

# **Exhibit 7**

# STROOCK

**By UPS COURIER**

January 18, 2013

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Leslie Slavich, Esq.  
Spanx, Inc.  
3344 Peachtree Road, NE  
Suite 1700  
Atlanta, GA 30326

Re: Infringement of U.S. Design Patents  
Our Client/Matter No.: 002870.0001

Dear Ms. Slavich:

We represent Times Three Clothier, LLC, doing business as Yummie Tummie (“Yummie”), in connection with patent matters. As you and your client, Spanx, Inc. (“Spanx”), are aware, Yummie is the owner of U.S. Design Patent Nos. D606,285, D616,627, D622,477, D623,377, D632,051, D632,052 and D632,053 (collectively “Patents”). Copies of the Patents are attached. In fact, such Patents have been brought to Spanx’s attention. Notwithstanding Spanx’s knowledge of the Patents, Spanx has chosen to copy the same. Yummie vigorously enforces the rights in its patents and, as you may know, settled a patent infringement litigation with Maidenform paying Yummie \$6.75 million.

More specifically, it has come to our attention that Spanx is making, offering for sale and selling shapewear products, through at least QVC, Inc., J.C. Penney Company, Inc. and Spanx’s own e-commerce website, in the United States that contain Yummie’s patented designs. Such shapewear products include The Total Taming Tank A226764, also known as The Spanx Total Taming Tank, the Top This Tank Style 1847 and The Top This Cami Style 1846 (collectively “Tanks/Cami”). The designs, consisting of three panels, of the Tanks/Cami are so similar to the designs claimed in the Patents that any ordinary consumer would be deceived into believing that the Tanks/Cami are, in fact, Yummie’s patented designs and, thus, infringe the Patents. Stated otherwise, the Tanks/Cami appear substantially the same as the patented designs from the point of view of an ordinary observer, thereby, constituting design patent infringement.

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In view of the foregoing, Yummie demands the following in writing from Spanx:

1. that Spanx cease all manufacturing, offering for sale and selling of the Tanks/Cami;
2. all orders of Tanks/Cami shipped to customers including to whom the Tanks/Cami were shipped, the purchase order number, units, style numbers and total dollar value;
3. open orders of the Tanks/Cami not yet shipped to customers, including the purchase order number, units, style numbers and total dollar value, as well as Tanks/Cami in your warehouse, in transit and on order from the manufacturer, including the number of units, style numbers and total dollar value;
4. account for profits arising from past and ongoing infringement, including increased damages for willfully violating our client's rights in the Patents; and
5. pay Yummie costs and attorney fees in connection with this matter.

We expect to receive, by January 31, 2013, written confirmation on behalf of Spanx in regard to the foregoing and Spanx's compliance with our requests.

Very truly yours,



Laura Goldbard George  
LGG:lm

Enclosures

cc: Carrie L. Kiedrowski, Esq.  
Times Three Clothier, LLC

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