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January 28, 2013

VIA EXPRESS MAIL: #EV 331089933 US
AND EMAIL: ryanbomberger@yahoo.com
and info@theradiancefoundation.org
Mr. Ryan Bomberger
The Radiance Foundation
PO Box 61941
Virginia Beach, Virginia 23466

VIA EXPRESS MAIL: #EV 331089902 US
AND EMAIL: sertelt@aol.com
Mr. Steven Ertelt
Lifenews.com
PO Box 270841
Fort Collins, Colorado 80527

Re: NAACP Trademark

Gentlemen:

This law firm represents the National Association for the Advancement of Colored People ("NAACP"). As you well know, the NAACP is the nation's oldest civil rights organization, operating for over one hundred years and using its trademarks NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (the "Phrase"), the acronym NAACP (the "Acronym"), its "Scales of Justice" seal (the "Seal") the trademark IMAGE AWARDS (the "Name") and its Image Awards logo (the "Logo") (collectively, the "Marks") in connection with, among other things, civil rights and racial issues. The NAACP brands are famous and strong.

The NAACP owns the registered trademark for the Acronym and the Name at the U.S. Patent and Trademark Office, Registration Nos. 1,188,182 and 3,014,745. The NAACP has common law rights in the Marks throughout the United States, meaning that each of the Marks has full protection, fame and strength under the U.S. trademark law. As a result of the NAACP's promotion and use of all of the Marks, individuals today associate each of the famous Marks exclusively with the NAACP.

The NAACP recently discovered that you are using the term "NAACP," the phrase "National Association for the Abortion of Colored People," the Name and depictions of the Seal and the Logo (collectively, the "Infringing Uses"). Your use is in a number of areas, including on your websites and on Facebook.

While you are certainly entitled to express your viewpoint, you cannot do so in connection with a name that infringes on the NAACP's rights. Your continued use of each of the Infringing Uses, which are unmistakably similar to and certainly intended to copy the NAACP's Marks, constitutes willful trademark infringement as well as unfair competition and palming off of the NAACP's Marks. Your use of the Infringing Uses will cause consumer confusion in the marketplace, along with the misimpression that the NAACP in some way sponsors, supports, endorses and/or is affiliated with you, in violation of the Lanham Act (15 U.S.C. §§ 1051, *et seq.*). As a separate cause of action, your use will tarnish the goodwill built up in the NAACP Marks, as it will harm the NAACP's brand.

Due to your infringement, you are also liable under trademark, unfair competition and other laws for actual damages, attorneys' fees and punitive damages.

For these reasons, on behalf of our client, we demand that you immediately cease and desist from all uses of any of the Infringing Uses in any form, including on your web pages and on Facebook, and in the future make no use of the Infringing Uses and any other marks that are likely to be confused with the NAACP's Marks.

Please confirm to us in writing within seven (7) days of the date of this letter that you have taken all of these steps. If we do not receive a timely and satisfactory response from you within this time period, be assured that the NAACP will take the appropriate steps to stop your infringing activities and obtain appropriate damages. Your failure to comply with this demand will constitute additional evidence of willful infringement.

We look forward to your timely response and full cooperation. This letter does not constitute an exhaustive statement of the NAACP's legal position. In writing this letter, the NAACP does not waive any rights or remedies to which it is entitled, which rights and remedies are expressly reserved.

Sincerely,

Ned T. Himmelrich

cc: Kim M. Keenan, General Counsel