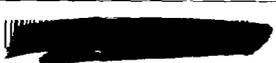


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial Number 76/443,289  
Published in the Official Gazette on April 1, 2003



-----X	:	
V SECRET CATALOGUE, INC.,	:	06-26-2003
VICTORIA'S SECRET STORES, INC.	:	U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22
INTIMATE BEAUTY CORPORATION	:	
D/B/A VICTORIA'S SECRET BEAUTY, and	:	Opposition No.
VICTORIA'S SECRET DIRECT, LLC,	:	
	:	
Opposers,	:	
	:	
v.	:	
	:	
HUNG VAN NGUYEN,	:	
	:	
Applicant.	:	
-----X	:	

NOTICE OF OPPOSITION

V SECRET CATALOGUE, INC., a Delaware corporation, having its principal office and place of business at 1105 North Market Street, Wilmington, Delaware 19801, VICTORIA'S SECRET STORES, INC., a Delaware corporation, having its principal office and place of business at Four Limited Parkway, Reynoldsburg, Ohio 43068, INTIMATE BEAUTY CORPORATION D/B/A VICTORIA'S SECRET BEAUTY, a Delaware corporation, having its principal office and place of business at 888 Seventh Avenue, New York, New York 10106, and VICTORIA'S SECRET DIRECT, LLC, a Delaware limited liability company, having its principal office and place of business at 3425 Morse Crossing, Columbus, Ohio 43219 (herein referred to collectively as "Victoria's Secret" or "opposers"), believe they will be damaged by registration of the designation

ANNIE'S SECRET in Application Serial No. 76/443,289, filed August 23, 2002, published at page TM 239 of the Official Gazette of April 1, 2003 (Vol. 1269, No. 1), for the goods set forth therein, in International Class 25 (U.S. Classes 22 and 39).

As grounds of opposition, opposers aver that:

1. HUNG VAN NGUYEN, (herein "applicant"), an individual having an address at 10475 Greenford Drive, San Diego, California 92126, is not now and never was entitled to register as a trademark the designation ANNIE'S SECRET for which it seeks registration in its Application Serial No. 76/443,289, filed on August 23, 2002, published at page TM 236 of the Official Gazette of April 1, 2003 (Vol. 1269, No. 1), for the goods set forth therein, namely, bra, panty, in International Class 25 (U.S. Classes 22 and 39).

2. Applicant is not entitled to use or register as a trademark the designation ANNIE'S SECRET for which it seeks registration in its Application Serial No. 76/443,289, either on August 23, 2002, the date of filing of said application, or on April 1, 2003, the date of publication thereof in the Official Gazette.

3. Opposer, V Secret Catalogue, Inc., is the owner and opposers, Victoria's Secret Stores, Inc., Intimate Beauty Corporation d/b/a Victoria's Secret Beauty, and Victoria's Secret Direct, LLC, are the exclusive users of the trademark and service mark VICTORIA'S SECRET (the "VICTORIA'S SECRET Mark"), which is registered in the United States Patent and Trademark Office under

Registration Nos. 1,146,199 and 1,908,042. Copies of said registrations are annexed hereto and incorporated herein by reference as opposers' Exhibits A and B. Said registrations are outstanding, validly subsisting and uncanceled.

4. Since long prior to applicant's selection and adoption of the designation ANNIE'S SECRET, opposers have been continuously and now are engaged in the manufacture, advertising, offering for sale and sale of a wide range of goods and services, including, but not limited to women's and men's clothing, accessories, and personal care products, as well as retail clothing store and mail order services in interstate commerce throughout the United States.

5. Since long prior to applicant's selection and adoption of the designation ANNIE'S SECRET, opposers have been continuously and now are advertising, offering for sale and selling in interstate commerce throughout the United States the aforesaid goods and services under the VICTORIA'S SECRET Mark.

6. Upon the introduction of the aforesaid goods and services of opposers so marked upon the market and continuously thereafter, opposers became and are now widely known and recognized by the VICTORIA'S SECRET Mark, which mark is closely and universally associated with opposers as a means by which opposers and their said goods and services have become known to the public and their source or origin identified.

7. As a result of opposers' extensive advertising and promotion of their goods and services under the VICTORIA'S SECRET

Mark, the large volume of sales of goods bearing the VICTORIA'S SECRET Mark, and the extensive media coverage that opposers and their goods and services have received, the VICTORIA'S SECRET Mark has become and now is a famous trademark in the United States, as well as internationally.

8. Applicant's adoption and intent to use the designation ANNIE'S SECRET is without license or permission of opposers.

Count I - Likelihood of Confusion

9. Opposers repeat and reaver the averments set forth in paragraphs 1 through 8 inclusive of this notice of opposition as if more fully set forth hereinagain.

10. Applicant's goods are closely related to opposers' goods and services, will be sold to the same class of purchasers, and will be available for sale through the same or similar channels of trade.

11. The designation applicant seeks to register, namely, ANNIE'S SECRET, so resembles opposers' VICTORIA'S SECRET Mark, as to be likely, when applied to the goods of applicant, to cause confusion or mistake or to deceive persons by creating the erroneous impression that applicant's goods originate with or come from the same source as opposers' goods and/or services, or are endorsed by, or are sponsored by, or are connected in some way with opposers, and the registration thereof would be injurious to opposers.

Count II - Dilution

12. Opposers repeat and reaver the averments set forth in paragraphs 1 through 8 inclusive of this notice of opposition as if more fully set forth hereinagain.

13. Applicant's proposed use and registration of the designation ANNIE'S SECRET is likely to, and will dilute, blur and erode the distinctiveness of opposers' famous VICTORIA'S SECRET Mark, and/or damage the goodwill associated with the VICTORIA'S SECRET Mark.

WHEREFORE, opposers pray that Application Serial No. 76/443,289 be rejected and that registration of the designation ANNIE'S SECRET as a trademark to applicant be refused and denied, and/or that opposers have such other and further relief as the Board may deem just and proper.

Dated: New York, New York  
June 26, 2003

COLUCCI & UMANS

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Manhattan Tower  
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(212) 935-5700

Attorneys for Opposers,  
V Secret Catalogue,  
Inc., Victoria's Secret  
Stores, Inc., Intimate Beauty  
Corp. d/b/a Victoria's Secret  
Beauty and Victoria's Secret  
Direct, LLC

certify that this correspondence is being  
mailed with the United States Postal Service as First  
Class in an envelope addressed to: Assistant Commissioner  
of Patents and Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513

Melissa Truelli  
Signature  
6/26/03  
Date of Signature

**A**

Int. Cl.: 25

Prior U.S. Cl.: 39

**United States Patent and Trademark Office**

**Reg. No. 1,146,199**

Registered Jan. 20, 1981

**TRADEMARK**  
Principal Register

**VICTORIA'S SECRET**

Victoria's Secret (partnership)  
1560 Waller St.  
San Francisco, Calif. 94117

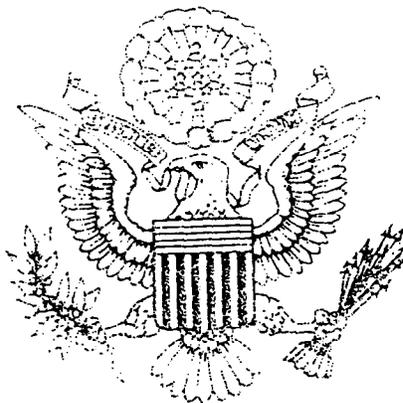
For: WOMEN'S LINGERIE, in CLASS 25 (U.S.  
Cl. 39).

First use Jun. 12, 1977; in commerce Jun. 12, 1977.

Ser. No. 159,253, filed Feb. 21, 1978.

J. H. WEBB, Primary Examiner

# The United States of America



## CERTIFICATE OF REGISTRATION

This is to certify that the records of the Patent and Trademark Office show that an application was filed in said Office for registration of the Mark shown herein, a copy of said Mark and pertinent data from the Application being annexed hereto and made a part hereof,

And there having been due compliance with the requirements of the law and with the regulations prescribed by the Commissioner of Patents and Trademarks,

Upon examination, it appeared that the applicant was entitled to have said Mark registered under the Trademark Act of 1946, as amended, and the said Mark has been duly registered this day in the Patent and Trademark Office on the

## PRINCIPAL REGISTER

to the registrant named herein.

This registration shall remain in force for TEN years unless sooner terminated as provided by law.



In Testimony whereof I have hereunto set my hand and caused the seal of the Patent and Trademark Office to be affixed this first day of August 1995.

*Bence Lehman*

Commissioner of Patents and Trademarks

Int. Cls.: 3, 4, 9, 16, 20, 21, 22, 24, 25, 28 and 42

Prior U.S. Cls.: 1, 2, 4, 5, 6, 13, 15, 22, 23, 29, 30,  
32, 33, 36, 37, 38, 39, 40, 42, 50, 51, 52, 100 and 101

United States Patent and Trademark Office

Reg. No. 1,908,042

Registered Aug. 1, 1995

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**VICTORIA'S SECRET**

V. SECRET CATALOGUE, INC. (DELAWARE CORPORATION)  
1105 NORTH MARKET STREET  
WILMINGTON, DE 19801

FOR: TOILET SOAPS, WASHING COMPOUNDS FOR USE WITH LINGERIE AND FINE WASHABLES, HAIR SHAMPOOS, SCENTED DRAWER SACHETS; PERSONAL FRAGRANCES, NAMELY COLOGNE, PERFUME, TOILET WATER, AND ESSENTIAL OILS FOR PERSONAL USE; BATH POWDER, NON-MEDICATED FOOT POWDER, AND BODY POWDER; AND PERSONAL CARE PREPARATIONS, NAMELY BATH, HAND AND BODY LOTIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 6-12-1977; IN COMMERCE 6-12-1977.

FOR: CANDLES, IN CLASS 4 (U.S. CL. 15).

FIRST USE 6-12-1977; IN COMMERCE 6-12-1977.

FOR: PRERECORDED COMPACT DISCS AND AUDIO TAPES, BOTH FEATURING MUSIC, IN CLASS 9 (U.S. CL. 36).

FIRST USE 6-12-1977; IN COMMERCE 6-12-1977.

FOR: MAIL ORDER CATALOGS FEATURING CLOTHING, LINGERIE, AND TOILETRIES; BRIDAL GUEST BOOKS; CALENDARS, AND ADDRESS BOOKS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 6-12-1977; IN COMMERCE 6-12-1977.

FOR: PICTURE FRAMES, HAND MIRRORS AND PILLOWS, IN CLASS 20 (U.S. CLS. 32 AND 50).

FIRST USE 6-12-1977; IN COMMERCE 6-12-1977.

FOR: PERFUME ATOMIZERS SOLD EMPTY; PERFUME BOTTLES SOLD EMPTY; NON-METAL DECORATIVE BOXES; HAIR COMBS AND HAIR BRUSHES; DECORATIVE TRAYS NOT OF PRECIOUS METAL; AND FLASKS SOLD EMPTY, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 6-12-1977; IN COMMERCE 6-12-1977.

FOR: MESH LINGERIE BAGS FOR WASHING LINGERIE AND CLOTH BAGS FOR LINGERIE STORAGE, IN CLASS 22 (U.S. CL. 2).

FIRST USE 6-12-1977; IN COMMERCE 6-12-1977.

FOR: WASH CLOTHS, TOWELS AND BEDDING, NAMELY COMFORTERS, PILLOW CASES, SHEETS, SHAMS, DUVETS, AND DUST RUFFLES, IN CLASS 24 (U.S. CL. 42).

FIRST USE 6-12-1977; IN COMMERCE 6-12-1977.

FOR: WOMEN'S AND MEN'S OUTERWEAR, UNDERWEAR AND NIGHTWEAR, NAMELY LINGERIE, ROBES, CAFTANS, KIMONOS, BOXER SHORTS, PAJAMAS, SHIRTS, PANTS, JEANS, DRESSES, SKIRTS, SWEATERS, JUMPSUITS, BODYSUITS, SWEATSHIRTS, JACKETS, T-SHIRTS, SCARVES, LEOTARDS, TIGHTS, SWIMSUITS, BEACH SHIRTS, HOSIERY, FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial Number 76/443,289  
Published in the Official Gazette on April 1, 2003

-----X  
: V SECRET CATALOGUE, INC.,  
: VICTORIA'S SECRET STORES, INC.  
: INTIMATE BEAUTY CORPORATION  
: D/B/A VICTORIA'S SECRET BEAUTY, and : Opposition No.  
: VICTORIA'S SECRET DIRECT, LLC,  
: Opposers,  
: v.  
: HUNG VAN NGUYEN,  
: Applicant.  
: -----X

Assistant Commissioner for Trademarks  
Box: TTAB  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

Sir:

Enclosed is an original and copy of Opposers' Notice of Opposition to Hung Van Nguyen's Application Serial No. 76/443,289 to register the designation ANNIES'SECRET in International Class 25 (U.S. Classes 22 and 39).

A credit card authorization form in the amount of \$1,200.00 to cover the fee for filing this Notice of Opposition is enclosed herewith.

If for any reason the Patent and Trademark Office filing fee should exceed \$1,200.00, please charge any additional sums due to our firm's Deposit Account No. 20-0050.

Kindly acknowledge receipt by having your mail room date stamp the enclosed postcard and deposit it with the United States Postal Service.

Dated: New York, New York  
June 26, 2003

COLUCCI & UMANS

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(212) 935-5700

*Attorneys for Opposers,  
V Secret Catalogue,  
Inc., Intimate Beauty Corp.  
d/b/a Victoria's Secret  
Beauty, Victoria's Secret  
Stores, Inc. and Victoria's  
Secret Direct, LLC*

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2300 Crystal Drive, Arlington, VA 22202-3513

\_\_\_\_\_  
Melissa Ormelli  
Signature  
6/26/03  
Date of Signature

