**(ALPHA TAU OMEGA)**

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

1. I, Wynn Smiley, am the Chief Executive Officer of Alpha Tau Omega Fraternity, Inc. ("Alpha Tau Omega"), a Maryland corporation headquartered at One North Pennsylvania Street, 12<sup>th</sup> Floor, Indianapolis, IN 46204.
2. Alpha Tau Omega is a collegiate based fraternity. It was founded in 1865, and has continually been in operation since the founding. Alpha Tau Omega currently consists of approximately 140 active chapters at various colleges and universities located throughout the United States.
3. My duties as the Chief Executive Officer of Alpha Tau Omega include overseeing the use of the ALPHA TAU OMEGA name, the Greek alphabet letters, ATΩ, or any other insignia of Alpha Tau Omega on any merchandise, and I have custody and control of any business records accumulated by Alpha Tau Omega maintained in the ordinary course of its business relating to the merchandising of the insignia of Alpha Tau Omega.
4. Like collegiate fraternities and sororities in general, Alpha Tau Omega is extensively engaged in procuring producers and licensing vendors of merchandise bearing the insignia of the fraternity to be acquired by members of the organization to indicate their membership in the organization, including a wide variety of items such as jewelry, clothing, banners, flags, decals, stationary, and so forth.

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

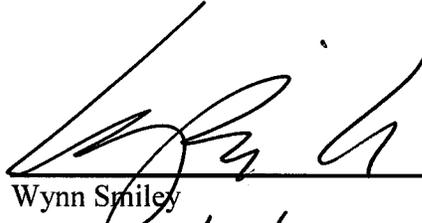
6. The target market for merchandise bearing our insignia is, of course, members of our organization, as well as parents and friends of members who may wish to purchase Alpha Tau Omega merchandise as gifts for our members.

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

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

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

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

  
\_\_\_\_\_  
Wynn Smiley  
Date: 7/25/14

AL169:00AL1:987064:1:LOUISVILLE



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# Alpha Tau Omega Online Store

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



## Featured Product



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

## Products



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Official Badges



Chapter Guards



Cufflinks



Officer Dangles



Lavalieres & Pendants



Money Clip



Lapel / Recognition Pins



Rings

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Small Plain  
Badge



Miniature Plain  
Sweetheart Pin



Initiate Badge,  
10K



Glazebrook  
Badge



Crown Diamond  
and Sapphire  
Badge



Crown Sapphire  
Badge with  
Diamond  
Additives



Crown Pearl and  
\*Sapphire  
Sweetheart Pin



Crown Pearl  
Sweetheart Pin



Crown Pearl  
Badge



Crown Pearl  
Badge w/  
\*Sapphire Points



Crown Pearl  
Badge w/ \*Ruby  
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## Alpha Tau Omega Online Store

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Like 0

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

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

Select Metal Quality:

**ADD TO CART**

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

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

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ATO004



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## Alpha Tau Omega Online Store

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



Like 4

### Oval Cufflinks w/Badge Replica J00954001GF

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

**Price: \$88.00**

**ADD TO CART**

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

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

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## Alpha Tau Omega Online Store

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

### Products



Monogram  
Pendant



Traditional  
Lavalier



Ingot Charm  
with Enameled  
Crest



Heart Lavalier



Filigree Charm  
w/Enameled  
Crest



Crown Pearl  
Lavalier



Antique Coat-of-  
Arms Pendant.  
SS

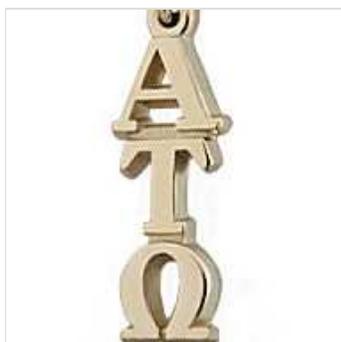
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## Alpha Tau Omega Online Store

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



Like 0

### Traditional Lavalier L2647ALTAOM

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

Select Metal Quality:

**ADD TO CART**

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## Alpha Tau Omega Online Store

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



Like 0

### Heart Lavalier L2604ALTAOM

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

Select Metal Quality:

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## Alpha Tau Omega Online Store

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



Like 0

### Life Loyal Tau Ring R00951449

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

1 **Configure** 2 Set Quantity 3 Engravings

Select Ring Size:

Select Metal Quality:

**CONTINUE**

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**\$3.98**

Collapsible Navy Can Holder  
'Cross'



**\$3.98**

Collapsible Navy Can Holder  
'ATO Greek Letters'



**\$3.98**

Collapsible Black Can Holder  
'Cross'



**\$3.98**

Collapsible Black Can Holder  
'ATO Greek Letters'



**\$8.98**

Collapsible Black Bottle Koozie  
'Cross'



**\$8.98**

Collapsible Black Bottle Koozie  
'ATO Greek Letters'



**\$14.98**

Full Color White Mug 15oz  
'Cross'



**\$14.98**

Full Color White Mug 15oz  
'Official Logo'



**\$14.98**

Full Color Black Mug 15oz  
'Official Logo'



**\$14.98**

Full Color Black Mug 15oz  
'Cross'



**\$16.98**

Full Color Latte Mug 17oz  
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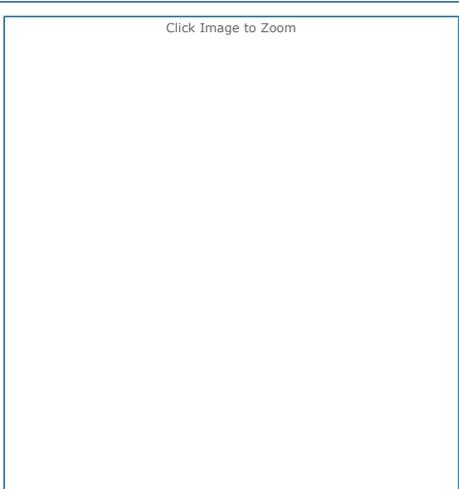
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Home>Jackets & Windshirts>Men's

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Fleece Full Zip Royal Jacket  
'ATO Greek Letters'

Item# 6-34-IK17RA

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

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

[Q](#)

Enter Desired Quantities

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

0 \$0.00 Total

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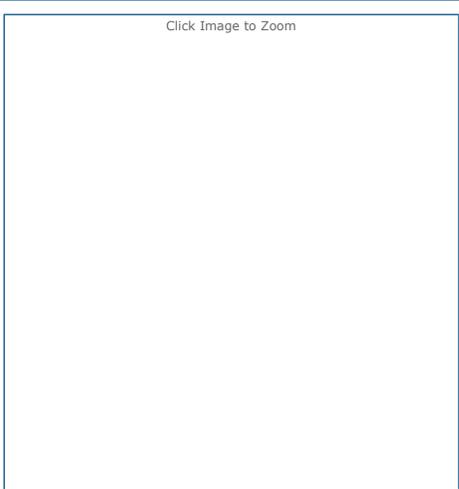
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Enter Desired Quantities

1 \$39.98

1 \$39.98 Total

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Navy/White Umbrella  
'ATO Greek Letters'

Item# 6-71-1K0113A

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

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

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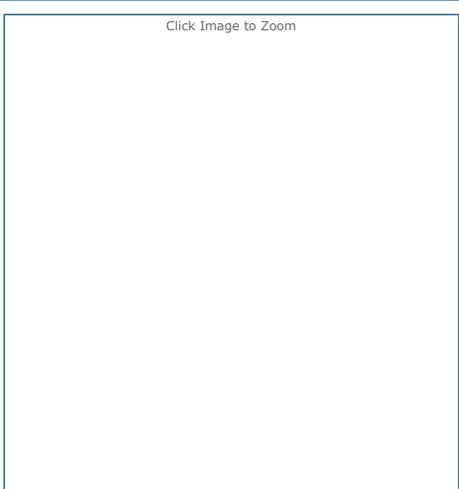
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Home>Golf

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Enter Desired Quantities

1 \$39.98

1 \$39.98 Total

Add To Cart

Royal/White Umbrella  
'Official Logo'

Item# 6-71-IK4112

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

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

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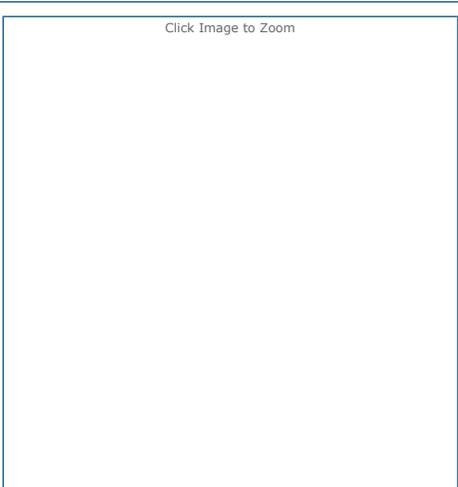
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Home>Hats



**Gold Heavyweight Twill Pro Style Hat  
'ATO Greek Letters'**

Item# 6-38-IK1638A

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

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

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1 \$19.98

1 **\$19.98 Total**

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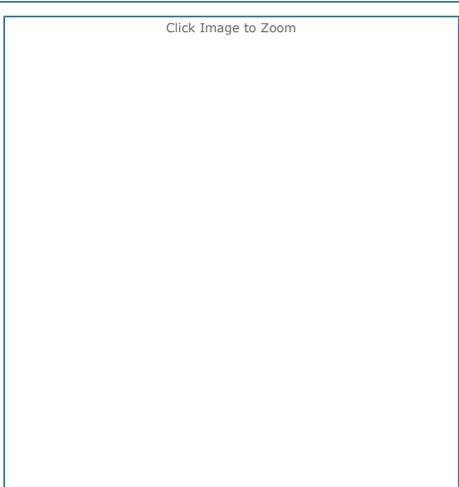
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Home>Long Sleeve Shirts>Men's



**Enter Desired Quantities**

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

**0 \$0.00 Total**

**Add To Cart**

**View Size Chart**

**Gold Twill Button Down Long Sleeve  
'ATO Greek Letters'**

Item# 6-34-IK1635

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

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

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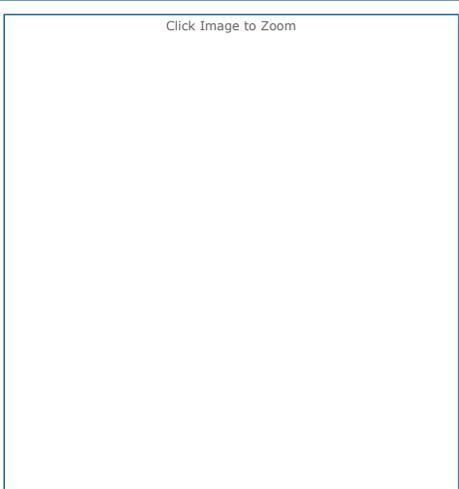
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Home>Polos & Short Sleeve Shirts>Men's

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Enter Desired Quantities

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

0 \$0.00 Total

Add To Cart

View Size Chart

White Mini Stripe Polo  
'ATO Greek Letters'

Item# 6-34-1K19VSD

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

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

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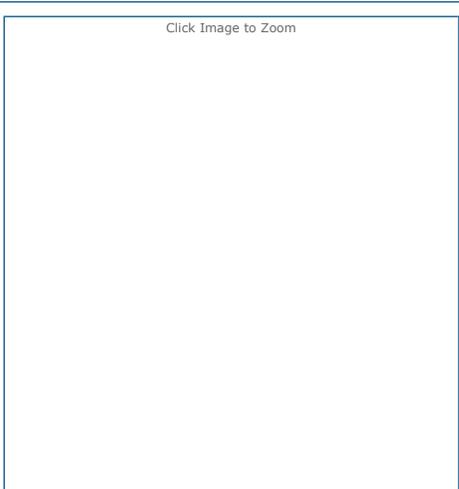
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Home>T-Shirts>Men's Short Sleeve

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**Black T Shirt  
'Official Logo'**

Item# 6-33-1K1291C

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

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

Enter Desired Quantities

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

0 \$0.00 Total

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# Defendant's Exhibit 9

**DECLARATION OF JANINE WAMPLER**  
**(ALPHA CHI OMEGA)**

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

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

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

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

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

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

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

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

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

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

---

AL169:00AL1:987061:1:LOUISVILLE

*Janice Wampler*  
7.25.14





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# Alpha Chi Omega Online Store

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



## Featured Product



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

## Products



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## Alpha Chi Omega Online Store

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



Like 1

### Crown Diamond Badge J70010106

This product is not available to purchase online.

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

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

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## Alpha Chi Omega Online Store

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



Like

### Crown Pearl Vintage Badge J70010089

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

This product is not available to purchase online.

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

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

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## Alpha Chi Omega Online Store

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



Like 3

### Swirl Ring with \*Garnets R70011000

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

\*Colored stones are synthetic.

Select Ring Size:

Select Metal Quality:

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## Alpha Chi Omega Online Store

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



Like 0

### Swirl Ring with CZ's R70011000C

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

Select Ring Size:

Select Metal:

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## Alpha Chi Omega Online Store

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



Like 5

### Wynterice Watch J7001WYNTERIC

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

**Price: \$40.00**

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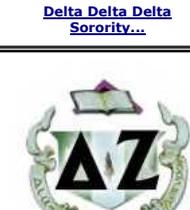
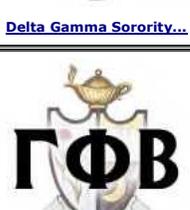
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<p> <a href="#">click to see more</a> <b>Alpha Chi Omega Cheetah Print Flip Flops</b> Our Price: \$17.95</p>		

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Jewelry

Wall Art, Signs & Banners

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GreekCreations.com is an officially licensed vendor & preferred merchant for Alpha Chi Omega. A portion of each sale is donated towards scholarships & exceptional programming for the Alpha Chi Omega Sorority.

**Greek Creations is a proud partner of the Alpha Chi Omega Sorority**

Displaying products 57 - 84 of 100 results

Show:

Page 3 of 4

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**Alpha Chi Omega Greek Lanyard**

Price: ~~\$6.95~~

**VIEW**

Carry your keys the Alpha Chi Omega way.



**Alpha Chi Omega I.D. Holder**

Price: ~~\$3.95~~

**VIEW**

Show off Alpha Chi Omega wherever you go.



**Alpha Chi Omega Key Chain**

Price: ~~\$12.95~~

**VIEW**

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



**Alpha Chi Omega Lyre Tray**

Price: ~~\$9.95~~

**VIEW**

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



**Alpha Chi Omega Paddle Key Chain**

Price: ~~\$3.95~~  
Sale Price: ~~\$3.16~~

**VIEW**

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

**ON SALE !!!**



**Alpha Chi Omega Paddle Magnet**

Price: ~~\$3.95~~  
Sale Price: ~~\$3.16~~

**VIEW**

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

**ON SALE !!!**



**Alpha Chi Omega Pillowcase**

Price: ~~\$13.95~~

**VIEW**

Sleep tight on this cute Alpha Chi Omega pillowcase.



**Alpha Chi Omega T-Shirt Key Chain**

Price: ~~\$3.95~~

**VIEW**

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

**SAVE BIG**

WITH OUR CLEARANCE & CLOSEOUTS

**SHOP NOW ▶**

**FREE SHIPPING ON ANY \$25 ORDER!**

CODE: **SHIPITFREE**



**A Chi O Vinyl Sticker Mixed Set**

Price: **\$7.95**

[VIEW](#)

Great set of mixed Alpha Chi Omega vinyl stickers

ALPHA CHI OMEGA

**Alpha Chi Omega 18 Inch Window Decal**

Price: **\$3.95**

[VIEW](#)

Get Alpha Chi Omega noticed on the road.



**Alpha Chi Omega Colored EyeBlack**

Price: **\$3.99**

[VIEW](#)

Original Alpha Chi Omega Eye Black Glare Guard Fan Wear



**Alpha Chi Omega Creative Nails**

Price: **\$2.95**

[VIEW](#)

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



**Alpha Chi Omega Crest Window Decal**

Price: **\$4.95**

[VIEW](#)

Your Alpha Chi Omega crest has never looked so good.



**Alpha Chi Omega Latex Balloons (5pk)**

Price: **\$5.95**

[VIEW](#)

Make a statement at your next A-Chi-O soiree!



**Alpha Chi Omega Letters & Name Decal**

Price: **\$4.95**

[VIEW](#)

Show off Alpha Chi Omega on the road.



**Alpha Chi Omega Mylar Balloon**

Price: **\$3.95**

[VIEW](#)

Lift your Alpha Chi Omega love high!



**Alpha Chi Omega Name Window Decal**

Price: **\$6.95**

[VIEW](#)

This classic Alpha Chi Omega decal looks great anywhere!



**Alpha Chi Omega Oval Decal**

Price: **\$4.95**

[VIEW](#)

Make your Alpha Chi Omega letters stand out!



**Alpha Chi Omega Reflective Vinyl Decal**

Price: **\$5.95**

[VIEW](#)

Display your Alpha Chi Omega letters on the highway.



**Alpha Chi Omega Round Bumper Sticker**

Price: **\$3.95**

[VIEW](#)

Make all the other cars jealous.



**Alpha Chi Omega Scrapbook Decal Collection**

Price: **\$6.95**

[VIEW](#)

A Chi O and generic sorority memory album approved stickers.



**Alpha Chi Omega White Letters Window Decal**

Price: **\$5.95**

[VIEW](#)

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



**Alpha Chi Omega Clipboard**

Price: **\$14.95**

Sale Price: **\$3.74**

[VIEW](#)

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

**ON SALE !!!**



**Alpha Chi Omega Memo Note Cube**

Price: **\$5.95**

[VIEW](#)

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



**Alpha Chi Omega Peace Pen**

Price: **\$4.95**

Sale Price: **\$0.50**

[VIEW](#)



**Alpha Chi Omega Sorority Mascot Notepad**

Price: **\$4.95**

[VIEW](#)



**Alpha Chi Omega Square Note Pad**

Price: **\$8.95**

Sale Price: **\$1.79**

[VIEW](#)



**Alpha Chi Omega Sticky Tab Book**

Price: **\$9.95**

Sale Price: **\$6.97**

[VIEW](#)

AXO019

These A-Chi-O pens are groovy!

**ON SALE !!!**

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

**VIEW**

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

**ON SALE !!!**

**VIEW**

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

**ON SALE !!!**

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# Defendant's Exhibit 10

**DECLARATION OF CAROL MIRAGLIA**  
**(CHI OMEGA)**

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

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

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

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

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

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

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

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

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

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

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

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

Carol Miraglia  
Carol Miraglia  
Date: 7-25-14

AL169:00AL1:987061:1:LOUISVILLE

HISTORY



## Chi Omega's First Badge

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

[Share](#)



*Psi Chapter, 1906*



*Chi Omega's First Badge*



*Chi Omega Badge*

HISTORY



## Chi Omega Badge

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

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

*~Lyn Harris, National Archivist*

[Share](#)



*Psi Chapter, 1906*



*Chi Omega's First Badge*



*Chi Omega Badge*

## HISTORY



## Chi Omega Crest

*Chi Omega's crest was adopted in 1902.*

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

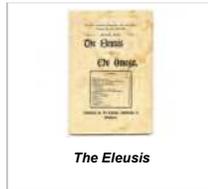
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*Chi Omega's Symbol*



*Chi Omega Crest*



*The Eleusis*

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

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



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Departments > Bid Day / Recruitment > Bid Day Packs > Bid Day Pack A

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

## Bid Day Pack A

2014A

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

Retail price: \$13.85

Savings of: \$3.85 per pack

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

**\$10.00**

I want:



- Add to Shopping Bag
- Add to Wishlist

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### Bid Day / Recruitment

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

### Try These Too...



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



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



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

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Departments > Totes and Accessories

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## Totes And Accessories



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

### SHOP BY CATEGORY

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

Hot New Items!

[Totes and Accessories](#)

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[At Home](#)

[Baby / Youth](#)

[Bid Day / Recruitment](#)

[Clothing](#)

[Gifts / Gift Wrap](#)

[Holiday](#)

[Jewelry](#)

[Owl Merchandise](#)

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[XΩ /Make-A-Wish Foundation®](#)

[Custom Chapter Stationery](#)

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### Key Rings



[XΩ Key Ring](#)  
\$8.50



[XΩ Umbrella](#)  
\$20.00



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



[Mascot Keychain](#)  
\$9.00



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



[XΩ Stripe Ribbon Keyring](#)  
\$12.00



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



Olive Owl Key Cover  
\$6.50



XΩ Charm Key Ring  
\$10.00



Mirror Owl Key Chain  
\$3.50



Owl Key Cover  
\$6.50



Chevron Ribbon Key Ring  
\$13.50



Large Ribbon Key Ring  
\$16.00



Owl Token Key Ring  
\$6.00

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

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

## Who's Your Sister Pillowcase

664

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

**\$19.00**

I want:

- Add to Shopping Bag
- Add to Wishlist

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- Checkout



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### At Home

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

### Try These Too...



[Owl Tote Note](#)  
\$5.50



[Owl Pajama Pants](#)  
\$37.50



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

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- SHOP BY DEPARTMENT
- WHAT'S NEW
- SALE
- CHECK OUT

Departments > Clothing > Bottoms > Owl Pajama Pants

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

# Owl Pajama Pants

747

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

**\$37.50**

Size:  

I want:  

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

-  [Continue Shopping](#)
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### Clothing

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

### Try These Too...



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



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



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

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Departments > Clothing

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# Clothing



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

### SHOP BY CATEGORY

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

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

### Footwear



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



[XΩ Flip Flops - Black](#)  
\$24.50



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



[XΩ Polka Dot Flip Flops](#)  
\$22.00



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



[Neon XΩ Flip Flops](#)  
\$21.50



Ohio State Flip Flops  
\$22.00



University of Tennessee Flip Flops  
\$22.00



Bright Owl Socks  
\$15.00

---

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**E-MAIL** : [SHOP@CHIOMEGA.COM](mailto:SHOP@CHIOMEGA.COM)

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

▶ [Email Wishlist](#)

▶ [Shipping Information](#)

# White Leather XΩ Watch

103

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

**\$65.00**

I want:

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

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### Jewelry

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

### Try These Too...



[Groovy Owl Notepad](#)  
\$5.00



[Symphony Folded Notes](#)  
\$11.00



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

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

▶ [Email Wishlist](#)

▶ [Shipping Information](#)

## Pearl Bracelet With XΩ Disc Charm

578

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

Dimension: 7.5" L

**\$32.00**

I want:

- Add to Shopping Bag
- Add to Wishlist
- ▶ Continue Shopping
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### Jewelry

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

### Try These Too...



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



[Carnation Bracelet](#)  
\$75.00



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

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Departments > Jewelry > Bracelets > Oval Tag Bracelet

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

# Oval Tag Bracelet

450

This bracelet is a classic piece for any Chi Omega. Silver plated link chain features a tag with "Est. 1895, XΩ, Chi Omega."

Measures 7.5" long.

**\$18.00**

I want:

- 
- 

- 
- 



### Jewelry

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

### Try These Too...



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



[Owl Infant Gown](#)  
\$17.00



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

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Departments > Jewelry > Bracelets > Chi Omega Charm Bracelet

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

# Chi Omega Charm Bracelet

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

 **\$83.00**

I want:

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

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

### Try These Too...



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



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



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

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Departments > Jewelry > Pins / Pendants > Crystal XΩ Pin

▶ [Email Wishlist](#)

▶ [Shipping Information](#)

# Crystal XΩ Pin

1059  
 Swarovski crystal XΩ pin. A dainty and elegant way to show your love for Chi Omega.  
 Dimensions: 0.25" L x 0.75" W  
**\$18.00**

I want:

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



View Zoom

### Jewelry

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

### Try These Too...



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



[Symphony Tee](#)  
 \$26.50



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

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

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

# Greek Letter Ring

1077  
Sterling silver ring with XΩ.

**\$32.00**  
Size:

I want:

- Add to Shopping Bag
- Add to Wishlist

- ▶ Continue Shopping
- ▶ Checkout



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### Jewelry

- [Bracelets](#)
- [Charms](#)
- [Earrings](#)
- [Necklaces](#)
- [Pin Boxes](#)
- [Pins / Pendants](#)
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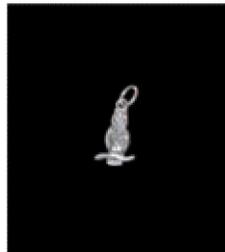
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[XΩ Toothbrush](#)  
\$3.00



[White Leather XΩ Watch](#)  
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[Modeled Owl Charm](#)  
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- WHAT'S NEW
- SALE
- CHECK OUT

Departments > Jewelry > Rings > Heritage Ring

▶ [Email Wishlist](#)  |

▶ [Shipping Information](#)

# Heritage Ring

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

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

**\$62.00**

Sizes:

I want:

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### Try These Too...



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



[Polka Dot Tumbler](#)  
 \$5.75



[Raspberry Baseball Cap](#)  
 \$22.50

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Departments > Clothing > Hats - Caps > Raspberry Baseball Cap

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

# Raspberry Baseball Cap

112

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

**\$22.50**

I want:

- 
- 

- 
- 



### Clothing

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



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



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

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# Chi Omega Online Store

Search Chi Omega Products:



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



## Featured Product



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

## Products



Pins



Accessories



Badges & Guards



Bracelets



Charms



Earrings



Necklaces



Rings



Dangles

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## Chi Omega Online Store

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



Like 6

### Crown Pearl Badge J70130107

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

This product is not available to purchase online.

This item is available through your National Headquarters.

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

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

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## Chi Omega Online Store

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



Like 0

### Eternity Necklace J70133883CZ OR RUBY

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

Select Metal Quality:

Select Stone Selection:

**ADD TO CART**

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## Chi Omega Online Store

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



Like 1

### Vertical Letters Lavalier L2647CHOM

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

Select Metal Quality:

**ADD TO CART**

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## Chi Omega Online Store

[Catalog](#) » [Chi Omega](#) » [Charms](#) » Staggered Letter Lavaliers



Like 0

### Staggered Letter Lavaliers L2646CHOM

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

Select Metal Quality:

**ADD TO CART**

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## Chi Omega Online Store

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



Like 0

### Scallop Border Ring J7013R70130932

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

Select Ring Size:

Select Metal Quality:

**ADD TO CART**

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## Chi Omega Online Store

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



Like 0

### Whimsical Ring with CZ and pearl accents R70138337

Band measures 3/8" wide.

Select Material:

Select Ring Size:

**ADD TO CART**

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## Chi Omega Online Store

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



Like 0

### Swirl Ring with 4 Rubies R70131005

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

Select Material:

Select Size:

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## Chi Omega Online Store

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



Like 0

### Narrow Band Incised Letter Ring R70139119

Band is 1/8"w.

Select Ring Size:

Select Metal Quality:

**ADD TO CART**

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## Chi Omega Online Store

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



Like 0

### Horizontal Letter Festoon Necklace J70131025

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

Select Metal Quality:

**ADD TO CART**

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ChiO030

# Defendant's Exhibit 11

Int. Cl.: 14

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

Reg. No. 3,183,916

United States Patent and Trademark Office

Registered Dec. 12, 2006

TRADEMARK  
PRINCIPAL REGISTER



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

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

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

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

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

SEC. 2(F).

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

ESTHER A. BORSUK, EXAMINING ATTORNEY

# Defendant's Exhibit 12

**DECLARATION OF DANIEL A. SHAVER**

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

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

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

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

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

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

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

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

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

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

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

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

Jul 25 2014 14:24:47 15027798273

-&gt;

001 933 2248 Stites and Harbison Page 038

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

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

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

  
.....  
Daniel A. Shaver

Date: 7/25/14



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## Online Store

Catalog

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

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

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



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## Featured Product



### Carnation Brooch

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

## Products



Accessories



Badges & Pins



Bracelets



Earrings & Necklaces



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### Products



Crown Diamond Badge



House Corp Button



Crown Pearl Vintage Badge



Sisterhood Button



Crown Diamond Vintage Badge



Crown Pearl Vintage Badge with 3 diamonds



Crown Pearl Vintage Badge with 1 Diamond



White Gold Crown Pearl Badge



Crown Pearl Badge with 2 Diamonds



Crown Pearl Badge with 1 Diamond



Crown Pearl Badge with 3 Diamonds



Crown Pearl Badge



Chased Badge with 3 Pearls



Lyre Brooch



Mother's Sweetheart Barpin w/Lyre Bird

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Like 1

### Crown Diamond Badge J70010106

This product is not available to purchase online.

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

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## Alpha Omega Epsilon Online Store

Search Alpha Omega Epsilon Products:

**GO**

[Catalog](#) » Alpha Omega Epsilon

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### Featured Product



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

### Products



Accessories



Badges & Guards



Bracelets



Chapter Guards



Dangles



Lavaliere & 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

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## Alpha Omega Epsilon Online Store

[Catalog](#) » [Alpha Omega Epsilon](#) » [Badges & Guards](#) » Chased Border Badge



Like 0

### Chased Border Badge J70390102

3/4" W x 5/16" H

Select Material:

**ADD TO CART**

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## Alpha Omega Epsilon Online Store

[Catalog](#) » [Alpha Omega Epsilon](#) » [Badges & Guards](#) » Plain Badge



Like 3

### Plain Badge J70390100

3/4" W x 5/16" H

Select Material:

**ADD TO CART**

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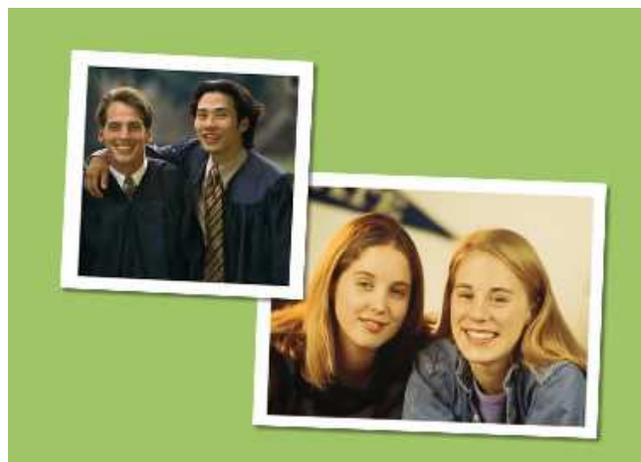
# Alpha Omega Online Store

Search Alpha Omega Products:



[Catalog](#) » Alpha Omega

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## Featured Product



### Traditional Lavalier

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

## Products



Lavaliere



Necklaces



Official Jewelry

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## Alpha Omega Online Store

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



Like 0

### Traditional Lavalier L2647ALOM

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

Select Metal Quality:

**ADD TO CART**

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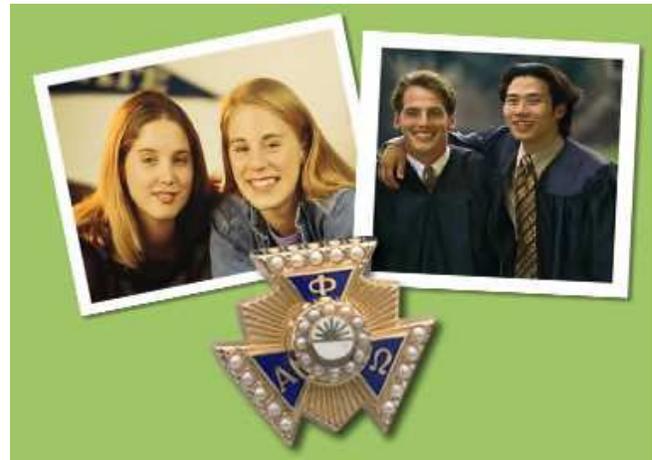
# Alpha Phi Omega Online Store

Search Alpha Phi Omega Products:



[Catalog](#) » Alpha Phi Omega

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## Featured Product



Pocketknife  
Sterling Silver

## Products



Accessories



Guards



Official Jewelry



Officer Dangles



Charms



Lapel /  
Recognition  
Pins



Earrings &  
Necklaces



Bracelets



Rings - Group  
One



Rings - Group  
Two



Cufflinks

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## Alpha Phi Omega Online Store

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

### Products



Sweetheart  
Badge



Crown Pearl  
Badge



Plain Badge

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## Alpha Phi Omega Online Store

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



Like 2

### Sweetheart Badge 0101

Select Metal Quality:

**ADD TO CART**

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## Alpha Phi Omega Online Store

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



Like 0

### Plain Badge J71040100

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

This product is not available to purchase online.

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

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# Alpha Tau Omega Online Store

Search Alpha Tau Omega Products:

[Catalog](#) » Alpha Tau Omega

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## Featured Product



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

## Products



Accessories



Sweetheart Jewelry / Gifts



Official Badges



Chapter Guards



Cufflinks



Officer Dangles



Lavalieres & Pendants



Money Clip



Lapel / Recognition Pins



Rings

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## Alpha Tau Omega Online Store

[Catalog](#) » [Alpha Tau Omega](#) » Official Badges

### Products



Small Plain  
Badge



Miniature Plain  
Sweetheart Pin



Initiate Badge,  
10K



Glazebrook  
Badge



Crown Diamond  
and Sapphire  
Badge



Crown Sapphire  
Badge with  
Diamond  
Additives



Crown Pearl and  
\*Sapphire  
Sweetheart Pin



Crown Pearl  
Sweetheart Pin



Crown Pearl  
Badge



Crown Pearl  
Badge w/  
\*Sapphire Points



Crown Pearl  
Badge w/ \*Ruby  
Points

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## Alpha Tau Omega Online Store

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



Like 2

### Initiate Badge, 10K J00950010

This product is not available to purchase online.

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

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## Alpha Tau Omega Online Store

[Catalog](#) » [Alpha Tau Omega](#) » [Official Badges](#) » [Glazebrook Badge](#)



Like 0

### Glazebrook Badge J00950808

Select Metal Quality:

**ADD TO CART**

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## Chi Omega Online Store

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[Catalog](#) » Chi Omega

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### Featured Product



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

### Products



Pins



Accessories



Badges & Guards



Bracelets



Charms



Earrings



Necklaces



Rings



Dangles

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## Chi Omega Online Store

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

### Products



Crown Diamond  
Badge



Crown Pearl  
Badge



Crown Pearl  
Double Letter  
Guard



Plain Single  
Letter Guard



Plain Double  
Letter Guard



Crown Pearl  
Single Letter  
Guard

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## Chi Omega Online Store

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



Like 1

### Crown Diamond Badge J70130106

1/2" X 1/2".

This product is not available to purchase online.

Badge purchases must be made through Chi Omega Fraternity.

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

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## Chi Omega Online Store

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



Like 6

### Crown Pearl Badge J70130107

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

This product is not available to purchase online.

This item is available through your National Headquarters.

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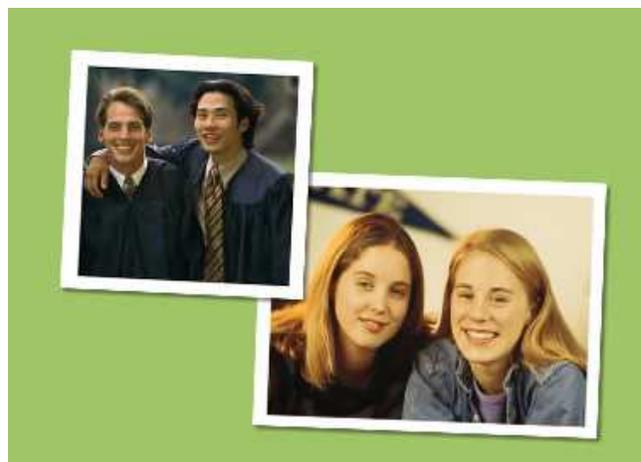
## Delta Omega Online Store

Search Delta Omega Products:



[Catalog](#) » Delta Omega

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### Featured Product



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

### Products



Charms & Pins



Accessories

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## Delta Omega Online Store

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



Like 0

### Standard Key (charm), GE J02275010

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

**Price: \$27.50**

**ADD TO CART**

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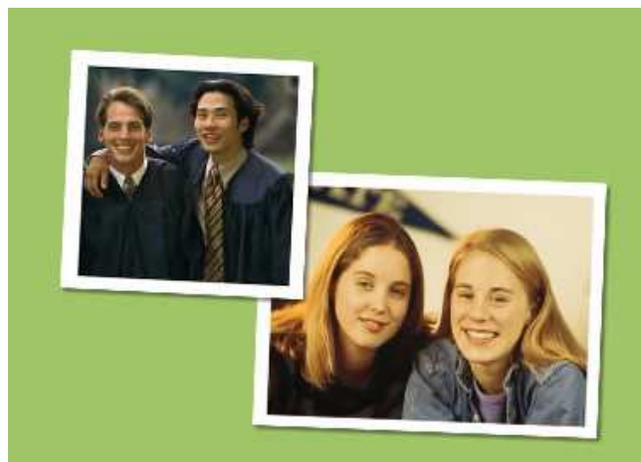
# Omega Tau Sigma Online Store

Search Omega Tau Sigma Products:



[Catalog](#) » Omega Tau Sigma

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## Featured Product



Pledge Button  
Measures approximately 3/8".

## Products



Badges



Charms



Guards



Dangles



Lavalieres & Buttons

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## Omega Tau Sigma Online Store

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



Like 0

### Crown Pearl Badge w/ 4 Ruby Points J71140112

Measures approximately 3/4". Ruby stones are synthetic

Select Metal Quality:

**ADD TO CART**

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## Omega Tau Sigma Online Store

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



Like 0

### Plain Badge J71140110

Measures approximately 3/4"

Select Metal Quality:

**ADD TO CART**

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## Omega Tau Sigma Online Store

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



Like 0

### Crown Pearl Badge J71140111

Measures approximately 3/4". Synthetic sapphire and ruby

Select Metal Quality:

**ADD TO CART**

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# Defendant's Exhibit 13



# Alpha Omega Epsilon

## JEWELRY COLLECTION

Description	14K	10K	GK	SS
Plain Badge				\$18.50
Plain Badge w/ Sapphire Points				\$20.50
Chased Border Badge				\$21.00
Crown Sapphire Badge				\$80.00
Crest Guard				\$15.50
GF/SS Small Round Filigree Charm w/ Crest or Horizontal Engraving			\$25.50	\$26.50
Vertical Letter Lavalier	\$38.00	\$28.00	\$8.00	\$12.50
GF/SS Heart Filigree w/ Horizontal Engraving			\$22.00	\$22.00
Round Ribbon Border Charm w/ Crest		\$82.50	\$22.00	\$26.50
Monogram Recognition Pin		\$25.50	\$7.00	\$7.00
Crest Button				\$15.00
Single Link Bracelet		GF \$11.50		\$11.50
GF Charm Holder		GF \$25.00		
Dolphin Charm	\$45.00	\$30.00	\$12.50	\$12.50
Vertical Letter Bracelet w/ Crest	\$355.50	\$222.00	\$86.50	\$86.50
Onyx Crest Ring w/ 4 Pearls	\$202.00	\$151.00		\$69.00
Rectangular Ring w/ Crest- 4 Synthetic Stones (not shown)	\$200.00	\$145.00		\$60.00
Rectangular Ring w/ Crest- Genuine Pearls (not shown)	\$200.00	\$145.00		\$60.00
Rectangular Ring w/ Crest- 4 Genuine Diamonds	\$290.50	\$235.50		
Oval Incised Ring	\$152.50	\$108.00		\$40.50
Wide Band Crest Ring	\$165.00	\$127.00		\$57.50
Rose Charm	\$73.50	\$50.50	\$12.50	\$12.50
Oblong Keychain w/ FOB Rose			\$18.50	

### ORDER FORM

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State/Province \_\_\_\_\_ Zip/PC \_\_\_\_\_

(Area Code) Phone No. \_\_\_\_\_ Date \_\_\_\_\_

VISA or  MasterCard Exp. Date \_\_\_\_\_  
(check one)

□□□□ □□□□ □□□□ □□□□

Interbank # (above your name on card): □□□□

Signature \_\_\_\_\_

Qty	Item No.	Description	Ring Size	Cost Per Item	Total Cost

Price (Total of Above)	\$
Sales Tax (Indiana Only) 5%	\$
Postage, Handling and Insurance (Minimum \$1.00) 5% of Total	\$
<b>TOTAL</b>	<b>\$</b>

AΩE

**Burr, Patterson & Auld Company**

P.O. Box 800 • 9147 W. 1000 N. • Elwood, Indiana 46036  
(765) 552-7366 • 1-800-422-4348 • Fax (765) 552-2759

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# Alpha Omega Epsilon

friendship  
leadership  
professionalism

International Engineering & Technical Science Sorority

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## Merchandise



The following is a list of all A.O.E. merchandise currently available to all Chapters in the Sorority as of June 2008. Instructions for who to contact and how to purchase each item are provided, and prices are subject to change. Suggestions or comments on A.O.E. merchandise can be sent to the A.O.E. Merchandise Committee at [merchandise@alphaomegaeepsilon.org](mailto:merchandise@alphaomegaeepsilon.org). Also, at the bottom of this page you will find ideas on merchandise designs submitted by the Chapters. Feel free to view these to gather ideas for your Chapter merchandise.

**NOTE:** All prices listed are in US dollars.

### In Stock Items

Item	Cost	Order Information
Embroidered Crest Patches	\$3	
Crest Flat Ornament	\$11	
Crest Round Ornament	\$12	
Crest Decal (2.3x3.75) glue on back	\$1	
Crest Decal (2.3x3.75) glue on front	\$1	

### Jewelry by Herff-Jones

Item	Cost	Order Information
Active Pins Plain Badge Sterling Silver	\$22	Herff-Jones
Active Pins with Sapphire Points Sterling Silver	\$24.25	Herff-Jones
Active Pin Chased Badge Sterling Silver	\$25	Herff-Jones
Crowned Sapphire Badge Sterling Silver	\$93.40	Herff-Jones
Crest Guard Sterling Silver	\$17	Herff-Jones
Crest Button Sterling Silver	\$17	Herff-Jones
Candidate Pin Sterling Silver	\$15.50	Herff-Jones
Lavaliere	see site	Herff-Jones
Various Charms	see site	Herff-Jones
Various Rings	see site	Herff-Jones
Various Dangles	see site	Herff-Jones

### Crest Items - Ken Jernigan

Item	Cost	Order Information
Crested Medallions	\$10	<a href="mailto:ken@kenjernigan.com">ken@kenjernigan.com</a>
Graduation Honor Stoles - Blue/White	\$20	<a href="mailto:ken@kenjernigan.com">ken@kenjernigan.com</a>
Graduation Double Honor Cord Blue/White	\$10	<a href="mailto:ken@kenjernigan.com">ken@kenjernigan.com</a>
Graduation Double Braided Honor Cord Blue/White	\$12	<a href="mailto:ken@kenjernigan.com">ken@kenjernigan.com</a>
Active Certificates	\$10	Order Form
Etched with Crest Blue Bud Vase	\$28	<a href="mailto:ken@kenjernigan.com">ken@kenjernigan.com</a>
Golf Shirt	\$35	Order Form
Long Sleeve Tan Shirt with Crest	\$49	Order Form

AOE0124



Alpha Omega Epsilon Lip Hearts Zippered Poly Tote



Alpha Omega Epsilon Foil Floral Name Boxy Crop Top



Alpha Omega Epsilon Unicorn Zippered Poly Tote



Alpha Omega Epsilon Return To Fine Jersey V-neck



Alpha Omega Epsilon Impact Sheer Tank



Alpha Omega Epsilon Fierce Lion Sheer Tank



Alpha Omega Epsilon Bifocals Lightweight Flowy Tank



Alpha Omega Epsilon Everyone Loves Hearts Tri-blend T-shirt



Alpha Omega Epsilon So Fly Poly-Cotton Unisex Tank Top



Alpha Omega Epsilon Floral Ribbon Lightweight Flowy Tank



Alpha Omega Epsilon Mistletoe Crush Poly-Cotton Unisex Tank Top



Alpha Omega Epsilon Peace Love Cursive Boxy Crop Top



Alpha Omega Epsilon Active Striped Sleeve Jersey



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SWEATSHIRTS AND JACKETS:



Alpha Omega Epsilon Nothing Beats Hooded Sweatshirt



Alpha Omega Epsilon Native Heart Hooded Sweatshirt



Alpha Omega Epsilon Love At First Sight Hooded Sweatshirt



Alpha Omega Epsilon Life is Better Hooded Sweatshirt



Alpha Omega Epsilon Last Name Ever Hooded Sweatshirt



Alpha Omega Epsilon Only Live Once Hooded Sweatshirt



Alpha Omega Epsilon You Had Me Hooded Sweatshirt



Alpha Omega Epsilon Try It Love It Hooded Sweatshirt



Alpha Omega Epsilon Telephone Crush Hooded Sweatshirt



Alpha Omega Epsilon Sweetie Hooded Sweatshirt



Alpha Omega Epsilon Sweetest Girls In Town Hooded Sweatshirt



Alpha Omega Epsilon Snap Hashtag Hooded Sweatshirt



Alpha Omega Epsilon Please Return To Hooded Sweatshirt



Alpha Omega Epsilon I Heart Sun Hooded Sweatshirt



Alpha Omega Epsilon Bow Text Hooded Sweatshirt



Alpha Omega Epsilon Bowler Hat Hooded Sweatshirt



Alpha Omega Epsilon Born To Rule Hooded Sweatshirt



Alpha Omega Epsilon Boots Made Hooded Sweatshirt



Alpha Omega Epsilon American Flag Stripes Hooded Sweatshirt



Alpha Omega Epsilon Native Neon Hooded Sweatshirt



Alpha Omega Epsilon Coming Fall Hooded Sweatshirt



Alpha Omega Epsilon Cute Skull Hooded Sweatshirt



Alpha Omega Epsilon Have You Hugged Hooded Sweatshirt



Alpha Omega Epsilon Foil Block Hooded Sweatshirt



Alpha Omega Epsilon Fall In Love Hooded Sweatshirt



Alpha Omega Epsilon Everyone Loves Hearts Hooded Sweatshirt



Alpha Omega Epsilon All American Wideneck Sweatshirt



Alpha Omega Epsilon Bow Tote Hooded Sweatshirt



Alpha Omega Epsilon Native Feathers Wideneck Sweatshirt



Alpha Omega Epsilon Love Letters Hooded Sweatshirt



Alpha Omega Epsilon We Wear Pink Crewneck Sweatshirt



Alpha Omega Epsilon Bow Ribbon Wideneck Sweatshirt



Alpha Omega Epsilon 60s Crewneck Sweatshirt



Alpha Omega Epsilon Love Africa Hooded Sweatshirt



Alpha Omega Epsilon Pacific Chevron Wideneck Sweatshirt



Alpha Omega Epsilon Keep Calm Recruit On Wideneck Sweatshirt



Alpha Omega Epsilon Sunnies  
White Wideneck Sweatshirt



Alpha Omega Epsilon Peace  
Sign Wideneck Sweatshirt



Alpha Omega Epsilon Infinity  
Wideneck Sweatshirt



Alpha Omega Epsilon Dream  
Catcher Wideneck Sweatshirt



Alpha Omega Epsilon Swirl  
Heart Wideneck Sweatshirt



Alpha Omega Epsilon Draft Day  
Hooded Sweatshirt



Alpha Omega Epsilon Chevron  
Wideneck Sweatshirt



Alpha Omega Epsilon Return  
Heart Wideneck Sweatshirt



Alpha Omega Epsilon Call Me  
Crewneck Sweatshirt



Alpha Omega Epsilon Freehand  
Bow Hooded Sweatshirt



Alpha Omega Epsilon I Heart  
Hooded Sweatshirt



Alpha Omega Epsilon Love Is  
Crewneck Sweatshirt



Alpha Omega Epsilon On Board Crewneck Sweatshirt



Alpha Omega Epsilon Tribal Chevron Wideneck Sweatshirt



Alpha Omega Epsilon American Peace Hooded Sweatshirt



Alpha Omega Epsilon J'adore Crewneck Sweatshirt



Alpha Omega Epsilon Sorority Love Wideneck Sweatshirt



Alpha Omega Epsilon 60s Stitch Crewneck Sweatshirt



Alpha Omega Epsilon Wonderland Crewneck Sweatshirt



Alpha Omega Epsilon Greek Football Hooded Sweatshirt



Alpha Omega Epsilon Paris Wideneck Sweatshirt



Alpha Omega Epsilon Fiesta Crewneck Sweatshirt



Alpha Omega Epsilon Pacific Sunnies Hooded Sweatshirt



Alpha Omega Epsilon Fierce Lion Hooded Sweatshirt



Alpha Omega Epsilon Birdie Wideneck Sweatshirt



Alpha Omega Epsilon The Sorority Crewneck Sweatshirt



Alpha Omega Epsilon Greek Banner Hooded Sweatshirt



Alpha Omega Epsilon Letters Heart Hooded Sweatshirt



Alpha Omega Epsilon Candy Skull Wideneck Sweatshirt



Alpha Omega Epsilon Live Laugh Love Hooded Sweatshirt



Alpha Omega Epsilon Running The World Wideneck Sweatshirt



Alpha Omega Epsilon Owl Heart Wideneck Sweatshirt



Alpha Omega Epsilon Owl Heart Crewneck Sweatshirt



Alpha Omega Epsilon Diamonds Wideneck Sweatshirt



Alpha Omega Epsilon Keep Calm Wideneck Sweatshirt



Alpha Omega Epsilon Curstive Impact Hooded Sweatshirt



Alpha Omega Epsilon Free Love Hooded Sweatshirt



Alpha Omega Epsilon Keeping Classy Wideneck Sweatshirt



Alpha Omega Epsilon Royalty Wideneck Sweatshirt



Alpha Omega Epsilon Peace Love Cursive Hooded Sweatshirt



Alpha Omega Epsilon Camp Hooded Sweatshirt



Alpha Omega Epsilon No Place Like Home Crewneck Sweatshirt



Alpha Omega Epsilon Impact Crewneck Sweatshirt



Alpha Omega Epsilon Good Life Wideneck Sweatshirt



Alpha Omega Epsilon Everyone Loves Pattern Crewneck Sweatshirt



Alpha Omega Epsilon Super Cool Wideneck Sweatshirt



Alpha Omega Epsilon Fashion Wideneck Sweatshirt



Alpha Omega Epsilon Island Circle Hooded Sweatshirt



Alpha Omega Epsilon Foil Floral Name Hooded Sweatshirt



Alpha Omega Epsilon Active Hooded Sweatshirt



Alpha Omega Epsilon Athletic Dept Crewneck Sweatshirt



Alpha Omega Epsilon Just Living The Dream Hooded Sweatshirt



Alpha Omega Epsilon Lip Hearts Hooded Sweatshirt



Alpha Omega Epsilon Bifocals Crewneck Sweatshirt



Alpha Omega Epsilon Bifocals Wideneck Sweatshirt



Alpha Omega Epsilon Retro Glasses Hooded Sweatshirt



Alpha Omega Epsilon Unicorn Hooded Sweatshirt



Alpha Omega Epsilon Venice Crewneck Sweatshirt



Alpha Omega Epsilon Floral Ribbon Hooded Sweatshirt



Alpha Omega Epsilon 60s Wideneck Sweatshirt



Alpha Omega Epsilon All American Zippered Poly Tote



Alpha Omega Epsilon Bow Zippered Poly Tote



Alpha Omega Epsilon California State Script Zippered Poly Tote



Alpha Omega Epsilon California State Bold Zippered Poly Tote



Alpha Omega Epsilon Love Letters Zippered Poly Tote



Alpha Omega Epsilon Bow Ribbon Zippered Poly Tote



Alpha Omega Epsilon Florida State Solid Zippered Poly Tote



Alpha Omega Epsilon Florida State Zippered Poly Tote



Alpha Omega Epsilon Keep Calm Recruit On Zippered Poly Tote



Alpha Omega Epsilon Impact Letters Zippered Poly Tote



Alpha Omega Epsilon Peace Sign Zippered Poly Tote



Alpha Omega Epsilon Infinity Zippered Canvas Tote



Alpha Omega Epsilon Texas State Zippered Poly Tote



Alpha Omega Epsilon Texas State Solid Zippered Poly Tote



Alpha Omega Epsilon Dream Catcher Zippered Poly Tote



Alpha Omega Epsilon Chevron Zippered Poly Tote



Alpha Omega Epsilon Return Heart Zippered Poly Tote



Alpha Omega Epsilon Freehand Bow Zippered Poly Tote



Alpha Omega Epsilon Love Is Zippered Poly Tote



Alpha Omega Epsilon Pretty Little Zippered Poly Tote



Alpha Omega Epsilon On Board Zippered Poly Tote



Alpha Omega Epsilon American Peace Zippered Poly Tote



Alpha Omega Epsilon Native Love Zippered Poly Tote



Alpha Omega Epsilon Sorority Love Zippered Poly Tote



Alpha Omega Epsilon 60s Stitch Zippered Poly Tote



Alpha Omega Epsilon Sail Boat Zippered Poly Tote



Alpha Omega Epsilon Cherry Bomb Zippered Poly Tote



Alpha Omega Epsilon Tornado Zippered Poly Tote



Alpha Omega Epsilon The Sorority Zippered Poly Tote



Alpha Omega Epsilon Candy Skull Zippered Poly Tote



Alpha Omega Epsilon Diamonds Zippered Poly Tote



Alpha Omega Epsilon Cursive Impact Zippered Poly Tote



Alpha Omega Epsilon Free Love Zippered Poly Tote



Alpha Omega Epsilon Peace Love Cursive Zippered Poly Tote



Alpha Omega Epsilon Camp Zippered Poly Tote



Alpha Omega Epsilon No Place Like Home Zippered Poly Tote



Alpha Omega Epsilon Sketch Block Zippered Poly Tote



Alpha Omega Epsilon Good Life Zippered Poly Tote



Alpha Omega Epsilon Everyone Loves Pattern Zippered Poly Tote



Alpha Omega Epsilon Sweet Ice Cream Zippered Poly Tote



Alpha Omega Epsilon Hippie Modern Zippered Poly Tote



Alpha Omega Epsilon Foil Floral Name Be00 Zippered Canvas Tote



Alpha Omega Epsilon Lip Hearts Zippered Poly Tote



Alpha Omega Epsilon Unicorn Zippered Poly Tote



Alpha Omega Epsilon Nothing Beats Zippered Poly Tote



Alpha Omega Epsilon Native Heart Zippered Poly Tote



Alpha Omega Epsilon Love At First Sight Zippered Poly Tote



Alpha Omega Epsilon Life is Better Zippered Poly Tote



Alpha Omega Epsilon Last Name Ever Zippered Poly Tote



Alpha Omega Epsilon Only Live Once Zippered Poly Tote



Alpha Omega Epsilon Perfume Zippered Poly Tote



Alpha Omega Epsilon You Had Me Zippered Poly Tote



Alpha Omega Epsilon Try It Love It Zippered Poly Tote



Alpha Omega Epsilon Telephone Crush Zippered Poly Tote



Alpha Omega Epsilon Sweetie Zippered Poly Tote



Alpha Omega Epsilon Sweetest Girls In Town Zippered Poly Tote



Alpha Omega Epsilon Snap Hashtag Zippered Poly Tote



Alpha Omega Epsilon Please Return To Zippered Poly Tote



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Alpha Omega Epsilon Native Neon Zippered Poly Tote



Alpha Omega Epsilon Bow Text Zippered Poly Tote



Alpha Omega Epsilon Bowler Hat Zippered Poly Tote



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Alpha Omega Epsilon Fall Block Zippered Poly Tote



Alpha Omega Epsilon Fall In Love Zippered Poly Tote



Alpha Omega Epsilon Everyone Loves Hearts Zippered Poly Tote



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Alpha Omega Epsilon Utah State Zippered Poly Tote



Alpha Omega Epsilon Tennessee State Zippered Poly Tote



Alpha Omega Epsilon Michigan State Zippered Poly Tote



Alpha Omega Epsilon Massachusetts State Zippered Poly Tote



Alpha Omega Epsilon Maryland State Zippered Poly Tote



Alpha Omega Epsilon Maine State Zippered Poly Tote



Alpha Omega Epsilon Louisiana State Zippered Poly Tote



Alpha Omega Epsilon Kentucky State Zippered Poly Tote



Alpha Omega Epsilon Kansas State Zippered Poly Tote



Alpha Omega Epsilon Iowa State Zippered Poly Tote



Alpha Omega Epsilon Indiana State Zippered Poly Tote



Alpha Omega Epsilon Illinois State Zippered Poly Tote



Alpha Omega Epsilon Idaho State Zippered Poly Tote



Alpha Omega Epsilon Georgia State Zippered Poly Tote



Alpha Omega Epsilon Delaware State Zippered Poly Tote



Alpha Omega Epsilon Connecticut State Zippered Poly Tote



Alpha Omega Epsilon Colorado State Zippered Poly Tote



Alpha Omega Epsilon Arkansas State Zippered Poly Tote



Alpha Omega Epsilon Arizona State Zippered Poly Tote



Alpha Omega Epsilon Minnesota State Zippered Poly Tote



Alpha Omega Epsilon Mississippi State Zippered Poly Tote



Alpha Omega Epsilon South Dakota State Zippered Poly Tote



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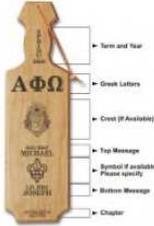
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As low as: \$3.50  
Minimum Quantity: 60



Alpha Omega Epsilon 24 oz. Fitness Bottle  
As low as: \$2.00  
Minimum Quantity: 100



Alpha Omega Epsilon Letter Patch 16 oz Double Wall Tumbler Mug  
As low as: \$6.00  
Minimum Quantity: 48



Alpha Omega Epsilon Big Sis Heart Charm  
\$22.00  
As low as: \$16.00



Alpha Omega Epsilon Malibu Heart Sunglasses  
As low as: \$3.25  
Minimum Quantity: 60



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Alpha Omega Epsilon 16 oz Double Wall Tumbler Mug  
As low as: \$6.00  
Minimum Quantity: 48



Alpha Omega Epsilon Letter Patch 16 oz Double Wall Tumbler  
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42" Expandable Alpha Omega Epsilon Banner Umbrella  
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Minimum Quantity: 25



Alpha Omega Epsilon Chevron Banner Aluminum Bottle  
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<p>Rhinestone greek letter letters soror... LaceAndTrims \$3.25 USD</p>	<p>Sorority Letters, Custom, Personaliz... Celt@hells \$9.99 USD</p>	<p>Greek Alphabet Letters Vinyl Decal ChickDesignBotz... \$3.50 USD</p>



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SmartParts \$3.99 USD



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elquiltro \$22.36 USD



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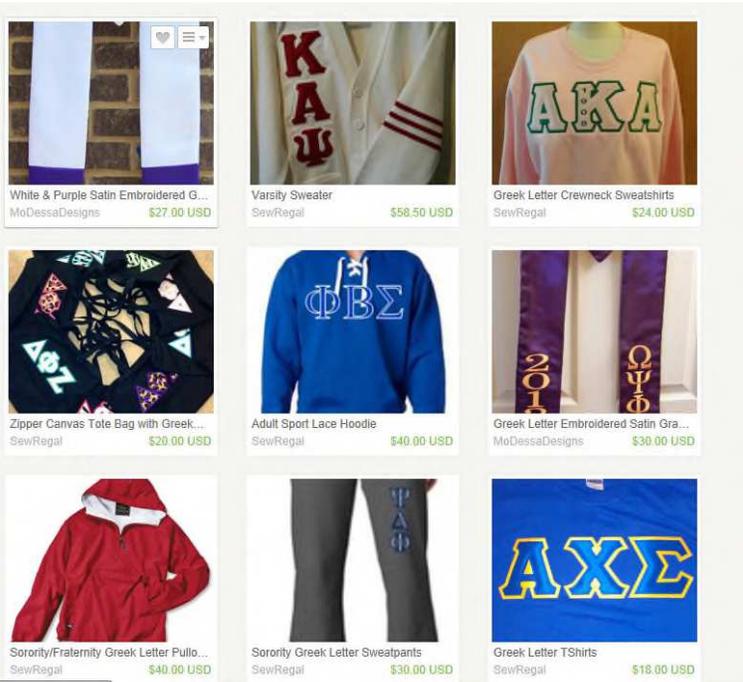
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 <p>Delta Phi Epsilon Chevron Phone Case GreekGirlShop \$30.00 USD</p>	 <p>Peace Love Delta Phi Epsilon Decal GreekGirlShop \$4.00 USD</p>	 <p>Delta Phi Epsilon Damask Phone Case GreekGirlShop \$30.00 USD</p>
 <p>Personalized ALPHA EPSILON PHI... GreekGirlShop \$35.00 USD</p>	 <p>Kappa Alpha Theta Sorority Charm... UniversityCharm \$11.99 USD</p>	 <p>Chi Omega Chevron Phone Case GreekGirlShop \$30.00 USD</p>
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<p>Zeta Tau Alpha Damask Phone Case GreekGirlShop \$30.00 USD</p>	<p>Theta Phi Alpha Damask Phone Case GreekGirlShop \$30.00 USD</p>	<p>Alpha Omicron Pi Chevron Phone C... GreekGirlShop \$30.00 USD</p>
		
<p>Alpha Sigma Alpha Chevron Phone... GreekGirlShop \$30.00 USD</p>	<p>Patterned Greek Letter TShirt SewRegal \$20.00 USD</p>	<p>Spirit Jersey - 'MERICA whalestailboutique \$54.95 USD</p>
		
<p>Monogrammed Pocket Tanks whalestailboutique \$19.99 USD</p>	<p>22oz Unbreakable Dishwasher SAF... OhYeaus \$9.95 USD</p>	<p>Comfort Colors long sleeve t with glit... whalestailboutique \$27.99 USD</p>



 <p>AVAILABLE COLORS:</p> <p>Greek Flowy Off Shoulder Long Sleeve Top</p> <p>SewRegal \$24.00 USD</p>	 <p>Embroidered Greek Linen Hemstitch Pillow</p> <p>SewRegal \$25.00 USD</p>	 <p>Custom Crossing Hoodie - Sorority/Fraternity</p> <p>SewRegal \$25.00 USD</p>
 <p>Sorority Women's Faux Fur Trimmed Hoodie</p> <p>SewRegal \$52.00 USD</p>	 <p>Sorority/Fraternity Greek Letter Pullover</p> <p>SewRegal \$40.00 USD</p>	 <p>Sorority/Fraternity Hoodie Greek Letter</p> <p>SewRegal \$25.00 USD</p>
 <p>Custom Listing for Renee - Greek Letter Jacket</p> <p>SewRegal \$70.50 USD</p>	 <p>Custom Greek Ties</p> <p>SewRegal \$18.00 USD</p>	 <p>Greek Full Zip Hoodie</p> <p>SewRegal \$37.00 USD</p>



Custom Listing for Angela - Satin Jac...  
SewRegal **\$263.00 USD**



Sorority Women's V Neck Cardigan...  
SewRegal **\$45.00 USD**



American Apparel Unisex Heavy Ter...  
SewRegal **\$68.50 USD**



Greek Velour Beach Towels - Many...  
SewRegal **\$20.00 USD**



Regal Combo, Jacket, Tshirt & Tote...  
SewRegal **\$70.00 USD**

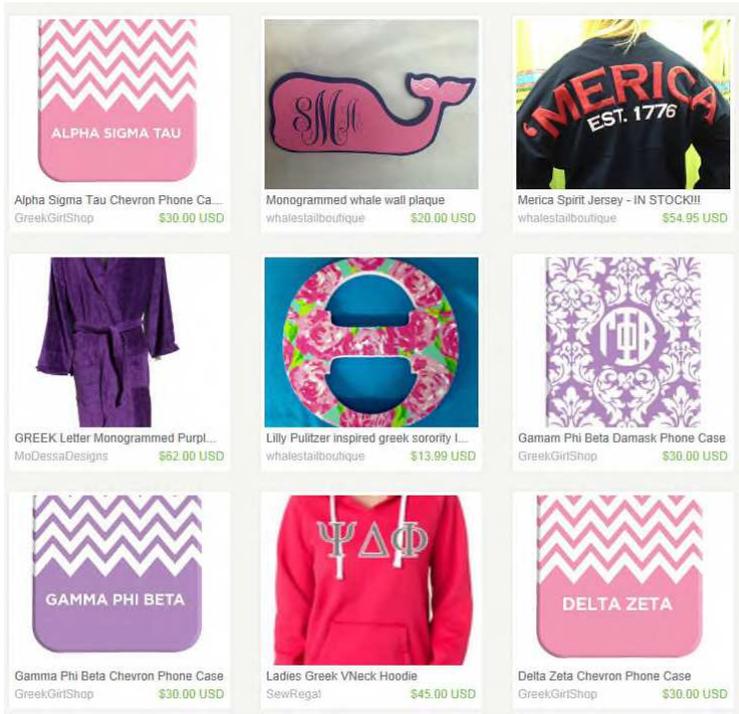


Embroidered Canvas Field Bag  
SewRegal **\$25.00 USD**



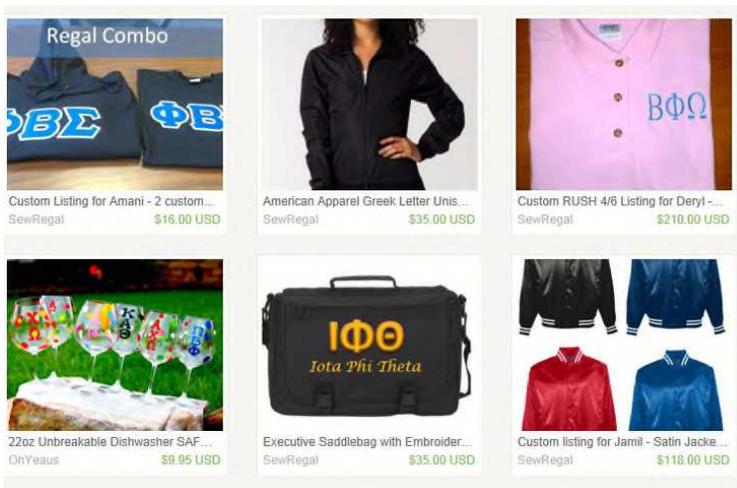
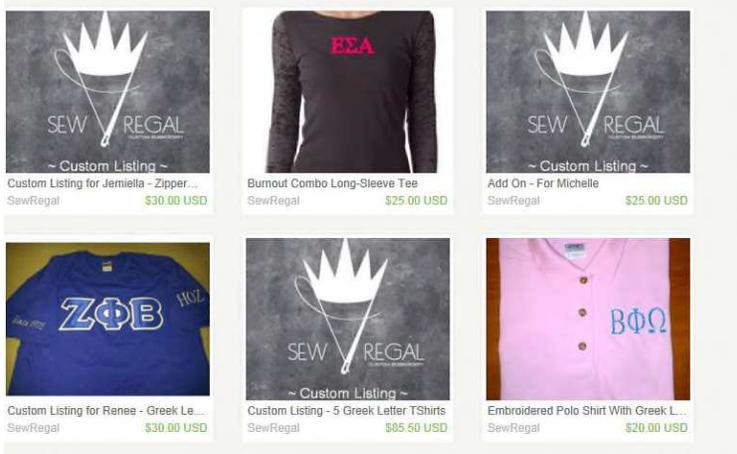
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 <p>Alpha Omega Epsilon Circle Monogram BowsAndClips \$5.00 USD</p>	 <p>Alpha Omega Epsilon Bumper Sticker MakeltGreek \$6.00 USD</p>	 <p>Alpha Omega Epsilon Sorority Necklace PureImpressions \$30.99 USD</p>
 <p>Alpha Phi Chevron Phone Case GreekGirlShop \$30.00 USD</p>	 <p>Kappa Alpha Theta Damask Phone Case GreekGirlShop \$30.00 USD</p>	 <p>Vineyard vines inspired tank, t-shirt, o... whalestailboutique \$22.00 USD</p>



		
<p>Phi Mu Damask Phone Case GreekGinShop \$30.00 USD</p>	<p>Custom Listing for Miles - Custom Cr... SewRegal \$45.00 USD</p>	<p>Ladies Vintage Zen Full-Zip Hooded... SewRegal \$45.00 USD</p>
		
<p>Greek Founding Year Crewneck Sw... SewRegal \$40.00 USD</p>	<p>Greek Letter Embroidered Satin Gra... MoDessaDesigns \$30.00 USD</p>	<p>Greek Ombre Burnout Deep V Tee SewRegal \$22.00 USD</p>
		
<p>Alternative The Berkeley Tote with C... SewRegal \$39.00 USD</p>	<p>Custom Listing for Renee - Greek Le... SewRegal \$91.00 USD</p>	<p>Custom Listing for Tomika SewRegal \$236.00 USD</p>

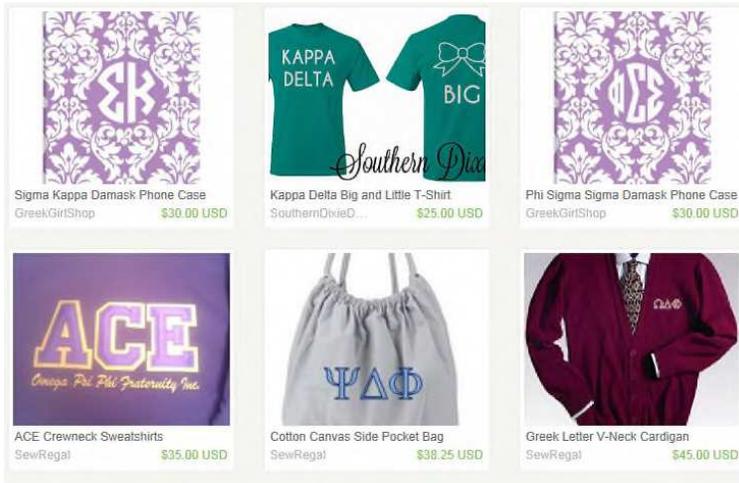
 <p>DELTA DELTA DELTA</p>	 <p>Regal Combo</p>	 <p>SEW REGAL - Custom Listing -</p>
<p>Delta Delta Delta Chevron Phone Case GreekGirlShop <b>\$30.00 USD</b></p>	<p>Regal Combo: Hoodie &amp; TShirt SewRegal <b>\$43.00 USD</b></p>	<p>Add On - Name Embroidered SewRegal <b>\$8.00 USD</b></p>
 <p>DELTA GAMMA</p>		
<p>Delta Gamma Chevron Phone Case GreekGirlShop <b>\$30.00 USD</b></p>	<p>Sorority Women's Jewel Neck Cardig... SewRegal <b>\$45.00 USD</b></p>	<p>Sigma Delta Tau Damask Phone Case GreekGirlShop <b>\$30.00 USD</b></p>
		
<p>Sorority Letter TShirt SewRegal <b>\$16.00 USD</b></p>	<p>IXΘYΞ Ichthys - Jesus Christ, Son of... darkerblue <b>\$16.95 USD</b></p>	<p>Greek Letter Awareness Tie Dye TShirt SewRegal <b>\$22.00 USD</b></p>





 <p>Alpha Omega Epsilon Decal BowsAndClips \$5.00 USD</p>	 <p>Alpha Omega Epsilon Cuff, Licensed... Pureimpressions \$18.99 USD</p>	 <p>Alpha Omega Epsilon Ring, Sorority... Pureimpressions \$16.99 USD</p>
 <p>Lilly Pulitzer inspired greek sorority I... whalestailboutique \$16.99 USD</p>	 <p>Vineyard vines inspired quarter zip w... whalestailboutique \$39.99 USD</p>	 <p>Kappa Kappa Gamma Damask Phon... GreekGirlShop \$30.00 USD</p>
 <p>Delta Zeta Damask Phone Case GreekGirlShop \$30.00 USD</p>	 <p>Canvas Cinch Sack Greek Letters SewRegal \$25.00 USD</p>	 <p>Kappa Delta Damask Phone Case GreekGirlShop \$30.00 USD</p>

		
<p>Pi Beta Phi Damask Phone Case GreekGirlShop \$30.00 USD</p>	<p>Custom Listing for Tanya SewRegal \$240.00 USD</p>	<p>Satin Jacket with Greek Letters SewRegal \$55.00 USD</p>
		
<p>Sorority Letters, Custom, Personaliz... CellShells \$9.99 USD</p>	<p>Regal Combo: Short &amp; Long Sleeved... SewRegal \$33.00 USD</p>	<p>Kappa Delta Chevron Phone Case GreekGirlShop \$30.00 USD</p>
		
<p>Regal Combo: Greek TShirt &amp; Tote... SewRegal \$37.00 USD</p>	<p>Custom Listing for Chelsea - 4 Regal... SewRegal \$319.56 USD</p>	<p>Custom Listing for Monet - Sorority/F... SewRegal \$37.00 USD</p>



		
<p>Satin Jacket with Greek Letters SewRegal \$55.00 USD</p>	<p>Adult Vintage Heather Hoodie SewRegal \$40.00 USD</p>	<p>Greek Letter Cyclone Tie Dye TShirt SewRegal \$22.00 USD</p>
		
<p>Sorority Women's Quilted Jacket SewRegal \$60.00 USD</p>	<p>Greek Vintage Full Zip Hoodie SewRegal \$45.00 USD</p>	<p>Sorority/Fraternity Greek Letter Coac... SewRegal \$35.00 USD</p>
		
<p>Sorority Letter Tank Top SewRegal \$15.00 USD</p>		

https://www.etsy.com/listing/190254943/alpha-omega-epsilon-bumper-sticker?ref=shop\_home\_active\_21

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**Alpha Omega Epsilon Bumper Sticker / Window Decal**

**\$6.00+** USD [Ask a Question](#)

Quantity  
1

Quantity  
Select an option

Color  
Select a color

**Overview**

- Handmade Item
- Made to order
- Feedback: [51 reviews](#)
- Ships worldwide from United States

 This shop accepts Etsy Gift Cards

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### Alpha Omega Epsilon

Products (Total Items: 16)

Price: Low to High

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Alpha Omega Epsilon Lime Green/Light Blue Letter Flag

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Alpha Omega Epsilon Nation Flag

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Alpha Omega Epsilon Light Blue/Light Pink Letter Flag	Alpha Omega Epsilon Light Pink/Light Blue Letter Flag	Alpha Omega Epsilon Light Pink/Light Purple Letter Flag
☆☆☆☆☆ 0 Review(s)	☆☆☆☆☆ 0 Review(s)	☆☆☆☆☆ 0 Review(s)
Your Price: \$24.99	Your Price: \$24.99	Your Price: \$24.99
<a href="#">Add To Cart</a>	<a href="#">Add To Cart</a>	<a href="#">Add To Cart</a>

		
Alpha Omega Epsilon Letter Flag	Alpha Omega Epsilon Light Purple/Light Pink Letter Flag	Alpha Omega Epsilon Script Flag
☆☆☆☆☆ 0 Review(s)	☆☆☆☆☆ 0 Review(s)	☆☆☆☆☆ 0 Review(s)
Your Price: \$24.99	Your Price: \$24.99	Your Price: \$24.99
<a href="#">Add To Cart</a>	<a href="#">Add To Cart</a>	<a href="#">Add To Cart</a>

		
Alpha Omega Epsilon Light Blue/Lime Green Letter Flag	Alpha Omega Epsilon Dark Pink/Light Pink Letter Flag	Alpha Omega Epsilon Lime Green/Light Yellow Letter Flag
☆☆☆☆☆ 0 Review(s)	☆☆☆☆☆ 0 Review(s)	☆☆☆☆☆ 0 Review(s)
Your Price: \$24.99	Your Price: \$24.99	Your Price: \$24.99
<a href="#">Add To Cart</a>	<a href="#">Add To Cart</a>	<a href="#">Add To Cart</a>

More results: **[1]** 2 Next Page View All

**Products (Total Items: 16)**

Price: Low to High ▾

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Alpha Omega Epsilon Light Yellow/Lime Green Letter Flag

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Alpha Omega Epsilon Dark Purple/Light Purple Letter Flag

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Alpha Omega Epsilon Light Pink/Dark Pink Letter Flag

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## Online Store

Catalog

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

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

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



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# Alpha Omega Epsilon Online Store

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



## Featured Product



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

## Products



Accessories



Badges & Guards



Bracelets



Chapter Guards



Dangles



Lavalieres & Charms



Pins & Buttons



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Committees



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Expansion  
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Chapter  
Committees



Foundation



Necklaces

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## Alpha Omega Epsilon Online Store

[Catalog](#) » [Alpha Omega Epsilon](#) » [Accessories](#) » Business Card Case



Like 0

### **Business Card Case J70390602**

High Gloss silver plated business card case featuring engraved cover and pressure-sensitive closure. 2 1/2" H X 3 3/4 W

**Price: \$47.00**

**ADD TO CART**

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

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## Alpha Omega Epsilon Online Store

[Catalog](#) » [Alpha Omega Epsilon](#) » Badges & Guards

### Products



IEB Member Badge



IEB President Badge



Plain Badge w/4 \*Sapphires



Plain Badge



Crown Sapphire Badge



Crest Guard



Chased Border Badge

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## Alpha Omega Epsilon Online Store

[Catalog](#) » [Alpha Omega Epsilon](#) » [Badges & Guards](#) » [Crown Sapphire Badge](#)



Like 0

### Crown Sapphire Badge AOE3

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

Select Material:

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## Alpha Omega Epsilon Online Store

[Catalog](#) » [Alpha Omega Epsilon](#) » [Bracelets](#) » Vertical Letter Bracelet w/Crest



Like 0

### Vertical Letter Bracelet w/Crest AOE14

Traditional but timeless this lavalier bracelet has boasted a long history in our product offering. Each link is 11/16" h., bracelet length 7.5".

Select Material:

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## Alpha Omega Epsilon Online Store

[Catalog](#) » [Alpha Omega Epsilon](#) » [Bracelets](#) » Mini Pearl Bracelet w/ round tag



Like 0

### Mini Pearl Bracelet w/ round tag J70396315SS

Freshwater pearls and sterling silver  
Roundel beads bracelet with engraved tag  
in sterling silver. 7" L.

**Price: \$45.00**

**ADD TO CART**

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## Alpha Omega Epsilon Online Store

[Catalog](#) » [Alpha Omega Epsilon](#) » [Lavalieres & Charms](#) » Vertical Letter Lavalier



Like 2

### Vertical Letter Lavalier L2647ALOMEP

The most traditional but timeless lavalier in our accessory line. Perfect gift or item to splurge on for yourself. 1 1/16" 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.

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[Catalog](#) » [Alpha Omega Epsilon](#) » Rings

### Products



Loyalty Ring



Swirl Ring with  
\*Sapphires



Sincere Ring



Carnation Ring



Silhouette Rose  
Ring



Wide Band  
Crest Ring



Oval Incised  
Letter Ring



Imperial Onyx  
Crest Ring w/4  
Pearls

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## Alpha Omega Epsilon Online Store

[Catalog](#) » [Alpha Omega Epsilon](#) » [Rings](#) » Swirl Ring with \*Sapphires



Like 0

### Swirl Ring with \*Sapphires R70391000S

Engraved with Greek Letters. \*Synthetic Sapphires

Select Ring Size:

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

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AOE0200



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## Alpha Omega Epsilon Online Store

[Catalog](#) » [Alpha Omega Epsilon](#) » [Rings](#) » Sincere Ring



Like 1

### Sincere Ring R70391022SS

This uniquely shaped Sterling Silver ring is designed to display your Greek letters with pride. Engravable area at top of ring measures 7/16"L X 5/16"W.

**Price: \$36.00**

Select Ring Size:



**ADD TO CART**

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AOE0201



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## Alpha Omega Epsilon Online Store

[Catalog](#) » [Alpha Omega Epsilon](#) » [Rings](#) » Oval Incised Letter Ring



Like 0

### Oval Incised Letter Ring R70395033

Engraveable area measures 1/4" l. x  
1/2"w.

Select Material:

Select Ring Size:

**ADD TO CART**

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## Alpha Omega Epsilon Online Store

[Catalog](#) » [Alpha Omega Epsilon](#) » [Necklaces](#) » Double Heart Necklace



Like 0

### Double Heart Necklace J7039SLW989SS

18" Snake Chain, with unique sterling silver heart charms. Cubic Zirconia accent. Charm is Approx 5/8" X 3/4".

**Price: \$51.00**

**ADD TO CART**

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AOE0203

# Defendant's Exhibit 14

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

August 14, 2014

**VIA E-MAIL OGELBER@COLLENIP.COM  
AND FIRST CLASS MAIL**

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

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

RE: Omega S.A. v. Alpha Omega Epsilon

Dear Oren:

We have reviewed the 3,198 documents Omega Watch produced in discovery. Frankly we wonder why the majority of the items were produced; little of the nearly 3200 documents seem directly responsive to our discovery requests. Conversely, although the majority of Omega Watch's written responses stated that responsive information would be produced, we could not locate the majority of the promised information in the nearly 3200 documents. If we are mistaken, and if the requested information actually is to be found in the produced documents, we must ask that you please "organize and label [the documents] to correspond to the categories in the request," or at least provide us with an index identifying which documents are actually responsive to the various requests as required by Rule 34.

The deficiencies of immediate concern noticed in our first pass through the written responses and the 3200 generally non-responsive documents include the following:

**Fame of Opposer's Marks:** Interrogatory No. 3 directed Omega to itemize the extent of its sales in the United States under the Omega marks for the period from 1963 to 1983. Omega responded that its document production would provide this information. Interrogatory No. 4 directed Omega to itemize the extent of its promotional efforts in the United States associated with the Omega marks for the period from 1963 to 1983. Omega responded that its document production would provide this information. Further, Request for Production No. 25 requested production of records reflecting the extent of advertising and marketing expenditures for the period from 1963 to 1983. Omega responded that it would be producing records reflecting these expenditures. Interrogatory No. 8 directed Omega to describe in detail any factual basis to contend the marks were famous in the United States prior to 1983. In response, Omega said it would be producing documents "relating to Opposer's annual sales" and "Opposer's advertising expenditures."

Oren Gelber  
August 14, 2014  
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From our review of the nearly 3200 documents dumped on us, we could locate *nothing* providing the pertinent information. If indeed the promised information is to be found in the produced documents, please provide us with an index identifying which documents are the documents we were told would provide this information.

**Omega Watch Target Customers:** Omega denied that its “individual consumer retail products are premium high end products.” (Request for Admission No. 24). Omega also denied that the “target customers” for the “individual consumer retail products are high income or high net worth individuals.” (Request for Admission No. 25). Accordingly, in response to Request for Production 33, Omega should have produced documents supporting these denials and we could locate nothing in the production supporting these denials. We did note documents in the production which seem *quite inconsistent with these denials*, namely documents OSA02849-02852. Are the denials false? If so, please correct them. Conversely, if the denials are accurate, please produce the documents which provide the basis for the denials.

Indeed, Request for Production No. 6 specifically directed Omega to produce records reflecting the “income, net worth, disposable income, or financial resources of target customers in the United States” for Omega products, and Request No. 7 directed Omega to produce any “marketing research, marketing plans, or other documents and things which tend to identify or describe the nature of target customers.” In response to both of these document requests, Omega stated it would be producing responsive information.

From our reviewed the nearly 3200 documents dumped on us, we could locate *nothing* providing the pertinent information. If indeed the promised information is to be found in the produced documents, please provide us with an index identifying which documents are documents we were told would provide this information.

**Sorority’s Target Market:** Request for Admission No. 26 directed Omega to admit it has “no evidentiary basis to dispute that products bearing the opposed marks are primarily and predominantly marketed only to members of the Alpha Omega Epsilon Sorority, or to persons wishing to acquire the products as gifts for members of the Alpha Omega Epsilon Sorority.” Omega denied this request. If indeed Omega really has an evidentiary basis to deny this request, then in response to Request for Production 33, Omega should have produced the documents supporting this denial. From our review of the nearly 3200 documents dumped on us, we could locate *nothing* providing the pertinent information. If indeed the promised information is to be found in the produced documents, please provide us with an index identifying which documents provide this information.

**Commercial Impression of Sorority’s Marks:** Request for Admissions Nos. 29, 33, and 37 directed Omega to admit it “has no evidentiary basis to dispute that the commercial impression generated by the use of Applicant’s [marks in issue] in association with products in

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the market in which those products pass is recognition of the mark[s] by the target consumers as a reference to the Alpha Omega Epsilon Sorority.”

Similarly, Request for Admissions Nos. 32, 36, and 40 directed Omega to admit it “has no evidentiary basis to support a contention that target consumers for Opposer’s products associate any product bearing Applicant’s [marks in issue] with Opposer.”

Omega denied each of these requests. If indeed Omega really has an evidentiary basis to deny these requests, then in response to Request for Production 33, Omega should have produced the documents supporting the denials. From our review of the nearly 3200 documents dumped on us, we could locate *nothing* providing the pertinent information. If indeed the promised information is to be found in the produced documents, please provide us with an index identifying which documents are documents provide this information.

Surely you agree the commercial impression created by the opposed marks is an important issue in a 2(d) opposition. When applying the similarity of marks factor we are, of course, to consider “[t]he similarity or dissimilarity of the marks in their entirety as to appearance, sound, connotation *and commercial impression.*” *In re E. I. Du Pont de Nemours & Co.*, 476 F.2d 1357, 1361 (C.C.P.A. 1973) (emphasis added). Thus Omega’s objection to Request for Production No. 13 is especially puzzling. That request quite directly and simply was for Omega to produce “[a]ny and all documents and things reflecting the commercial impression generated by Applicant’s marks.” We do not at all understand any basis for Omega to in good faith object to this request as “vague, overly broad and not reasonably calculated to lead to the discovery of admissible evidence in this proceeding.”

**Intent to Trade Off of Omega Reputation:** Request for Production No.15 directed Omega to produce any documents “which support any contention Applicant has or intends to trade off of any goodwill associated with Opposer and the marks upon which the Oppositions are based.” In response, Omega stated it would be producing responsive information. From our review of the nearly 3200 documents dumped on us, we could locate *nothing* providing the pertinent information. If indeed the promised information is to be found in the produced documents, please provide us with an index identifying which documents are documents we were told would provide this information.

**Witness Statements:** Request for Production No. 28 directed Omega to produce “[a]ny statements obtained by or on behalf of Opposer relating to these Oppositions and any and all other documents and things relating to said statements.” Omega has objected to this request claiming the responsive information is “protected by attorney-client privilege, the work product doctrine, or other applicable privilege or immunity.” We can not discern from this conclusory response whether the requested information is indeed so protected. Even so, the identity of the declarants needs to be disclosed, if not already disclosed in your Initial disclosures, or otherwise

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disclosed in discovery, including disclosure of the name, address, and telephone number of the declarants and a summary of "the subject matter about which the . . . identified witness is likely to have discoverable information." *See* TBMP § 401.02 . Please identify the declarants, or confirm the appropriate disclosures have already been made relating to the information specified in Request No. 28. Secondly, we will need a privilege log to allow us to discern whether the other requested information is indeed privileged from disclosure.

\* \* \* \* \*

In summary, Omega denied virtually all of our Requests for Admission. Accordingly, in response to Request for Production 33, Omega is required to produce the documentary items supporting its denials

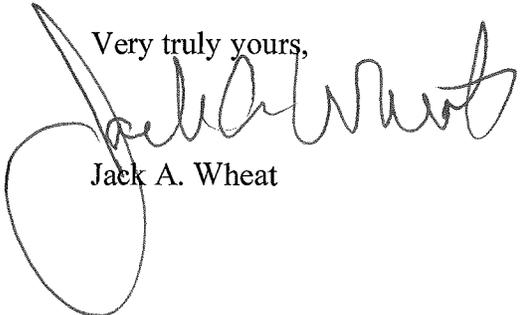
Further, rather than provide narrative answers to the interrogatories containing the requested information, Omega overtly stated the requested information could be discerned from the documents being produced.

We have reviewed the 3,198 documents Omega Watch produced in discovery. We could not locate the majority of therequested information in the nearly 3200 documents. If we are mistaken, and if the requested information actually is to be found in the produced documents , we must ask that you please "organize and label [the documents] to correspond to the categories in the request," or at least provide us with an index identifying which documents are actually responsive to the various requests as required by Rule 34.

As for any of the requested information which was not included with the production, will you please produce it at your earliest convenience.

Please let me know whether these deficiencies will be cured. Conversely, if the requested information was not already provided, and if Omega remains unwilling to provide it, please advise when we can conduct the requisite "meet and confer."

Very truly yours,

  
Jack A. Wheat

JAW:at