

# LEWIS RICE<sub>LLC</sub>

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September 6, 2017

## Via Email and U.S. Mail

David R. Bohm, Esq.  
DANNA McKITRICK, P.C.  
7701 Forsyth Blvd., Suite 800  
St. Louis, MO 63105-3907  
[dbohm@dmfirm.com](mailto:dbohmdmfirm.com)

Re: **Request for Response Concerning “slucomplianceproject”**

Dear Mr. Bohm:

My firm and I represent Saint Louis University in its intellectual property matters. As an intellectual property attorney yourself, I know you are knowledgeable about and respectful of the efforts entities put into developing strong intellectual property rights, and the necessity that they monitor the use of their trademarks and other protected material to prevent dilution, disparagement and misuse. You are also likely aware of the various provisions of the Lanham Act, the Missouri Anti-Dilution statute, the Uniform Domain Name Dispute Resolution Policy, the Digital Millennium Copyright Act, and all the injunctive and monetary remedies associated with these provisions and other applicable laws.

Recently, a website at [www.slucomplianceproject.org](http://www.slucomplianceproject.org) and a Facebook page at [www.facebook.com/slucomplianceproject/](https://www.facebook.com/slucomplianceproject/) have come to our attention. In violation of Saint Louis University's rights and the provisions of law referenced above, the website uses one of the University's most recognizable marks (“SLU”) in its domain name in an apparent attempt to improperly divert the University's supporters to the criticism and commentary contained on the website. It also uses multiple of the University's trademarks and copyright protected materials as part of its “gripe-based” content, all in a confusing way that gives a false designation of origin and is likely crafted to cause dilution and disparagement of the goodwill associated with Saint Louis University's intellectual property. If you visit the website, you will see that while it contains a “disclaimer,” the disclaimer is woefully inadequate to what the law requires and much of the content exceeds the confines of the First Amendment or fair use despite its self-serving assertion otherwise in light of the misleading nature of the presentation and the apparent bad faith intent to profit from diversion and disparagement of Saint Louis University.

Thus far, the owner of the website has hidden his or her identity from the public behind a façade registration by “Privacy Protect, LLC” and is not revealed via Facebook. We would prefer to avoid protracted litigation or administrative proceedings to learn the owner/author so that we may efficiently and effectively prevent further confusion to the public and potentially prosecute the violations of my client's intellectual property. I am therefore reaching out to you for your assistance.

*Established 1909*

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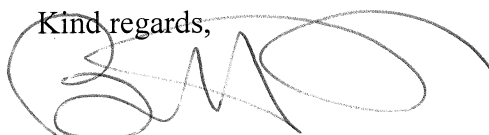
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The website at issue contains conspicuous references to your client Mandy Rice's pending lawsuit, *Rice v. Saint Louis University, et al.*, Cause No. 1722-CC11181 (22nd Judicial Circuit, Missouri), borne out of Dr. Rice's poor performance and the consequential requirement of the University that she repeat the fourth year of her surgery residency. To the extent Dr. Rice is the owner/author of the website and Facebook page, which appears to be the case, I am requesting that you confirm to us the same and advise her accordingly. Specifically, to prevent the need for further action by my client, we require assurances before Friday, September 8, 2017 at noon that Dr. Rice will promptly:

- Remove all copyright material from the "slucomplianceproject" website and Facebook page, including photographs, screenshots, and faculty manual excerpts;
- Designate prominently (in larger font than other text) at the top and bottom of each page of the website and Facebook page that the content is "not affiliated, connected, or associated with Saint Louis University or any entity or organization related to Saint Louis University by origin, sponsorship or approval";
- Cease use of the acronym SLUCP and any other acronym using Saint Louis University's registered "SLU" mark or any other registered or common law trademark owned by Saint Louis University;
- Transfer the domain name slucomplianceproject.org to Saint Louis University for protection of the "SLU" mark as used therein;
- Change the name and username of the revised "slucomplianceproject" Facebook page to a name and username that does not use any of Saint Louis University's registered or common law trademarks; and
- Move the revised content of the "slucomplianceproject" website to a domain name that does not use any of Saint Louis University's registered or common law trademarks.

If you are unable to confirm Dr. Rice's involvement in the website and Facebook page, or such assurances are not timely received, we will proceed accordingly in light of all of my client's legal options. I hope to hear from you.

Kind regards,



Bridget G. Hoy