

MEMORANDUM
THOMAS, THOMAS, AND THOMAS
A Pretend Limited Liability Partnership

FROM: Ira Steven Nathenson, "Managing Partner," T³ PLLP
TO: Spring 2014 "Associate" Class
RE: Cease and desist copyright project (revised March 25)
DATE: March 25, 2014

ASSIGNMENT

Background. You are fictional associates in a fictional law firm: Thomas, Thomas, and Thomas, PLLP, or "Pretend Limited Liability Partnership." (Also known as T-Cubed.) You will consider the legal issues and draft a cease-and-desist letter for the client to review. You will also write a short memorandum to the client advising the client of its rights and reporting on the legal issues arising from the conflict. For background on the general format of cease-and-desist letters, see Chilling Effects Clearinghouse, *What to Expect When You're Expecting to Be Sued for Trademark Infringement*, available at <https://www.chillingeffects.org/trademark/resource.cgi?ResourceID=14>. You can also find samples of cease-and-desist letters at the *Chilling Effect s Clearinghouse*, <http://www.chillingeffects.org>.

Details of assignment.

1. **Document the online activities.** This is for purposes of investigation and documentation in the file you will create. Because you will be documenting electronic information, consider whether you should do regular printouts, screen captures, or other forms of documentation.
2. **Draft a cease-and-desist letter.** Draft a cease-and-desist letter for the client's review. You may use preexisting letters as a template so long as you reveal your sources to me in your case file. You will not be transmitting the letter to anyone; rather, the draft is for the client's (and my) review.
3. **Client letter.** Draft a client letter/memorandum of no more than ten (10) pages in Times New Roman discussing the legal issues arising in the matter, as well as the results of your enforcement. Provide your advice as to what the client might

do next, as well as your assessment of the likelihood of success. Assume that the client is an attorney with a basic understanding of copyright law.

Due date. Hand in a case file including: a) relevant documentation; b) draft cease-and-desist letter; and c) client letter. **The file is due by 5PM EST on Monday, April 14.** You may hand in the assignment in hard copy or electronically to inathenson@stu.edu. As before, you may discuss the project with others so long as they are current members of this class. If you use any third-party materials as guidance (particularly any sample cease-and-desist letters), you must provide the materials or their citations to me.