



Talkin' The Talk

March 31, 2017

Ms. Susan Olive
Olive & Olive, P.A.



Dear Susan,

I am in receipt of your letter regarding Smack Apparel's Yo Grayson t-shirt. You are correct, Mr. Allen is in fact a skilled and well known athlete; however, he is also very well known for tripping other players when they are not looking (what a dastardly deed that is)! As you know, his antics have been well documented by the national media.

Susan, I have a very strong understanding of right to publicity and what protection it affords celebrities such as Mr. Allen. I also have a strong understanding of critical commentary and satire and the protection that is afforded by the First Amendment.

In my opinion, no one would believe our shirt to be sponsored or endorsed by Grayson Allen but rather that it is humorous and clearly making fun of him. The shirt provides critical commentary as well as satire, legal aspects I'm sure you studied at Duke Law School.

With that said, we both know this type of potential consumer confusion could easily be answered by an opinion poll. So here's my offer, I will fly to the Durham/Chapel Hill area and we will poll 50 people who say they are college basketball fans. We will ask this question, "Do you believe this shirt is sponsored or endorsed by either Duke University of Grayson Allen?" If more than five people say yes, besides asking them if they have mental issues, we will cease all production and sales and pay a 25% royalty for all sales. If however the poll does not substantiate your allegations, your firm will reimburse me two thousand dollars for my time and travel expenses.

Yo Susan, you gotta be trippin, right ☺?

Respectfully,

A handwritten signature in black ink, appearing to read "Wayne Curtiss".

Wayne Curtiss