

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

PHI THETA KAPPA HONOR SOCIETY,	)	
	)	
Plaintiff/Counter-Defendant	)	Civil Action No. 3:22-cv-00208-CWR-RPM
	)	
v.	)	
	)	
HONORSOCIETY.ORG, INC.,	)	
	)	
Defendant/Counter-Plaintiff	)	
/Third-Party-Plaintiff	)	
	)	
HONOR SOCIETY FOUNDATION, INC.,	)	
	)	
Defendant	)	
	)	
-----	)	
	)	
HONORSOCIETY.ORG, INC.,	)	
	)	
Defendant/Counter-Plaintiff	)	
/Third-Party-Plaintiff	)	
	)	
v.	)	
	)	
DR. LYNN TINCHER-LADNER,	)	
	)	
Third-Party Defendant	)	

SECOND AMENDED COMPLAINT¹

Plaintiff Phi Theta Kappa Honor Society, a non-profit corporation (“PTK Honor Society”), by and through its counsel, files this Second Amended Complaint for injunctive relief, monetary damages, and all other appropriate remedies against Defendant HonorSociety.org, Inc. (“Honor

¹ Pursuant to the Court’s March 29, 2024 Order (Dkt. 131), Plaintiff Phi Theta Kappa files this Second Amended Complaint, which also reflects those allegations in Plaintiff’s Supplemental First Amended Complaint accepted by this Court on March 27, 2024 during the hearing on Plaintiff’s Motion for Leave to File a Supplemental First Amended Complaint, Motion to Expedite Discovery, and Motion for Temporary Restraining Order and Preliminary Injunction. *See also* Dkt. 130.

Society”) and Defendant Honor Society Foundation, Inc. (“HS Foundation”) (collectively, “Defendants”). PTK Honor Society alleges as follows:

NATURE OF THE CASE

1. This is an action arising under the laws of the United States, 15 U.S.C. § 1051, *et seq.* and Mississippi statutory law, Miss. Code Ann. §§ 75-25-1 *et seq.*, and common law.

2. This action arises out of Honor Society’s knowing and willful violations of PTK Honor Society’s rights in its valuable intellectual property. Specifically, Honor Society has used and continues to use PTK Honor Society’s intellectual property in connection with its marketing, advertising, recruiting, and programming as an academic membership organization, without authorization and with full knowledge that they are not so authorized.

3. Honor Society’s unlawful use of PTK Honor Society’s valuable intellectual property is likely to cause consumers to believe, erroneously, that PTK Honor Society has endorsed Honor Society’s scholarships, programming, and members, jeopardizing the goodwill and tarnishing the reputation associated with PTK Honor Society and membership. Honor Society’s continued use threatens to confuse students who seek to join PTK Honor Society or prospective employers or schools who seek to hire or admit PTK Honor Society members.

4. This suit also arises from Honor Society’s false and misleading statements of fact concerning its goods and services. Honor Society falsely and misleadingly claims that it is a “legitimate academic honor society,” when it is not. In fact, it has none of the hallmarks of an actual honor society, such as a minimum grade point average requirement, institutional (campus-based) chapter structure, non-profit status, membership input on operational procedures, etc.

5. On information and belief, Honor Society is nothing more than a pay-to-play, for profit organization designed to deceive prospective and enrolled students at two-year colleges and

universities that it offers benefits to them when it does not. These activities have misled countless students into joining Honor Society, believing that membership into Honor Society's organization means something. Many students have become aware of the deceptive and misleading sales tactics of Honor Society and sought refunds of their membership fees.

6. On information and belief, Honor Society brings the entire reputation of legitimate honor societies, such as PTK Honor Society, into question, thus harming those all legitimate honor societies through decreased membership and reputation.

7. On information and belief, Honor Society has intentionally profited from its unauthorized use of PTK Honor Society's intellectual property, and its false and misleading statements about its own services, all to its benefit and to the detriment of PTK Honor Society and its members, in violation of the laws set forth above.

8. This suit also arises from the more recent activities of Honor Society and its affiliate, Honor Society Foundation, to maliciously harm and cause damage to PTK through the use of public records requests served on PTK's relationship partners and "surveys" sent to students and other constituents in the community college space.

THE PARTIES

9. Plaintiff PTK Honor Society is a nonprofit corporation organized and incorporated under the laws of the State of Mississippi with a principal place of business in Jackson, Mississippi.

10. Defendant Honor Society is a domestic corporation incorporated under the laws of Nevada with its principal place of business in Las Vegas, Nevada.

11. Defendant Honor Society Foundation is a domestic corporation incorporated under the laws of Nevada with its principal place of business in Las Vegas, Nevada.

12. Defendants have overlapping officers, including the same President and Treasurer, Michael Moradian (“Moradian”). On information and belief, Defendants’ operations and conduct, as related to this litigation, are overlapping, intertwined, and indistinguishable.

JURISDICTION AND VENUE

13. This Court has jurisdiction over the subject matter of this action under 15 U.S.C. §§ 1116 and 1121, and under 28 U.S.C. §§ 1331, 1337, and 1338, and because this case arises under the trademark laws of the United States, 15 U.S.C. § 1051, et seq. This Court is also vested with jurisdiction over the subject matter of this dispute pursuant to diversity of citizenship, 28 U.S.C. § 1332, because PTK Honor Society is a citizen of a different state than both Defendants, and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

14. This Court has supplemental jurisdiction over the state law claims in this Complaint pursuant to 28 U.S.C. § 1367(a), since the state law claims are so related to the federal claims that they form part of the same case or controversy and derive from a common nucleus of operative facts. Furthermore, as stated above, this Court has jurisdiction over this entire case via diversity of citizenship.

15. Defendants are subject to personal jurisdiction within the Southern District of Mississippi. For example, Defendants advertise at least two “chapters” located in Mississippi at Mississippi State University and Mississippi Valley State, and Defendants have awarded at least four scholarships to students in Mississippi.

16. Venue is proper under 28 U.S.C. § 1391(b) and (c) because a substantial part of the events or omissions giving rise to the claims occurred in Mississippi.

FACTS ENTITLING PTK HONOR SOCIETY TO RELIEF

A. PTK Honor Society’s Operations

17. PTK Honor Society is an international academic honor society founded in 1918 by students and college presidents from eight Missouri junior colleges for women.

18. PTK Honor Society is an invitation-only academic honor society that provides recognition for academic excellence and opportunities for its members to continue to grow as scholars and leaders as early as possible during their pursuit of a college degree or credential.

19. PTK Honor Society has been recognized as the official honor society for junior colleges by the American Association of Community Colleges. PTK Honor Society is the only AACC-affiliated council that is an academic honor society.

20. PTK Honor Society has more than 3.8 million members and approximately 250,000 active members on nearly 1,300 community college campuses in 11 nations.

21. PTK Honor Society offers many opportunities and benefits to its members, including exclusive programming, scholarships, networking opportunities, recognition, and other benefits (collectively, “PTK Honor Society’s Membership Benefits”).

22. For example, PTK Honor Society awards hundreds of scholarships to its members through its fundraising, endowments, and 871 four-year college and university scholarship partners totaling \$240 million.

23. As a result of PTK Honor Society’s history of successful members and reputation as a prestigious and widely recognized academic honor society, membership in PTK Honor Society is an accomplishment valued by students, academic institutions, and prospective employers.

24. PTK Honor Society members pay a one-time \$60 membership fee, a onetime regional fee, and a one-time chapter fee (amounts vary by region, and the average is \$85 per member).

25. PTK Honor Society is an accredited business with the Better Business Bureau, and it has an “A+” rating. The Better Business Bureau has received zero complaints about PTK Honor Society in the last three years.

B. PTK Honor Society’s Registered Marks

26. PTK Honor Society and its members have invested significant resources and effort to develop and foster the reputation, recognition, and goodwill associated with PTK Honor Society’s Membership Benefits.

27. PTK Honor Society has used and continues to use the PTK Honor Society Registered Marks in interstate commerce to identify its chapters, members, and scholarships, programming, and other services since 2011.

28. PTK Honor Society owns numerous federal registrations, registered on the Principal register, for the PTK Honor Society Registered Marks, in connection with an academic honor society, academic membership institution, and various other academic and scholastic endeavors, including:

- a. Reg. No. 5,410,334, for word mark PTK®, for use in connection with providing educational mentoring services and programs in the field of promoting community college scholarship and academic achievement, registered on February 27, 2018;
- b. Reg. No. 4,006,285, for word mark PHI THETA KAPPA®, for use in connection with providing educational mentoring services and programs in the field of Community College Scholarship, registered on August 2, 2011;
- c. Reg. No. 4,410,471, for a design and word mark:



for use in connection with educational services in the nature of counseling, including encouragement, to assist in attainment of degrees at community college schools, registered on October 1, 2013;

- d. Reg. No. 4,620,487, for a design and word mark:



for use in education services, namely, providing structured programs in the field of interdisciplinary studies for Junior College honors students, registered on October 14, 2014;

- e. Reg. No. 5,228,002, for a design and word mark:



for use in jewelry, registered on April 4, 2017;

- f. Reg. No. 6,075,656, for a design and word mark:



for use in providing information on-line relating to career opportunities,
registered on June 9, 2020;

- g. Reg. No. 5,792,958, for a design mark:



for use in jewelry and medallions; student accessories, namely, writing
instruments, notepads, stickers; apparel, namely, t-shirts, polo shirts,
sweatshirts, socks, scarves, and hats; registered on July 2, 2019.

C. PTK Honor Society's Rights in PTK Edge

29. In addition to the PTK Honor Society Registered Marks, PTK Honor Society has also used extensively for many years and acquired exclusive common law rights to the designation PTK Edge™ (the “Edge Mark”).

30. PTK Edge™ is a collection of free, online courses available only to PTK Honor Society members covering a broad range of topics including pursuing employment opportunities, transferring to a four-year college, professional development, and research skills.

31. PTK Edge is an important benefit associated with membership in PTK Honor Society, and it is an important program that differentiates PTK Honor Society from other honor societies.

32. PTK Honor Society has expended and continues to expend substantial time, effort, and other resources in developing, advertising, and otherwise promoting the Edge Mark.

33. The Edge Mark has acquired secondary meaning and strong, positive associations which symbolize the invaluable goodwill which PTK Honor Society has acquired as the leading honor society for junior college students.

D. PTK Honor Society's Trade Dress

34. From its founding in 1918, PTK Honor Society has developed its Membership Benefits through a consistent combination of valuable scholarships, mentoring, social events, programming, and merchandise, all of which has become immediately identifiable and serves to associate the source of the scholarship, program, event, or other benefit with PTK Honor Society and its brand.

35. For example, some ways PTK Honor Society presents and identifies itself in the academic industry include, but is not limited to:

- a. The consistent use of PTK Honor Society's colors, which are navy blue and gold;
- b. Branding and marketing that frequently features a wreath of leaves, symbolizing stability and strength;
- c. PTK Honor Society's regalia, including, for example, graduation stoles made of a gold material featuring PTK Honor Society imagery embroidered in blue at the bottom;
- d. The PTK Honor Society website and social media posts, which frequently convey motivational and inspirational messaging using PTK Honor Society's colors, logos, and other identifying markers.

36. The features and characteristics articulated above, as well as other elements, independently and in combination contribute to form PTK Honor Society's trade dress.

37. PTK Honor Society has been identified by its trade dress since at least 1924.

38. PTK Honor Society's trade dress is non-functional.

39. PTK Honor Society's trade dress and the components forming the trade dress are not essential to the function of the honor society, nor are they essential to the membership, scholarships, or programming, which PTK Honor Society markets and provides in interstate commerce.

40. Upon information and belief, at the time PTK Honor Society began operating in 1918, it was the first organization to operate as an honor society that incorporates the trade dress described herein, and remained the exclusive user of its distinctive trade dress until approximately 2014 when Honor Society began plagiarizing PTK Honor Society's trade dress.

41. PTK Honor Society vigilantly polices the market for infringements of its trademarks and trade dress, and through litigation and cease and desist letters has been successful in stopping infringements.

42. PTK Honor Society's trade dress, including the design, appearance, styling, look, and feel of PTK Honor Society's Membership Benefits which include but are not limited to the seal and regalia described above, individually or in combination, are unique, arbitrary, non-functional, and inherently distinctive. The inherent distinctiveness of PTK Honor Society's Membership Benefits is used and understood to identify Plaintiff's brand, to distinguish PTK Honor Society's Membership Benefits and PTK Honor Society's members from non-members or other organizations' members and programming, and to indicate the source and origin of these opportunities or members.

E. Michael Moradian, David Asari, and Defendants

43. On information and belief, Honor Society was formed in 2014 by Moradian and others, to compete with PTK Honor Society as a “legitimate academic honor society” to students enrolled in colleges and universities without regard to those students’ academic performances.

44. On information and belief, Moradian is the President, Treasurer, and Executive Director of Defendants.

45. On information and belief, David Asari (“Asari”) is an employee and/or an agent of Defendants, and Defendants and Asari have consented to Asari acting on Defendants’ behalf and subject to Defendants’ control.

46. On information and belief, Asari used and/or uses the email address of david.asari@honorsociety.org, as well as his personal email address(es), for his work on behalf of Defendants.

47. On information and belief, Asari served and continues to serve as the person in charge of member services and Better Business Bureau (“BBB”) complaints on behalf of Defendants, for example, conducting Defendants’ business via his Honor Society email address. *See* below:

Honor Society

Case #: 18823169

Consumer
Info:



Business
Info:

Honor Society
10100 W Charleston Blvd STE 250
Las Vegas, NV 89135
8884521228

Date Filed: 1/17/2023 2:46:15 AM

Nature of the Complaint: Refund / Exchange Issues

Consumer's Original Complaint:

- January 14, 2023 - I have read the reviews and would like a refund this company is the farthest thing from a legit honor society. Many scam emails and they will not stop. - This society will not even allow me to enter into my account - I would like the \$65 i had to pay for "bronze" membership and the 15\$ for the certificate refunded

Consumer's Desired Resolution:

Refund

Complaint Timeline

01/17/2023	Submitted: IABBB Complaint Form Complaint Form
01/17/2023	Pending initial BBB review: Process complaint acastro@sn.bbb.org
01/17/2023	Pending initial Business response: Action taken acastro@sn.bbb.org
01/17/2023	Business Responded to Complaint: Action Taken: Extranet david.asari@honorsociety.org

48. Defendants, at all relevant times, have exercised control over Asari's conduct related to Defendants and/or PTK Honor Society.

49. On information and belief, the name "Honor Society" was intentionally, recklessly or negligently to serve as Honor Society's name, despite being the generic word for the goods and services to be offered by the organization.

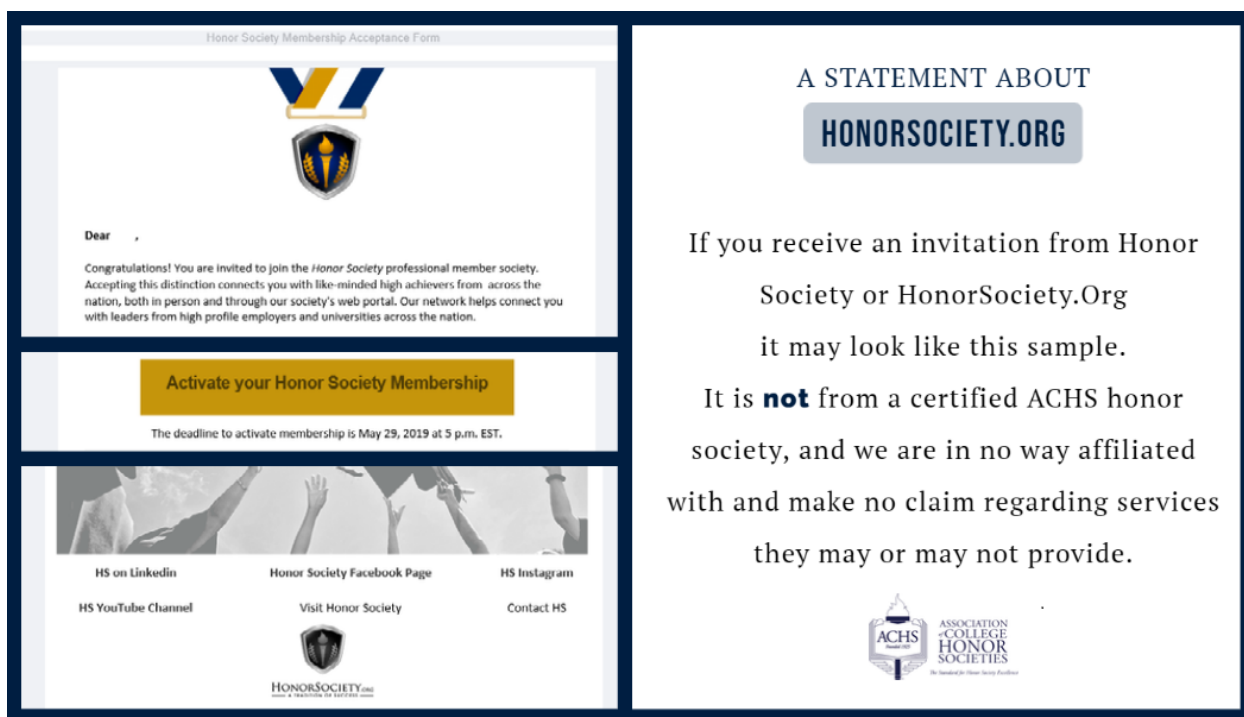
50. On information and belief, Honor Society purports to be a leading academic honor society, when it is not operated in that way at all. It has no minimum academic standards for membership, and is nothing more than a pay-to-play, for profit scheme designed to mislead college students into thinking that it is beneficial for them to join when it is not.

51. In fact, by Honor Society calling itself "Honor Society", its entire existence is built upon the premise that it is something that it is not. As evidenced by its trademark registrations, it is

a “membership club” designed to do nothing more than to extract money from college students on the misleading representation that membership in the organization means something when it does not and that the members receive benefits when they do not. In fact, these registrations evidence the deception, because the scope of what was claimed to the United States Patent and Trademark Office was and is not what is marketed to prospective members.

52. On information and belief, Honor Society purports that membership may be obtained by invitation only, but invitations may be and are extended without regard to academic success or qualifications. In fact, it is no “honor society” at all, despite its name which would indicate otherwise to prospective members.

53. On information and belief, Honor Society is not certified by the Association of College Honor Societies, which is the sole accrediting and certifying agency for college and university honor societies. That organization not only does not recognize Honor Society as worthy of accreditation, but it also has a public statement advising college students on its concerns over the legitimacy of Honor Society:



54. On information and belief, Honor Society is entirely for profit, and charges members approximately \$120 per year in membership dues.

55. Honor Society also claims a relationship with HS Foundation, which purports to fund scholarships for members.

56. On information and belief, HS Foundation was formed in 2018.

F. Honor Society's Illegal and Infringing Activities

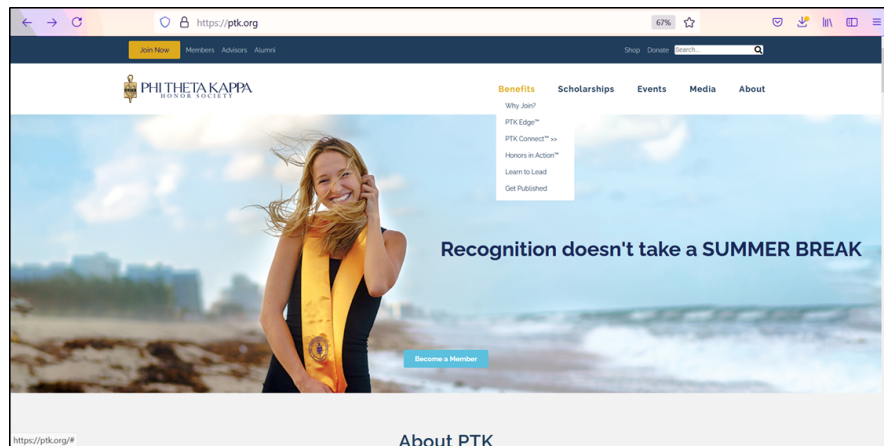
57. Honor Society is illegally and unfairly competing against PTK Honor Society through its unauthorized uses of PTK Honor Society's valuable intellectual property, as well as through its misleading and false advertisements and commercial practices.

58. For example, Honor Society is reproducing, displaying, marketing, and distributing works and materials that infringe the Edge Mark.

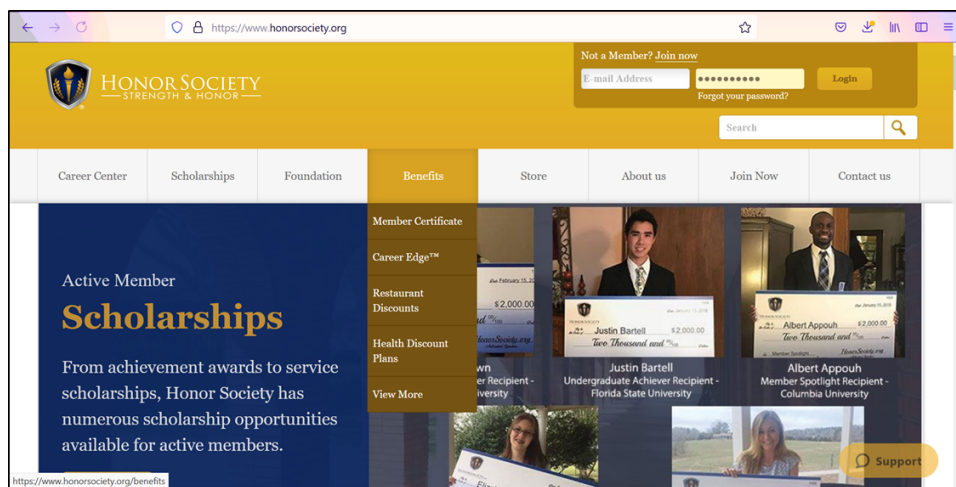
59. One of the "Member Benefits" identified on Honor Society's website is "Career Edge."

60. Honor Society promotes that it has trademarked “Career Edge,” and has taken steps to mimic PTK Edge™:

PTK Honor Society’s website:



Honor Society’s Website:



61. On information and belief, Honor Society’s Edge purports to offer “Premium Access” to Industry Guides and companies.

62. In addition, Honor Society is displaying marketing, advertising, and branding materials that infringe on PTK Honor Society’s trade dress.

63. Honor Society publishes such infringing materials in various ways, including through social media. For example, PTK Honor Society posted the following statement on various

social media platforms standing against racism on June 2, 2020,² and Honor Society posted the notably similar statement with similar imagery on July 2, 2020³:



² See Instagram: https://www.instagram.com/p/CA8t_dVnnp5/;
Twitter: <https://twitter.com/PHITHEKAPPA/status/1267939354254675977>; Facebook:
<https://www.facebook.com/phithetakappa/posts/10157986297026084>.

³ See Instagram: <https://www.instagram.com/p/CCKWlZ9Bc6Y/>;
Facebook: <https://www.facebook.com/HonorSociety/photos/a.523714694350231/3044194742302201/?type=3>.

64. Honor Society has also taken steps to mimic PTK Honor Society's regalia, intending to palm off the goodwill and reputation associated with PTK Honor Society and its membership:



PTK Honor Society's Graduation Stole (left in each) compared with Honor Society's Stole (right in each).

65. Honor Society also frequently uses wreaths in its branding and imagery, as seen above in the images of Honor Society's stoles, and as seen on Honor Society's website and social media:



66. Honor Society often uses the same wording as used by PTK Honor Society to promote and advertise themselves. For example, PTK Honor Society published the following marketing material in April 2019, and Honor Society published its corresponding material in May 2019:



A marketing flyer for PTK. At the top, a woman with curly hair wearing a blue hoodie with the Greek letters ΦΘΚ is shown. To her right is the text "#JOINPTK" in large, bold, blue and yellow letters. Below the image, the text "ptk.org" is visible. The main heading is "Start Investing in You!" followed by the subtext "We're getting straight to the point." and a paragraph: "We know, it sounds like a gimmick, but membership in Phi Theta Kappa really can change your life." A blue-bordered box contains the text: "Scholarships, recognition, leadership skills, community service, travel, and much more are waiting for you as a PTK member." Below this, it says "Make today the day you go for it!" and features a dark blue button with the text "JOIN NOW" in white.

#JOINPTK

ptk.org

Start Investing in You!

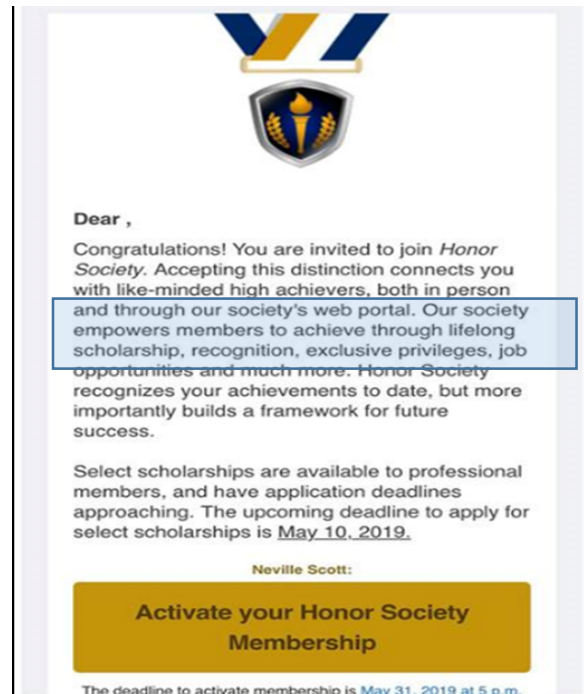
We're getting straight to the point.

We know, it sounds like a gimmick, but membership in Phi Theta Kappa really can change your life.

Scholarships, recognition, leadership skills, community service, travel, and much more are waiting for you as a PTK member.

Make today the day you go for it!

JOIN NOW



A marketing flyer for the Honor Society. At the top is a shield-shaped logo with a torch and laurel wreath, flanked by blue and yellow diagonal stripes. Below the logo, the text "Dear ," is followed by a paragraph: "Congratulations! You are invited to join *Honor Society*. Accepting this distinction connects you with like-minded high achievers, both in person and through our society's web portal. Our society empowers members to achieve through lifelong scholarship, recognition, exclusive privileges, job opportunities and much more. Honor Society recognizes your achievements to date, but more importantly builds a framework for future success." A blue-bordered box highlights the text: "opportunities and much more. Honor Society recognizes your achievements to date, but more importantly builds a framework for future success." Below this, it says "Select scholarships are available to professional members, and have application deadlines approaching. The upcoming deadline to apply for select scholarships is May 10, 2019." The name "Neville Scott:" is printed above a large yellow button with the text "Activate your Honor Society Membership". At the bottom, in small text, it says "The deadline to activate membership is May 31, 2019 at 5 p.m."

Dear ,

Congratulations! You are invited to join *Honor Society*. Accepting this distinction connects you with like-minded high achievers, both in person and through our society's web portal. Our society empowers members to achieve through lifelong scholarship, recognition, exclusive privileges, job opportunities and much more. Honor Society recognizes your achievements to date, but more importantly builds a framework for future success.

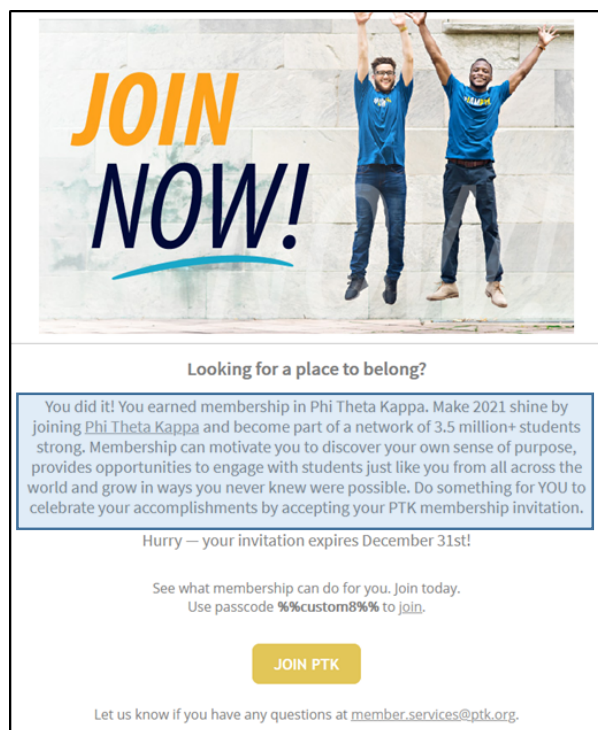
Select scholarships are available to professional members, and have application deadlines approaching. The upcoming deadline to apply for select scholarships is May 10, 2019.

Neville Scott:

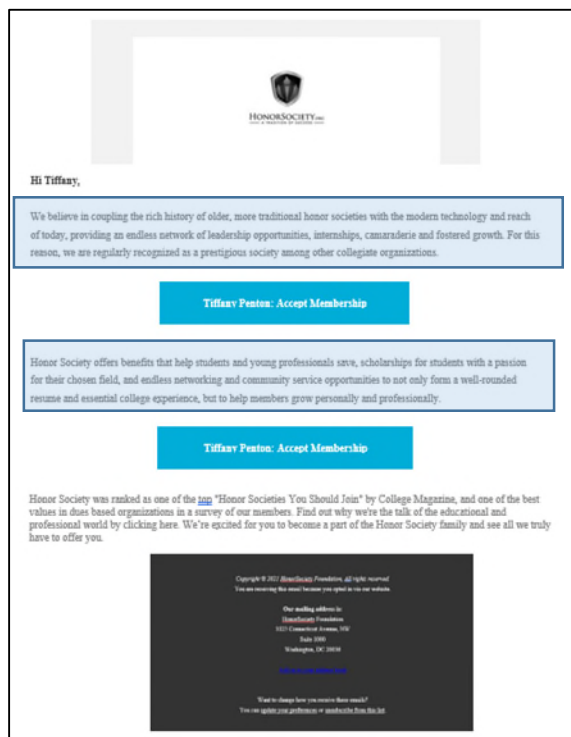
Activate your Honor Society Membership

The deadline to activate membership is May 31, 2019 at 5 p.m.

67. As PTK Honor Society modifies its marketing and invitations over time, Honor Society also changes its materials to mimic PTK Honor Society, emphasizing:



PTK Honor Society Invitation from Fall 2020



Honor Society's Invitation from Spring 2021

68. PTK Honor Society has received more than 100 complaints from individuals concerning issues related to Honor Society. Some examples of common complaints include:

- Received invitations from Honor Society and attempted to join PTK Honor Society, mistakenly believing they had been invited to join PTK Honor Society;
- Joined Honor Society thinking they were joining PTK Honor Society; and
- Elected not to join PTK Honor Society, thinking it was Honor Society.

69. The Better Business Bureau has received 48 complaints about Honor Society in the three years prior to this lawsuit.

70. After the filing of this lawsuit, and upon information and belief, as a result of this lawsuit, Honor Society has made changes to its website.

71. The changes to Honor Society's website are not likely to alleviate the confusion or infringement, especially because the other (previous and continuing) infringing conduct was so persistent, damaging, and widespread.

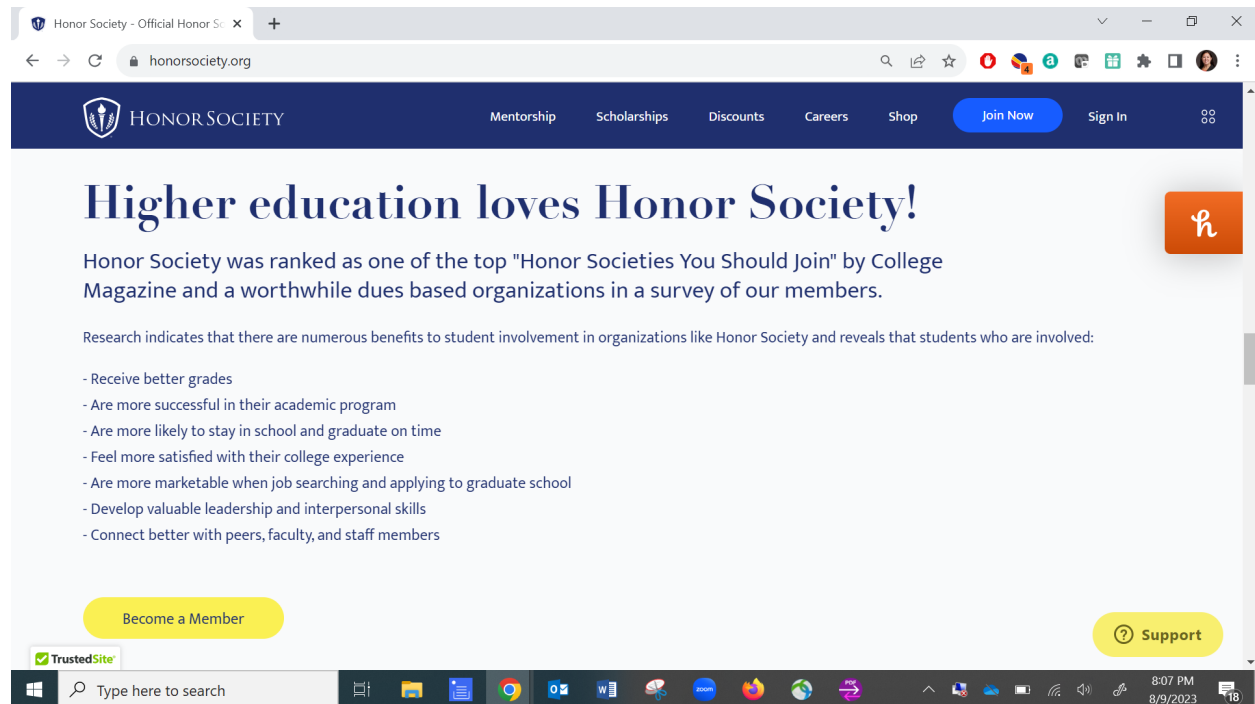
72. Honor Society's conduct singularly and collectively infringes upon PTK Honor Society's rights and goodwill associated with the Edge Mark and trade dress.

G. Honor Society's False Advertising.

73. Honor Society has published, displayed, marketed, and distributed materials that contain materially false and misleading statements intended to confuse or deceive schools, students, members, and potential members of honor societies ("the relevant consuming audience").

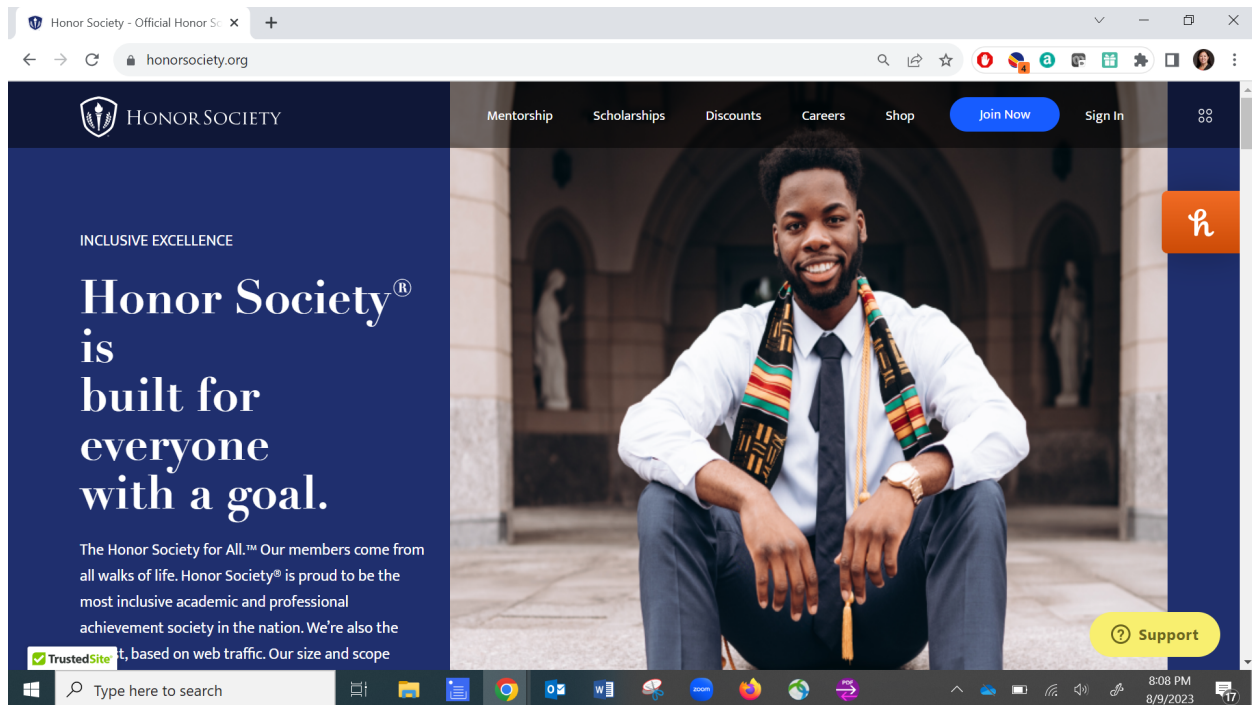
74. Honor Society's use of "Honor Society," a term reserved for organizations whose membership is limited to students with high academic achievements, is misleading the relevant consuming audience because Honor Society has no academic requirements for membership and in fact is not a "legitimate academic honor society" at all.

75. Honor Society is misleading the relevant consuming audience into believing they will receive benefits commonly associated with legitimate honor societies with academic requirements:

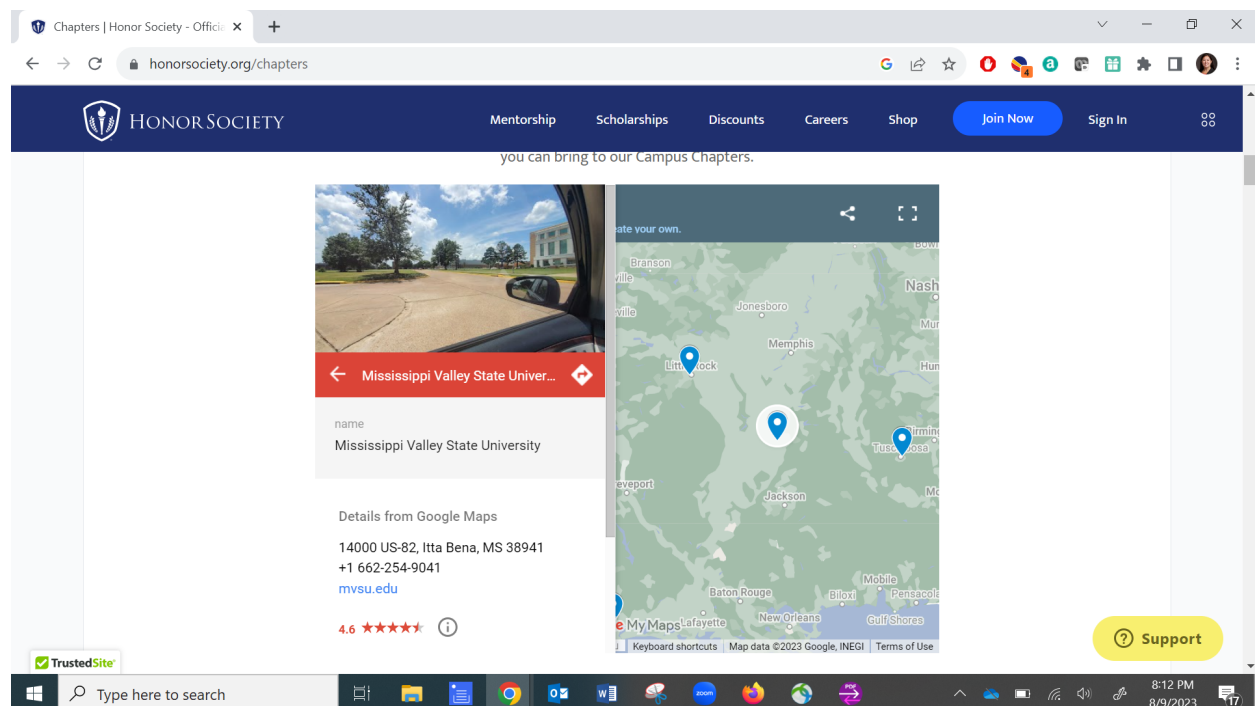
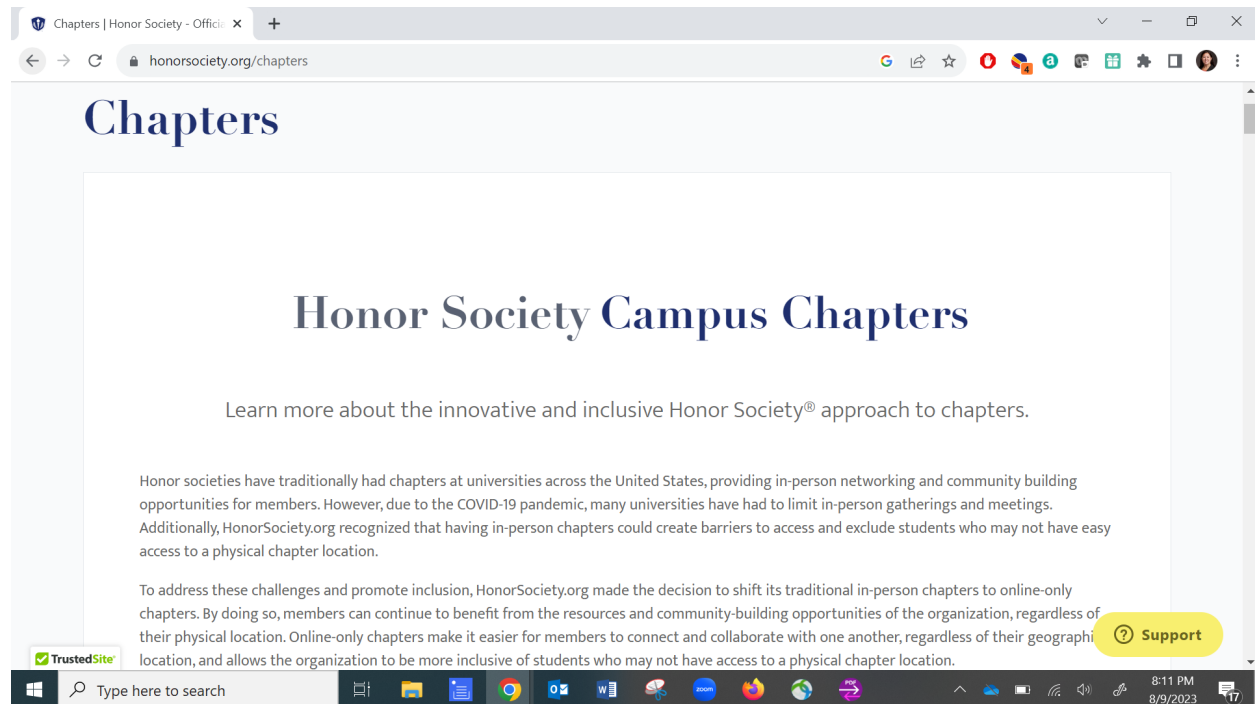


76. This particular advertisement is further false, misleading and deceitful because it is untrue that community colleges and universities respect and value Honor Society. To the contrary, it is not highly regarded because it is considered by these academic institutions to be illegitimate and nothing more than a pay-to-play, for profit resume builder that offers no benefits to its members. It is also believed that the article was placed by Honor Society, is not a legitimate “ranking,” and does not accurately reflect the value (or lack thereof) of membership.

77. Honor Society has published, marketed, and displayed materially false and misleading statements on its website claiming to be the largest honors society in the nation:



78. Honor Society has published, marketed, and displayed misleading information on its website regarding active honor society campus chapters, when no such chapters currently exist and were intentionally abandoned by Honor Society:



This deception continues to the present.

79. Honor Society has misled the relevant consuming audience into believing that they are affiliated with a large number of campus chapters when all listed campus chapters are no longer active or affiliated with Honor Society.

80. On information and belief, after the filing of this lawsuit and as a result of this lawsuit, Honor Society has made changes to its website.

81. The changes to Honor Society's website are not likely to alleviate the confusion or deception directed towards the relevant consuming audience because its conduct in the transmission of materially false and misleading representations of fact has caused widespread deception and confusion. Having misled the public in regards to critical facts concerning Honor Society's "honor society," Honor Society cannot "unring the bell" and undo the damage caused by Honor Society's numerous misrepresentations and the students' detrimental reliance upon those misrepresentations.

82. These are but a few examples of the misleading, false and deceptive communications and advertisements made by Honor Society. Discovery has and will continue to identify others.

H. Defendants' Tortious Interference with PTK Honor Society's Contracts and Prospective Business Advantage

83. Defendants have engaged in wrongful conduct that has interfered with PTK Honor Society's contracts and prospective business relationships.

84. During at least early March 2024, Asari, on behalf of Defendants, submitted harassing public records requests (the "Records Requests") via email to a substantial number of PTK Honor Society's college partners.

85. There is no legitimate basis for submitting the Records Requests. On information and belief, Defendants' purpose in submitting the Records Requests has been to harm PTK Honor Society in retaliation for this pending litigation and/or to harass PTK's college partners to damage PTK's business. Defendants could have sought the information subject of the Records Requests directly from PTK Honor Society in compliance with the Federal Rules of Civil Procedure and pursuant to the Court's Protective Order (ECF No. 34). However, instead, Defendants improperly launched a campaign to harass PTK Honor Society's college partners with the aforementioned Records Requests in violation of the Federal and Local Rules.

86. The Records Requests are also designed to erode the relationship between PTK Honor Society and its college partners. For example, each Records Request expressly names PTK Honor Society and/or its CEO in connection with improper demands for educational records, such as student email addresses. The intent is to associate PTK Honor Society with burdensome and improper Records Requests to dissuade colleges from continuing their partnerships efforts with PTK Honor Society.

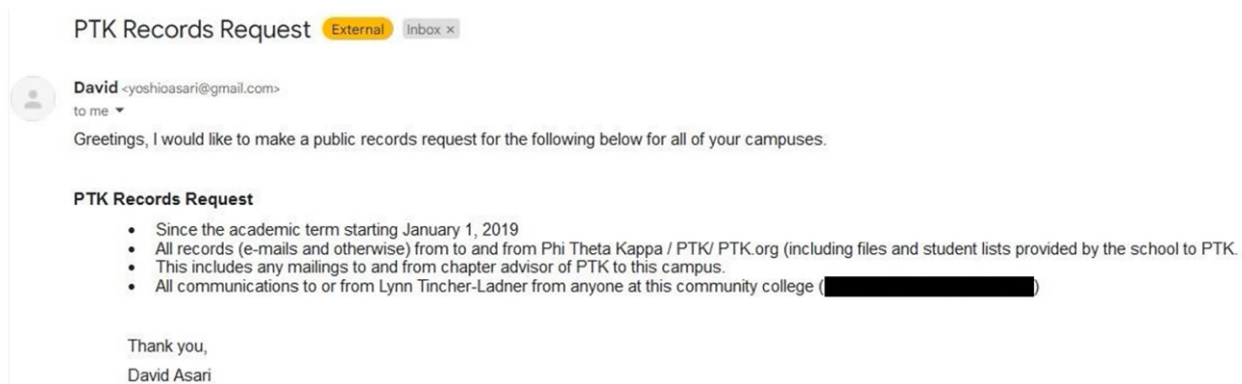
87. A significant number of PTK Honor Society's college partners have called the Records Requests to the attention of PTK Honor Society, expressing their discontent, particularly as to the propriety of the Records Request and the time and cost associated with responding to them.

88. The Records Requests are unduly burdensome, overly broad, vague, and are improper in view of federal privacy protections for colleges and their students. For example, the Records Requests seek "files and student lists provided by the school to PTK," which is a request for educational records such as student email addresses, which are subject to the confidentiality

requirements of the Family Educational Rights and Privacy Act (FERPA), and which Defendants are well-aware they are not entitled to.

89. On information and belief, Defendants know that PTK Honor Society’s college partners provide names and email addresses of eligible students to PTK Honor Society so that PTK Honor Society can invite those students to become PTK Honor Society members. Using that knowledge, Defendants are seeking student information—which has been provided to PTK Honor Society by its college partners confidentially—so that Defendants can either solicit those students with requests to join their own honor society or submit malicious “survey” questions to them in the manner described below. Defendants’ conduct constitutes an improper means of attempting to gain confidential student information either for Defendants’ commercial benefit and/or to maliciously harm PTK Honor Society’s business operations and business relationships.

90. An exemplary Records Request is reproduced below:



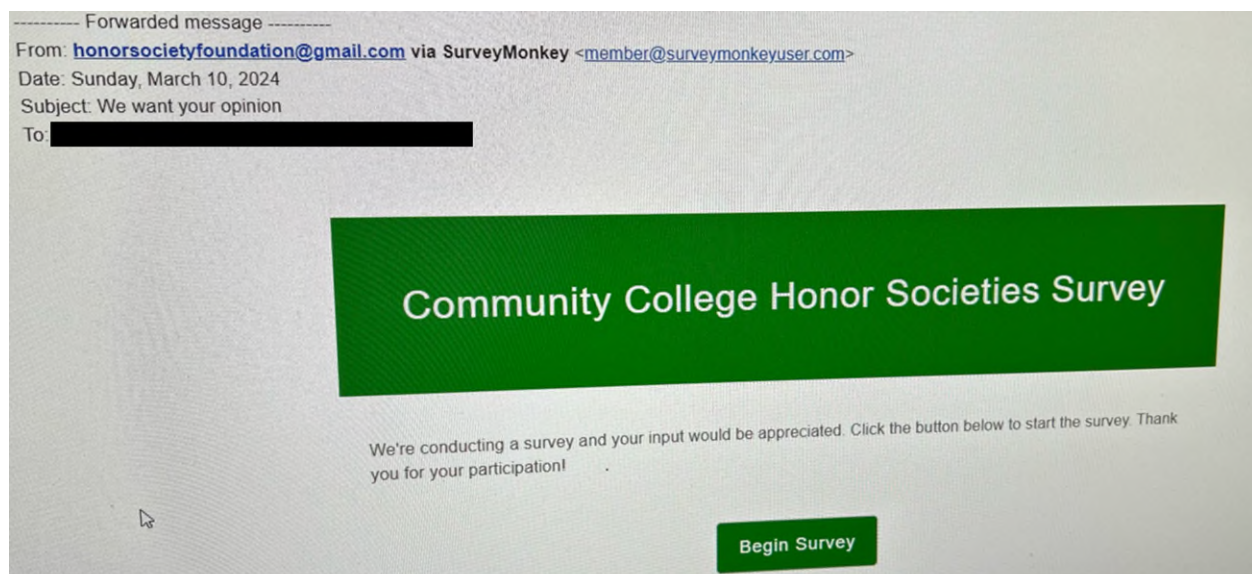
91. The Records Requests have harmed PTK Honor Society. For example, PTK Honor Society’s reputation among its college partners is declining, as evidenced by correspondence from numerous college partners, expressing their discontent regarding the Record Requests.

92. Following issuance of the Records Requests, PTK Honor Society’s membership enrollment has declined as well.

93. The harm to PTK Honor Society is irreparable. PTK Honor Society's injuries are reputational, in part, and its remedy at law is not adequate by itself to compensate it for the injuries inflicted and threatened by Defendants. Thus, PTK Honor Society is entitled to injunctive relief as well as monetary damages.

94. On or about March 10, 2024, Defendants, "via SurveyMonkey" and through the email address of honorsocietyfoundation@gmail.com, purposefully sent a malicious survey (the "HS Survey") to a potentially vast number of recipients. Upon information and belief, the recipients include PTK Honor Society's membership base (including its existing and prospective members), PTK Honor Society's college partners, and PTK Honor Society's sponsors and prospective sponsors.

95. An image of the HS Survey received by email is shown below. The image reveals that the HS Survey was sent from "honorsocietyfoundation@gmail.com via SurveyMonkey" on March 10, 2024.



96. On information and belief, the HS Survey was intentionally and willfully disseminated by Defendants for the purpose of harming PTK Honor Society's reputation and

commercial interests in connection with foreseeable prospective members, existing members, sponsors, and potential sponsors of PTK Honor Society.

97. The HS Survey includes leading and inappropriate questions, many of which constitute false allegations, that are intended solely to harm the reputation and commercial interests of PTK Honor Society. For example, the HS Survey states:

- “Does it hurt the reputation of Phi Theta Kappa (PTK) that a chapter advisor was arrested in February 2023 for allegedly embezzling funds?”
- “Does it hurt the reputation of Phil Theta Kappa (PTK) that their last executive director took a \$3 million golden parachute of non-profit student dues while resigning?”
- Does it hurt the reputation of Phi Theta Kappa (PTK) that their last executive director resigned after alleged sexual harassment of multiple members of the society?”
- “If PTK falsely claimed the average member gets \$2,500 in scholarships, would that make you skeptical/wary of PTK?”
- “If PTK falsely claimed it was the OFFICIAL honor society for community colleges, would that make you skeptical/wary of PTK?”

98. The assumptions provided in the questions of the HS Survey shown above, for example, are false or misleading. Exemplary screen captures of HS Survey questions are shown below.

10:52 5G 81% surveymonkey.com

3. Does it hurt the reputation of Phi Theta Kappa (PTK) that a chapter advisor was arrested in February 2024 for allegedly embezzling funds?
[Click here for more information](#)

☐ A great deal
☐ A lot
☐ A moderate amount
☐ A little
☐ Not at all

2 of 18 answered

10:52 5G 81% surveymonkey.com

5. Does it hurt the reputation of Phi Theta Kappa (PTK) that their last executive director took a \$3 million golden parachute of non-profit student dues while resigning?
[Click here for more information](#)

☐ A great deal
☐ A lot
☐ A moderate amount
☐ A little
☐ Not at all

2 of 18 answered

10:52 5G 81% surveymonkey.com

4. Does it hurt the reputation of Phi Theta Kappa (PTK) that their last executive director resigned after alleged sexual harassment of multiple members of the society?
[Click here for more information](#)

☐ A great deal
☐ A lot
☐ A moderate amount
☐ A little
☐ Not at all

2 of 18 answered

99. As shown above, the HS Survey includes URL links stating: “Click here for more information,” which redirect HS Survey recipients to Google.com search results for the keywords: “phi theta kappa embezzlement;” “phi theta kappa glassdoor golden parachute;” and “phi theta kappa sexual harassment.” Defendants’ clear purpose in disseminating this malicious HS Survey is to degrade the reputation of PTK Honor Society and dissuade continuing membership and future enrollment in PTK Honor Society.

100. Defendants’ wrongful conduct in connection with the HS Survey has harmed PTK Honor Society and will continue to do so. For example, PTK Honor Society’s membership

enrollment has declined as a result of Defendants launching the malicious HS Survey. Fewer prospective members have enrolled in PTK Honor Society compared to this time last year.

101. On information and belief, PTK Honor Society prospective members have declined to enroll in PTK Honor Society as a direct result of Defendants' wrongful conduct in connection with the HS Survey.

102. On information and belief, PTK Honor Society members have declined to enroll in/take advantage of PTK Honor Society member events, including PTK Honor Society's annual meeting in April 2024, PTK Catalyst, because of Defendants' wrongful conduct in connection with the HS Survey.

103. The harm to PTK Honor Society is irreparable. For example, PTK Honor Society's reputation has suffered as a result Defendants' misguided references to embezzlement, a golden parachute comprised of student dues, and sexual harassment in connection with PTK Honor Society. PTK Honor Society's remedy at law is not adequate by itself to compensate it for the injuries inflicted and threatened by Defendants' conduct in connection with the HS Survey. Thus, PTK Honor Society is entitled to injunctive relief as well as monetary damages.

104. On March 18, 2024, after counsel for the parties met and conferred regarding the Defendants' conduct and the events described herein that are causing harm to PTK, Defendants sent a reminder to PTK's membership base to take the malicious HS Survey.

105. On March 6, 2023, just days prior to the time when Defendants launched the malicious HS Survey and Records Requests, a "direct complaint" was filed with Mailchimp, the service provider that PTK Honor Society uses to send invitations to its prospective members, alleging that PTK Honor Society emails are unsolicited mail. On information and belief, based on

the timing of the Mailchimp direct complaint, among other things, the incident stems from the wrongful conduct of Defendants.

106. On March 7, 2023, just days prior to when Defendants launched the malicious HS Survey and Records Requests, a multitude of PTK Honor Society's webpage URLs were improperly flagged as phishing links to PTK's service provider, Microsoft, causing a near-complete shutdown of PTK Honor Society's website and email operations. On information and belief, based on the timing of the Microsoft-based shutdown, among other things, the incident stems from the wrongful conduct of Defendants.

COUNT I
Federal False Designation of Origin (the Edge Mark)
(Lanham Act § 43(a), 15 U.S.C. § 1125(a))

107. PTK Honor Society repeats and realleges the allegations set forth in the preceding paragraphs of this Complaint.

108. Section 43(a) of the Lanham Act, 15 U.S.C.A. § 1125(a), provides that:

Any person who, on or in connection with any goods or services, ... uses in commerce any word, term, name, symbol, or device, or any combination thereof, or any false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which

(A) is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of such person with another person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person, or

(B) in commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or geographic origin of his or her or another person's goods, services, or commercial activities,

shall be liable in a civil action by any person who believes that he or she is or is likely to be damaged by such act.

109. Defendant Honor Society offers, markets, and advertises into interstate commerce the Honor Society Edge program, which infringes on PTK Honor Society's rights in PTK Edge and the Edge Mark.

110. As a result of Honor Society's activities, PTK Honor Society has lost donations, memberships, affiliations, and profits, and it has suffered and will continue to suffer irreparable injury to its business reputation and goodwill. PTK Honor Society's remedy at law is not by itself adequate to compensate it for injuries inflicted and threatened by Honor Society.

111. By reason of Honor Society's acts of false designation, description, and representation described above, PTK Honor Society has suffered, and will continue to suffer, substantial damage to its business reputation and goodwill, as well as diversion of trade and loss of profits in an amount not yet fully ascertained.

112. Honor Society's acts of infringement, unfair competition, and false designation have caused PTK Honor Society irreparable injury. Honor Society continues to commit such acts, and unless restrained and enjoined, will continue to do so, to PTK Honor Society's irreparable injury. PTK Honor Society's remedy at law is not adequate by itself to compensate it for injuries inflicted and threatened by Honor Society.

113. Because of Honor Society's conduct, PTK Honor Society has been injured and damaged, and is entitled to recover damages, Honor Society's profits, and costs pursuant to 15 U.S.C § 1117.

114. Honor Society is using the Edge Mark with full knowledge of PTK Honor Society's rights, and in bad faith with willful and deliberate intent to trade on PTK Honor Society's substantial recognition, reputation, and goodwill. In view of the willful nature of Honor Society's

infringement and unfair competition, this is an exceptional case within the meaning of 15 U.S.C. § 1117(a), entitling PTK to recovery of its reasonable attorneys fees.

COUNT II
Federal Trade Dress Infringement and False Advertising
(Lanham Act § 43(a), 15 U.S.C. § 1125(a))

115. PTK Honor Society repeats and realleges the allegations set forth in the preceding paragraphs of this Complaint.

116. Honor Society's website, promotional and recruiting materials, programming, and regalia are confusingly similar to the distinctive trade dress used by PTK Honor Society.

117. Honor Society's use of trade dress similar to PTK Honor Society's trade dress has caused and is likely to continue to cause confusion, mistake, or deception among employers, schools, members, and potential members and to cause them to mistakenly believe that Honor Society's website, scholarships, programming, and affiliations are licensed, sponsored, approved, or otherwise associated with PTK Honor Society.

118. Honor Society's conduct constitutes trade dress infringement and false representation that Honor Society's services and products are sponsored, approved, or authorized by PTK Honor Society, all in violation of the Lanham Act, 15 U.S.C. § 1125(a).

119. Honor Society's acts of infringement, unfair competition, and false designation have caused PTK Honor Society irreparable injury. Honor Society continues to commit such acts, and unless restrained and enjoined, will continue to do so to PTK Honor Society's irreparable injury. PTK Honor Society's remedy at law is not adequate by itself to compensate it for the injuries inflicted and threatened by Honor Society.

120. Honor Society has also published multiple false and misleading representations of fact that have and are likely to continue to cause confusion and deception among employers,

schools, honor society members, and potential honor society members. Honor Society's false and misleading representations of fact include, but are not limited to, the following:

- Falsely and misleadingly identifying itself as an “honor society” in its name, when it is not.;
- Falsely representing that Honor Society is a legitimate honor society based on academic merit;
- Falsely stating that potential members will receive benefits commonly associated with legitimate honor societies including:
 - Receive better grades;
 - Are more successful in their academic programs;
 - Are more likely to stay in school and graduate on time;
 - Feel more satisfied with their college experiences;
 - Are more marketable when job searching and applying to graduate school;
 - Develop valuable leadership and interpersonal skills; and
 - Connect better with peers, faculty, and staff members;
- Honor Society does not clearly and conspicuously disclose to prospective members the terms and conditions regarding annual membership dues, including whether those dues continue indefinitely and whether failure to pay those dues results in automatic termination of membership;
- Honor Society false claims to be the largest honor society in the nation;
- Honor Society falsely advertises and claims scores of campus chapters that in fact no longer exist; and

- Honor Society falsely advertises scholarships are available to its members when they are not.

121. Honor Society has used materially false and misleading representations of fact in order to gain an unfair advantage over its competitor, PTK Honor Society, causing irreparable harm and damages to PTK Honor Society.

122. Additionally, Honor Society's materially false and misleading representations of fact have misled consumers and potential consumers into believing that Honor Society is a legitimate honor society with claims of being the largest honor society and a vast network of campus chapters.

123. These false and misleading statements actually deceived or tended to deceive a substantial portion of the intended consumer market in the two year college and university space.

124. These false and misleading statements are material in that they induced, or were likely to induce, the deceived customer's purchasing decisions.

125. These false and misleading statements were introduced into interstate commerce. Examples include Honor Society's aggressive nationwide direct marketing campaigns by email and otherwise, Honor Society's nationally accessible and targeted website, and other activities intended to promote Honor Society's false and misleading marketing messages to prospective and/or existing enrollees at two year colleges and universities.

126. These statements have caused harm to PTK Honor Society because illegitimate honor societies like Honor Society bring otherwise legitimate organizations like PTK Honor Society into disrepute. Many students and prospective members of PTK choose not to join it because of a general belief that all honor societies are "scams" or otherwise not worth their

expense, despite the clear value presented by PTK and other legitimate honor societies to those people.

127. As a result of Honor Society's false and misleading statements, PTK Honor Society has lost donations, memberships, affiliations, and profits, and it has suffered and will continue to suffer irreparable injury to its business reputation and goodwill. PTK Honor Society's remedy at law is not by itself adequate to compensate it for injuries inflicted and threatened by Honor Society.

128. Honor Society continues to commit such acts and will continue to cause irreparable injury to both PTK Honor Society and relevant consumers unless they are restrained and enjoined.

129. Because of Honor Society's false and misleading advertising practices and, PTK Honor Society has been injured, and it is entitled to recover damages and attorneys' fees pursuant to Section 35 of the Lanham Act, 15 U.S.C. § 1117(a).

130. Honor Society is misleading consumers through the publication, distribution, and marketing of false information. In view of the willful nature of Honor Society's materially false representation of facts, this is an exceptional case within the meaning of 15 U.S.C. § 1117(a).

131. Because of Honor Society's conduct, PTK Honor Society has been injured and damages, and it is entitled to recover damages, Honor Society's profits, and costs pursuant to 15 U.S.C. § 1117.

132. Honor Society is using PTK Honor Society's valuable intellectual property with full knowledge of PTK Honor Society's rights, and in bad faith with willful and deliberate intent to trade on PTK Honor Society's substantial recognition, reputation, and goodwill. In view of the willful nature of Honor Society's infringement, unfair competition, and false and misleading statements of fact, this is an exceptional case within the meaning of 15 U.S.C. § 1117(a), thus entitling PTK to its reasonable attorneys' fees.

COUNT III
Common Law Trade Dress Infringement

133. PTK Honor Society repeats and realleges the allegations set forth in the preceding paragraphs of this Complaint.

134. This is an action for common law trade dress infringement arising under the common law of the State of Mississippi.

135. Honor Society's above-described conduct constitutes trade dress infringement in violation of the common law of the State of Mississippi.

136. Honor Society's website, promotional and recruiting materials, programming, and regalia are confusingly similar to the distinctive trade dress used by PTK Honor Society.

137. Honor Society's use of trade dress similar to PTK Honor Society's trade dress has caused and is likely to continue to cause confusion, mistake, or deception among employers, schools, members, and potential members and to cause them to mistakenly believe that Honor Society's website, scholarships, programming, and affiliations are licensed, sponsored, approved, or otherwise associated with PTK Honor Society.

138. Honor Society's conduct constitutes trade dress infringement and false representation that Honor Society's services and products are sponsored, approved, or authorized by PTK Honor Society.

139. Honor Society's acts of infringement, unfair competition, and false designation have caused PTK Honor Society irreparable injury. Honor Society continues to commit such acts, and unless restrained and enjoined, will continue to do so to PTK Honor Society's irreparable injury. PTK Honor Society's remedy at law is not adequate by itself to compensate it for the injuries inflicted and threatened by Honor Society.

140. Because of Honor Society's conduct, PTK Honor Society has been injured and damaged, and is entitled to recover damages, Honor Society's profits, and costs.

141. Honor Society is using PTK Honor Society's valuable intellectual property with full knowledge of PTK Honor Society's rights, and in bad faith with willful and deliberate intent to trade on PTK Honor Society's substantial recognition, reputation, and goodwill.

COUNT IV
Unfair Competition in Violation of Mississippi Common Law

142. PTK Honor Society repeats and realleges the allegations set forth in the preceding paragraphs of this Complaint.

143. This is an action for common law unfair competition arising under the common law of the State of Mississippi.

144. By reason of the foregoing acts, Honor Society has unfairly competed with PTK Honor Society in violation of the common law of the State of Mississippi.

145. Honor Society's acts and conduct are likely to cause confusion as to the source of Honor Society's services, programming, recruiting, scholarships, and members, and have led and are likely to continue to lead the public to mistakenly believe that Honor Society is in some way connected with PTK Honor Society.

146. Honor Society's acts have also created the false impression in the consuming public that Honor Society is an actual "honor society" when it is not. It has done so through deceitful and misleading advertising and promotional statements that misrepresent Honor Society's goods and services in a way that unfairly competes with PTK Honor Society.

147. The intentional and willful unfair competition have caused and will continue to cause serious and irreparable injury to the reputation and goodwill of PTK Honor Society for which PTK Honor Society is without adequate remedy at law.

148. As a direct and proximate result of Honor Society's unfair competitive acts, PTK Honor Society has been injured and damaged, and is entitled to injunctive relief and to recover actual damages, costs, and reasonable attorneys' fees.

149. Honor Society's conduct was fraudulent, oppressive, malicious, and in conscious disregard of the rights of PTK Honor Society, and PTK Honor Society is therefore entitled to punitive damages against them.

COUNT V
Tortious Interference with Contract

150. PTK Honor Society repeats and realleges the allegations set forth in the preceding paragraphs of this Complaint.

151. This is an action for tortious interference with contract under the common law of the State of Mississippi.

152. By reason of the foregoing acts, Defendants have tortiously interfered with PTK Honor Society's contracts in violation of the common law of the State of Mississippi.

153. PTK Honor Society entered into enforceable agreements between it and eligible students invited to join PTK's academic honor society as members.

154. PTK Honor Society has enforceable agreements with its college partners.

155. On information and belief, Defendants had knowledge of PTK Honor Society's agreements with its members and college partners and/or should have known of such agreements based on at least their knowledge of the industry and their knowledge of PTK Honor Society's business (which is similar in some ways to Defendants' own), as well as based on PTK's website and other public sources.

156. Defendants interfered with PTK Honor Society's agreements at least by providing the harassing Records Requests to PTK Honor Society's college partners, which is unlawful and/or wrongful conduct.

157. Defendants interfered with PTK Honor Society's agreements at least by emailing the malicious HS Survey to PTK Honor Society's membership base, including its prospective members, which is unlawful and/or wrongful conduct.

158. Defendants' wrongful conduct was intentional, willful, and malicious.

159. Defendants' wrongful conduct was calculated to cause damage to PTK Honor Society in its lawful business and was done with the unlawful purpose of causing damage and loss to PTK Honor Society without justifiable cause.

160. Defendants' wrongful conduct resulted in actual damage and loss to PTK Honor Society, including reputational and monetary harm.

161. As a result of Defendants' wrongful conduct, PTK Honor Society has been injured and damaged and will continue to be so if Defendants' conduct is not enjoined. Thus, PTK Honor Society is entitled to injunctive relief and to recover actual damages, costs, and reasonable attorneys' fees.

162. As a result of Defendants' malicious conduct, PTK is entitled to punitive damages.

COUNT VI
Tortious Interference with Prospective Business Advantage

163. PTK Honor Society repeats and realleges the allegations set forth in the preceding paragraphs of this Complaint.

164. This is an action for tortious interference with prospective business advantage under the common law of the State of Mississippi.

165. By reason of the foregoing acts, Defendants have tortiously interfered with PTK Honor Society's prospective business relationships in violation of the common law of the State of Mississippi.

166. PTK Honor Society has prospective relationships with eligible students, whom PTK Honor Society and/or its college partners have invited to join PTK's academic honor society as members. The contractual relationships between PTK Honor Society and the eligible students are likely to come into existence. The eligible students are reasonably likely to enroll as PTK Honor Society members because their invitations are provided to these students personally as a result of the academic achievements and because PTK Honor Society members receive significant Membership Benefits, which the eligible students are made of, for example by PTK's college partners and by PTK. PTK Honor Society also has prospective relationships with its college partners, sponsors, and affiliates, as PTK Honor Society forms business relationships with these entities as an essential part of PTK Honor Society's business model and operations.

167. Defendants had knowledge of these prospective relationships or at least should have known of these prospective relationships based on, among other things, their knowledge of the industry, their knowledge of PTK Honor Society's business (which is similar in some ways to Defendants' own), as well as based on PTK's website and other public sources.

168. Defendants interfered with these prospective relationships at least by emailing the harassing Records Requests to PTK Honor Society's college partners, which is unlawful and/or wrongful conduct.

169. Defendants interfered with these prospective relationships at least by emailing the malicious HS Survey to PTK Honor Society's membership base, including its prospective members, which is unlawful and/or wrongful conduct.

170. Defendants' wrongful conduct was intentional, willful, and malicious.

171. Defendants' wrongful conduct was calculated to cause damage to PTK Honor Society in its lawful business and was done with the unlawful purpose of causing damage and loss to PTK Honor Society without justifiable cause.

172. Defendants' wrongful conduct resulted in actual damage and loss to PTK Honor Society, including reputational and monetary harm.

173. As a result of Defendants' wrongful conduct, PTK Honor Society has been injured and damaged and will continue to be so if Defendants' conduct is not enjoined. Thus, PTK Honor Society is entitled to injunctive relief and to recover actual damages, costs, and reasonable attorneys' fees.

174. As a result of Defendants' malicious conduct, PTK Honor Society is entitled to punitive damages.

PRAYER FOR RELIEF

Wherefore, Plaintiff PTK Honor Society requests that this Court enter judgment against Defendants as follows:

A. Finding that:

- i. Defendant violated 15 U.S.C.A. § 1125(a) and other statutory and common law authority, including unfair competition, false designation of origin, and trade dress infringement by knowing and intentional unauthorized use of the Edge Mark and PTK Honor Society's trade dress; and
- ii. Defendant violated 15 U.S.C.A. § 1125(a) and other statutory and common law authority, by knowingly making false, deceitful and/or misleading descriptions

of fact, or false or misleading representations of fact, as to the nature, characteristics, or qualities of its goods and services.

- iii. Defendants committed the torts of interference with business contracts and interference with prospective business advantage under the laws of the State of Mississippi; and

B. Ordering that:

- i. Pursuant to common law, equitable principles, the Lanham Act, and other statutes, Defendants and their owners, partners, officers, directors, agents, servants, employees, representatives, subsidiaries, and chapters jointly and severally, are enjoined during the pendency of this action, and permanently thereafter from:
 - a. Directly or contributorily infringing on the Edge Mark, PTK Honor Society's trade dress, or any of PTK Honor Society's Registered Marks in any manner, including without limitation any of the following:
 - i. Using CAREER EDGE in commerce;
 - ii. Using the colors navy blue and/or gold (or similar colors) in marketing pieces in ways that are confusingly similar to PTK Honor Society's use of those same colors; and
 - iii. Using confusingly similar website content or layout, promotional materials, programming or regalia to PTK Honor Society.
 - b. Marketing, advertising, promoting, exhibiting or otherwise using materials which infringe upon PTK Honor Society's trade dress;

- c. Holding itself out as an academic honor society;
 - d. Calling itself an “honor society,” or using as its name “Honor Society” without any other cues in its name to distinguish itself apart from other organizations claiming to be an honor society;
 - e. Directly or contributorily using any false description, representation, or designation, or otherwise engaging in conduct that is likely to create an erroneous impression that Defendant’s organization or membership are related to, endorsed by, sponsored by, or connected with PTK Honor Society and its membership;
 - f. Making any false description of fact concerning its goods or services, including without limitation:
 - i. That it is an actual honor society and not a for profit scheme;
 - ii. That it has chapters; and
 - iii. That scholarships are readily available when they are not.
- ii. Pursuant to Mississippi law, common law, equitable principles, federal law, and other statutes, Defendants are enjoined during the pendency of this action, and permanently thereafter from tortiously interfering with PTK Honor Society’s business contracts and prospective business relationships, including by making any statement or representation that is in any way false, misleading, or otherwise improper to any PTK Honor Society member, prospective member, college partner, sponsor, potential sponsor or other affiliate.

- iii. Pursuant to common law, the Lanham Act, and other statutes, PTK Honor Society is awarded such damages available under federal and Mississippi law, including, but not limited to,:
- a. Actual damages;
 - b. Statutory damages;
 - c. Defendant's profits;
 - d. Costs of corrective advertising;
 - e. Punitive damages;
 - f. Treble damages;
 - g. Costs of this litigation;
 - h. Attorneys' fees associated with this litigation;
 - i. All other damages arising from the unlawful and unauthorized use of the Edge Mark and PTK Honor Society's trade dress;
 - j. All other damages arising from the unlawful, deceitful, false and misleading statements of fact concerning Defendant's goods and services; and
 - k. All other just and proper relief.

JURY DEMAND

PTK Honor Society demands a trial by jury on all issues so triable.

Dated this the 9th day of April, 2024.

Respectfully submitted,

/s/ Jonathan G. Polak

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