



July 17, 2024

**Chair Heather K. McDevit
White and Case LLP**

1221 Avenue of the Americas
New York NY, 10020- 1095

Attention: Chair McDevit

**REQUEST FOR PROOF OF CLAIMS IN CEASE AND DESIST LETTER DATED MARCH
20, 2022**

I am writing in further response to White and Case cease and desist letter dated March 20, 2022, sent to us on March 21, 2023 by Mr. Alexander Reid of White and Case (copy attached) which references a letter from White and Case LLP to Mefona LLC dated September 14, 2022, and signed by Mr. Stefan Mentzer of White and Case on behalf of the Central Bank of Nigeria (CBN). The letter signed by Mr. Reid stated:

"The USPTO confirmed that Mefona's conduct is unlawful, issuing a Final Office Action on January 17, 2023,...in violation of 15 U.S.C. § 1052(a)."

Additionally, the letter referenced a demand that Mefona cease its use of "eNaira," claiming it to be unlawful.

Upon reviewing the assertions, we are puzzled and concerned about the accuracy of the statements. We have not received any communication from the United States Patent and Trademark Office (USPTO) indicating that Mefona's conduct is unlawful or that the Final Office Action was issued on January 17, 2023, because Mefona's conduct violates 15 U.S.C. § 1052(a).

We demand that White and Case provide us with the following:

1. Proof of the USPTO's Final Office Action dated January 17, 2023, specifically indicating the violation of 15 U.S.C. § 1052(a) by Mefona LLC.
2. Clarification and evidence supporting the claim that Mefona's use of "eNaira" is unlawful as per the USPTO's findings.
3. Proof that CBN's use is lawful notwithstanding the doctrine of territoriality given CBN's eNaira Trademark Certificate No: 013103 in class 36.

The allegations made in the letter, if unfounded, constitute false accusations

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against Mefona LLC. These baseless claims have the potential to cause significant harm to our business reputation and operations. If it is determined that the statements are indeed false, we reserve the right to pursue all available legal remedies, including but not limited to a defamation lawsuit against White and Case.

We request that White and Case provide the requested proofs and clarification within 14 days from the date of this letter. Failure to do so will leave us with no choice but to assume that the claims are without merit and will prompt us to seek appropriate legal recourse.

We look forward to your prompt and substantive response to resolve this matter amicably.

Sincerely,

Basil Odilim Enwegbara

CEO, Mefona LLC

[email:ceo@mefona.com](mailto:ceo@mefona.com)

Cc: **Governor, Central Bank of Nigeria (CBN)**

Plot 33, Abubakar Tafawa Balewa Way,
Central Business District,
Cadastral Zone, Abuja

Cc: **Director, United States Patent and Trademark Office (USPTO)**

Madison East Building
Concourse Level, 600
Dulany Street
Alexandria, VA 22314

March 20, 2022

BY UPS & EMAIL

Basil Odilim
Mefona LLC
2509 Railridge Circle South
Fort Worth, Texas 76133
basil_enwegbara@yahoo.com
oberotm@outlook.com
tmapp@legalzoom.com
info@enaira-online.com
support@enaira-online.com

White & Case LLP
1221 Avenue of the Americas
New York, NY 10020-1095
T +1 212 819 8200

whitecase.com

Demand for Mefona LLC to cease unlawful use of ENAIRA

Dear Mr. Odilim:

You received our letter to Mefona LLC (“Mefona”) dated September 14, 2022 on behalf of the Central Bank of Nigeria (the “CBN”) demanding that Mefona cease its unlawful use of “eNaira.” Our letter warned that Mefona’s use of “eNaira” is likely to cause consumers to believe, falsely, that its services are provided by, or are otherwise sponsored, authorized, or approved by, the CBN, and that Mefona is an authorized issuer of eNaira. This consumer deception violates U.S. federal law, including § 43(a) of the Lanham Act (15 U.S.C. § 1125(a)), and state statutory and common law, and subjects Mefona to legal and equitable remedies, including claims for damages and attorney’s fees.

However, Mefona’s use has continued, including use of “eNaira” as the name for an “Online Payment Platform” at <https://enaira-online.com> (the “Mefona Platform”), as well as the prosecution of U.S. Trademark Application Serial No. 97065669 (the “ENAIRA Application”) seeking to register ENAIRA with the U.S. Patent and Trademark Office (“USPTO”), the maintenance of International Registration No. 1640747 for ENAIRA, and the designation of additional jurisdictions for extensions of protection under the Madrid Protocol for ENAIRA (“Madrid Filings”), including China and the European Union.

The USPTO confirmed that Mefona’s conduct is unlawful, issuing a Final Office Action on January 17, 2023 refusing registration of the ENAIRA Application because “the applied-for mark consists of or includes matter that may falsely suggest a connection with the Central Bank of Nigeria” in violation of 15 U.S.C. § 1052(a).

Accordingly, we reiterate the CBN's demands that Mefona immediately:

1. Cease using, and in the future refrain from using, in the United States and anywhere in the world, "eNaira" or any confusingly similar variant of "eNaira" as the name of the Mefona Platform or to identify the source of Mefona's goods and services;
2. Adopt a new name for the Mefona Platform that does not contain the word "eNaira" or any confusingly similar variation of "eNaira";
3. File an express abandonment of the ENAIRA Application with the USPTO;
4. File a total cancellation of International Registration No. 1640747 with the World Intellectual Property Organization (WIPO);
5. Abandon any other Madrid Filings; and
6. Add a prominent disclaimer to the footer of the Mefona Platform webpage stating that Mefona is not authorized by or affiliated with the Central Bank of Nigeria.

This letter is our final warning, as the CBN is contemplating pursuing all available legal remedies for Mefona's misuse of "eNaira." We request your written confirmation that Mefona has complied with CBN's demands by no later than **March 27, 2023**.

Nothing in this letter waives any of CBN's rights or remedies, all of which it hereby expressly reserves.

Sincerely,



Alexander Reid

T +1 212 819 8200
E alexander.reid@whitecase.com