



**CASE WESTERN RESERVE
UNIVERSITY**

Office of General Counsel

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Inkori, LLC

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March 29, 2024

Re: Case Western Reserve University – Cease and Desist and Notice of Trademark Infringement

To Whom it May Concern:

I represent Case Western Reserve University (“CWRU” or the “University”) in intellectual property matters and now demand that Inkori, Inc. (and any associated dba or website) **immediately cease and desist from any further use, promotion, marketing, or sales** of any products branded with Case Western Reserve University related words or images and that it immediately and permanently take down the Campus Flavor webpage and any similar sites. It has come to our attention that Inkori, LLC by and through the DBA, Campus Flavor (“Campus Flavor”) is holding a contest and planning to sell apparel bearing CWRU trademarks, without any license or permission to do so. It appears that Campus Flavor plans to market and sell this apparel from an online store (<https://www.campusflavor.com/design-board>).

Case Western Reserve University (and its predecessor institutions) has been in existence since 1826. Since at least 1967, the University has used the Case Western Reserve name and associate logos to identify and promote its educational services. Since at least 1995, the University has used the distinctive CWRU and Case Western Reserve University mark in connection with the marketing of apparel. Since at least 1970, the University has used the Spartan mascot (“Mascot”) in connection with the marketing of apparel. The University is the owner of several incontestable registrations for these marks with the United States Patent and Trademark Office (“USPTO”). These include but are not limited to the following registrations:

1. CWRU: Registered in class 25 for apparel, Registration No. 74657220.
2. Case Western Reserve University: Registered in class 25 for apparel, Serial No. 74657226.
3. CASE: Registered in class 25 for apparel, Serial No. 76536038.
4. Think beyond the possible: Registered in class 41, 42, and 45, Serial No. 77757021.
5. Think[box]: Registered in class 42, Serial No. 86225416.

Pursuant to federal trademark law, the University is the exclusive owner of the CASE, CWRU, Case Western Reserve University, Think[box] and Mascot marks in connection with educational services, apparel, drinkware, and related goods and services. Campus Flavor’s promotion and sale of apparel and other goods bearing the CASE, CWRU, Case Western Reserve University, Think[box] and Mascot marks is likely to cause confusion as to the origin, sponsorship, or approval of the products, in violation of federal trademark law. Under federal trademark law, small-print disclaimers of the sort used by Campus Flavor on



the website are not sufficient to prevent such confusion. The judgment of the U.S. Court of Appeals for the Eleventh Circuit in *Savannah University of Art & Design, Inc., v. Sportswear, Inc., dba Infringer*, 983 F.3d 1273 (11th Cir. 2020; cert. denied, 2021) leaves no doubt about the infringing nature of Campus Flavor's conduct. The appeals court held that Sportswear, Inc.'s sales of apparel bearing Savannah University of Art & Design's (SCAD) trademarks without license or permission – in the same way that Campus Flavor sells CWRU apparel and goods -- was infringing under federal trademark law. The court permanently enjoined Sportswear, Inc. from using SCAD's trademarks in any way. By marketing unlicensed "CWRU" clothing and other items to consumers who wish to show their identification with Case Western Reserve University, Campus Flavor is engaging in precisely this sort of deception.

Accordingly, Case Western Reserve University demands that Inkori, Inc. (and any associated dba or website) **immediately cease and desist from any further use, promotion, marketing, or sales** of any CASE, CWRU, Case Western Reserve University, Think[box] and Mascot -branded products and that it immediately and permanently take down the Campus Flavor webpage and any similar sites.

Please confirm immediately that Inkori, Inc. has complied with these demands. Otherwise, the University will take appropriate legal action, which may include seeking injunctive relief, damages, and attorneys' fees, pursuant to federal trademark law. This communication is made without waiver of any of the University's legal and equitable rights and remedies, all of which are expressly reserved.

Sincerely,

A handwritten signature in black ink, appearing to read "Lex Ehrenschwender", written over a horizontal line.

Lex Ehrenschwender
Associate Counsel
Office of General Counsel

cc: Emily Mayock
Associate Vice President, Strategic Communications and Interim Associate Vice President,
Marketing and Communications Operations

Ned Breznai
Client and Brand Relations Specialist