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JP001404/naf
COI-1313271v1
709821-600003

June 7, 2005

Via Federal Express

Trademark Trial & Appeal Board
c/o Trademark Assistance Center
Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, Virginia 22314

Re: *The West Seal, Inc. v. FD Management, Inc.*; Opposition No. 91157022
re Serial No. 76/372,550 - ARDENBEAUTY

Dear Sir or Madam:

Attached please find a certified copy of the Testimony of Ronald L. Rolleston taken on April 21, 2005 for filing with the Trademark Trial and Appeal Board in the above-referenced Opposition.

Please stamp the enclosed postage prepaid postcard and return it to me. Should you have any questions, please feel free to call the undersigned.

Sincerely,


Joseph R. Dreitler

cc: John M. Cone, Esq. (w/acknowledgment & Errata Sheet)



06-08-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #64

ORIGINAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

IN THE MATTER OF:

TRADEMARK APPLICATION NO. 76/372,550 - ARDENBEAUTY

-----x

THE WET SEAL, INC.,

Opposer,

vs.

Opposition No.

FD MANAGEMENT, INC.,

91157022

Applicant.

-----x

DEPOSITION OF RONALD L. ROLLESTON

New York, New York

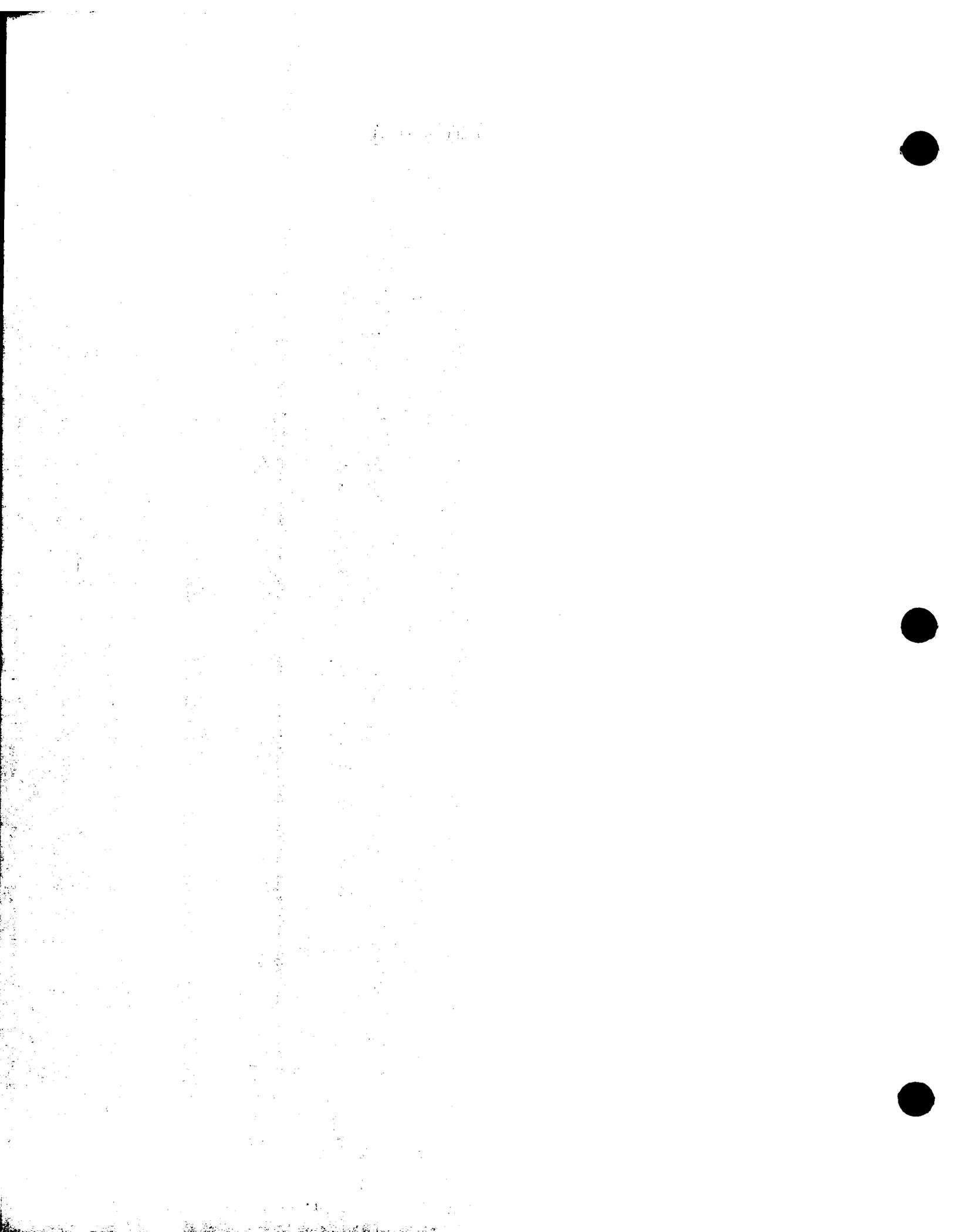
April 21, 2005

Reported by:

GLORIA HAGE

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April 21, 2005

9:20 a.m.

DEPOSITION of RONALD L. ROLLESTON, held at
the offices of JONES DAY, 222 East 41st Street, New
York, New York 10017, pursuant to Notice dated April
7, 2005, before GLORIA HAGE, a Shorthand Reporter and
Notary Public within and for the State of New York.

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1
2 A P P E A R A N C E S :3
4 AKIN GUMP STRAUSS HAUER & FELD LLP

5 Attorneys for the Opposer

6 1700 Pacific Avenue, Suite 4100

7 Dallas, Texas 75201-4675

8 BY: JOHN MORANT CONE, ESQ.

9
10 JONES DAY

11 Attorneys for the Applicant

12 325 John H. McConnell Boulevard, Suite 600

13 P.O. Box 165017

14 Columbus, Ohio 43216-5017

15 BY: JOSEPH R. DREITLER, ESQ.

16
17 ALSO PRESENT:

18 James Thomas Perry, Vice President and Associate

19 General Counsel, Elizabeth Arden

20
21 Lindsay Kassof, Paralegal, Elizabeth Arden
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R O N A L D L. R O L L E S T O N, stating his business address as 200 Park Avenue South, New York, New York 10003, having been first duly sworn by a Notary Public within and for the State of New York, was examined and testified under oath as follows:

EXAMINATION BY MR. DREITLER:

Q Would you please state your name and address for the record, Mr. Rolleston?

A My name is Ronald Rolleston, and I live at 3 Caitz Farm Road, and that's C-a-i-t-z, and it's in Princeton Junction, New Jersey.

Q By whom are you employed, Mr. Rolleston?

A I'm employed by Elizabeth Arden.

Q And where is Elizabeth Arden located?

A 200 Park Avenue South.

Q Before we go any further, have you ever testified before in a lawsuit?

A Yes, I have.

Q Can you just briefly describe those instances?

A In relationship to trademarks I was involved with a brand called Casual which is a brand that was owned by French Fragrances which is

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2 predecessor of Elizabeth Arden. And in addition to
3 that I was involved in a deposition in Canada with a
4 distribution company about two years ago.

5 Q How long have you been employed by
6 Elizabeth Arden, Inc.?

7 A This is the second time I have actually
8 worked here. I have been here I guess -- when did we
9 buy the place? 2000? 2001? I have to back up. I
10 have had a long and interesting career.

11 I worked here from September of 1994 to
12 about April of 1997, and then I guess we bought the
13 company in like January of 2001 and I have been here
14 subsequently.

15 Q When you say "we bought the company," who
16 is "we"?

17 A "We" is I guess Bedford Capital. But I'm
18 assuming that since I was part of the senior
19 management and I was involved in the due diligence
20 process, that I participated. But recognizing the
21 fact that I'm not an owner of the company I guess I
22 should say "they" bought the company.

23 Q What is your current title with Elizabeth
24 Arden, Inc.?

25 A I'm the executive vice-president and chief

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Ronald L. Rolleston

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marketing officer.

Q And has that been your title since you joined the company in 2001?

A No. I have had a series of them.

Q Okay.

A I started out as the executive vice-president and chief marketing officer, and then for about a year I was the executive vice-president and chief marketing officer as well as being responsible for Prestige sales. And then after we stabilized those two groups which took me about a year, I went back to being the chief marketing officer.

Q Let's just talk about your duties. What are your current duties as executive vice-president and your responsibilities?

A I'm responsible for the creation of product in advertising.

Q In that role do you have people who report to you?

A Yes. I have a staff of about 45 people in round numbers. I'm guessing.

Q Are they mostly located in New York?

A Yes, they are.

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Ronald L. Rolleston

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2 Q When did you first become involved or
3 employed in the cosmetics or fragrance business?

4 A January of 1979.

5 Q Where was that and where were you
6 employed?

7 A I worked for Jovon and they were
8 headquartered in Chicago, Illinois, and I worked in
9 their office in Bensenville, Illinois.

10 Q And from that time can you just give us a
11 brief chronology of the companies that you worked for
12 and what your roles were with those companies since
13 1979?

14 A Sure. In 1979 I started out as a
15 production supervisor working in manufacturing for
16 Jovon, and I spent a year doing that. I then went to
17 Chanel where I spent about six months also involved
18 in manufacturing but at a slightly higher level.
19 Instead of just running a couple of filling machines,
20 I actually ran the filling floor.

21 I left there in the middle of 1980 and I
22 became the production manager for Warner Cosmetics,
23 and in that facility I was responsible for the actual
24 establishment of the filling in the assembly areas
25 for this newly-found cosmetics company. I continued

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2 to work in that function I guess until probably about
3 1982, where I went into finance and I became the
4 product forecasting manager. From there I went into
5 sales and I became a territory sales manager.

6 In 1984 Warner Cosmetics was acquired by
7 L'Oreal and I continued to be in their employ where I
8 was then made a marketing manager. I then became a
9 marketing director at some point around 1986, about
10 '86 or '87. I then was made an assistant
11 vice-president of marketing in 1988.

12 And I left there in September of 1989 to
13 go to work for Calvin Klein Cosmetics where I was
14 hired to establish a business to sell fragrances
15 under the Calvin Klein name in what is called mid
16 tier and mass distribution. As it turns out the
17 first thing I worked on was a fragrance called Escape
18 by Calvin Klein. And after about nine months I was
19 approached by Unilever who were the new owners of
20 Calvin Klein and I was given the opportunity to
21 become the general manager of Europe, where I started
22 Calvin Klein's fragrance business on the European
23 continent.

24 I basically lived there from 1990 through
25 1994 and I opened affiliates for them in Germany,

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2 Italy and France. I established distribution for
3 them in the Benelux countries and I hired
4 distributors for them in markets like Spain and
5 Portugal. I never worked in Scandinavia, and the
6 business was already established in the UK.

7 Do you want me to just keep doing this?
8 I'll do my resume off the top of my head?

9 Q Sure.

10 A Then I guess around September/October of
11 1994 I came back and I was given the auspices title
12 of VP of strategic planning for the Unilever Prestige
13 products business where I was sort of brought in to
14 take a look at the overall operations at Elizabeth
15 Arden. And shortly thereafter I was made the
16 executive vice-president of global marketing. I
17 worked there from September of '94 till about March
18 of 1997, March/April.

19 I was dismissed from that job because of
20 the fact that the woman who had been the president
21 had sort of fell out with her boss, I was her number
22 two-person, so they brought in a new group of guys.
23 And I left there I guess around April/May.

24 I became president of Paul Sebastian at
25 that point in time, September of '97, after spending

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2 the summer at the beach which was quite nice. From
3 September of '97 till I guess around January/February
4 of 1999 I sold Paul Sebastian to French Fragrances
5 which was run by this guy named Scott Beady who was
6 the chairman. Basically I completed the acquisition
7 to French Fragrances and then I went to work for them
8 as the general manager of the division, which really
9 represented the business that I had been running at
10 Paul Sebastian. I worked in that role for them until
11 we acquired Elizabeth Arden.

12 And then the irony of ironies I got to go
13 back to Elizabeth Arden, and all of the people who
14 used to work for me work for me again, some of which
15 were probably less excited about that than others.

16 Q So doing my math and being bad at math, it
17 appears that you've been involved working in the
18 cosmetics and fragrance businesses for somewhere
19 between 25 and 26 years. Would that be correct?

20 A Yes. My entire professional career has
21 been in this business.

22 Q And during that entire time are you aware
23 that Elizabeth Arden fragrances and cosmetics were
24 being sold?

25 A Yes. Elizabeth Arden is one of the more

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2 established names in our industry.

3 Q Was there ever a time during that period
4 of time when Elizabeth Arden ceased selling cosmetics
5 and fragrances that you know of?

6 A Not that I'm aware.

7 Q From the first point or time when you
8 started working at Elizabeth Arden until today has
9 their target market for their cosmetics products
10 changed?

11 A No. I would argue that Elizabeth Arden
12 has always targeted their products primarily at women
13 and secondarily at men.

14 Q Do you know how long Elizabeth Arden
15 Company has been selling cosmetics? In other words
16 how long has Elizabeth Arden cosmetics and fragrances
17 been sold?

18 A That's a lovely story. It starts at the
19 beginning of the 20th century. There was a woman
20 named Florence Nightingale who was Canadian who was a
21 nurse who decided that she wanted to create a beauty
22 business. And what she did was she moved to the
23 United States, she borrowed some money from her
24 brother, and she had a partner, and for a period of
25 time they started a salon which eventually became the

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2 Elizabeth Arden salon. There was a book that's been
3 written about this. I would have to try and stretch
4 my memory to do all 300 pages. But Ms. Arden
5 actually has a biography. Ms. Arden was a remarkably
6 famous woman.

7 A lot of the products that are currently
8 made by companies all over the world in terms of the
9 beauty category and things like mascara and eyeshadow
10 she invented. She actually saw them used for the
11 first time on the stage in places like Paris and
12 brought them to the United States and made them
13 available to women.

14 During the course of her career she was
15 probably one of the most successful women in industry
16 throughout the course of the 20th century. She was
17 on the cover of Time Magazine. Her salon still
18 exists on Fifth Avenue and 54th Street. Her name is
19 literally right in the building. I mean, she built
20 the building. It's like Saint Patrick's Cathedral,
21 it's one of the great establishments on Fifth Avenue.
22 And her red door is one of the most famous trademarks
23 in the history of beauty.

24 MR. CONE: I object to the extent that
25 it's not based on personal knowledge,

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1 particularly the history of the beginning of the
2 company. But thank you for the story which was
3 fascinating.
4

5 THE WITNESS: It is based on personal
6 knowledge. I read the book. I just don't
7 remember it all. I can't do a proper summation.
8 But there's at least two of them out there.
9 I'll send you one.

10 Q I'll hand you just to look at if you would
11 like to refresh your memory a book, it's entitled
12 "War Paint, Helena Rubenstein and Elizabeth Arden."

13 A But there's two of them actually. There's
14 one before this, it's called "Miss Elizabeth Arden,"
15 which tells the history of the brand. And the
16 building is irrefutable. I can show you that one,
17 it's on 54th Street. It is what it is.

18 MR. CONE: I certainly accept you have
19 personal knowledge of the building.

20 Q Would that picture on page 247 of that
21 book, the picture of Elizabeth Arden, is that the
22 building you're referring to?

23 A Yes.

24 MR. DREITLER: Counsel, would you like to
25 take a look?

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2 MR. CONE: No.

3 THE WITNESS: There she is on the cover of
4 Time Magazine if you would like to see that.

5 MR. CONE: Thank you.

6 Q Is the purpose of fragrance and cosmetic
7 products to make the wearer more attractive?

8 MR. CONE: I object to the question as
9 leading.

10 Q You can answer.

11 A I think the purpose of fragrance and
12 cosmetics is to make women feel good about
13 themselves, to feel more beautiful, to give them a
14 sense of confidence. I think in modern context to
15 just say that women want to look more attractive
16 might be limiting. Being a bit of a feminist I think
17 it's a broader concept than that. At least that's my
18 opinion.

19 Q Can you list the types of products that
20 Elizabeth Arden has sold under the Elizabeth Arden
21 trademark over the years?

22 A Yes. We make skin care products, we make
23 color cosmetics products, we make fragrance products.

24 Q Do you want to break that down as far as
25 the types of cosmetics for us?

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2 A Sure. We have products like eight-hour
3 cream which was invented in the 1920s by Ms. Arden.
4 It was actually a product that was created to put on
5 her horses' hoofs which then was actually sold to
6 people in this country and is now sold around the
7 world. We make other products like ceramides which
8 is a skin care product which protects the barrier of
9 your skin. We make a variety of other basic
10 moisturizers, things of that nature.

11 We make color cosmetic products like
12 lipsticks, eyeshadows. We make foundations which is
13 a color product. We also make fragrances like Red
14 Door, Green Tea, Provocative.

15 MR. CONE: I will object to the answer to
16 the extent that it did include some information
17 of which the witness does not have firsthand
18 knowledge.

19 THE WITNESS: Such as?

20 MR. CONE: Such as the invention of the
21 cream in the 1920s first used for horses' feet.

22 Q But, Mr. Rolleston, you are familiar of
23 your own personal knowledge that currently Elizabeth
24 Arden sells and has sold during your time in the
25 cosmetics business those products that you referred

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to?

A Sure.

Q And are those products sold under the trademark Elizabeth Arden?

A Yes.

Q Thank you. Where are Elizabeth Arden branded products sold, Mr. Rolleston?

A You can find them in the Elizabeth Arden salon on Fifth Avenue, you can find them in department store across the United States in places such as Macy's, Rich's, Burdines, Robinson's-May, Hecht's, Famous Barr.

Q Do you know what this case is about, Mr. Rolleston?

A I have some idea.

Q In your own words describe what this case is about.

A It's my understanding that we used the name ardenbeauty for a fragrance, and that a company named Arden B has challenged our right to use that name.

Q I hand you a document which will be Exhibit No. 1 to Rolleston testimony which is entitled "Elizabeth Arden Project Charter Proposal,

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2 Proposal Date 9/24/01." Would you take a look at
3 that document, Mr. Rolleston, and take your time to
4 look at it.

5 A Yes.

6 (Document Bates No. EA-00132, is received
7 and marked Applicant's Exhibit Rolleston 1 for
8 Identification.)

9 Q It's also Bates-stamped EA-00132. Have
10 you ever seen that document before, Mr. Rolleston?

11 A Yes, I'm sure I did. This is the document
12 that begins the process for us to create a product.

13 Q If you can just go through and explain
14 what this document is and who would have prepared it
15 and how you would have seen it and who would have
16 acted upon it?

17 A I have a marketing department. And one of
18 my junior people, one of my marketing managers, would
19 have created this document. What this document does
20 is it outlines what our goals and objectives are in
21 the creation of a new product. How much detail do
22 you want me to go into?

23 Q Go into detail about this whole document
24 and how it began.

25 A Alright. One of the first things that we

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2 did at the time that we acquired Elizabeth Arden as a
3 management team, the investors who actually paid for
4 it if you will, bought it, acting in their interest
5 if you will we chose to go out to find a new
6 spokesperson to represent our company. The
7 spokesperson that we chose that we eventually engaged
8 was a woman named Catherine Zeta-Jones.

9 Catherine Zeta-Jones is an Oscar-winning
10 actress. That's a statement of fact. Catherine
11 Zeta-Jones is both a singer, a dancer as well as an
12 actress and a mother. Catherine Zeta-Jones is from
13 Wales. Catherine Zeta-Jones is a very beautiful and
14 appealing woman, and we felt that the values that she
15 represented were values that were also synonymous
16 with the Elizabeth Arden brand.

17 One of the things about the Elizabeth
18 Arden brand that we're very proud of is that we have
19 the Queen's Warrants. And what that means is that
20 the Queen of England actually uses our products. It
21 speaks to our legacy as a beauty brand on a global
22 basis, it speaks to the values that we represent. So
23 we loved the idea of finding this beautiful,
24 sophisticated woman who was from Wales who we felt
25 could so aptly represent our business. That being

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2 said we decided that we would create a fragrance that
3 would celebrate her and would celebrate the values of
4 Elizabeth Arden.

5 So what this document says is that we
6 perceive this as a business opportunity, and that we
7 would "launch a new prestige fragrance that will act
8 as the platform for the new Elizabeth Arden corporate
9 image," and that we would re-energize the Elizabeth
10 Arden fragrance category by so doing.

11 It is not unusual for companies in our
12 industry to change their spokespersons over periods of
13 time. If you look at other companies such as our
14 competition like Estee Lauder, they've had a variety
15 of beautiful women who have represented the Elizabeth
16 Arden brand -- excuse me, the Estee Lauder brand.
17 I'm just using them as an example because they've had
18 people as diverse as Willow Bay, Paulina Porizkova.
19 They currently have Caroline Murphy. We had had a
20 model named Amber Valletta, but we felt that the
21 brand deserved to have someone of even greater stage
22 and that's how we fell upon Catherine Zeta-Jones.

23 This product was going to be the first
24 product that featured Catherine Zeta-Jones. The
25 description that we used to describe how we wanted to

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2 create the fragrance would be that it would be a
3 fragrance that would capture the glamour, sensuality
4 and modern sophistication of our company, that the
5 fragrance would be centered on the presence of this
6 Hollywood star and all the femininity and class and
7 allure that she embodied, and the fragrance that we
8 wanted to create was a beautifully bold, contemporary
9 floral with great signature and style that would be
10 accepted by women around the world.

11 The competitive references that we made
12 were Lancome's Miracle, Estee Lauder Intuition and
13 Ralph Lauren's Glamorous. They are the three major
14 fragrance that we listed here.

15 In terms of the product we listed the SKUs
16 that we would have. That means stock keeping unit.
17 There would be a one ounce, a 1.7 ounce, a 3.3 ounce
18 and a quarter-ounce parfum. At the time we
19 considered doing as well a body lotion, a shower gel
20 and a deodorant. The prices here that are listed
21 range from 25 to \$77 and our target was to achieve
22 \$30 million in sales.

23 And then it says that we would advertise
24 to print, scent strips, COOP, TV possibly.
25 Merchandising, we would do what is referred to as

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2 in-store collateral programs. And from a promotional
3 point of view we would do innovative cost effective
4 sampling devices.

5 Q Did you agree with this proposal?

6 A Yes, I did.

7 Q Did this project then go forward?

8 A Yes, it did.

9 Q I show you a document that will be
10 Rolleston Exhibit 2, EA-00042. It doesn't have a
11 date on it. It has number on the top. I will hand
12 it to you and ask you to take a look at it.

13 A Sure, I will be happy to.

14 (Documents Bates Nos. EA-00042 through
15 EA-00045, are received and marked Applicant's
16 Exhibit Rolleston 2 for Identification.)

17 Q You take a look at that and let me know
18 when you've taken a look at it.

19 A What this says is that it's a fact sheet
20 from Elizabeth Arden. What we use fact sheets for is
21 to communicate to our various offices around the
22 world when we're going to create a new product. We
23 need to inform them. We basically have offices in
24 Europe as well as in Asia. We have a regional office
25 that's based in Geneva where the marketing department

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1 takes care of people in both Europe and Asia in terms
2 of the individual countries.
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4 This is a document that informs everybody
5 what we're going to do. What it says is that we're
6 going to have a new Elizabeth Arden fragrance in the
7 second half 2002. It says the ship date is 7/1 from
8 Roanoke and it says that it's 7/29 from Lille. We
9 distribute in the United States from Roanoke,
10 Virginia. We distribute in Europe through Lille
11 which is a city in the northern part of France near
12 the Belgian border.

13 Our objective was to capitalize on the
14 rich heritage of the Elizabeth Arden fragrances. Our
15 strategy was to launch a new prestige fragrance. And
16 what this does is it provides product information.
17 It basically talks about the juice direction which is
18 slang terminology for fragrance. It says that it
19 would be a modern feminine brand, and what I wanted
20 it to be was a prestige full-bodied feminine/floral
21 fragrance.

22 We had two options that were currently in
23 the market research and they're both clearly defined
24 here. I will be happy to read them at length, but I
25 think it makes more sense for me to just say that one

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2 was a floral green fragrance and the other one was a
3 floral fragrance as well but it was more based on
4 traditional flowers like orchid. The top, middle and
5 dry notes are listed, then the packaging is defined
6 here in terms of the bottle, collar, cap and what
7 they were looking at, and we were still working on
8 the secondary.

9 We then list the SKU information. This is
10 important for people because what it tells them is
11 the item numbers, the UPC code, what the standard
12 costs will be, what our retail price will be and what
13 the order multiples are. It says whether something
14 is being sold only in Europe such as the one ounce.
15 So the SKU information is the products themselves.

16 Then what's listed is all the other types
17 of product that we would actually create to
18 facilitate the launch of the brand. Samples such as
19 spray vial on card, vial on card, liquid touch card,
20 shower gel packette, these are all means within which
21 you gave the consumers the opportunity to try the
22 product.

23 Then what we request at the end once
24 they've had an opportunity to learn about all this is
25 their need to put in a forecast. It says "Please

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2 enter forecasts no later than Friday January 18."
3 What happens is that there's a colation process that
4 takes place. What I mean by that is we then
5 understand from each of our markets what the scope of
6 opportunity is. They gather it all up, meaning my
7 marketing managers in New York, we then combine it,
8 and that gives us some idea of what the size and
9 scope of the business is and what the reaction is
10 from each of our many affiliates around the world.

11 Q So you've seen this document before today,
12 is that correct?

13 A I've seen this document before, yes, I
14 have.

15 Q Did you approve this document before it
16 was sent out?

17 A I would say this: I would have approved
18 everything that's in that document whether or not
19 they brought me that specific document and said, Ron,
20 approve this. I would have agreed to the ship date,
21 the objective, the strategy. There are product
22 briefs that are written for fragrance. This
23 information represents fragrance descriptions from
24 two of the fragrance houses; one would have been IFF
25 and the other was Firmaniche were the two candidates

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2 that we had working on the fragrance at the time.

3 All of this information is generated by
4 our operational people. I wouldn't take the time to
5 approve that because it's really not in my bailiwick,
6 meaning that my guys get that from somebody else and
7 they just put it in the system. But I don't confirm
8 computer codes or things of that nature.

9 Q Who would have the final approval to
10 determine that a product like this will be sold? Who
11 would have had the final authority to approve the
12 launch of this product?

13 A I would have the final authority to
14 approve the launch of this product.

15 Q Thank you. I'm going to hand you another
16 document which will be document number 3, Exhibit No.
17 3 to the Rolleston testimony. It is entitled
18 "Fragrance Profile New Elizabeth Arden Scent." It's
19 Bates numbers EA-00028 through 31. If you would just
20 take a look at that, please.

21 A Yes.

22 (Documents Bates Nos. EA-00028 through
23 EA-00031, are received and marked Applicant's
24 Exhibit Rolleston 3 for Identification.)

25 Q Let me know if you have seen that document

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2 before today, and if so when was the first time that
3 you can recall seeing it?

4 A This is a fragrance profile. This
5 document would have been generated before the
6 document that you just discussed with me. This is
7 the document that we utilize when we brief fragrance
8 houses.

9 The way that that works is fragrance by
10 its very nature requires the individual to smell.
11 That being said, what is important in our industry is
12 to try and document for the fragrance houses what we
13 want the fragrance to smell like. There is really
14 only two ways for us to do that; one is through the
15 use of language and the other is through the use of
16 imagery.

17 So through the use of language what we
18 have documented here for these fragrance houses is
19 what we were attempting to achieve from our new
20 fragrance from Elizabeth Arden. From what it says is
21 that we wanted to create a fragrance that captures
22 all the excitement, glamour and modern sophistication
23 that embody the new Elizabeth Arden. It was a
24 fragrance for women, women of every age and every
25 style.

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2 What we talk about is that the new scent
3 heralds the debut of an arrestingly beautiful movie
4 star presence as the face for not only the fragrance
5 but for all of Elizabeth Arden as well. And the
6 adjectives that describe her are among the core
7 values for this exciting new brand, so we talk about
8 her being glamorous, classic, totally feminine,
9 assertive, recognizable, memorable, flirtatious,
10 intelligent, modern, sensual and classy.

11 We said that the fragrance that celebrates
12 this concept will be beautifully bold with great
13 signature and style, it is classically well bred but
14 its clarity and bouquet contemporized. And our notes
15 and accords that might be considered that should be
16 avoided because we didn't want it to smell old, so we
17 stayed away from tuberose, gardenia and rose. The
18 fragrance should be submitted at a fifteen percent
19 concentration.

20 What you see in the second page is us
21 defining the positive attributes of Catherine
22 Zeta-Jones in relationship to Elizabeth Arden. And
23 this is a process that we go through on a regular
24 basis when we develop fragrances. What we do is we
25 try to create stories when we create these brands. I

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1
2 like our advertising to be conceptual in nature, to
3 tell a story and to represent specific values.

4 When we talked about Catherine Zeta-Jones
5 this was a list of all of the words that we would
6 have utilized to describe her. And we talked about
7 her being a goddess, wearing perfect makeup, a queen
8 of Hollywood, an exotic beauty, she has a genuine
9 presence, she's glamorous, she's charming, she's
10 classy. These are all marvelous words that we felt
11 that described her.

12 At the same time we've created words that
13 would have described Elizabeth Arden and what we felt
14 was represented in these brands. And the thing that
15 we felt so strongly about was the relationship
16 between Catherine Zeta-Jones and Elizabeth Arden and
17 why she was the perfect spokesperson to represent the
18 brand, because she was so beautiful and we're a
19 beauty company, and we felt that there was a really
20 nice marriage between Catherine Zeta-Jones and
21 Elizabeth Arden.

22 MR. CONE: I'm going to object. This is
23 totally nonresponsive. The question was, have
24 you ever seen this document. The answer has
25 nothing to do with seeing the document. I would

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2 like to ask the witness that we proceed by
3 question and answer rather than these long
4 narratives.

5 MR. DREITLER: If I ask a question and he
6 wants to talk and explain what he did or what
7 the document represents, I can't stop him from
8 doing that. And that's probably the best way to
9 explain what the document says.

10 THE WITNESS: I apologize. I thought I
11 was to provide as much information as possible.

12 MR. CONE: I understand. It is a question
13 of the format of this thing.

14 THE WITNESS: I saw the document.

15 Q And what you just said, is that what this
16 document represents to you?

17 A Yes, that is what the document represents
18 to me.

19 Q I hand you Exhibit 4 and I ask you first
20 of all to let me know if you have ever seen this
21 document. The first question is, have you ever seen
22 that document?

23 A Yes.

24 (Documents Bates Nos. EA-000000634 through
25 EA-000000639, are received and marked

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Applicant's Exhibit Rolleston 4 for
Identification.)

Q Who if you know is Ann S. at the top?

A Her name is Ann Scharfenberger.

Q Who is Ann S.?

A Ann Scharfenberger is a copywriter.

Q And who does she work for?

A Ann Scharfenberger works for Elizabeth
Arden.

Q You've seen this document before today, is
that correct?

A Yes, I have seen this document before
today.

Q Would you have seen this sometime around
September 18 of 2001?

A I would have seen it -- this would have
been issued on September 18, 2001.

Q Approximately when would you have seen it
if you can recall?

A Some point after that, after it had been
reviewed by people on my staff.

Q If you can in your own words just take a
look at it and just tell us in the narrative or
otherwise what this document represents or was

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intended to do or convey?

A This is a fragrance brand positioning statement.

Q Feel free to tell us in this document what is it saying, who is it to and what does it represent?

A This is a document that describes the brand position of the new Elizabeth Arden fragrance. Through the use of language what it does is it describes our new brand, ardenbeauty. It describes the values of the brand, the relationship of Catherine Zeta-Jones and Elizabeth Arden and their coming together. And it says, "ardenbeauty is a glamorous new classic for a new era. A fragrance perfectly represented by Catherine Zeta-Jones." And it's a fragrance for women.

Q If you would look at the bottom which is 000637, just look at that statement that says "Brand Personality."

A Yes.

Q Do you see that?

A Yes.

Q What is that meant to say?

A It's a way of communicating the DNA of the

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brand.

Q Who was it intended to communicate that to, this document?

A It's language we would have utilized to communicate our feelings about the brand amongst ourselves, it's how we would have communicated with retailers, and it's how we would have communicated with the beauty press.

Q If you turn to page number 638, at the top it says "Arden Beauty."

A Yes.

Q What is that intended to be, the language that's in there? If you just read it and tell us what it meant or it means to you?

A These are all documents that have been generated by my creative department to describe the brand and to talk about the brand, and we created the language that becomes the personality of the brand.

Q And the next page, 000639, there appear to be a number of words written down there. What do those words mean to you or what were they intended to mean?

A It goes back to this concept of creating brand values in distilling language continually

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refining a position to represent a brand.

MR. DREITLER: Let's take a break for
about five minutes.

(A brief recess was taken.)

Q I'm going to show you Exhibit No. 5 to the
Rolleston testimony which is a document dated
10/25/01. It's Bates-stamped EA-00032 to 34. And I
would just ask that you take a look at that document,
Mr. Rolleston, and tell me if you have ever seen that
document before?

A Yes, I would have seen this.

(Documents Bates Nos. EA-00032 through
EA-00034, are received and marked Applicant's
Exhibit Rolleston 5 for Identification.)

Q Would you have seen this sometime around
October 25, 2001?

A It would have passed through my hands
shortly thereafter.

Q In your own words can you just tell us
what this document is meant to convey to you and the
people who read it?

A Again, this is us continuing to refine the
position of the new Elizabeth Arden fragrance. This
is all about the theming of the brand. This is

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1 something we would have been working on when we were
2 defining positioning and the types of language and
3 the words that we would have used, possibly to name
4 the brand, possibly to represent values of the brand.

5
6 Q Anything else?

7 A No. I think the language speaks for
8 itself. It's apparent that we're still continuing to
9 try to figure out exactly how we're going to position
10 the brand. But you can see at the bottom of the
11 second page it talks about being "EA, Arden, Modern,
12 compelling, optimistic. A signature fragrance for a
13 new time. A break with the past and a promise of
14 what the future holds."

15 There's a note that says "With CJZ" which
16 is how we refer to Catherine Zeta-Jones, "this could
17 have some real emotional power, she is today's woman
18 and the beautiful face of Arden. This could be any
19 of the other positionings, or bigscale romantic."

20 This is all about us really being focused
21 on the idea of creating the brand for Catherine and
22 how it works with Elizabeth Arden.

23 Q I show you Exhibit No. 6, Mr. Rolleston,
24 which is dated 2/19/02, EA-00035 to 39, and I will
25 just ask you to take a look at that, Mr. Rolleston.

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2 (Documents Bates Nos. EA-00035 through
3 EA-00039, are received and marked Applicant's
4 Exhibit Rolleston 6 for Identification.)

5 A Here we continue to work --

6 Q Wait a minute. Hold on. I haven't asked
7 a question. Have you seen this document before?

8 A I would have seen this document, yes.

9 Q Would you have seen it sometime around
10 February 19, 2002?

11 A Somewhere around there.

12 Q In your own words describe what this
13 document is meant to convey.

14 A This document relates to the idea that
15 there is going to be a version with three photos, and
16 it talks about within each of the three photos the
17 moods that they might convey. One is a profile, it
18 says, "What is beauty? A look, a promise, a
19 fragrance. Yours to discover. Arden Beauty."

20 And then for the next photograph it would
21 have been sexy. "What is beauty? A mood, a moment,
22 a fragrance. Just say yes. Arden Beauty."

23 And then 3, laughing, "A sensation, a
24 surprise, a fragrance. Be entranced. Arden Beauty."

25 And then language that we might have used

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2 with the different types of visual creatives to tease
3 the consumer in terms of what it was going to be
4 about. If we had done a story that would have come
5 out maybe before the brand, that was obviously
6 something that we were investigating because it says
7 "Version 2 Teasers." "What is beauty," and it gives
8 the definition of what Arden Beauty means in three
9 different ways. "Beauty is magic. Beauty is art,
10 science and surprise. Beauty is inspiration."

11 It is just continuing to move through this
12 process we go through as we create a brand.

13 Q I ask you to look at a document which is
14 dated 3/11/02 which is entitled "Description:
15 eabeauty fragrance launch." That's Exhibit 7. I ask
16 if you have ever seen that document before?

17 A Yes. My name is even on this one.

18 (Documents Bates Nos. EA-000000648 through
19 EA-000000652, are received and marked
20 Applicant's Exhibit Rolleston 7 for
21 Identification.)

22 Q Where is your name?

23 A Where it says "O.K. R.L. Rolleston." That
24 means I signed off in a big way.

25 Q And is there a difference between this

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2 document and the ones that we have just been looking
3 at?

4 A This document is the final approved
5 document for new fragrance copy for PR and everybody
6 in the place has routed it. I signed it at the end.
7 And what it is is a definition of what is beauty,
8 Arden Beauty, the new fragrance, and it defines that.
9 I can read this aloud, but in essence what it says is
10 it marks the debut of Catherine Zeta-Jones in her new
11 role as the spokesperson. She's an actress, a wife,
12 a mother and a celebrity, and we captured all that in
13 the advertising campaign.

14 Q Since you signed your name on it I assume
15 you agreed with this?

16 A Yes, I agreed with this.

17 Q I hand you a document now that's going to
18 be Exhibit 8 to Rolleston testimony. It is called
19 "Ardenbeauty: A New Beginning." Have you ever seen
20 that document before, Mr. Rolleston?

21 A This is a --

22 Q Have you ever seen that document before?

23 A I would have read this before, yes.

24 (Document Bates No. EA-000000647, is
25 received and marked Applicant's Exhibit

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Rolleston 8 for Identification.)

Q And do you know what this is?

A Yes, I know what it is.

Q What is it?

A This is a photostat of an article that ran in Women's Wear Daily about the fragrance ardenbeauty that was written by Julie Naughton who was a writer for Women's Wear Daily.

Q And how did Women's Wear Daily learn about this new fragrance?

A We called them and told them.

Q What did you tell them?

A We told them we were going to launch a new fragrance. And they said, "Great. Can we come over and write an article about it?"

Q I need you to look at another document. Does this appear to be the same story?

A Yes.

MR. DREITLER: This is going to be Exhibit No. 9. It is simply the Lexus version of this with the date and everything else.

(Document dated May 3, 2002, is received and marked Applicant's Exhibit Rolleston 9 for Identification.)

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2 Q Mr. Rolleston, I'm going to hand you a
3 document which is going to be Rolleston Exhibit No.
4 10 dated 8/29/01. It says "Copywriter: Holly
5 Sanders," and it is EA-00011 to 00016. I ask you if
6 you can just take a look at that.

7 A Yes.

8 (Documents Bates Nos. EA-00011 through
9 EA-00016, are received and marked Applicant's
10 Exhibit Rolleston 10 for Identification.)

11 Q Have you seen this document before,
12 Mr. Rolleston?

13 A Yes, I would have seen this.

14 Q Do you know who Holly Sanders is?

15 A A copywriter at Elizabeth Arden.

16 Q Do you know what this document is intended
17 to be and who it was directed to?

18 A It's a working document that would have
19 been created to talk about names to work with in
20 relationship to a brand positioning.

21 Q What happens with a document like this if
22 you know?

23 A It gets discussed by the various members
24 of the marketing team. Certain names eventually get
25 submitted to our trademark group who then search them

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2 at a variety of what we describe levels. We do a
3 domestic search, then we do an international search.

4 Q So is it your testimony that these are all
5 potential names for this product that ultimately was
6 called ardenbeauty?

7 A That's what it says on the top of it, yes.

8 Q Is that your testimony, that's what it is?

9 A That is my testimony.

10 MR. CONE: Is this actually two documents,
11 Joe?

12 THE WITNESS: Yes, there are two different
13 dates and two different copywriters. So both
14 copywriters were coming up with names. Well,
15 two of our copywriters were coming up with
16 names, both Holly Sanders and Nikki Alexander.

17 Q Is the one from Nikki Alexander simply
18 another version of names, possible names, for the
19 ardenbeauty product?

20 A Yes.

21 Q I hand you Exhibit No. 11 which is dated
22 9/18/01, copywriter Ann S., "Description: Ea CZJ
23 Fragrance," and I ask you if you've ever seen that
24 document?

25 A I don't know if I would have seen this

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2 one. This might have been used by my marketing staff
3 before they even got to me. They might have been
4 sitting around talking about themes.

5 (Documents Bates Nos. EA-00017 through
6 EA-00021, are received and marked Applicant's
7 Exhibit Rolleston 11 for Identification.)

8 Q How would you know if you had received it
9 or didn't receive it?

10 A The concept of reception is something I
11 need to speak to a bit. I sit in meetings with my
12 staff and they review all these documents with me.
13 Sometimes they are documents that they hold,
14 sometimes they are documents that are passed out in a
15 meeting. I created an enormous number of fragrance
16 products. This is automatically consistent with
17 everything that I would have done. I'm just saying
18 this one specific document, I don't know whether I
19 had seen it myself or whether just someone in my
20 staff would have seen it.

21 Q Did you just say that you would have had a
22 meeting that discussed what the contents of this
23 document were?

24 A Every other Tuesday I review every product
25 that I make with my staff.

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Q I hand you another document with the same date, Ann S., again "Ea CZJ Fragrance," numbers 00025 and 00026. This is Exhibit No. 12. I ask you if you recall ever having seen that document?

A Yes, I would have seen this, because this would have been specific names and we would have talked to these specific names.

(Documents Bates Nos. EA-00025 through EA-00026, are received and marked Applicant's Exhibit Rolleston 12 for Identification.)

Q It appears on this document that the word "Arden" appears next to the names?

A Yes.

Q Why and when did that occur if you know?

A Why did it occur or when did it occur?

Q When did it occur?

A It says that it occurred on 9/18/01. Why did it occur?

Q Strike that. I hand you number 13 which is 11/19/2001 again from Holly Sanders, and I ask you if you've seen this document before?

A Yes. We would have debated this as well.

(Documents Bates Nos. EA-00022 through EA-00023, are received and marked Applicant's

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3 Q And would you have seen that on or around
4 November 19?

5 A Yes, I would have.

6 Q Can you just tell us the progression from
7 where you were to what these names are, how it got
8 there if you know, if you remember?

9 A Yes. One of the things that is
10 challenging in my industry is coming up with names
11 that clearly fit the concept. And what we wanted to
12 do was capture the emotion of this fragrance but we
13 wanted to make it uniquely ours. It was my position
14 that if we use the name Arden that it would make the
15 name uniquely ours.

16 Q Did you direct persons on your staff to
17 start doing that or to do that?

18 A Yes, I did.

19 Q Would that have been sometime between
20 September and November 2001?

21 A Yes, it would have been.

22 Q I hand you Exhibit No. 14 which is a memo
23 of 11/20/2001 from Nikki Alexander, again with a
24 description of Arden fragrance names, and I ask if
25 you have seen that document as well?

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2 A We were clearly cranking them out at that
3 point.

4 (Document Bates No. EA-00024, is received
5 and marked Applicant's Exhibit Rolleston 14 for
6 Identification.)

7 Q Have you seen that document?

8 A Yes, I would have seen this.

9 Q Sometime on or around the 20th of
10 November, 2001?

11 A Yes, I would have seen it around then.

12 Q I'm going to hand you a document which is
13 titled "New EA Fragrance As of 1/07/02," and it's
14 Bates numbers 00001 to 00010. I ask you to just take
15 a look at that document and tell me if you have ever
16 seen that document before today?

17 A This is a document --

18 Q Have you ever seen that document before
19 today, sir?

20 A I would have seen this document.

21 (Documents Bates Nos. EA-00001 through
22 EA-00010, are received and marked Applicant's
23 Exhibit Rolleston 15 for Identification.)

24 Q Would you have seen it on or around
25 January 7 of 2002?

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A I don't remember the exact date I would have seen it.

Q But it would have been somewhere in that time frame?

A Yes, it would have been.

Q Could you please tell us in your own words what this document is?

A This is a document that is generated by our legal department when they do searches to let us know whether or not things will be available or not be available. And they keep a whole database. You can see that some of these names when we were told that they were blocked, we told them to stop searching them. You can tell that because it says "Mktg advised to STOP 12/11."

Q So what department in Arden would have generated this document?

A Our legal department.

Q I now hand you number 16 which is dated 2/1/02. Again it's also "New EA Fragrance." I just ask if you have seen that document prior to today?

A I see these documents. I don't know if I would have seen every one of them. But clearly at this point in time they are looking for my

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2 instruction in terms of whether to register the
3 brand, so this would have been discussed with me
4 whether I would have gotten it or not. And I don't
5 remember whether it was a conversation or whether
6 they handed me a piece of paper.

7 (Document Bates No. EA-00027, is received
8 and marked Applicant's Exhibit Rolleston 16 for
9 Identification.)

10 Q But you are familiar with the contents?

11 A I would have directed the decision-making
12 process.

13 Q I hand you Exhibit 17. It appears to be a
14 document it says from Cathy Shore to Ronald Rolleston
15 dated November 20, 2001. Do you have a recollection
16 of receiving that E-mail?

17 A Yes.

18 (Document Bates No. EA-000000924, is
19 received and marked Applicant's Exhibit
20 Rolleston 17 for Identification.)

21 Q Did you have any conversation with
22 Ms. Shore after receiving this E-mail or did you
23 instruct any of your staff to?

24 A Yes, we would have discussed this.

25 Q What was your take at this time as to what

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2 this E-mail was conveying?

3 A This document reflects my desire to make
4 sure that if we were to use the name ardenbeauty,
5 that we would be able to exist with the other major
6 companies that use the term "beauty" in our industry
7 and not be in conflict.

8 Cathy clearly defined what the issue was.
9 It would be a business decision on my part rather
10 than a legal one in terms of my utilizing this name
11 in relation with the competition. She says, "This is
12 more of a business decision than a legal one, so I
13 leave the decision up to you."

14 Q I hand you what will be number 18 which is
15 a February 11, 2002 E-mail from Cathy Shore to Ron
16 Rolleston, "Subject: Ardenbeauty," and ask if you
17 have ever seen that document before? Did you ever
18 see that document?

19 A Yes, I received the document.

20 (Document Bates No. EA-000000908, is
21 received and marked Applicant's Exhibit
22 Rolleston 18 for Identification.)

23 Q Again, what did you take from that
24 document?

25 A This is me making sure that Cathy Shore

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2 has discussed with Oscar Marina who was our general
3 counsel and the head of the legal department that
4 it's okay for me to use these names.

5 Q Did you have a discussion with Cathy Shore
6 after she sent you that document?

7 A I'm sure I had a number of them.

8 Q I hand you what's marked as Exhibit 19
9 which appears the day after, February 12, 2002, from
10 Ron Rolleston to Cathy Shore. Did you send that
11 document?

12 A Yes, I did.

13 (Document Bates No. EA-000000900, is
14 received and marked Applicant's Exhibit
15 Rolleston 19 for Identification.)

16 Q Was that a confirmation as to a response
17 to Ms. Shore's E-mail of the prior day?

18 A Yes. It says that "We" -- because I tend
19 to speak that way -- "have made the decision to
20 proceed with the name "ardenbeauty" for the new
21 Elizabeth Arden fragrance, which will be launched
22 globally in July/August 2002. Based on the letter
23 provided by Abelman, Frayne & Schwab, it is our
24 understanding that "ardenbeauty" can coexist with the
25 various trademarks already present in the market, and

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1 that we will incur no legal risk as we move forward."

2 And then I thank her.

3 Q And that was your understanding at that
4 time of the situation involving the search for
5 "ardenbeauty," is that correct?
6

7 A Yes, very clearly.

8 Q So based on these documents was it your
9 opinion that your lawyers were telling you that
10 "ardenbeauty" was clear or not clear?

11 A It is my opinion that "ardenbeauty" was
12 clear based upon the fact that my lawyers told me
13 that.

14 Q Did you ever see any document from your
15 lawyers that referred to Wet Seal's trademark of
16 Arden B for clothing and retail stores?

17 A Not that I recall.

18 Q Did anyone ever say to you you should look
19 out for the Arden B trademark for clothing in retail
20 stores?

21 A Not that I recall.

22 Q Did you ever consider that Arden B would
23 be a problem with you using "ardenbeauty" on a
24 fragrance product?

25 A It never crossed my mind.

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2 Q Did you make the final decision to call
3 the product "ardenbeauty?"

4 A Yes, I did.

5 Q Do you have any information that any
6 fragrance company has objected to your use of the
7 name "ardenbeauty"?

8 A I'm not aware of anything at the current
9 time, whether there are any objections.

10 Q I hand you a document identified as
11 Exhibit No. 20 dated 8/24/01, Bates-stamped 00053,
12 entitled "Creative Request," and ask if you recall
13 ever having seen that document before today?

14 A I know the document. I don't recall
15 seeing this one specifically. But this is the
16 document that starts all the work that we've just ran
17 through which I would have seen in great detail.

18 (Document Bates No. EA-00053, is received
19 and marked Applicant's Exhibit Rolleston 20 for
20 Identification.)

21 Q Would you be responsible for the people
22 who generated this document?

23 A Yes. The one who generated this document
24 worked for me. Not directly. She worked for someone
25 who worked for someone who worked for me.

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2 Q Were you aware at the time this document
3 was generated that this objective was being
4 considered?

5 A This was done at my specific direction.

6 Q And in your own words what would you
7 describe this document as being your direction to do?

8 A This direction says to the creative
9 department we're creating a new fragrance for
10 Elizabeth Arden that invokes the image of Catherine
11 Zeta-Jones and reinforces our image as Elizabeth
12 Arden and asks them to begin work on it. I sign a
13 ton of those. I just don't know if I signed that
14 one. And I sign less of them than I used to. I
15 delegate a lot of that.

16 Q This will be Exhibit No. 21. The date is
17 June 28, 2002, from sales administration to field
18 sales. I just ask you to take a look at that
19 document and tell me whether you've seen it before
20 today?

21 A I'm aware of the existence of this
22 document. I tend not to read them all.

23 (Documents Bates Nos. EA-00067 through
24 EA-00107, are received and marked Applicant's
25 Exhibit Rolleston 21 for Identification.)

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Q Are you aware of the contents that are in this document and were you at the time?

A Yes. These represent specific marketing-related decisions that I have made that we've communicated to the field. And I responded to them.

Q Could you just go through briefly -- and I say briefly -- just explain what role if any you had in the documents that are attached in creating them and what they are?

A What these outline is specific business decisions that we've made that we communicated to the field. The first thing is custom color which is not related to this matter. The next three things all relate to this matter. One is the ardenbeauty container program visuals which talks about our container program that we were making available to the field to create a promotion. It talks about individual bags of red shredded tissue and shrink-wrap bags will also be included in the shipment with the container to put together this program for consumers.

We made a decision that ardenbeauty body lotion and body cleanser, that we would have white

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2 caps instead of red caps for an unspecified amount of
3 time. That meant we were probably having trouble
4 with the color or something of that nature. So we
5 made the decision to do that and we communicated that
6 to the field. Then the rest of this attachment is
7 artwork for this program.

8 Q Would you have been asked to look at this
9 artwork around this time?

10 A I don't sign off on the mechanicals. I
11 see what's called a comp. What I see is a hand-made
12 creation that's done by the package designer. And
13 they make a series of them and they're presented to
14 my marketing department and then to me from which we
15 go through a selection process and one of them is
16 finally selected. These documents that you have here
17 represent the execution of those selections.

18 Q Who makes the final decision on that
19 package?

20 A Well, I like to say that we do, but
21 ultimately the decision lies with me.

22 Q I hand you Exhibit 22 which say
23 "introducing ardenbeauty." I ask you to take a look
24 at that and let me know if you have seen that before
25 today?

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A Yes, I have.

(Blow-in, "introducing ardenbeauty eau de
parfum," is received and marked Applicant's
Exhibit Rolleston 22 for Identification.)

Q When would you have first seen that
approximately?

A I would have seen this in a variety of
different stages. I would have actually seen the
photographs be taken in Toronto. I would have
actually seen the contact sheets which would have
been the actual pictures themselves. I would have
seen the art when it was retouched. I would have
seen the mechanical and the comp. And then I would
have seen the finished production which is what you
have here.

Q And what exactly is this document?

A What this is is, this is a blow-in. And
what that means is it's used in department stores and
it's blown into their catalogues. And what it does
is it features the introduction of our new fragrance,
it shows Catherine wearing our new fall color
collection, it shows the fragrance itself. When you
pull back this flap here it breaks open and you
actually smell the fragrance.

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2 And then on the back is our distinct G
3 with P offer which is a free gift for you. And "It's
4 time for Fall Style" is what this one is described
5 as. And the name of the store is Bon-ton, the name
6 of the store that you can get it at.

7 Q Do you have any idea as to approximately
8 how many different stores use these or received
9 these?

10 A I would argue we probably work with 27
11 different department store divisions between the May
12 Company, Federated, Saks and some independents. So
13 the majority of them would have used it because we
14 would have used it with our gift with purchase which
15 is one of our largest events of the year.

16 Q What geography would that cover, those
17 department stores?

18 A This covers the United States. They also
19 would have been used in Canada, probably Puerto Rico,
20 some places in Latin and South America. They may or
21 may not have used them in Europe, I don't know. They
22 possibly used a variation on that. And in Asia.

23 Q I hand you a document which will be
24 Rolleston Exhibit 23 and ask you to take a look at
25 that and tell me if you have seen that before today?

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A Yes.

(Ardenbeauty Handout, is received and marked Applicant's Exhibit Rolleston 23 for Identification.)

Q When would you have first seen that?

A I would have been involved in the development and the execution of it, so I would have seen it in a variety of different stages.

Q Would you have approved it in final form?

A Yes, I would have.

Q And again just briefly, what is that?

A This is a handout that we would have made available in department stores and into other environments which would explain the launch of our new brand, and would have featured all the different color stories that Catherine Zeta-Jones is wearing which are all products from Elizabeth Arden that are all clearly defined here.

MR. DREITLER: Off the record.

(A discussion was held off the record.)

Q I hand you Exhibit No. 24 which are a number of color pages. If you can just look through them first and tell me if you've seen them before today?

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A This is a department store --

Q Have you seen them before today?

A Yes, I have seen them before today.

(Color Pages, are received and marked
Applicant's Exhibit Rolleston 24 for
Identification.)

Q Just tell me what they are.

A This is a department store counter, I
don't know where it is, but it features all of our
products. It features all the imagery from the
ardenbeauty campaign. It's the gift with purchase
period because it says "Elizabeth Arden gift."

Q Those were in department stores, is that
right?

A Yes. This is a representation of our
department store counter environment.

Q Can you just look through the rest of them
quickly and if you can just tell us what they are?

A This is the ardenbeauty bottle shop. This
is one of the three images of Catherine Zeta-Jones
that was used for ardenbeauty. That's the same
thing.

This is a scent seal card. Where it says
"open for beauty" in that little red tab, when you

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would have pulled that open you would have received the Elizabeth Arden fragrance.

This is a double spread national advertisement which features Catherine and the bottle. This is a poster of Catherine and the bottle which would have hung in stores. This is another poster of Catherine that would have been used in stores. This is an oversized poster of Catherine that would have been used in stores. This is a banner which would have been hung in stores that features the bottle shop.

These are called cereal boxes, but what they really are are boxes that we assemble that feature our advertising, and all three images would have been put on this as well as the bottle.

Q Where do those appear?

A These are used in stores, in windows and on display counters.

These are shopping bags. We use them as display materials and sometimes we give them to consumers.

Then there are giant towers. We make giant towers so that we can show our products in a very large way so that people will see them in

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stores.

This is a window display. This is a commonly-used type of advertising in perfumery environment. This is another example of a window display. This is very large. It might have been used in either perfumeries or department stores.

This is a large window card. These would be hung in windows, mainly in perfumery environments. This is a small window card. This also would have been hung in a window.

This is a counter card and it's sheeted A-4 which is a type of paper. A-4 tends to be used in Europe. This would be a counter card then that we would have used in Europe.

These are cosmetics. They are in a photograph in front of Catherine Zeta-Jones and all the Elizabeth Arden ardenbeauty product.

This is a store environment which we have decorated that features all the ardenbeauty posters that feature Catherine Zeta-Jones and the bottle. This is the counter with Catherine Zeta-Jones featured with the ardenbeauty product. This is another very large counter that features the ardenbeauty product. There is a lot of red because

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2 red is the signature color of Elizabeth Arden.

3 This is an aisle in a store that features
4 the Elizabeth Arden product and the various stuff
5 that we've just talked about.

6 Q I ask you to look at Exhibit No. 25 which
7 is EA-00114 through 00133.

8 (Documents Bates Nos. EA-00114 through
9 EA-00133, are received and marked Applicant's
10 Exhibit Rolleston 25 for Identification.)

11 Q I again ask you if you recognize what's
12 depicted in the photographs in these documents?

13 A These are five ardenbeauty bottles. This
14 is one ardenbeauty bottle.

15 Q Is this packaging for the product?

16 A This is the packaging for the product.
17 This is a two-package of this product with body wash
18 in it. This is a body lotion tube with a product in
19 it. This is a smaller version of the body lotion
20 tube. This is a body lotion small plastic bottle.
21 This is a small bottle, probably a one-ounce of the
22 ardenbeauty fragrance. This is a body wash tube.
23 This is a body wash vial, all featuring the
24 ardenbeauty product. This is another ardenbeauty
25 bottle, maybe even smaller. This is also an

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1 ardenbeauty bottle. I can't tell what the size is
2 but it's somewhere between a half-ounce and a
3 one-seven. This is an empty ardenbeauty bottle
4 without a collar.
5

6 These are the ardenbeauty folding cartons
7 that represent the body wash, the body lotion, the
8 eau de parfums, a cream deodorant, and something I
9 can't read because it has cellowrap on it and with
10 the light I can't tell what it says. This is a cream
11 deodorant carton. This is a body wash carton. This
12 is an eau de parfum carton, all for ardenbeauty,
13 they're all red and white type. This is the same
14 carton I'm having trouble reading but now I think it
15 says deodorant spray but it has cellowrap on it and
16 it is hard to see in the light. This is a body
17 lotion carton. And this is the sales kit I think
18 that was used in Europe. We use those in Europe and
19 we don't use them here.

20 Q Were you involved with approving the
21 packaging of the bottles for this project?

22 A Yes, I was involved in the approval of the
23 packaging of the bottles for the product.

24 Q Did you make the final decision on the
25 packaging of the bottles of the product?

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2 A I like to think of it as "we." It's a
3 consensus. But I tend to be the one who at the end
4 would make the final decision, yes.

5 MR. DREITLER: Off the record.

6 (A discussion was held off the record.)

7 Q This should be Exhibit 26 I do believe. I
8 ask you to take a look at this document,
9 Mr. Rolleston, and tell me if you've ever seen it
10 before today?

11 A Yes. This is the launch time line.

12 (Document Bates No. EA-00108, is received
13 and marked Applicant's Exhibit Rolleston 26 for
14 Identification.)

15 Q What does that mean?

16 A This defines all the things that we need
17 to do in terms of key due dates for the creation of
18 the product. And what it says is that on August 13th
19 we did something called a PPR which is a package
20 request that initiates structural design, even though
21 we seem to have missed the "r" in "structural"
22 consistently.

23 Then it says the dates we would have
24 wanted to complete the final structure of design, how
25 we would have gotten cost estimates. We would have

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2 signed something called a tooling authorization
3 because we custom-make these bottles. We make a
4 custom tool to actually manufacture them with. It
5 says the date we start the tools, the forming the
6 prototype approval. We have to determine that our
7 product formulations are stable. We point out that
8 when we begin stability, the information from the
9 forecast which emerges from the fact sheet which you
10 showed as one of your examples is acknowledged here.

11 They were looking for the final approval
12 of the graphic design which would have been the
13 folding carton, and they would have been looking for
14 name approval. They would have been looking for
15 requisitions. They were looking in January as well
16 for CIDs which is the ingredient information that has
17 to be given to the folding carton.

18 Then we would have done mechanical art in
19 February, we would have done a line trial, we would
20 have made provisional formulas, purchase orders for
21 the Raws. This is all like saying, okay, we're
22 getting ready to make this stuff now. Let's go make
23 it.

24 Then in March we do a pilot batch which is
25 a small version of what the big one is going to be to

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2 make sure we're making it right. Then we shake down
3 the tools. What that means is we make sure they all
4 work properly before we go into full-blown
5 manufacturing. Then what happens in March -- a week
6 after that is we start component production because
7 we make these components in a variety of different
8 vendors.

9 Then what happens in April is we put
10 together advanced samples. In May the components get
11 delivered, they get checked out by our quality
12 control department. In May we start to fill, in June
13 we ship to the warehouse, and in July we ship to both
14 Roanoke and Lille.

15 So this brand was launched in August with
16 a July 1 ship to trade date from Roanoke and a 29
17 date from Lille. So the launch is probably three
18 weeks apart between the US and Europe based upon the
19 ship dates that are defined there.

20 Q I hand you Exhibit No. 27, documents 510
21 through 512, and I ask you to look at all three pages
22 and ask if you've ever seen that before today?

23 A This is a document that we would have
24 distributed to the field that would have outlined our
25 advertising calendar so they would have known the

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2 magazines that we were going to be in and the
3 products that we would have featured in those
4 magazines by month.

5 (Documents Bates Nos. EA-000000510 through
6 EA-000000512, are received and marked
7 Applicant's Exhibit Rolleston 27 for
8 Identification.)

9 Q Would you have approved this before this
10 was done?

11 A I would have approved the advertising
12 calendar. I wouldn't have approved the mailing to
13 the field. They're just taking documents that I had
14 already approved and created.

15 Q The decision to place the advertising, who
16 would approve that?

17 A I would approve that.

18 Q Are there advertisements on here for the
19 ardenbeauty product?

20 A Well, the first advertisement is for
21 Elizabeth Arden Red Door fragrance. The second
22 advertisement "what is beauty" is the teaser campaign
23 for ardenbeauty fragrance. And the third
24 advertisement is for Green Tea fragrance which is
25 another fragrance that we manufacture.

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2 Q Can you tell me based on this and/or your
3 personal recollection where ardenbeauty
4 advertisements were run?

5 A I can just read it to you off of the
6 document.

7 Q That's fine.

8 A Ardenbeauty was run in Allure magazine
9 which is a beauty magazine. It's the Bible of
10 beauty. It was run in the -- Cosmopolitan ran
11 ardenbeauty, both the teaser and the scent strip.
12 Glamour ran an ardenbeauty scent trip. Harper's
13 Bazaar ran an ardenbeauty scent strip. InStyle ran
14 an ardenbeauty both in print and scent. Self
15 magazine ran ardenbeauty scent strips twice. Vogue
16 ran the ardenbeauty teaser and the ardenbeauty scent
17 strip twice. Martha Stewart Living ran both the
18 teaser ad and the print ad. And People magazine ran
19 the teaser as well as the print ad as well. Vanity
20 Fair had an ardenbeauty scent strip.

21 Q I hand you a document which is going to be
22 Exhibit 28 which is entitled "Elizabeth Arden Project
23 Cost Estimates." Have you ever seen that document
24 before today?

25 A This is a work document that I may not

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2 have seen. This would have been handled between our
3 media department and the production group.

4 (Document Bates No. EA-000000890, is
5 received and marked Applicant's Exhibit
6 Rolleston 28 for Identification.)

7 Q Would you have been aware of what this is?

8 A Exactly.

9 Q How would you be aware of it?

10 A I would be aware of it because of the fact
11 that I'm the one that approves the scent strips that
12 are in the media plan. What this lists are the
13 quantities of scent strips that are manufactured for
14 each of the books, what the cost per thousand is to
15 make them, what the total dollar amount is, what the
16 prep costs are, and then what the costs of the oil is
17 so you know what the total cost per unit was. And
18 this was done for both the US and Canada, and this
19 would have been created by my media department and
20 this girl Ms. Bosques who works in print production
21 for us in Connecticut. So this is a working
22 department between the two of them.

23 Q Who would have signed off on the final
24 figure as far as the final cost?

25 A I would have agreed to that as part of

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2 this media plan that's attached here in the previous
3 document.

4 Q I hand you a document entitled
5 "Ardenbeauty Fragrance Launch" which will be Exhibit
6 29, Bates 747 and 748. I ask you, Mr. Rolleston,
7 have you ever seen that document before?

8 A Yes. This is revision #4 of the media
9 flow chart for the ardenbeauty fragrance launch that
10 outlines the publications, the target, the number of
11 insertions, the circulation, the net total cost. And
12 it has things like reaching frequency which are
13 measures that are used in media to determine the
14 number of people that you're reaching in terms of
15 percentage in relation to your media target and the
16 number of times that you actually reach them. And
17 then there are things like impressions and gross
18 rating points and the number of actual scented
19 impressions which is the number of scent strip
20 impressions.

21 (Documents Bates Nos. EA-000000747 through
22 EA-000000748, are received and marked
23 Applicant's Exhibit Rolleston 29 for
24 Identification.)

25 Q Did you sign off on the budget numbers for

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this?

A Yes, I did.

Q I hand you a document which is going to be Exhibit No. 30 entitled "Ardenbeauty - 2003 Holiday National TV Schedule," Bates Nos. 742 to 746. I ask you to take a look at that and tell me if you've ever seen these documents before today?

A Yes, I would have seen these documents.

(Documents Bates Nos. EA-000000742 through EA-000000746, are received and marked Applicant's Exhibit Rolleston 30 for Identification.)

Q When would you have seen those?

A I would have seen them right around 11/13/03.

Q What do these represent if you know?

A These represent the TV shows that our television advertising was featured on and the length of the spot that we ran on those television shows.

Q What was that spot for?

A That spot was for ardenbeauty, the fragrance from Elizabeth Arden.

Q Do you have any knowledge that these spots did not actually run?

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A No. They actually ran.

Q You paid the cost of the media?

A Yes, we did. Now, that doesn't mean we might not have had a spot on here that got preempted. The body of it ran and I approved the payment for the television.

Q I hand you Exhibit 31 which is entitled "Elizabeth Arden US SBU's ardenbeauty Launch Thru Jan. 31, 2005," which is going to be Exhibit No. 31. It's Bates 801 and 802 and I ask you to take a look at that document. Are you familiar with that document or the numbers that are represented there?

A Yes. I can describe this to you.

(Documents Bates Nos. EA-000000801 through EA-000000802, are received and marked Applicant's Exhibit Rolleston 31 for Identification.)

Q What is it?

A This document lists the different number of products that were shipped in units, the dollar value of those shipments, and the cost. And it's from a launch period through January 31st, 2005.

Q What are the gross shipment in units for the total period through January 31, 2005 of

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ardenbeauty?

A I will have to turn the page to answer that question, but it says 1,738,174 units.

Q Gross shipment value, what is the total for that?

A \$26,677,772.

MR. DREITLER: Let's take a break.

(A brief recess was taken.)

Q Mr. Rolleston, who is Gretchen Dowling?

A Gretchen Dowling is the director of public relations for Elizabeth Arden.

Q Who does she report to?

A She reports to me.

Q Does she maintain archive files of old advertising?

A She's not the one directly responsible for it, but she has access to all of them and uses them in the course of events for her job.

Q Who is responsible directly for that?

A The creative department of Elizabeth Arden, and the creative director's name is Mark Dixon.

Q Who does Mr. Dixon ultimately report to?

A Mr. Dixon reports to me.

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Q I hand you what is Applicant's Exhibit No. 32 which is entitled "Elizabeth Arden One Great Soap," and ask you is that a document that was maintained in the archives of Elizabeth Arden?

A Yes, this is a document that's maintained in the archives of Elizabeth Arden.

(Document entitled "Elizabeth Arden, One Great Soap," is received and marked Applicant's Exhibit Rolleston 32 for Identification.)

Q And are those archives ultimately responsible to you?

A Yes, they are ultimately responsible to me.

Q Would this be a document normally maintained in the normal course of business?

A Yes, it would be.

Q I notice that the word "Arden" is larger than "Elizabeth" in that ad?

A Yes.

Q Is there any reason --

A It is larger.

Q Is there any reason for that do you know?

A Yes. The reason is that we decided to make "Elizabeth Arden" read in this manner with the

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"Arden" being significantly larger than "Elizabeth."

Q Do you know if Elizabeth Arden has done that in the past?

A Yes.

Q Why would they do that?

A Because of the fact that "Arden" is synonymous with beauty in our minds.

Q Do other companies in the cosmetics business use only the surname?

A Yes. People refer to Chanel. They don't mention Coco.

Q Anyone else?

A People mention Lauder. Sometimes they will say Estee. But through the course of history and beauty names like Rubenstein, Chanel, Arden, Lauder have all been synonymous with great companies with long histories.

Q Is there a copyright notice on this advertisement that you can see?

A Not with looking at that very small --

Q Don't answer the question until you look at that.

A Yes, there is. "1992 Elizabeth Arden Company" with a little copyright notice thing there.

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2 How about that. Yes, it is indeed there. Sorry
3 about that.

4 Q I hand you a document, Applicant's Exhibit
5 33. Would you take a look at Applicant's Exhibit 33?

6 A Yes.

7 (Elizabeth Arden Ad, April '90, is
8 received and marked Applicant's Exhibit
9 Rolleston 33 for Identification.)

10 Q Is this a document that is maintained in
11 the archive files of Elizabeth Arden?

12 A Yes, it is.

13 Q And are those files kept in the normal
14 course of business?

15 A Yes, they are.

16 Q And is the person who maintains those
17 files someone who ultimately reports to you?

18 A Yes, they are.

19 Q And would you describe the size of the
20 words "Elizabeth" and "Arden" in this ad?

21 A The word of "Elizabeth" is small and only
22 featured within the D, and the word "Arden" is very
23 large and in very bold caps and is featured across
24 the top of the entire ad.

25 Q Of your knowledge of the company is this

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rare or is this something that is done from time to time?

A It is something that has been used in the course of the company's business practice.

Q Is there a copyright notice on this advertisement?

A Yes, there is. It is dated 1990 and it says "Elizabeth Arden, Inc."

Q Is there writing at the bottom of the ad with the listing of what appear to be magazines?

A Yes, there is. According to this the Immunage ad that we are looking at that features Vendella who was the spokesmodel at the time was featured in Town & Country, Vanity Fair, Confetti and American Way.

Q We've spent a lot of time going over how the names were generated and cleared. Can you tell us why you chose "ardenbeauty" instead of "Elizabeth Arden Beauty"?

A Because of the fact that I liked the way the stylized typeface looked, I liked the sound of ardenbeauty, I loved the idea that the ad was going to feature Catherine Zeta-Jones, that she was going to be on this solid red background. Our red is a

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2 famous red, it represents the red door and all of our
3 heritage. And that's why I liked the name
4 ardenbeauty.

5 MR. DREITLER: No further questions at
6 this time.

7 EXAMINATION BY MR. CONE:

8 Q Mr. Rolleston, my name is John Cone, I
9 represent Wet Seal who as you told us you know are
10 the opponents in this case, and we're opposing an
11 application that your company has filed to register
12 "ardenbeauty" as a trademark for certain goods.

13 You testified earlier today in connection
14 with Exhibit No. 19, and I would like to ask you to
15 look back at Exhibit 19 in front of you.

16 A Yes.

17 Q You testified at the time that that was
18 when you made the decision that the new fragrance
19 would be launched under the name "ardenbeauty," is
20 that correct?

21 A That's what the document says.

22 Q Is that a correct statement, that you made
23 the decision on or about February 12th, 2002 that the
24 new fragrance would be launched under the name
25 "ardenbeauty"?

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A Around there, yes, I made that decision.

Q And your attorneys you understand have told you that legally that was an acceptable thing for you to do?

A Yes.

Q Did your attorneys tell you that previously Elizabeth Arden had opposed an application by Wet Seal to register the trademark "ardenbeauty" for clothing products?

A I don't recall that, no.

Q Do you recall that there was an opposition in which --

MR. DREITLER: I think he already answered that.

MR. CONE: Can I mark this as Exhibit 34. (Notice of Opposition, is received and marked Opposer's Exhibit Rolleston 34 for Identification.)

Q Have you ever seen the notice of opposition in which your predecessors, Unopco and Conopco, Inc., had opposed an application by Wet Seal to register the trademark Arden B which they intended to use for various clothing products, and that was opposed on the basis of Elizabeth Arden's rights in

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2 the market as Elizabeth Arden for various cosmetic
3 products? Were you aware of that?

4 A No, I wouldn't have been aware of this
5 because at the time this transpired I didn't work for
6 the company.

7 Q Your attorneys didn't make you aware of
8 this when you approved the name?

9 A Not that I recall, no. Not that I recall.

10 Q One time I think you said you worked for
11 Calvin Klein?

12 A Yes, I did.

13 Q And you introduced a line of cosmetics for
14 the Calvin Klein company?

15 A Fragrances, yes.

16 Q Prior to launching the fragrances, what
17 products were sold by Calvin Klein or under the
18 Calvin Klein brand?

19 MR. DREITLER: I'm not clear. I'm going
20 to object. Do you want to rephrase that?

21 MR. CONE: Yes. Prior to Mr. Rolleston
22 launching fragrances for Calvin Klein I would
23 like to know what products that business was
24 selling under the Calvin Klein brand.

25 A The company that I worked for?

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Q Well, yes.

A The company that I worked for only sold fragrances and cosmetics. So its existence was solely based upon the fact that it sold Calvin Klein products, meaning Calvin Klein fragrances.

Q At the time you launched or were asked to launch Calvin Klein fragrances were there other Calvin Klein products on the market in the United States?

A Yes, there were.

Q What were they?

A Jeans, underwear I would imagine at that point, women's dresses I would have imagined at that point.

MR. DREITLER: Don't guess. Just tell him what you know.

A I would say fashion.

Q Clothing products?

A Clothing products, yes.

Q And you mentioned Chanel as being a fragrance line, is that correct?

A Yes.

Q Are there also Chanel clothing products?

A Yes, there are.

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Q Do you agree with me that it's common for the same brand to be used for both clothing products and fragrances?

A I would agree that one type of fragrance has emerged in relationships with fashions, yes. I would agree with that.

Q And that there are many examples where the same brand is used for both a fragrance and for women's clothing?

A Yes. I would argue that that's a long marketing conversation that if you'd like to have we can have.

Q Well, if you can just either disagree or agree with the statement that there are many examples of the same brand being used for both women's clothing and fragrances?

A Well, I'm given the example that Christian Dior is a master brand, and then under Dior you would have Poison. I would argue that Chanel is a master brand, and that under Chanel you would have No. 5, No. 19, No. 22, Allure, products of that nature. Yes, that relationship clearly exists.

Q Are you aware that other store companies like Banana Republic also sell fragrances under the

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brand Banana Republic?

A Yes, I'm aware of that.

Q And the same is true of Bebe?

A That may well be and I don't know it.

Q Do you know the brand BCBG?

A Yes, I do.

Q And are you aware that they sell both clothing and fragrances under the BCBG mark?

A Yes, I'm aware of that.

Q Stores where the ardenbeauty products are sold, you mentioned I think department stores, is that correct?

A Yes, that is correct.

Q Where are the department stores located in general?

A In malls.

Q Are there clothing products sold in those same stores?

A Yes, they are.

Q Are clothing products sold in the malls?

A Yes, they are.

Q Would you be kind enough to take a look at Exhibits 27 and 28 which we already talked about a little bit today?

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A Yes.

Q Exhibit 27 I think you told us was the calendar for advertising for Elizabeth Arden products in the second half of 2002, is that correct?

A Yes.

Q And you pointed to the July advertising in Cosmopolitan, in Vogue, in Martha Stewart Living and People magazine as being for ardenbeauty the teaser advertising campaign, is that correct?

A That is correct.

Q Was that the first advertising for the ardenbeauty brand?

A That I'm aware of, yes.

Q The magazines that the ardenbeauty advertising appeared in in the second half of 2002, do those magazines also include advertising for women's clothing?

A Yes, they would.

Q And for women's stores, retail stores that sell women's clothing?

A Yes, they would.

Q Can we look at 22 through 25. These were the blow-ins, the multifold handout for the stores, the photographs of the retail store, point of sale

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2 promotional materials, and some photographs of the
3 packaging for the ardenbeauty products.

4 In terms of the blow-in, when was the
5 first time a blow-in featuring the ardenbeauty brand
6 was used?

7 A Around the time of the launch.

8 Q And that was in August of 2002?

9 A August of 2002 give or take. There might
10 have been some in July.

11 Q Not earlier than July 2002?

12 A Not that I'm aware of.

13 Q And the handouts that were used in the
14 stores, they would have been used sometime not
15 earlier than July 2002?

16 A That's right. The time frame would have
17 remained consistent for the use of all the materials.

18 Q Would I be correct in assuming that the
19 materials and photographs of retail stores that are
20 shown in Exhibit 24, they also would not have
21 appeared until sometime around July or August of
22 2002, is that correct?

23 A That is correct.

24 Q And the packaging for the ardenbeauty
25 products, that didn't appear in the marketplace in

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retail stores until around August of 2002?

A It would have been presented to retailers in the spring, but it wouldn't have been seen by consumers until the fall, that is correct.

Q I would like you to look at Rolleston Exhibit 2 and also Rolleston Exhibit 31. First of all with respect to Exhibit No. 2, you testified that this included a listing of products under various SKUs?

A Yes, indeed.

Q And were these the products you intended to sell under the new brand when you were considering launching a new brand?

A These were the basic stock products that we were considering which is the fundamental line that we put together.

Q What other products were you intending to sell under the trademark, under the new brand?

A Everything that's listed here.

Q Anything else that's not listed there?

A Yes. Eventually we would put these things together in gift sets, we eventually would make new product types with it. That's all part of what we do.

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Q Did you have plans at that time say in early 2002 to extend the brand, the new brand, to other products?

A When you say "to other products"?

Q For example, to clothing products?

A No, at that point I didn't have any intention of putting my name on any clothing products. I don't develop clothing products.

Q How about shampoos?

A We might have considered doing it at some point in time. But at that point I hadn't decided to do a shampoo or not do a shampoo. I mean, it wouldn't preclude me from it because of the nature of formulations. That's a category that I'm familiar with.

Q Has Elizabeth Arden sold shampoos in the past?

A I would have to really investigate, but we had a shampoo for Green Tea I recall and I'm sure there were others in the past. As I said, the place has a century of history. I don't know it all.

Q Did you take any steps to launch an ardenbeauty shampoo?

A No. I had a body wash.

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Q But not a shampoo?

A No.

Q What about colors, were you planning to sell ardenbeauty colors?

A What I had done were the color stories as I had used my existing inventories to create color pallets to work with her, so that you can recreate our look through existing inventory.

Q I notice in the foldout that you had that there were Elizabeth Arden colors that she was wearing?

A Yes, they are Elizabeth Arden colors.

Q Did you plan to introduce ardenbeauty colors?

A No. But that wouldn't have precluded me from doing a color story. I do those all the time. If you want I'll give you an example of what I mean.

Q Yes. I don't understand what you mean.

A Here's what I mean: I launched a fragrance last year called Provocative, and then what I did was I created a color story called Sparks Flying. And what I did was I integrated the fragrance with the color story, and I used the purple packaging of the fragrance in the purple packaging of

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2 the color story and I used purple in the color story,
3 and then I made a pretty purple shimmer powder that
4 women could apply to their skin so that they can
5 smell like the fragrance, they can wear the same
6 colors that Catherine wore in the shoot. So I create
7 linkage to those things in a variety of different
8 ways. But I didn't specifically plan on creating an
9 ardenbeauty color story at the time that I created
10 the fragrance. No, I did not.

11 Q How about ardenbeauty candles, were you
12 planning on selling ardenbeauty candles?

13 A That could have happened.

14 Q Did you plan for that?

15 A No. I have people who do stuff like that
16 for me. There is a group of women whose whole lives
17 are spent finding marvelous ways to extend my
18 fragrances in a variety of different areas so that we
19 can promote it.

20 There have been Elizabeth Arden candles in
21 the past. But, no, I didn't sit down and go let's
22 make sure we formulate the oils so that we can have a
23 candle. But I wouldn't do that anyhow.

24 Q Have any steps been taken to produce an
25 ardenbeauty candle?

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2 A You know what, I don't know. I would have
3 to go back and ask one of the girls who works for me
4 who does that. That could very easily have been
5 considered. I don't know.

6 Q How about an ardenbeauty potpourri?

7 A I would ask the same question.

8 Q Have you considered specifically an
9 ardenbeauty potpourri?

10 A We've made potpourris in the past. It
11 wasn't what crossed my mind, no.

12 Q What do you consider to be the normal
13 retail distribution outlets for fragrances and
14 cosmetics?

15 A That is a very broad question. And I have
16 worked with both the United States and Europe, and I
17 think that depending upon the country within which
18 you live they can be sold virtually anywhere.

19 Q I'm really interested in the United
20 States.

21 A In the United States fragrances are sold
22 in department stores, they are sold in chain drug
23 stores, they are sold in perfumeries, they are sold
24 in independent drug stores, they are sold in JC
25 Penny's, they are sold in mass buying retailers such

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2 as K-Mart and Target. So they're sold in a variety
3 of different places. A significant amount of
4 distribution in this country features them.

5 Q In terms of fragrances and cosmetics, what
6 range of price points do they command in the United
7 States at the present time?

8 MR. DREITLER: Objection. I'm not clear.

9 Are you talking about any fragrance product or a
10 specific Arden product?

11 MR. CONE: I'm talking generally.

12 Q I assume there is a range of fragrance
13 products that you can buy that go from dollars to
14 thousands of dollars, is that right?

15 A Yes. Again, I think you get into talking
16 about retailers, but I think that you can currently
17 find fragrances that are sold for 45 or \$50 in
18 department stores that will be sold for significantly
19 less than that in mass volume retailers. And a lot
20 of it has to do with how they're merchandised. So
21 what will happen in a department store class of
22 trade, you might buy a full-size product, it could be
23 a larger size like a 3.3 ounce spray and it might
24 sell for \$45, but with that you'll get a big old
25 shopping bag or a tote bag and a couple of different

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1 samples. Or you can go buy that same product in a
2 WalMart for a smaller size for \$15.

3 Q What are the price points of the
4 ardenbeauty products at the present time?

5 A I wouldn't know everything at the present
6 time, but I'm sure that there is a range and it
7 depends on where they're sold.

8 Q Do you know what stores they are being
9 sold in at the present time, the ardenbeauty
10 products?

11 A They're probably being sold in many of the
12 stores that we sell to. And that means they can be
13 sold anywhere from MoreMax to Penny's to Target to
14 WalMart. And I don't know the exact distribution at
15 the present time, but I don't do distribution. I do
16 product development and creative development. That's
17 my area of expertise.

18 Q That's your --

19 A So I would be speculating in terms of my
20 previous answer because it's not my area of
21 expertise. I do product development and creative
22 development.

23 Q And you don't know where your products are
24 sold at the end of the day, is that what you're
25

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telling me?

A I don't know where they're all sold at the end of the day, but we pay some other people handsomely to manage that. In the United States alone we have three different SBU heads that sell our products in a variety of different classes of trade. So where Jeff Arnold is selling ardenbeauty versus where Laurie Dali is selling ardenbeauty versus where Heidi Rand is, I can't answer that question right now. We probably have 30,000 doors that we call on. Like I said, I do product development and creative development.

Q While I understand that you don't know all the stores, do you know of your personal knowledge any particular stores where they are being sold at the present?

A I will say this: The brand wasn't remarkably successful in department stores, so I would imagine the majority of the volume now comes from the mass-market component of our business.

Q Including WalMart?

A Including WalMart. But I don't even know if it's still in WalMart. You would have to ask Jeff Arnold that question.

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Q And Steinmart?

A We would sell it to Steinmart, yes.

Q Have you put the ardenbeauty brand on tee shirts?

A I don't know the answer. We may have from a promotional advantage point. I would have to ask the question.

Q What would they be used for if they had?

A I don't know. If you have pictures I'll tell you.

Q I have pictures of them.

MR. CONE: Mark this, please.

(Documents Bates Nos. EA-000000706 through EA-000000707, are received and marked Opposer's Exhibit Rolleston 35 for Identification.)

A They would have been used by cosmeticians is the place that we would logically do it, or we would give it salesgirls who work in the stores is the logical place. It's not unusual for my sales force to make these for the girls in the stores.

Q So these are used and worn by people selling --

A The cosmeticians and the girls that sample.

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Q These are not sold to the general public?

A No, normally we don't do that, unless they were given as a gift with purchase item somewhere. I don't know the answer to that. I'd have to find out for you.

Q Does that happen sometimes?

A With each brand it's different, with each license agreement it's different. It may well have happened here. I don't know. I'd have to look into it for you. But I do know that in general the girls in the stores wear them. It's not unusual when you launch a brand to make a tee shirt for the girls.

Q Is it unusual to put the brand on clothing products which eventually get given away or distributed to members of the public as part of a gift set or promotional item?

A It really depends on the brand. But, yes, people do it all the time.

Q In connection with Exhibits 32 and 33 which were these large exhibits, do you have any personal knowledge as to where in terms of publication that those advertisements appeared?

MR. DREITLER: Objection, asked and answered already on one. It speaks for itself.

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MR. CONE: I asked him whether he had any personal knowledge as opposed to the document speaking for itself, because I think that you taught me in our deposition that that may well be hearsay.

Q Do you have any personal knowledge as to where this particular advertisement appeared?

A Only what I read on the bottom of it.

Q You said it was copyright notice of 19 --

A This says April 1990 with Town & Country and with Vanity Fair.

Q Where were you working in 1990?

A I was working for Calvin Klein.

Q And the other one was in?

A 1992.

Q And you weren't employed by Elizabeth Arden in either of those years, were you, sir?

A No. I was working for Calvin Klein in Europe.

Q Do you know what proportion of Elizabeth Arden's advertising in the early '90s featured the brand with "Arden" emphasized over "Elizabeth" as compared to --

A I wouldn't have personal knowledge of

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that, no.

Q But this manner of advertising that is shown in Exhibits 32 and 33 where the "Arden" word predominates over the word "Elizabeth," that was not the only form of advertising they were running for the brand in the early 1990s, was it, sir?

A I wouldn't have personal knowledge of that either.

MR. CONE: No further questions. Thank you.

(The witness is excused.)

(The proceedings are adjourned at 11:48 a.m.)

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I N D E X

WITNESS

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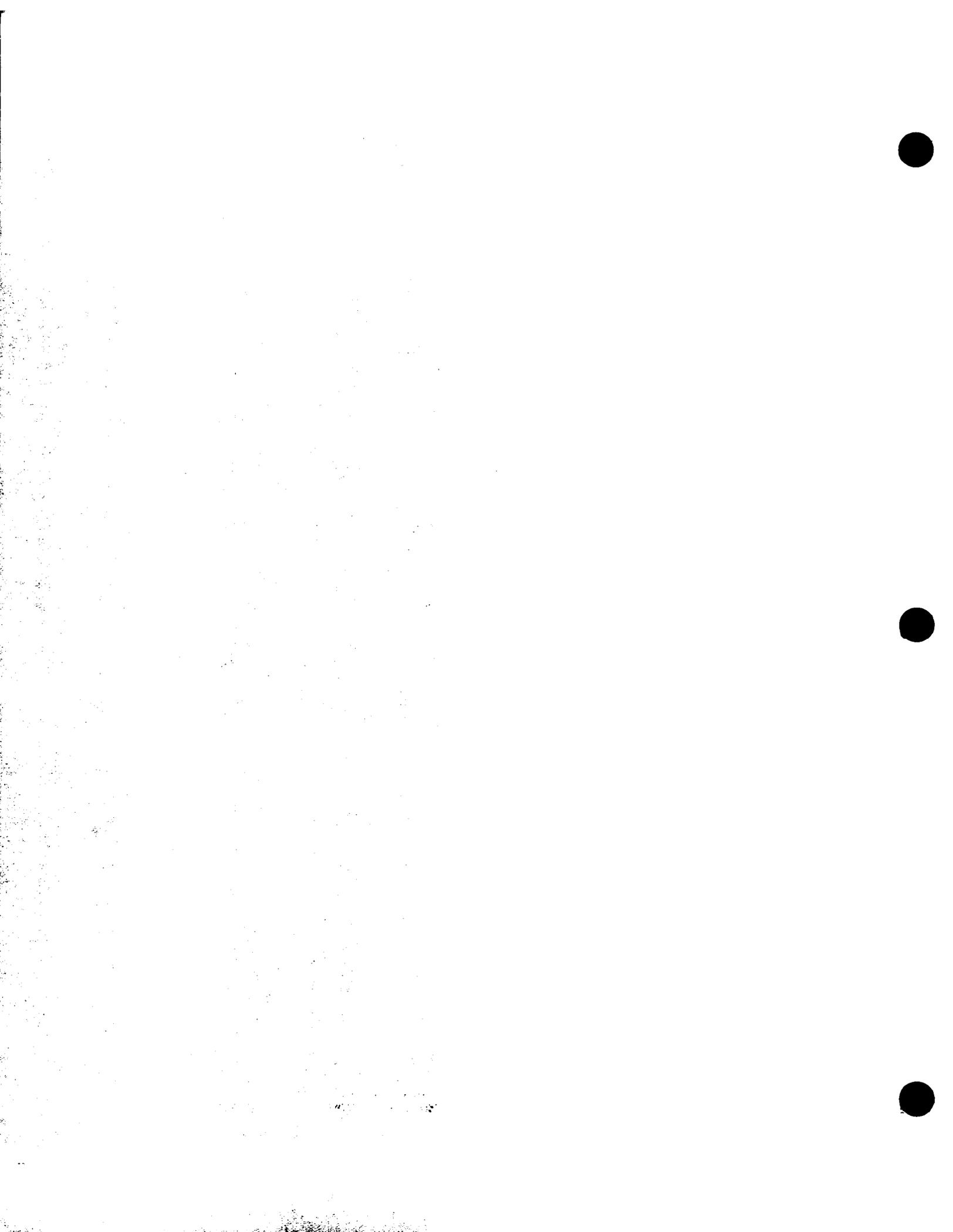
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Page	Line	Change from	Change to	Reason
4	12	Caitz	Zaitz	misspelled
6	19	in	and	wrong word
7	7	Jovan	Jovan	misspelled
9	21	fell	a fall	wrong tense
10	5	this guy named	-	don't recall saying
10	5	Beady	Beattie	misspelled
11	11	store	stores	plural
12	19	stage	presence	wrong word
13	20	fragrance	fragrances	plural
14	24	colation	collation	misspelled
15	57	shop	shot	wrong word
16	86	Flying	Fly	wrong word
17	91	Dali	Dowley	wrong word
18				
19				
20				

Subscribed and sworn to before me
this 1st day of June, 2005

Liya Glezerene
Notary Public
LIYA GLEZERENE
Notary Public, State of New York
No. 01GL6097952
Qualified in Richmond County
Commission Expires Sept. 2, 2007

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Commission Expires Sept. 2, 2007
Qualified in Richmond County
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Tanya Public State of New York
LIVIA GLEZEREK



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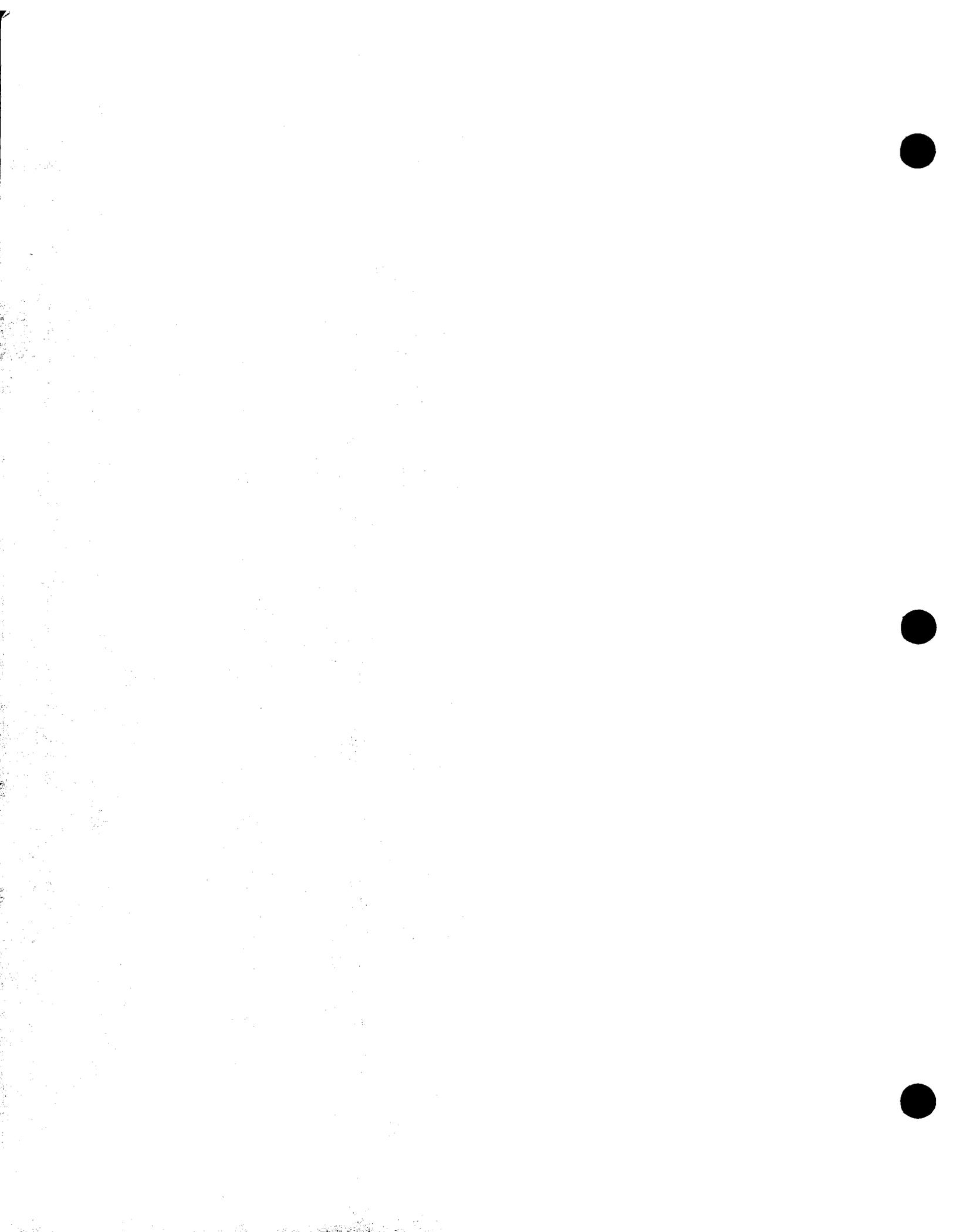
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**Elizabeth Arden
Project Charter Proposal**

*The Wet Seal, Inc. v. FD
Management, Inc.*
Opposition No. 91157022

Rolleston
Exhibit No.

*4-21-05
B.H.*

Proposal Date: 9/24/01

Project Name: New EA Fragrance 2002

Opportunity:

- To launch a new prestige fragrance that will act as the platform for the new Elizabeth Arden corporate image.
- To reenergize the Elizabeth Arden fragrance category.

Objectives:

- Launch a new prestige fragrance in 2001 to support the Elizabeth Arden brand and help recreate its image.

Description:

- The new Elizabeth Arden fragrance captures the glamour, sensuality and modern sophistication of the new Elizabeth Arden.
- The fragrance is centered on the presence of a Hollywood star, and all of the femininity, class and allure that she embodies.
- The scent is a beautifully bold, contemporary floral with great signature and style, that is accepted by women around the world.

Competitive References:

Lancôme Miracle	1.7 oz. EDP \$45.00	Ralph Lauren Glamorous	1.0 oz. EDP \$52.50
	3.4 oz. EDP \$60.00		3.4 oz. EDP \$70.00
	Parfum Gel Pen \$60.00		Body Lotion \$39.50
	.25 oz. Parfum \$80.00		Shower Gel \$35.00
Estee Lauder Intuition	1.7oz. EDP \$45.00		
	3.4 oz. EDP \$65.00		
	.5 oz. Parfum \$150.00		

Preliminary Financial Assumptions:

SKU	Retail/Net Pricing	COG	STD Margin
1.0 oz. EDP	\$38.00/\$22.80	\$5.40	76.3%
1.7 oz. EDP	\$46.00/\$27.60	\$7.30	73.6%
3.3 oz. EDP	\$60.00/\$36.00	\$9.75	72.9%
0.25 oz. Parfum	\$77.00/\$46.20	\$15.00	67.5%
Body Lotion	\$35.00/\$21.00	\$3.75	82.1%
Shower Gel	\$25.00/\$15.00	\$2.75	81.7%
Deo	TBD	TBD	TBD

NPS: \$30M Worldwide

Launch Support:

- Advertising:** High -National Print/Scent-strips /COOP/Television
- Merchandising:** High -In-store collateral program
- Promotion:** High -Innovative cost effective sampling devices to be explored.

CONFIDENTIAL

STT:

NA, APO, PR, CANADA, NADF

7/01/2002

EA-00132

**ELIZABETH ARDEN FRAGRANCES
FACTSHEET**

**New Arden Fragrance
2H2002**

*The Wet Seal, Inc. v. FD
Management, Inc.*
Opposition No. 91157022

Rollerston
Exhibit No. 2 4-21-05
S.H.

- I. **SHIP DATE**
7/1/02 Ex-Roanoke
7/29/02 Ex-Lille

- II. **OBJECTIVE**
Continue to capitalize on the rich heritage of Elizabeth Arden fragrances.

- III. **STRATEGY**
Launch a new *prestige* fragrance in 2002 capturing the spirit of the modern Elizabeth Arden.

- IV. **PRODUCT INFORMATION**
Name: TBD

Juice direction: Modern Femininity -A *prestige* full-bodied feminine/floral fragrance

Two options currently in market research:

- A. This crystalline floral green fragrance opens with a unique translucent rice flower note, evolving into a luminous array of rich, sensual florals. The background is warm and provocative, defined by addictive amber, voluptuous woods and a sexy musk.

TOP: Living Rice Flower, Dewy Green Accord, Italian Bergamot
MID: Blue Lotus Flower, Living Gingerlily, Rubrum Lily, Golden Sunset Orchid
DRY: Indian Sandalwood, White Amber, Skin Sensual Musk

- B. This fragrance opens with vibrant notes of dewy tangerine flower, rain forest blue orchid, radiant stephanotis petals and crisp leaf. The heart of the fragrance is a modern harmony of florals that echo femininity and mystique ... hydrangea, hibiscus bouquet, night blooming jasmine & delicate Damascenia rose. The fragrance is then intensified in the drydown with warm, sensuous undertones of sultry musk, white woods, and vanilla orchid, followed by a touch of apricot skin, that adds a flirtatious, sumptuous finish to the fragrance.

TOP: Dewy Tangerine Flower, Rain Forest Blue Orchid, Stephanotis Petals, Crisp Leaf
MID: Hydrangea, Hibiscus Bouquet, Night Blooming Jasmine, Damascenia Rose
DRY: Sultry Musk, Sensuous White Woods, Apricot Skin, Vanilla Orchid

- V. **PACKAGING**

Bottle: Rectangular heavy walled flint glass bottle with sprayed Red Door red treatment on base and graduated up along the sides of the bottle.

Collar: Electroplated satin finish gold

Cap: Translucent Red with satin finish

Secondary : In Development

CONFIDENTIAL

Ancillaries: Line image, Polypropylene with Soft Touch Finish and Dispensing Caps

VI. SKU INFORMATION

1.7 fl. oz. EDP	1.7 fl.oz. / 50 ml
Item #	7851-400
UPC Code	0-85805-78514-7
U.S. Estimated Standard Cost	\$4.15
U.S. Suggested Retail Price	\$46.00
Order Multiples	3 (1=1)

3.3 fl.oz.EDP	3.3 fl.oz. /100ml
Item #	7853-400
UPC Code	0-85805-78534-5
U.S. Estimated Standard Cost	\$5.65
U.S. Suggested Retail Price	\$60.00
Order Multiples	3 (1=1)

1.0 EDP (Europe only)	1.0 fl.oz. /30 ml
Item #	7850-400
UPC Code	0-85805-78504-8
U.S. Estimated Standard Cost	\$3.10
U.S. Suggested Retail Price	\$38.00
Order Multiples	3 (1=1)

Body Lotion	6.8 fl.oz. /200 ml
Item #	7856-400
UPC Code	0-85805-78564-2
U.S. Estimated Standard Cost	\$2.20
U.S. Suggested Retail Price	\$35.00
Order Multiples	3 (1=1)

Crème Cleanser	6.8 fl.oz. /200 ml
Item #	7857-400
UPC Code	0-85805-78574-1
U.S. Estimated Standard Cost	\$2.30
U.S. Suggested Retail Price	\$25.00
Order Multiples	3 (1=1)

Crème Deo	1.7 net weight oz./50ml
Item #	8639-400
UPC Code	0-85805-86437-8
U.S. Estimated Standard Cost	\$1.38
U.S. Suggested Retail Price	\$8.00
Order Multiples	3 (1=1)

Deo Spray	5.0 fl.oz. /150 ml
Item #	8647-400
UPC Code	0-85805-86438-5
U.S. Estimated Standard Cost	\$2.48
U.S. Suggested Retail Price	\$16.00
Order Multiples	3 (1=1)

VII. SAMPLING

CONFIDENTIAL

A. TESTERS
Costs to Follow

3.3 fl.oz.EDP	3.3 fl.oz. /100ml
Item #	K653-400
UPC Code	0-85805-96534-1
Order Multiples	(1=1)

Body Lotion	6.8 fl.oz. /200 ml
Item #	K654-400
UPC Code	0-85805-96534-1
Order Multiples	(1=1)

B. SAMPLES

1. Spray Vial on Card

Item #	K655-400
UPC Code	0-85805-96554-9
U.S. Estimated Standard Cost	\$0.45
Order Multiples	50 (1=1)

2. Vial on Card

Item #	K656-400
UPC Code	0-85805-96564-8
U.S. Estimated Standard Cost	\$0.25
Order Multiples	50 (1=1)

3. Liquid Touch Card

Item #	K657-400
UPC Code	0-85805-96574-7
U.S. Estimated Standard Cost	\$0.10
Order Multiples	50 (1=1)

4. Shower Gel Packette

Item #	K658-400
UPC Code	0-85805-9658-6
U.S. Estimated Standard Cost	\$0.15
Order Multiples	50 (1=1)

5. Shower Gel Packette wih Card

Item #	K659-400
UPC Code	0-85805-96594-5
U.S. Estimated Standard Cost	\$0.30
Order Multiples	50 (1=1)

6. Body Lotion Packette

Item #	K660-400
UPC Code	0-85805-96604-1
U.S. Estimated Standard Cost	\$0.15
Order Multiples	50 (1=1)

CONFIDENTIAL

VIII. **COLLATERAL-to be forwarded under separate cover**

IX. **FORECASTS**

PLEASE ENTER FORECASTS NO LATER THAN FRIDAY JAN 18.

**CHANGES TO FORECASTS CAN BE MADE AT A LATER DATE BY
SUBMITTING A CHANGE REQUEST FORM (CRF).**

CONFIDENTIAL

EA-00045

- copy of boards
- notes selected for
- R+D - what ingredients are we not willing to live with

FRAGRANCE PROFILE

NEW ELIZABETH ARDEN SCENT

CODE NAME: **PROJECT FIRST**

Project First captures all the excitement, glamour and modern sophistication that embody the new Elizabeth Arden. This is a fragrance for women; women who are every age and every style.

This new scent heralds the debut of an arrestingly beautiful movie star presence as the face for not only the fragrance, but for all of Elizabeth Arden as well. And the adjectives that describe her are among the core values for this exciting new brand.

glamorous in an approachable way
 classic in a contemporary way
 totally feminine
 assertive
 recognizable
 memorable
 flirtatious
 intelligent
 modern but with no hard edges
 sensual
 classy

The fragrance that celebrates this concept is beautifully bold, with great signature and style. It is classically well bred, but its clarity and bouquet contemporize it. It is probably a floral bouquet, but with an unexpected twist that gives it a bit of attitude.

Notes and accords that might be considered as old should be avoided or at best minimized, i.e. tuberose, gardenia, and rose. This scent is young at heart and is ideal for wear both day and night.

Fragrances should be submitted at a 15% concentration.

15-18%

6 weeks present description

- = transparent juice (not a lot of color)
- = more facets
- = keep ~~European~~ in mind

= what color is the ~~to be~~ fragrance?

The Wet Seal, Inc. v. FD
 Management, Inc.

Opposition No. 91157022

Exhibit No. 3

Rolleston

S.H.

4-21-05

CONFIDENTIAL

Positive Attributes of CZ-J vs. EA

CATHERINE ZETA-JONES

ELIZABETH ARDEN

Goddess
Perfect Makeup
Queen of Hollywood
Exotic beauty
Presence
Real
Glamorous
Willing
Genuine
Charming
Artistic
Lovely
Extraordinary
Not self-consumed
Mature
Funny
Unpretentious
Great sense of humor
Magnetic
Maternal
Classic
Enthusiastic
Fun
Classy
Elegant
Not fragile
A lady

"Great perfume store"
Invents
Pioneer
Outstanding
Distinct
Well-defined
Feminine
Good taste
Not elitist
Not artificial
Elegance
Luxury
Classic
Aspirational
Grace
Solid
Professionalism
Gratitude
Expertise
Delicacy
Variety
Complete
Experience
Durability
Practicality
Technological
Status

CONFIDENTIAL

CONFIDENTIAL

EA-00030

Briefed Frag Houses. 9/10/01

FRAGRANCE PROFILE

NEW ELIZABETH ARDEN SCENT

CODE NAME: **PROJECT FIRST**

Project First captures all the excitement, glamour and modern sophistication that embody the new Elizabeth Arden. This is a fragrance for women; women who are every age and every style.

This new scent heralds the debut of an arrestingly beautiful movie star presence as the face for not only the fragrance, but for all of Elizabeth Arden as well. And the adjectives that describe her are among the core values for this exciting new brand.

glamorous in an approachable way
classic in a contemporary way
totally feminine
assertive
recognizable
memorable
flirtatious
Intelligent
modern but with no hard edges
sensual
classy

The fragrance that celebrates this concept is beautifully bold, with great signature and style. It is classically well bred, but its clarity and bouquet contemporize it. It is probably a floral bouquet, but with an unexpected twist that gives it a bit of attitude.

Notes and accords that might be considered as old should be avoided or at best minimized, i.e. tuberose, gardenia, and rose. This scent is young at heart and is ideal for wear both day and night.

Fragrances should be submitted at a 15% concentration.

CONFIDENTIAL

ELIZABETH ARDEN
COPY

DATE: 9/18/01

COPYWRITER: Ann S.

U.S. COPY WORLDWIDE COPY X

Description: Ea CZJ Fragrance

Location:

Requestor:

Project #

Arden New Fragrance Positioning

V.P. ADV. & CREAT SERV.
COPY DIRECTOR
MARKETING DEVELOPMENT
U.S. MARKETING
RESEARCH & DEVELOPMENT
LEGAL

APPROVED	DATE

Introducing
ArdenBeauty

Luxurious. Classic. Desirable. The ultimate in prestige. Elizabeth Arden is a legendary modern fragrance house, creator of some of the most enduring and best loved scents in the world. Now Elizabeth Arden introduces a glamorous new fragrance to the world, ArdenBeauty.

ArdenBeauty is endlessly captivating, warm and sensual. A celebration of the spirit, passion, presence and real-life beauty of women today.

ArdenBeauty also marks the debut of Catherine Zeta Jones, starring in her new role as Elizabeth Arden spokesperson. This alluring and talented international actress and celebrity premieres in an arresting ad campaign for ArdenBeauty.

ArdenBeauty is a glamorous new classic for a new era. A fragrance perfectly represented by Catherine Zeta Jones. A fragrance that will capture the hearts of women everywhere.

*The Wet Seal, Inc. v. FD
Management, Inc.*
Opposition No. 91157022 S.H.
Rolleston
Exhibit No. 4 4-21-05

ArdenBeauty
The Fragrance

Option 1

This crystalline floral green fragrance opens with a translucent note of rice flower, evolving into a luminous array of rich, sensual florals. The background is warm and provocative, defined by alluring amber, voluptuous woods and sensual musk.

TOP: Living Rice Flower, Dewy Green Accord, Italian Bergamot

MIDDLE: Blue Lotus Flower, Living Gingerlily, Rubrum Lily, Golden Sunset Orchid

BASE: Indian Sandalwood, White Amber, Skin Sensual Musk

Option 2

A full floral that opens with vibrant notes of dewy tangerine flower, rain forest blue orchid, radiant stephanotis petals and crisp leaf. The heart of the fragrance is a modern harmony of florals that echo with a feminine mystique... hydrangea, hibiscus bouquet, night blooming jasmine and delicate Damascenia rose. The fragrance is intensified with warm sensuous undertones of sultry musk, white woods and vanilla orchid with a touch of apricot for a flirtatious and sumptuous finish.

TOP: Dewy Tangerine Flower, Rain forest Blue Orchid, Stephanotis Petals, Crisp Leaf

MIDDLE: Hydrangea, Hibiscus Bouquet, Night Blooming Jasmine, Damascenia Rose

BASE: Sultry Musk, Sensuous White Woods, Apricot Skin, Vanilla

ArdenBeauty Packaging

The ArdenBeauty bottle is like a warm, sensual piece of modern sculpture. It is designed of heavy walled flint glass with Red Door red at the base and graduated up the sides. The collar is electroplated satin gold and the cap is translucent red with a satin finish.

Cartons are in development.

Additional sales info to come from marketing department.

BRAND PERSONALITY.

Elizabeth Arden is a way of beauty that is as intelligent, charming, witty and intriguing as the women who follow it.

From the beginning, Elizabeth Arden set the industry standard for creating fashionably innovative products. First to introduce mascara and lip rouge to America- over the years, Arden has consistently produced avant-garde make-up, with breakthrough ingredients to improve skin's texture and highlight a woman's own personal identity.

Originally targeted to appeal to society women, Arden products carried a pedigree of classic good taste. Today that heritage is translated to define casual elegance by day. And extraordinary glamour by night. For the products are both real and luxurious. Well-defined but immensely adaptable. And stylish- but never with affectation.

Qualities that equally define its users. Women who are comfortable with who they are: Likeable. Charming. Smart. And with that certain je n'ai sais quoi. Because after all, they use the best to make the best of what they've got- even better.

Can't fault a lady for trying. Let alone succeeding big time.

ARDEN BEAUTY.

The "A" scent of a woman. Definitely "The eau de choice". For the lady who would never consider going through life smelling average. This is : The fragrance that encapsulate her being. The essence of her spirit . Her humor. Her lust for life. It accentuates her style. Announces her presence as she enters a room. And lingers after she's left- like a perfect punctuation point. That says – oh marvelous !!!ooooh exquisite-oooooh- must have---eau-ver and eau-ver again. This is a signature perfume. with casual elegance and total glamour written all over it. This is Arden. So in keeping with a name that taught a century how to appreciate the most beautiful things in life.

Hollywood Glam
Goddess
Glamorous
Queen of Hollywood
Extraordinary
Exotic beauty
Magnetic

Strong/Grouted/Thinking Woman
Presence
Not Fragile
Mature
Maternal
Not self consumed
Real
Genuine
Willing
Artistic
Funny

Classic
Classy
Elegant
A lady

Light
Fun
Enthusiastic
Funny

Modern Feminine

Hollywood

Glamorous

Presence / Elegant

The real thing / one of a kind

Persuasion

Unexpected, promising, captivating

Can scent tell a story? Can it draw you into its world? Entice you with its wit and charm? Tempt you to stay? This is a fragrance that invites you to spray it on, experience all its sensory possibilities and discover something new about yourself.

Aura

Fiery, vibrant, alive

Fragrance with presence. Scent to wear like a beautiful piece of clothing. It embraces you, captures your sense of style creates a mood, inspires you. Announces your presence to the world.

Alternate: Visionary, romantic, dreamy

Icon

Glamorous, exciting, defining

A fragrance confidence and grace, that captures the very essence of a woman now. Like a work of art, it leads the way with its classic beauty, simplicity and timeless appeal. Fragrance that feels fabulous and "right."

EA, ARDEN

Modern, compelling, optimistic

A signature fragrance for a new time. A break with the past and a promise of what the future holds. For the women who makes her mark, knows herself and wants to make a definitive statement.

Note: With CZJ, this could have some real emotional power she is today's woman and the beautiful face of Arden. This could be any of the other positionings, or bigscale romantic.

CONFIDENTIAL

Arden

Alternative

Today's real woman. Confident, connected, passionate,
diverse. A force to be reconed with.

CONFIDENTIAL

EA-00034

**ELIZABETH ARDEN
COPY**

DATE: 2/19/02

COPYWRITER: Ann S.

U.S. COPY WORLDWIDE COPY X

Description: Arden Beauty Positioning

Location:

Requestor:

Project #
Arden New Fragrance Positioning

	APPROVED	DATE
V.P. ADV. & CREAT SERV.		
COPY DIRECTOR		
MARKETING DEVELOPMENT		
U.S. MARKETING		
RESEARCH & DEVELOPMENT		
LEGAL		

Version 1: Three photos

(1. profile)

What is beauty?

A look... a promise... a fragrance
Yours to discover.

ardenbeauty

(2. sexy)

What is beauty?

A mood... a moment... a fragrance
Just say yes.

ardenbeauty

(3. laughing)

A sensation... a surprise... a fragrance
Be entranced.

ardenbeauty

*The Wet Seal, Inc. v. FD
Management, Inc.*

Opposition No. 91157022

Exhibit No.

4-21-05
B.H.

CONFIDENTIAL

Version 2 Teasers
(one for each photo)

What is beauty?

Beauty is
magic...
mystery...
and luck

ardenbeauty

What is beauty?

Beauty is
art...
science...
and surprise

ardenbeauty

What is beauty?

Beauty is
inspiration...
sensation...
and timing

ardenbeauty

CONFIDENTIAL

Version 3 Simple answers

What is beauty?

Sensual

Alluring

Enticing

Captivating

Luminous

Elegant

Transforming

Surprising

Beguiling

Breathtaking

Inviting

A new fragrance

Yours

arden**beauty**

Refined

Elegant

bold

Confident

Playful

Ferocious

*seductive
Sensual
sultry
sexy*

CONFIDENTIAL

Version 4 short takes

What is beauty?

Beauty is a moment, a mood, a woman.
Beauty is a new fragrance.
arden**beauty**

What is beauty?

Beauty is captivating, provocative, surprising
A feeling on the skin
A scent in the air
A jolt to the senses.

Can it be defined?
Captured in a fragrance?
Framed in a bottle?
Come find out for yourself.

arden**beauty**

What is beauty?
It's as fleeting as a glance
As real as a woman
As sensual as a fragrance
Come discover it for yourself

arden**beauty**

What is beauty?

How can you find it?
Simply let it find you.

arden**beauty**

Beauty is in the air...
Come find it.
Arden**beauty**

CONFIDENTIAL

EA-00038

Version 5 Long

What is beauty

Where do you find it?

Or does it find you.

Beauty is irresistible.

It captures your attention

Surprises your senses

Lightens your heart

Beauty is a moment, a mood, a woman.

Beauty is a new fragrance.

ardenbeauty

CONFIDENTIAL

**ELIZABETH ARDEN
COPY**

DATE: 3/11/02

COPYWRITER: Ann S.

J. J. [Signature]

U.S. COPY WORLDWIDE COPY X

Description: eabeauty fragrance launch

Location:

Requestor: gretchen dowling/ Lisa Kalfus, etc.

Project #

Arden New Fragrance PR Copy for Info section

	APPROVED	DATE
V.P. ADV. & CREAT SERV.		
COPY DIRECTOR		
MARKETING DEVELOPMENT	<i>JH</i>	4/4/02
U.S. MARKETING	<i>JH</i>	4/9/02
RESEARCH & DEVELOPMENT	<i>JH</i>	4/12/02
LEGAL	<i>WKS</i>	4/11/02
	<i>WKS</i>	4-8-02

pending check of fact

What is beauty?

ardenbeauty
The Inspiration

Captivating, spirited and sensual. **ardenbeauty**. The fragrance that begins a new era for Elizabeth Arden.

ardenbeauty marks the debut of Catherine Zeta-Jones in her new role as Elizabeth Arden spokesperson. This alluring and talented international actress, wife, mother and celebrity embodies the many facets of modern beauty. All of which are captured in a new advertising campaign.

ardenbeauty, so in keeping with a name that taught a century of women how to appreciate the most beautiful things in life.

The Wet Seal, Inc. v. FD
Management, Inc.
Opposition No. 91157022

Rolleston 4-21-05
Exhibit No. S.H.

APPROVED

4/19/02
EA-000000648

What is beauty?

ardenbeauty
The Fragrance

ardenbeauty unfolds to reveal the personal beauty of the woman who wears it.

This crystalline floral green fragrance opens with an inviting note of living rice flower, a first for this fresh, spirited ingredient. It evolves into an array of rich, elegant florals. The background is warm and provocative, defined by alluring amber, woods and musk.

TOP

Spirited: Living Rice Flower, Dewy Green
Accord, Italian Bergamot

MIDDLE

Captivating: Blue Lotus Flower, Living
Gingerlily, Rubrum Lily, Golden
Sunset Orchid

BASE

Sensual: Indian Sandalwood, White Amber, Skin
Sensual Musk

What is beauty?

ardenbeauty

The Woman

ardenbeauty is as multi-faceted as the woman who wears it. She is spirited, captivating and sensual. Because today there is no single definition of beauty and each woman radiates a charm, allure and personal style all her own. What is beauty? Part reality. Part illusion. All woman. A woman captured in all her complexities and dimensions by **ardenbeauty**.

What is beauty?

ardenbeauty

The Bottle

The **ardenbeauty** bottle is elegant, faceted and sculptural, changing with the light as you turn it in your hand. The base is a rich, luminous red that radiates color up the concave sides. The satin gold collar features the **ardenbeauty** logo and leads into a translucent red cap.

The carton is matte red, embossed with a silk shantung pattern and features the **ardenbeauty** logo in matte white.

What is beauty?

ardenbeauty
The Lineup

Eau de Parfum

1 fl. oz./30 ml38.00
1.7 fl. oz./50 ml46.00
3.3 fl. oz./100 ml60.00

Body Lotion

6.8 fl. oz./200 ml35.00

Body Wash

6.8 fl. oz./200 ml25.00

Cream Deodorant

1.7 fl. oz./50 ml8.00

Deodorant Spray

5 fl. oz./ 150 ml16.00

Available at Elizabeth Arden counters nationwide beginning
August 2002.

For further information, please contact:
Gretchen Dowling, Elizabeth Arden Public Relations
212 261-1249

Lancôme, Estée Lauder and Giorgio Armani, will introduce new men's fragrances.

Crave is Calvin Klein's second major men's fragrance launch this year. Truth Calvin Klein Men, the male version of the Truth women's fragrance, hit counters two weeks ago. Early reports indicate it's climbing in the ranks, having pen-

CRK, Calvin Klein's in-house ad firm. Alternative methods of advertising will also be employed but Dart was hesitant to provide specifics. She alluded to wireless communications and a Web site, saying, "We see a huge opportunity to stand apart with a new form of communication."

— Matthew W. Evans

has a two-week exclusive on the fragrance that began this week. It will be launched in 200 specialty stores, including Neiman Marcus, Nordstrom, Bergdorf Goodman and se-

Serena Boardman — toasting the launch of the scent at the Americas Society. Pictures of the party will appear in Sindi's upcoming book on parties.

— J.N.

Ardenbeauty: A New Beginning

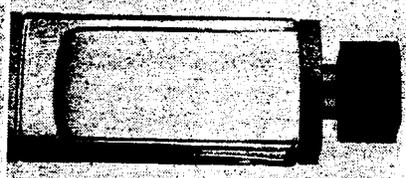
NEW YORK — Elizabeth Arden has a new beauty.

The new scent — the first from the house since the former French Fragrances Inc. acquired Arden from Unilever in January 2001 — is also the first with Arden's new spokesperson, Catherine Zeta-Jones. Zeta-Jones, who signed on as the beauty brand's new face earlier this year, replaced model Amber Valletta.

The new fragrance is the first in a series of introductions Arden has planned for fall and beyond. Others include a new Elizabeth Taylor fragrance, a revamped Arden color line and an Elizabeth Taylor color line.

"Ardenbeauty captures what we believe to be the Arden essence," said Lisa Mataro, vice president of marketing for Elizabeth Arden. "It's a beautiful, multifaceted fragrance that we believe will appeal to a wide range of women."

A crystalline floral-green juice by International Flavors & Fragrances, Ardenbeauty includes notes of living rice flower and jallat rose, amot mixed with a dewy green, middle notes are of blue, rose, gingerlily, rubrum lily and ginger, and its dry-down is of sandalwood, white amber and skin sensual, musk.



The bottle, a rectangle of heavy glass with concave and red-tinted sides, manufactured by Pochet, has a square red matte cap and a gold collar imprinted with the Ardenbeauty logo and was designed in-house by Jean Arretter. The outer packaging is scarlet with matte white lettering.

The Ardenbeauty lineup includes four stockkeeping units: a 1.7-oz. eau de parfum retailing for \$66, a 3.3-oz. eau de parfum retailing for \$80, and two 6.8-oz. ancillaries, a body lotion and a body wash, retailing for \$35 and \$25, respectively.

Ardenbeauty will be available in August in 1,800 U.S. department and specialty store doors, including Macy's and The May Department Stores Co. Although Mataro would not comment on its projected sales, industry sources estimated that it would do about \$15 million at retail in its first year-on-counter.

While Arden is keeping the print advertising under wraps for now, the campaign was shot by Torzell Gudnason. A teaser campaign will roll in January, and the launch will break in August in *Elle* and *Teen* magazines. Although Mataro would comment on the advertising and promotional budget, she would not say how much. A correct comment that a million could be spent on advertising.

Profits Fueling Marionnaud Growth

PARIS — Parfumeries Marionnaud is still in overdrive.

France's largest — and ever-acquisitive — perfumery chain said at its yearly analyst meeting here on Monday that it will open new markets and continue its expansion, particularly in Southern and Eastern Europe.

Marionnaud posted stellar 2001 figures, with consolidated net profits up 61.9 percent to \$32.6 million on consolidated sales up 54.7 percent to \$295.8 million in the period.

All dollar figures are converted from the euro at current exchange rates. Marionnaud also reduced its debt level to \$163.5 million last year from \$208.7 million in 2000. In February 2002, it raised \$155.4 million through OCEANES convertible bonds.

"Both the reduction of debt and cash injection give us the development capacity to acquire businesses," explained Marcel Frydman, president of the 987-door chain.

While Marionnaud is looking into partnership opportunities with local retailers in such countries as South Korea, Morocco and Saudi Arabia, the group plans to expand in Southern Europe, particularly in Spain and Italy. Marionnaud reinforced its position in Spain in March, when it snipped up the 22-door Etkesaur chain located in and around Bilbao. The takeover of 40 more doors is also in the works, said Frydman.

In the first quarter of 2002, Marionnaud inked a deal to acquire three perfumery chains, totaling 108 doors, in six Eastern European countries. "Eastern Europe generates little volume, but it is an investment for the future," said Frydman, who explained his stores there ring up annual sales of about \$27.1 million.

Marionnaud kicked off its buying spree outside of France in 2000, when it purchased the Swiss perfumery chains Alrodo Parfumeries and Parfumerie Principale. Since, it has acquired 448 stores outside of France, making it Europe's biggest chain, in terms of doors. However, group's volume of \$647.2 million still represents 77.9 percent of the expansion into the U.S. and the U.K. are not in the cards.

"I don't want to lengthen the list of French companies that have failed there," he said.

— ENI COSTA

The Wet Seal, Inc. v. FD Management, Inc.

Opposition No. 91157022

Rolls for 4-21-05
Exhibit No. 8 64

2 of 100 DOCUMENTS

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WWD

May 3, 2002

SECTION: Pg. 11 ; ISSN: 0149-5380

IAC-ACC-NO: 86026937

LENGTH: 411 words

HEADLINE: ARDENBEAUTY: A NEW BEGINNING; new Elizabeth Arden scent; Brief Article

BYLINE: Naughton, Julie

BODY:

NEW YORK -- Elizabeth Arden has a new beauty.

Ardenbeauty, that is.

The new scent -- the first from the house since the former French Fragrances Inc. acquired Arden from Unilever in January 2001 -- is also the first with Arden's new spokesperson, Catherine Zeta-Jones. Zeta-Jones, who signed on as the beauty brand's new face earlier this year, replaced model Amber Valletta, whose contract expired last year.

The new fragrance is the first in a series of introductions Arden has planned for fall and beyond. Others include a new Elizabeth Taylor fragrance, a revamped Arden color line and an Elizabeth Taylor color line.

"**Ardenbeauty** captures what we believe to be the Arden essence," said Lisa Mataro, vice president of marketing for Elizabeth Arden. "It's a beautiful, multifaceted fragrance that we believe will appeal to a wide range of women."

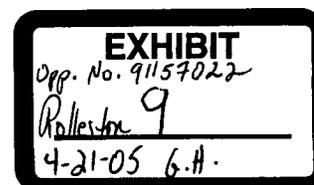
A crystalline floral green juice by International Flavors & Fragrances, **Ardenbeauty** includes top notes of living rice flower and Italian bergamot mixed with a dewy green accord. Its middle notes are of blue lotus flower, living gingerlily, rubrum lily and golden sunset orchid and its dry-down is of Indian sandalwood, white amber and skin sensual musk.

The bottle, a rectangle of heavy glass with concave and red-tinted sides, manufactured by Pochet, has a square red matte cap and a gold collar imprinted with the **Ardenbeauty** logo and was designed in-house by Jean Antretter. The outer packaging is scarlet with matte white lettering.

The **Ardenbeauty** lineup includes four stockkeeping units: a 1.7-oz. eau de parfum retailing for \$ 46, a 3.4-oz. eau de parfum retailing for \$ 60, and two 6.8-oz. ancillaries, a body lotion and a body wash, retailing for \$ 35 and \$ 25, respectively.

Ardenbeauty will be available in August in 1,800 U.S. department and specialty store doors, including Macy's and The May Department Stores Co. Although Mataro wouldn't comment on its projected sales, industry sources estimated that it would do about \$ 15 million at retail in its first year on-counter.

While Arden is keeping the print advertising under wraps for now, the campaign was shot by Torkil Gudnason. A teaser campaign will break in June/July books and the launch ads will break in August in lifestyle and women's



WWD May 3, 2002

magazines. Although Mataro wouldn't comment on the advertising and promotional budget, industry sources estimated that at least \$ 4 million would be spent on advertising.

IAC-CREATE-DATE: May 20, 2002

LOAD-DATE: May 21, 2002

**ELIZABETH ARDEN
COPY**

DATE: 8/29/01

COPYWRITER: Holly Sanders

U.S. COPY **X** WORLDWIDE COPY

Description: EA New Fragrance 2002 Names

Location: Shared/Fragrance/EA New
Fragrance 202/Names-Holly

Requestor: Sree Mukherjee

Project #

V.P. ADV. & CREAT SERV.
COPY DIRECTOR

MARKETING DEVELOPMENT

U.S. MARKETING

RESEARCH & DEVELOPMENT

LEGAL

APPROVED	DATE

Modern/Feminine

Elizabeth Arden Woman

Elizabeth Arden Femme

Flesh

X (as in X chromosone)

Hollywood/International

Icon

Star

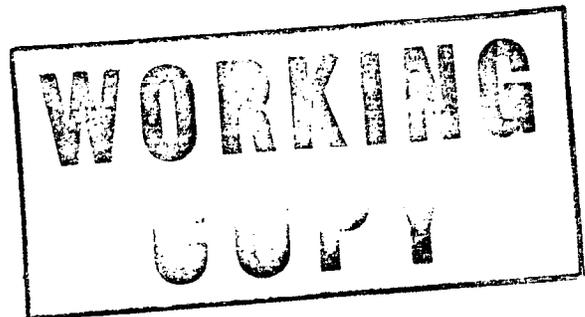
Image

Style

Oscar

Starlet

Debut



*The Wet Seal, Inc. v. FD
Management, Inc.
Opposition No. 91157022*
Rolles for
Exhibit No. 10

*S.H.
4-21-05*

CONFIDENTIAL

Opening Night

Premiere

Celebrity

Paparazzi

Glamour

Posh

Pearls

Platinum

Extravagant

Gilt

Chic

Glitz

Luxe

Sequins

Metropolitan

Fabulous

Dazzle

Stunning

Cosmopolitan

Gorgeous

CONFIDENTIAL

Riviera

Gotham

Divine

Pavé

Presence/Elegance

All Woman

Femme Fatale

Entrapment

Catherine the Great

Scheherazade

Zeta

The Real Thing/One of a Kind

Singular

Special

Rare

Elite

New

Exclusive

Striking

CONFIDENTIAL

Breath-taking

One

Only

Supreme

CONFIDENTIAL

EA-00014

ELIZABETH ARDEN
COPY

August 30, 2001

DATE: _____

Nikki Alexander

COPYWRITER: _____

U.S. COPY

WORLDWIDE COPY

Description: New EA fragrance 2002 names

Location: shared/fragrance/EA New

Fragrance 2002/Names -- Nikki

Requestor: Sree

Project #

V.P. ADV. & CREAT SERV.

COPY DIRECTOR

MARKETING DEVELOPMENT

U.S. MARKETING

RESEARCH & DEVELOPMENT

LEGAL

APPROVED	DATE

Modern/Feminine

Lady

Woman

Curves

Siren

Sphinx

Enchantress

Hollywood/International

Queen

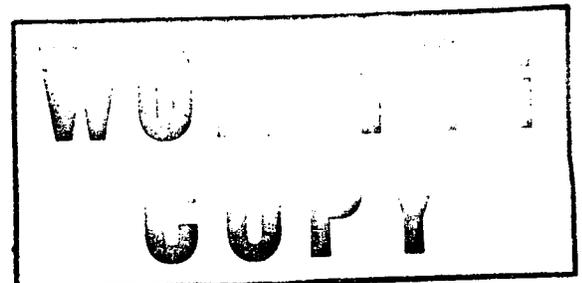
Princess

Muse

Vamp

Legend

Divine



CONFIDENTIAL

EA-00015

Glamour

Rapture

Beguide

Shine

Gorgeous

Beguide

Image

Presence/Elegance/Comfortable

Abandon

Zest

Abundance

Charisma

Uninhibited

Possibilities

Being

The Real Thing/One of a Kind

Only

Solo

Freestyle

Untamed

Extraordinary

CONFIDENTIAL

ELIZABETH ARDEN
COPY

DATE: 9/18/01

COPYWRITER: Ann S.

U.S. COPY WORLDWIDE COPY X

Description: Ea CZJ Fragrance

Location:

Requestor:

Project #

Arden New Fragrance Theming

	APPROVED	DATE
V.P. ADV. & CREAT SERV.		
COPY DIRECTOR		
MARKETING DEVELOPMENT		
U.S. MARKETING		
RESEARCH & DEVELOPMENT		
LEGAL		

Glamour (extroverted)

Daring

Enchantment

Enchanted

Temptation

Irresistible

Audacious

Astonishing

Impulse

Tempestuous

Mesmerizing

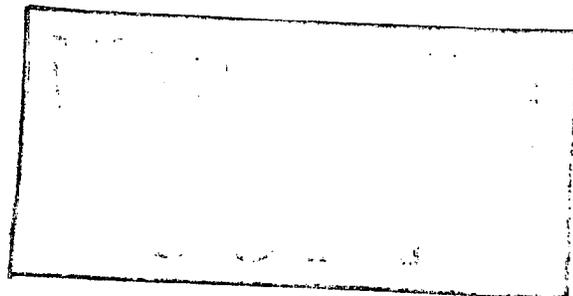
*The Wet Seal, Inc. v. FD
Management, Inc.*

Opposition No. 91157022

Roller for

Exhibit No. _____

*f.H.
4-21-05*



CONFIDENTIAL

EA-00017

Fascination

Triumph

Verve

Acclaim

Brava

Magnetic

Ovation

Legend

Encore

Caprice

Bravura

Provocative

Premiere

Tribute

Persuasion

Infatuated

CONFIDENTIAL

Impetuous

Imprint

Beguiling

One and Only

Desire

Accolade

Virtuoso

Legacy

CONFIDENTIAL

EA-00019

Glamour (Aspirational)

Transformation

Embrace

Promise

Revelation

Luminous

Radiance

Glory

Glorious

Rejoice

Shining

Celebrate

Transcendent

Brilliance

Inspiration

Here and Now

CONFIDENTIAL

Now and Always

Away

Elation

Aura

CONFIDENTIAL

EA-00021

**ELIZABETH ARDEN
COPY**

DATE: 9/18/01

COPYWRITER: Ann S.

U.S. COPY WORLDWIDE COPY X

Description: Ea CZJ Fragrance

Location:

Requestor:

Project #
Arden New Fragrance Positioning

V.P. ADV. & CREAT SERV.
COPY DIRECTOR
MARKETING DEVELOPMENT
U.S. MARKETING
RESEARCH & DEVELOPMENT
LEGAL

APPROVED	DATE
<i>AS</i>	11/20

Arden
Only

Arden
For You

Arden
Yours

Arden
For Her

Arden
Beauty ✓

Arden
Rouge

Arden
Woman ✓

Arden
Now

Arden
Enchantment

Arden
Essence

Essential
Arden

*The Wet Seal, Inc. v. FD
Management, Inc.
Opposition No. 91157022 S.H.
Rolleston
Exhibit No. _____ 4-21-05*

CONFIDENTIAL

Arden
Promise

Arden
Vision

Arden
Encore

Arden
Premiere

Arden
Debut

Arden
Always

Arden
Moment

Arden
Beginnings

Arden
Muse ✓

Arden
Elixir

Arden
Potion

Simply
Arden

Truly
Arden

CONFIDENTIAL

ELIZABETH ARDEN COPY

DATE: November 19, 2001
 COPYWRITER: Holly Sanders

U.S. COPY WORLDWIDE COPY

Description: Arden Fragrance names
 Location: shared/fragrance/new arden
 Fragrance/Arden+ names
 Requestor:
 Project #

	APPROVED	DATE
V.P. ADV. & CREAT SERV.		
COPY DIRECTOR	<i>HS</i>	<i>11/20</i>
MARKETING DEVELOPMENT		
U.S. MARKETING		
RESEARCH & DEVELOPMENT		
LEGAL		

- Arden Red
- Arden Forever
- Arden Mist
- Arden on Fifth
- Arden Chic
- Arden Time
- Arden Classic
- Arden Body and Soul
- Arden Brilliance
- Arden Sexy
- Arden Temptation
- Arden Sensation
- Arden Rapture
- Arden Vermilion
- Arden Cherry
- Arden Magic

The Wet Seal, Inc. v. FD
 Management, Inc.
 Opposition No. 91157022
 Exhibit No. 15 *S.H.*
Rolleston *4-21-05*

CONFIDENTIAL

Arden Moment

Arden Divine

Arden Darling ✓

Arden Anyone?

Arden World

Arden Pretty

Arden Town & Country

Arden New York

Arden Night

Arden Summer

CONFIDENTIAL

New EA Fragrance

(FD Management)

As of 1/07/02

Pending:

ARDEN SCENT – ok Level 1 (U.S. & Canada) and Level 2 to date (Benelux, European Community, France, Germany, International Register, Italy, Spain, United Kingdom)– awaiting remaining Level 2 search results (Australia, China, Hong Kong, Japan, Korea, Mexico, Singapore, South Africa, Sweden, Taiwan) (requested 1/03).

ELIZABETH ARDEN SCENT – above search results can be applied to this mark too.

ARDEN BEAUTY – Level 1 & 2 countries are clear; opinion letter received from Abelman 12/18 re: Estee Lauder marks (distributed under separate cover).

ELIZABETH ARDEN BEAUTY – above search results can be applied to this mark too.

ARDEN- ok for Levels 1 & 2; Note: registered in all Level 1 & 2 countries except U.S.(search ok), Australia (AFM* regis; AG* pending), Italy (AFM regis; AG pending), South Africa (AFM regis).

Blocked & Done

ELIZABETH ARDEN E - ok Level 1; search Level 2? Mktg advised to STOP 12/11.

PARAMOUR - ok Level 1; search Level 2? Mktg advised to STOP 12/17.

ELIZABETH ARDEN ONLY – not available in China, European Community (blocked by 2 pending applications), Italy & Japan; all other Level 1 & 2 countries are clear.

ART– blocked (scan) – **ARTS & FRAGRANCES & Design** is registered (8/00) for perfumes, etc. by Art & Fragrances Cosmetics S.A. (Swiss company, which also has a recent pending application for the words alone); also, **ART** is pending (suspended) for fragrances and cosmetics by Artec Systems Group, Inc. is suspended.

IMAGINE– blocked (scan) – **IMAGINE** is pending for perfumery and cosmetics by Badger Kry & Partners (filed 10/01); **IMAGINE...** is pending for makeup by Elegant Brush Inc. (filed 6/01); **IMAGINE...PEACH LOVE HAPPINESS** is pending for perfume and other personal care products by Bath & Body Works, Inc. (filed 10/01)

PROVOCATIVE – blocked (scan)

PRELUDE- blocked (scan)

MUSE – blocked (scan & investigation)

APPETITES – blocked (scan)

LYRIC – blocked (scan)

PROVOCATION – blocked (scan); use investigation; Mktg advised to STOP 12/11.

The Wet Seal, Inc. v. FD

Management, Inc.

Opposition No. 91157022

Roller Inc
Exhibit No. 15

S.H.

4-21-05

*AFM= ARDEN FOR MEN
AG= ARDEN GARDEN

CONFIDENTIAL

EA New Fragrance

As of 12/03/01

Pending:

ARDEN BEAUTY- ok Level 1; search Level 2? Awaiting instructions from Mktg PROCEED

ELIZABETH ARDEN BEAUTY – please search

PARAMOUR ok Level 1; search Level 2? Awaiting instructions from Mktg PROCEED

ELIZABETH ARDEN ONLY - ok Level 1; search Level 2? Awaiting instructions from Mktg PROCEED

ELIZABETH ARDEN E- ok Level 1; search Level 2? Awaiting instructions from Mktg STOP SEARCH

ARDEN- U.S. ok; awaiting list of Level 1 & 2 countries NOT registered (i.e., need to search) PROCEED

PROVOCATION – blocked (scan); use investigation pending; await instructions from Mktg re whether to pursue further STOP SEARCH

Blocked & Done

PROVOCATIVE – blocked (scan)

PRELUDE- blocked (scan)

MUSE – blocked (scan & investigation)

APPETITES – blocked (scan)

LYRIC – blocked (scan)

CONFIDENTIAL

EA-00002

baronin

aeops
avol

avil

amot
amos
atoll
ahms.
avent
aret
aille
aven
aust
amp

and more

and then....

as it was ...

as it will be...

as always

about time

about

be there

being there

because

bein

bikic (because I know I can)

goknow

tam

CONFIDENTIAL

nod

cel care. equals the load.
c.e.t.i.l.

pas (please. always smile)

mea

L.L.N. - (live life now)

arden. the garden

arden. the scent

arden. a passage

arden. in the mood

arden. in advance

stay.

steadfast.

define.

sign on

CONFIDENTIAL

Red hot

r.r.r. (red red rose)

R.L. D. (red letter day)

Partial to Red.

simply red

Red 441

jungle red

circuit red

bull's eye red

red patent

chinese red

red lacquer

red lace

power play red

red and ready

start your engines red

ARDEN R.E.D.

City slicker red

The heart of red

Jump up Red

Chantilly Red

CONFIDENTIAL

RedCoral

Curtain bluff Red

Candlelight Red

Redwood

Red Sandles.

Hawthorne Red

Red Sails.

Sunset Red

Red Print.

Forever Red.

Cherished in Red.

Red all over.

Ambient Red

Ember Red

Red on Red

Blasse

Bornne

Benuto

Beautiffe

Beuilline

CONFIDENTIAL

Facile

ARDEN. D & E.

(day and evening)

Real real Red

Classesse

Classicale

Presentium

Lurielle

Definee

Pur Red

Flirtique

Airabisque

Steele

Certaine

Quotiant

Intellium

Duoble

Assertium

Sexteme

Arden 21st.

Musial

Musiem

Sirette

CONFIDENTIAL

Syrette

Only in Red

Beginne

Impulsif

Impulsium

Imp

Morde

Modelle

Enshante

Baguille

Accole

Legasse

Desiroux

Presper

Plu

Expond

Damee

Waverey

Arir (as red is red)

Ayr (and you. red)

Allo.

cYe

choose your excitement.

CONFIDENTIAL

wysp- a breathe of essence.

fagranze

un='ed

solo

soleur

souleur

predouze

emot

luft

aliadeur

immeroux- (always in german – ammer)

bazille

fragen

hallon

ventune

mildos

milledue

isbette

ardenesque

daen

D'aen

Dena

Denda

Dande

CONFIDENTIAL

New EA Fragrance

(FD Management)

As of 2/01/02

Pending:

ARDEN BEAUTY – Level 1 & 2 countries are clear; opinion letter received from Abelman 12/18 re: Estee Lauder marks (distributed under separate cover); **awaiting instructions whether to search Level 2a and whether to register.**

ELIZABETH ARDEN BEAUTY – above search results can be applied to this mark too.

ARDEN SCENT – Level 1 & Level 2 countries are clear; **awaiting instructions whether to search Level 2a.**

ELIZABETH ARDEN SCENT – above search results can be applied to this mark too.

ARDEN- ok for Levels 1 & 2; Note: registered in all Level 1 & 2 countries except U.S. (search ok), Australia (AFM* regis; AG* pending), Italy (AFM regis; AG pending), South Africa (AFM regis).

Blocked & Done

ELIZABETH ARDEN E - ok Level 1; search Level 2? Mktg advised to STOP 12/11.

PARAMOUR - ok Level 1; search Level 2? Mktg advised to STOP 12/17.

ELIZABETH ARDEN ONLY – not available in China, European Community (blocked by 2 pending applications), Italy & Japan; all other Level 1 & 2 countries are clear.

ART– blocked (scan) – ARTS & FRAGRANCES & Design is registered (8/00) for perfumes, etc. by Art & Fragrances Cosmetics S.A. (Swiss company, which also has a recent pending application for the words alone); also, ART is pending (suspended) for fragrances and cosmetics by Artec Systems Group, Inc. is suspended.

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PROVOCATIVE – blocked (scan)

PRELUDE- blocked (scan)

MUSE – blocked (scan & investigation)

APPETITES – blocked (scan)

LYRIC – blocked (scan)

PROVOCATION – blocked (scan); use investigation; Mktg advised to STOP 12/11.

*AFM= ARDEN FOR MEN
AG= ARDEN GARDEN

*The Wet Seal, Inc. v. FD
Management, Inc.*
Opposition No. 91157022

Rollerston
Exhibit No. 14

*4-21-05
D.H.*

CONFIDENTIAL

Cathy Shore

From: Cathy Shore [Cathy.Shore@elizabetharden.com]
Sent: Tuesday, November 20, 2001 2:17 PM
To: Rolleston, Ronald
Cc: Marina, Oscar; Holker-Smith, Michelle
Subject: Preliminary Trademark Search: ARDEN BEAUTY

11/27
met w/ Ron
on hold

Ron:

Per your request, I did a preliminary U.S. trademark scan for ARDEN BEAUTY. Before I contact Abelman to have them search more extensively (both US and OUS), I wanted to let you know that the following marks would co-exist (in addition to others):

RALPH LAUREN BEAUTY: pending intent to use application for cosmetics filed Nov. 2000;

BACHMANN SPRINGS BEAUTY: pending intent to use application for perfumes, self-care products, cosmetics and hair care preparations filed June 2001;

ESTEE LAUDER DEFINING BEAUTY: pending intent to use application for fragrances, cosmetics and toiletries filed Oct. 2001;

SELLECCA BEAUTY: pending intent to use application for skin care and makeup products filed Jan. 2000;

SYLVIA'S BEAUTY AND SOUL: registered for a variety of products, including perfumes and colognes;

SIMPLE BEAUTY: registered for perfume by American Impressions.

It appears that we likely could co-exist too (pending the results of a full search). However, my concern is that since several of these applications have been recently filed, we could be launching our ARDEN BEAUTY fragrance line at the same time or on the coat tails of, for example, a RALPH LAUREN BEAUTY or ESTEE LAUDER DEFINING BEAUTY fragrance line. This is more of a business decision than a legal one, so I leave the decision up to you.

Please let me know if you would like me to proceed further. Thanks.

Cathy

Cathy E. Shore-Sirotn
Assistant General Counsel
Elizabeth Arden
200 Park Avenue South, New York, NY 10003
ph: (212) 261-1133; fax: (212) 261-1060
email: cathy.shore@elizabetharden.com

11/28
t/c w/ Peter
-ordered U.S. + Canada
search

*The Wet Seal, Inc. v. FD
Management, Inc.*
Opposition No. 91157022
Rolleston
Exhibit No. 11

S.H.
4-21-05

Cathy Shore

From: Cathy Shore [Cathy.Shore@elizabetharden.com]
Sent: Monday, February 11, 2002 8:57 PM
To: Rolleston, Ronald
Cc: Marina, Oscar
Subject: ARDENBEAUTY

Ron:

I spoke to Oscar and we discussed your concerns.

I checked the current status of several "beauty" marks, and three of them have recently been allowed or registered. (RALPH LAUREN BEAUTY was allowed for cosmetics on 1/15/02; SELLECCA BEAUTY was allowed for skin care and makeup products on 9/11/01; SIMPLE BEAUTY was registered for perfume on 9/11/01.) Although there are no assurances that we won't be sued, it is likely that we will get the mark ARDENBEAUTY registered.

In the instances mentioned above, Lauder did not oppose the applications. If Lauder were interested in stopping such use, it would be cheaper to oppose the applications and put these companies on notice before they start to use the respective marks, particularly since based on the documents filed at the Trademark Office, Ralph Lauren and Connie Sellecca have not yet used their respective marks. It is much more expensive to sue in court to stop use of a mark.

Further, please note that although Lauder has a registration for ESTEE LAUDER BEAUTIFUL and a pending application for ESTEE LAUDER DEFINING BEAUTY, it does not have an application or registration for just BEAUTIFUL or just BEAUTY.

Ron, please let me know if you need anything further.

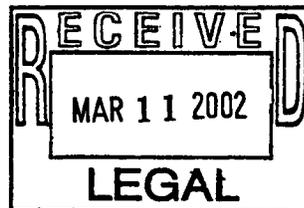
Cathy

Cathy E. Shore-Sirotn
Assistant General Counsel
Elizabeth Arden
200 Park Avenue South, New York, NY 10003
ph: (212) 261-1133; fax: (212) 261-1060
email: cathy.shore@elizabetharden.com

*The Wet Seal, Inc. v. FD
Management, Inc.
Opposition No. 91157022
Rolleston*
Exhibit No. 18

4-21-05
B.H.

Elizabeth Arden



Memo

TO: Cathy Shore

DATE: 2/12/02

FROM: Ron Rolleston

RE: "ardenbeauty"

CC: Lisa Mataro
Susan Zuckerman
Lisa Kalfus

We have made the decision to proceed with the name "ardenbeauty" for the new Elizabeth Arden fragrance, which will be launched globally in July/August 2002.

Based on the letter provided by Abelman, Frayne & Schwab, it is our understanding that "ardenbeauty" can coexist with the various trademarks already present in the market, and that we will incur no legal risk as we move forward.

Thank you.

*The Wet Seal, Inc. v. FD
Management, Inc.*

Opposition No. 91157022

Rolleston
Exhibit No. 19

4-21-05
S.H.

CREATIVE REQUEST

Date Rec'd: _____

PROGRAM: WORLDWIDE US ONLY _____ CANADA _____ INT'L _____ OTHER _____

DATE: 08/24/2001
PRODUCT/ BRAND: Elizabeth Arden New Fragrance REQUESTOR: Sree Mukherjee Vaid
PROJECT CODE: _____ 1ST COUNTER DATE: Aug-02
CHARGE CODE: _____ PROMOTION/ EVENT: New Fragrance

ITEM REQUIRED

DUE DATES

ITEM: Names COPY 9/15 LAYOUT _____ MECH _____ CHROMES _____
tbd

COPY DIRECTION - (Attach preliminary profile or fact sheet) Include objectives in order of importance; product positioning - price, competition, competitive literature or include examples of similar previously prepared materials.

OBJECTIVE: To create names for the new EA fragrance that evoke the
the image of Catherine Zeta Jones
and reinforce the new image of EA.

PRODUCT(S): New Arden Fragrance for 2001

PRICE(S): _____

OTHER: _____

ART DIRECTION - (Please provide actual product for photography) Include the following where applicable: size(s); number of pages; color direction; products to be included/ photographed. Provide sample of previously prepared material that is similar in nature.

OBJECTIVE: _____
PRODUCT(S): _____

AVAILABLE DATES: _____

PHOTOGRAPHY/ _____

COMP _____

OTHER: _____

SMV

Mgr of Mktg/ Dev.

Advertising Director

Budget/ Creative \$

Financial Analyst

The Wet Seal, Inc. v. FD
Management, Inc.
Opposition No. 91157022
Exhibit No. 200
Rolleston

8#
4-21-05

CONFIDENTIAL

PLEASE KEEP A COPY OF THIS REQUEST FOR YOUR RECORDS

Elizabeth Arden

Memo



TO: FIELD SALES

DATE: June 28, 2002

FROM: SALES ADMINISTRATION

RE: ARDEN - WEEKLY INFORMATION MEMO

CC: SEE DISTRIBUTION

This week there are five items that pertain to the field. Thank you, have a great weekend!

1. CUSTOM COLOR MACHINE TIPS (From: Mary Beth O'Brien)

To: Field Sales

Attached are maintenance tips for Custom Color machines. Steve Chin put these together for us based on frequently asked questions. Please share them with the Beauty Consultants who have Custom Color in their doors.

2. ARDENBEAUTY CONTAINER PROGRAM VISUALS (From: Mary Beth O'Brien)

Attached is a visual of the ardenbeauty container program item 0194-422. The revised qualifier to receive this gift container, are 3 ardenbeauty regular business products.

The revised STT is 10/1 - 10/15/02 for this promotion; therefore, it will be on counter in November.

Individual bags of red shredded tissue and shrink-wrap bags will also be included in the shipment with the container.

3. ARDENBEAUTY BODY LOTION AND CLEANSER CAPS (From: Mary Beth O'Brien)

Both the ardenbeauty Body Lotion and Body Cleanser will have white caps instead of red for an unspecified amount of time. Please ensure you share this with your Beauty Consultants as previous visuals have featured a red cap. We will keep posted with any change.

4. ARDENBEAUTY AND CELLO WRAPPING (From: Lisa Kalfus)

At our recent Regional Meetings it was brought to our attention that the field does not like cello wrapping fragrance. However, we discussed various reasons why ardenbeauty needs to be cello wrapped. I would just like to make sure the field knows that it is crucial to keep the cello wrap on the Body Wash carton as the CID is printed on the wrap, not the carton itself.

*The Wet Seal, Inc. v. FD
Management, Inc.*

Opposition No. 91157022

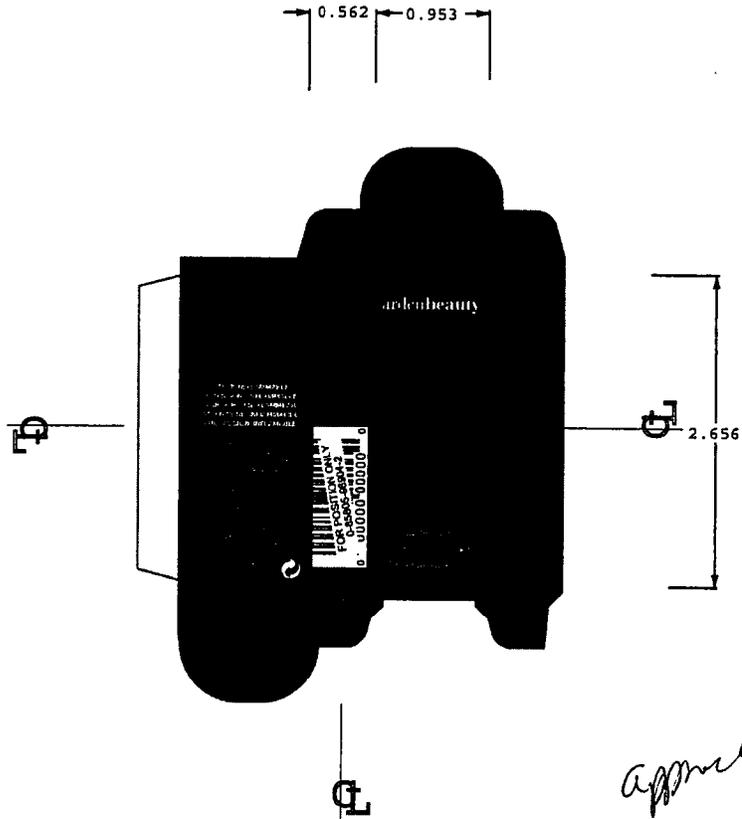
Rollerston

Exhibit No. _____

S.H.

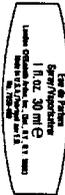
4-21-05

ARKAY PACKAGING CORPORATION	
COMPANY:	
PRODUCT:	
COMPONENT NO.:	
SUPPLIER SAMPLE NO.: AR151W	DATE: 05/31/02
SIZE: U.S.A.: 8.5" x 11" x 3-1/8" (203 x 279 x 81.3)	METRIC:
SCALE: 1:1	
PROGRAM: ILLUSTRATOR 6.8	
PRINT SIDE UP	

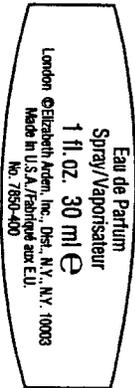


COLORBREAK	
<input type="checkbox"/>	STAMPED WHITE
<input type="checkbox"/>	EMBOSSED RED
<input type="checkbox"/>	BLACK
<input type="checkbox"/>	DIELINE (DOES NOT PRINT)

ELIZABETH ARDEN, INC.				APPROVALS		REVISION HISTORY		RELEASE DATE:
NO.	DATE	BY	DESCRIPTION	NAME	DATE	NO.	DESCRIPTION	
387118		K690-400	0-85805-96904-2	PRG. DEV.:				05/31/2002
		P 37-10-02	NEW	DESIGN:				
		ardenbeauty EDP Replica	A015110	MARKETING:				
		Carton	0.953" x 0.562" x 2.656"	LEGAL:				
		.17 fl oz 5 ml	Orange & Blue Design Group	R&D:				



ARTWORK AT 200%



Approved

KROGER / PAT
 FILE: 24005-C
 DATE: 4-11-02
 P.O.: 1 of 4 die lines 1oz.

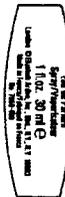
COLORBREAK

WHITE - COPY ON CLEAR

--- COLORS BELOW DO NOT PRINT ---

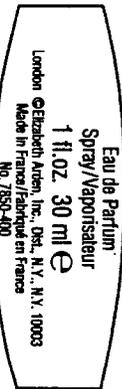
DIELINE (DOES NOT PRINT)

ELIZABETH ARDEN, INC.		200 FROST STATION PLACE, STAMFORD, CT 06902 U.S.A. (203) 462-5700	
NEW CC #:	171160	FC#:	7850-400
OLD CC #:		PROFIT#:	S 37-01-02
DESCRIPTION:	ARDEN BEAUTY EDP 1.0 FL.OZ. / 30ML		
COMMENTS:	BASE LABEL		
WT. C:	1 FL OZ / 30 ML		
UPC#:	N/A	FORMULA #:	NEW
DIVISIONS:	DISK FROM KROGER	CREATED BY:	ea • jle
APPROVALS		REVISION HISTORY	
Pkg. Dev.:		RELEASE DATE:	
DESIGN:			
MARKETING:			
LEGAL:			
R&D:			



ARTWORK AT 200%

Copy



KROGER / PAT
 FILE: 24005-C
 DATE: 4-11-02
 P.O.: 1 of 4 die lines 1oz.

COLOREBREAK

WHITE - COPY ON CLEAR

COLOURS BELOW DO NOT PRINT

DIELINE (DOES NOT PRINT)

ELIZABETH ARDEN, INC. 200 FIRST STAMFORD PLACE, STAMFORD, CT 06902 U.S.A. (203) 462-5700		APPROVALS	(NAME/DATE)	REVISION HISTORY	RELEASE DATE:
NEW CC #:	171410	FG#:	7850-400	UPCR#:	N/A
OLD CC #:		PROJECT#:	S 37-01-02	FORMULA #:	NEW
DESCRIPTION:	ARDEN BEAUTY EDP 1.0 FL.OZ. / 30ML		DIE (SUP #):	DISK FROM KROGER	
COLLECTION #:	BASE LABEL		DIMENSIONS:		
WT. G/	1 FL OZ / 30 ML		CREATED BY:	ea • jie	
			Pkg. Dev.:		
			DESIGN:		
			MARKETING:		
			LEGAL:		
			RAP:		

KROGER / PAT
 FILE: 24005-A
 DATE: 4-11-02
 P.O.: 1 of 4 die lines 3.3



APM

COLORBREAK

WHITE - COPY ON CLEAR

COLORS BELOW DO NOT PRINT

DIELINE (DOES NOT PRINT)

ELIZABETH ARDEN, INC.		U.S.A. 1-800-462-5100		APPROVALS	(NAME/DATE)	REVISIONS	RELEASE DATE
171169	7853-400	N/A		PRD. DEV.			
	S-37-01-02			DESIGN			
ARDEN BEAUTY EDP				MARKETING			
BASE LABEL				LEGAL			
3.3 FL. OZ. 100 ml		Arden/WS		R&D			

KROGER / PAT
 FILE: 24005-A
 DATE: 4-11-02
 P.O.: 1 of 4 die lines 3.3



Approved

COLORBREAK

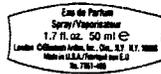
WHITE - COPY ON CLEAR

 COLORS BELOW DO NOT PRINT

 DIELINE (DOES NOT PRINT)

ELIZABETH ARDEN, INC.		APPROVALS		(NAME / DATE)	REVISION HISTORY	RELEASE DATE:
171408	7853-400	N/A	PUB. DEV.:			
	S-37-01-02		DESIGN:			
ARDEN BEAUTY EDP			MARKETING:			
BASE LABEL			LEGAL:			
3.3 FL. OZ. 100 ml		Arden/WS	R&D:			

KROGER / PAT
 FILE: 24005-B
 DATE: 4-11-02
 P.O.: 1 of 4 die lines 1.7



Approved

COLORBREAK

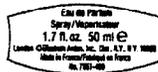
■ WHITE - COPY ON CLEAR

■ COLORS BELOW DO NOT PRINT

■ OUTLINE (DOES NOT PRINT)

ELIZABETH ARDEN, INC.				APPROVALS	NAME/DATE	REVISION HISTORY	RELEASE DATE
SKU	171166	SKU	7851-400				
DESCRIPTION	ARDEN BEAUTY EDP		N/A	PRO. DEV.:			
	BASE LABEL			DESIGN:			
	1.7 FL. OZ. 50 ml		Arden/ WS	MARKETING:			
				LEGAL:			
				R&D:			

KROGER / PAT
 FILE: 24005-B
 DATE: 4-11-02
 P.O.: 1 of 4 die lines 1.7



Arden

COLORBREAK

WHITE - COPY ON CLEAR

 COLORS BELOW DO NOT PRINT

DELINE (DOES NOT PRINT)

ELIZABETH ARDEN, INC.				APPROVALS		REVISION HISTORY	RELEASE DATE
NO.	DESCRIPTION	DATE	BY	NAME	DATE		
171409	7851-400		N/A	PKG. DEV.			
	S-37-01-02			DESIGN			
	ARDEN BEAUTY EDP			MARKETING			
	BASE LABEL			LEGAL			
	1.7 FL. OZ. 50 ml		Arden/ WS	R&D			

2 1/8"

ardenbeauty

Body Wash / Crème Nettoyante pour le Corps

.18 fl. oz. 5 ml e

To use: Lather over body. Rinse well. If product gets into eyes, wash thoroughly with water. For adult use only.

Utilisation : Faire mousser sur le corps. Bien rincer. En cas de contact avec les yeux, rincer abondamment.

For adult use only.

Anwendung: Auf die feuchte Haut auftragen, abschäumen und mit viel Wasser ausspülen. Wenn das Produkt in die Augen gelangt, sorgfältig mit Wasser ausspülen. Nur für Erwachsene geeignet.

Use: apply to wet skin. Lather and rinse thoroughly. If product gets into eyes, wash thoroughly with water. For adult use only.

Non disperseren nell'ambiente dopo l'uso.

Nota de empleo: Enjabonar todo el cuerpo. aclarar bien. Si el producto se introduce en los ojos, lavarlos abundantemente con agua.

Para uso de adultos solamente.

INGREDIENTS: WATER (AQUA), SODIUM COCOYL ISETHIONATE, COCA MIDOPROPYL BETAINE, DIMETHICONE, FRAGRANCE (PARFUM), AMMONIUM LAURETH SULFATE, ALYCEIN, PEG CAPRYL/CAPRIC GLYCERIDES, LAURETH-23, LAURETH-4, PEG-150 PENTALENYLRYL TETRASTEARATE, CARBOMER, GUM HYDROXYPROPYL TRIMONIUM CHLORIDE, SODIUM HYDROXIDE, BHT, DISODIUM EDTA, MICA, SODIUM CHLORIDE, DIMID HYDANTOIN, AETHYL PARABEN, PROPYL PARABEN, TITANIUM DIOXIDE (CI 77891).

Distributed in U.S.A. by
Elizabeth Arden, Inc.
New York, NY 10003
Elizabeth Arden, London
Made in U.S.A. / Fabriqué Aux E.U.
No. K658-400



Elizabeth Arden

3 3/8"

COLORBREAK

ARDENBEAUTY RED COPY

WHITE PAD

COLORS BELOW DO NOT PRINT

DIELINE (DOES NOT PRINT)

ELIZABETH ARDEN, INC.

200 FIFTH AVENUE, STAMFORD, CT 06902 U.S.A. (203) 462-5700

NEW CC#:

250768

FG#:

K658-400

OLD CC#:

PROJECT#:

S-37-01-02

PROJECT NAME:

ARDENBEAUTY BODY WASH

COMPONENT:

LABEL CID/PAD x 50

WT. CLAIM:

FL. OZ. 5 ml

UNCL#:

FORMULA #:

DIRECTIONS:

CREATED BY:

APPROVALS

(NAME/DATE)

REVISION HISTORY

RELEASE DATE:

FIG. DEV.:

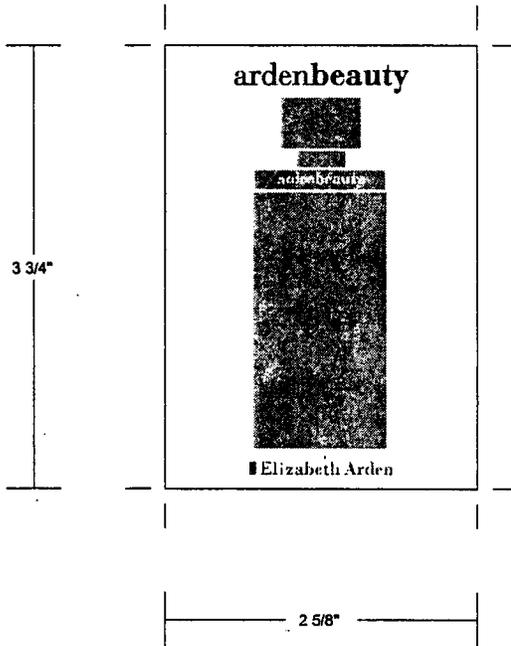
DESIGN:

MARKETING:

LEGAL:

R&D:

2 1/8" x 3 3/8"



bottle shape embosses
ardenbeauty de-bosses

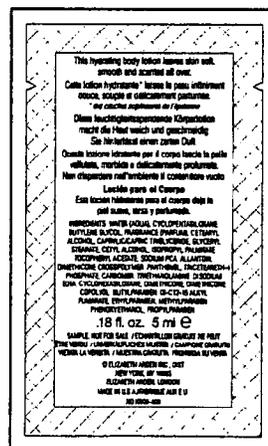
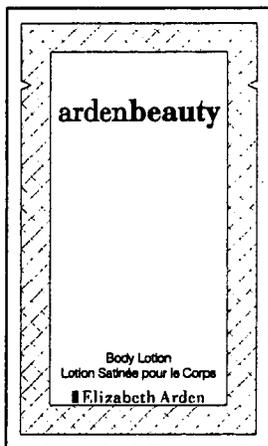
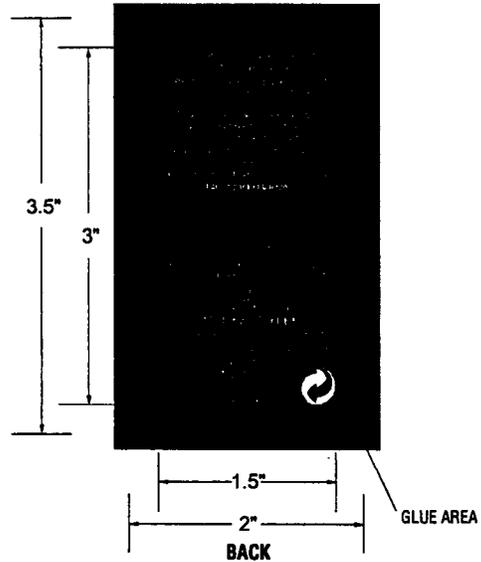
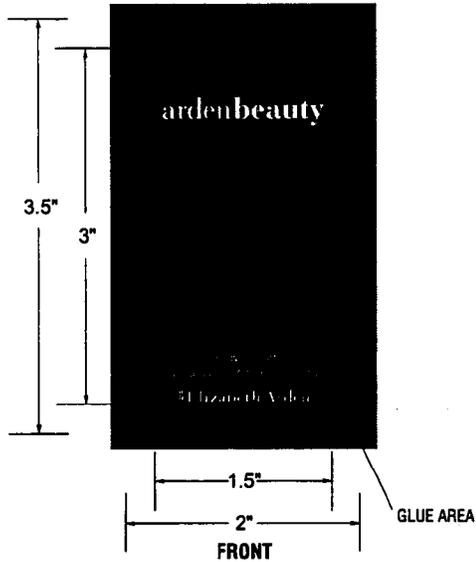
COLORBREAK

-  ARDEN RED
-  DE-BOSS
-  EMBOSS

 COLORS BELOW DO NOT PRINT

 DIELINE (DOES NOT PRINT)

ELIZABETH ARDEN, INC.		UNITED STATES PATENT AND TRADEMARK OFFICE		APPROVALS		REVISION HISTORY		RELEASE DATE:
PROJECT NO.	N331-400	PROJECT NO.	N331-400	0 85805 83315 2	PKG. DEV.:			
BRAND	Arden Beauty	DESCRIPTION			DESIGN:			
ITEM	Blotter Card	SIZE	2 5/8" X 3 3/4"		MARKETING:			
DATE		DATE			LEGAL:			
					R&D:			



FOR BLACK AND WHITE PRINTING ONLY

COLORBREAK

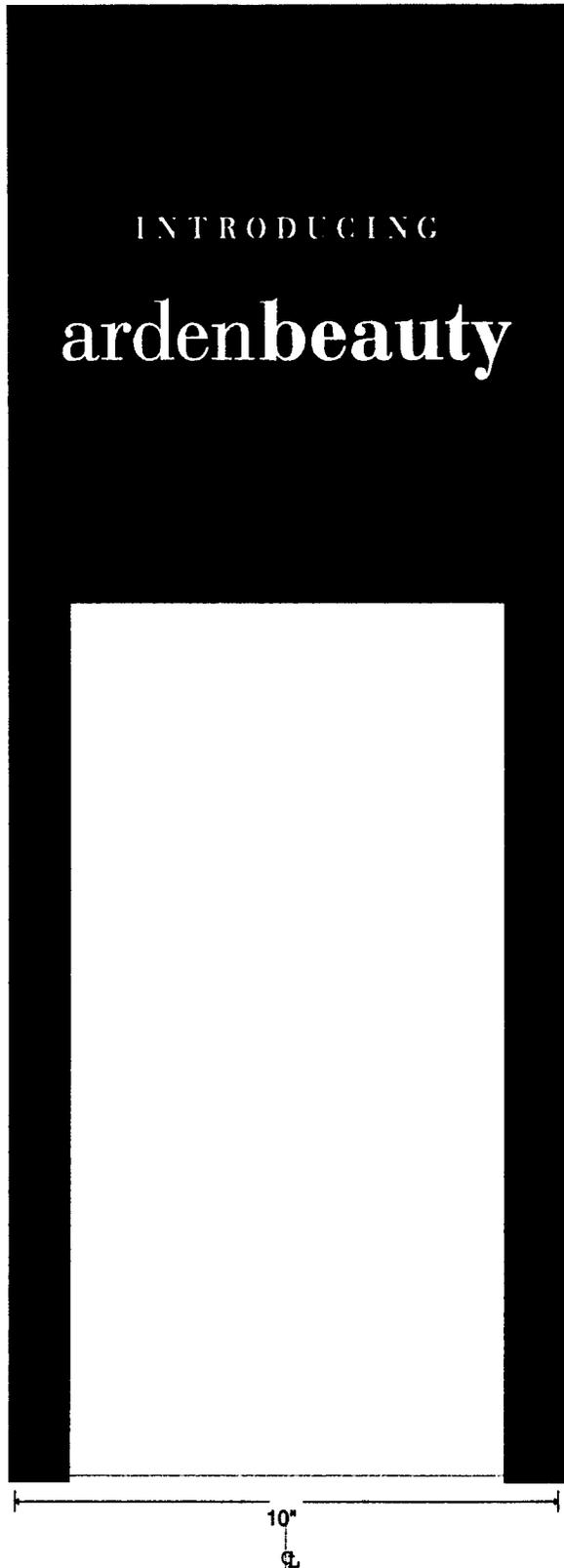
WHITE

ARDEN RED

COLOURS BELOW DO NOT PRINT

DIELINE (DOES NOT PRINT)

ELIZABETH ARDEN, INC.			APPROVALS	NAME / DATE	REVISION HISTORY	RELEASE DATE:
250630	K660-400	N/A	DESIGN			03/18/2002
N/A	S-37-03-02		MARKETING			
ARDEN BEAUTY BODY LOTION			LEGAL			
PACKETTE			REG			
0.18 FL. OZ. 5 ml						



INTRODUCING

ardenbeauty

26 3/4"

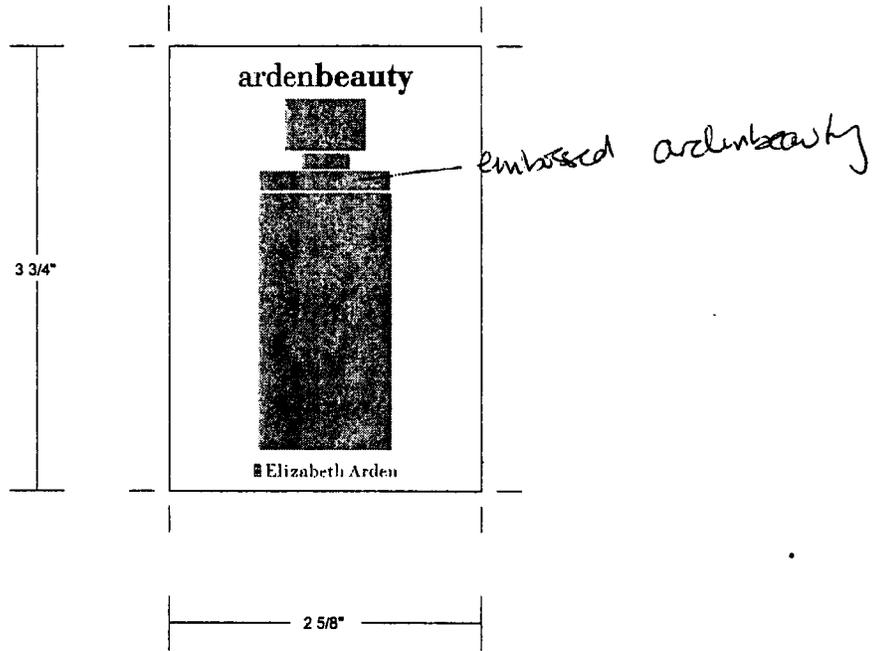
16"

10"

COLORBREAK

- WHITE
- ARDENBEAUTY RED
- DIBLINE (DOES NOT PRINT)

ELIZABETH ARDEN, INC.		222 EAST 57TH STREET, NEW YORK, N.Y. 10022-4901		APPROVALS	GRAPHIC DESIG	REV. SHEET NO.	RELEASE DATE	04/16/2002
PROJECT	N337-400	ITEM	N337-400	PRO. DESIG.				
DESCRIPTION	ardenbeauty Launch Collateral			DESIGN				
REVISION	None	DATE		REVISION				
SIZE	10" x 26.75"			DATE				
SCALE	N/A			BY				



COLORBREAK

■ ARDEN RED

■ EMBOSS

--- COLORS BELOW DO NOT PRINT ---

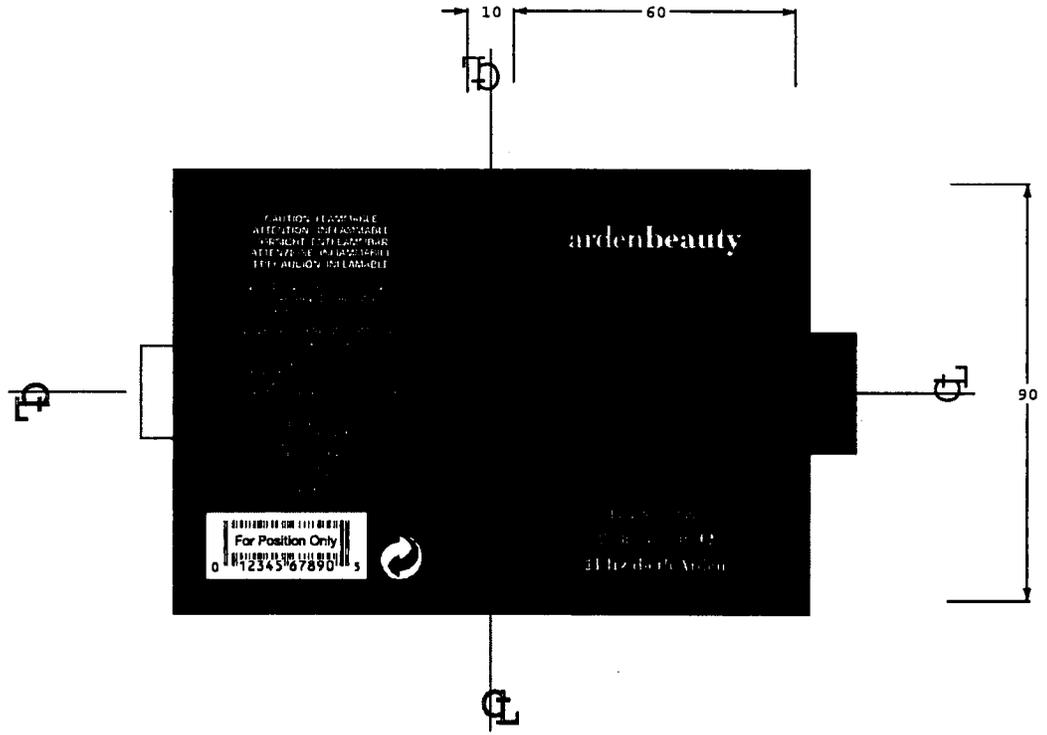
■ DIELINE (DOES NOT PRINT)

ELIZABETH ARDEN, INC. 100 F.A. STREET, NEW YORK, N.Y. 10017-4625-9700				APPROVALS	(NAME/DATE)	REVISION HISTORY	RELEASE DATE:
SKU:	N331-400	SKU:	N331-400	SKU:	0 85805 83315 2		
BRAND:	Arden Beauty						
DESCRIPTION:	Blotter Card				2 5/8" X 3 3/4"		
AT NUMBER:							

Verisect die cut

Vapproved

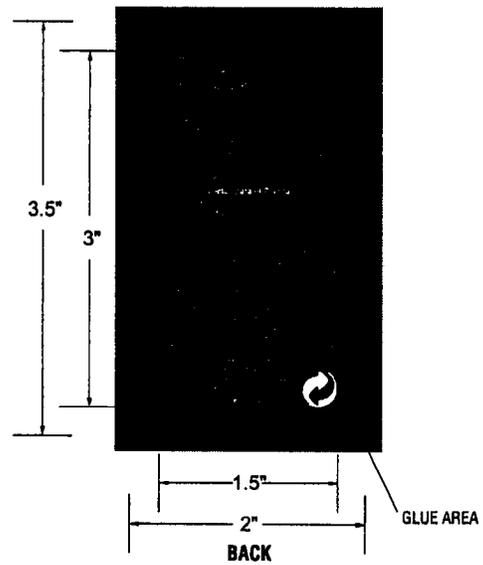
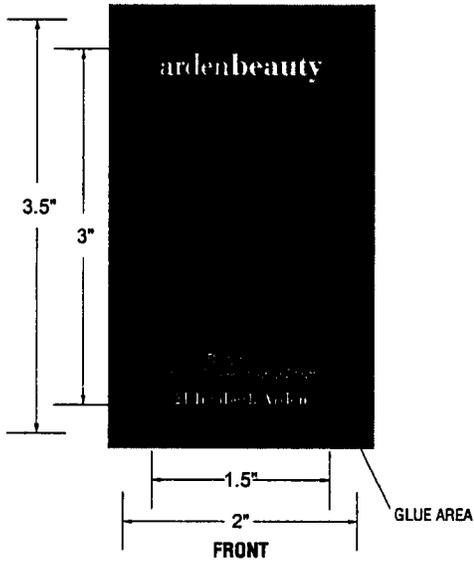
ARKAY PACKAGING CORPORATION	
COMPANY: Elizabeth Arden	
PRODUCT:	
COMPONENT NO.:	
SUPPLIER SAMPLE NO. (A-1879)	DATE: 02/28/02
SIZE: (U.S.A.):	METRIC: (mm x (mm x
Plan:	
SCALE: 1:1	
PROGRAM: ILLUSTRATOR 6.0	



COLORBREAK

- STAMPED WHITE
- EMBOSSED RED
- BLACK
- DIELINE (DOES NOT PRINT)

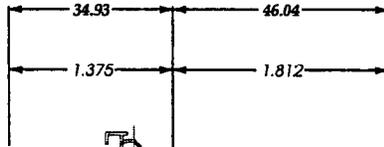
ELIZABETH ARDEN, INC.			APPROVALS (NAME/DATE)		RELEASE DATE: 03.01.02
386871	K656-400	085805-96564-8	PRG. DEV.:	rg 02.28.02	
	S 37-03-02	New	DESIGN:	ja 03.01.02	
ardenbeauty EDP Glass Vial on Card			MARKETING:	fk 02.28.02	
Vial Card		7.806" x 4.437"	LEGAL:	02.28.02	
.03 fl.oz. 1 ml			R&D:		



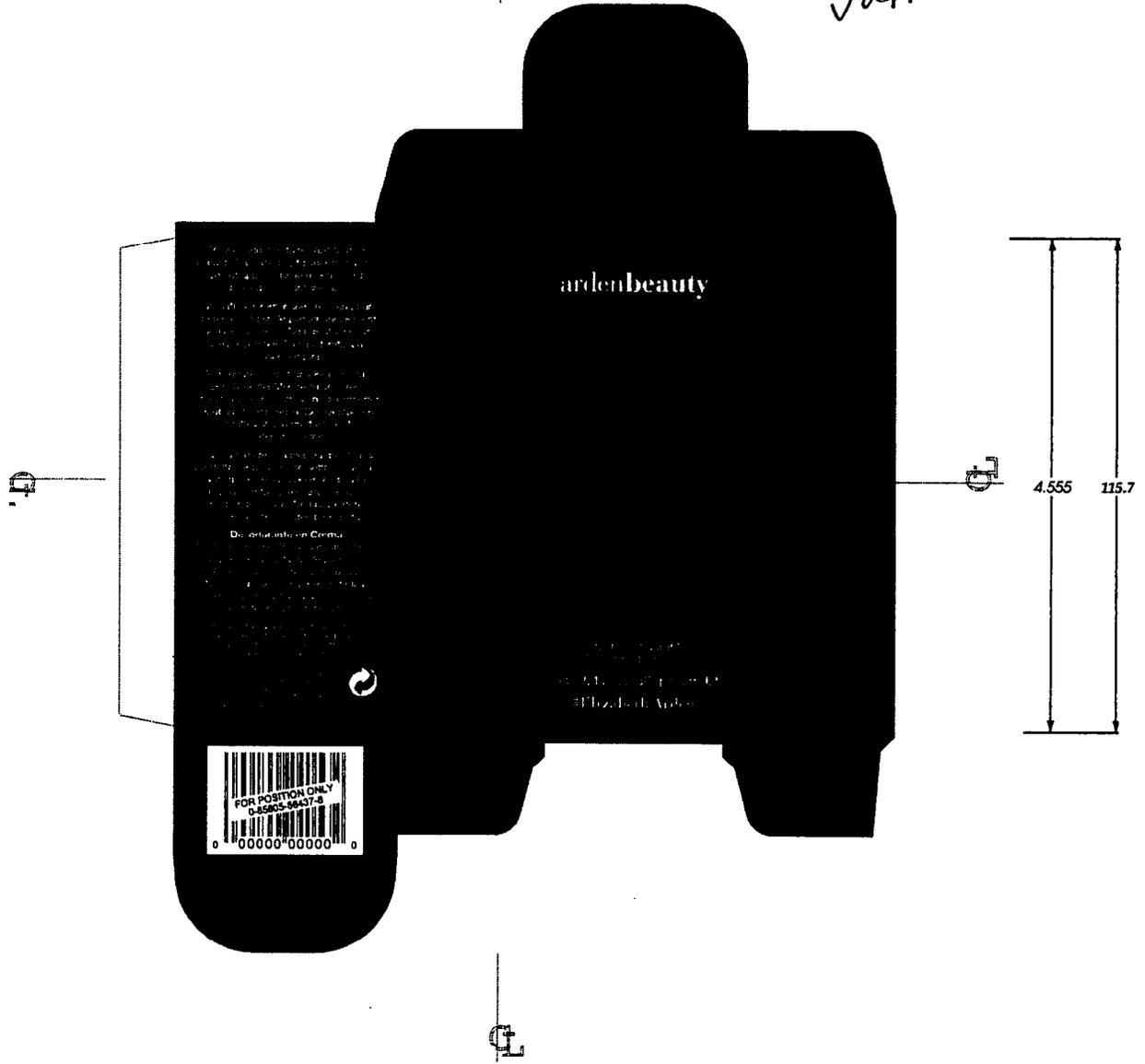
COLORBREAK	
<input type="checkbox"/>	WHITE
<input checked="" type="checkbox"/>	ARDEN RED
----- COLORS BELOW DO NOT PRINT	
<input checked="" type="checkbox"/>	DIELINE (DOES NOT PRINT)

ELIZABETH ARDEN, INC.				APPROVALS		REVISION HISTORY	
ITEM NO.	DESCRIPTION	DATE	BY	(NAME / DATE)			RELEASE DATE
250830	K680-400			N/A	FIG. DEV.:		
N/A	S-37-03-02				DESIGN:		
ARDEN BEAUTY BODY LOTION					MARKETING:		
PACKETTE				2" x 3.5"	LEGAL:		
0.18 FL. OZ. 5 ml					R&D:		

ARKAY PACKAGING CORPORATION		
COMPANY: Beth Arden		
PRODUCT:		
COMPONENT NO.:		
SUPPLIER SAMPLE NO.: AR4911	DATE: 06/10/02	
SIZE: (LxWxH) 1.1250" x 1.375" x 4.555"	MATERIAL:	
SCALE: 1:1		
PROGRAM: ILLUSTRATOR 6.0		
PRINT SIDE UP		



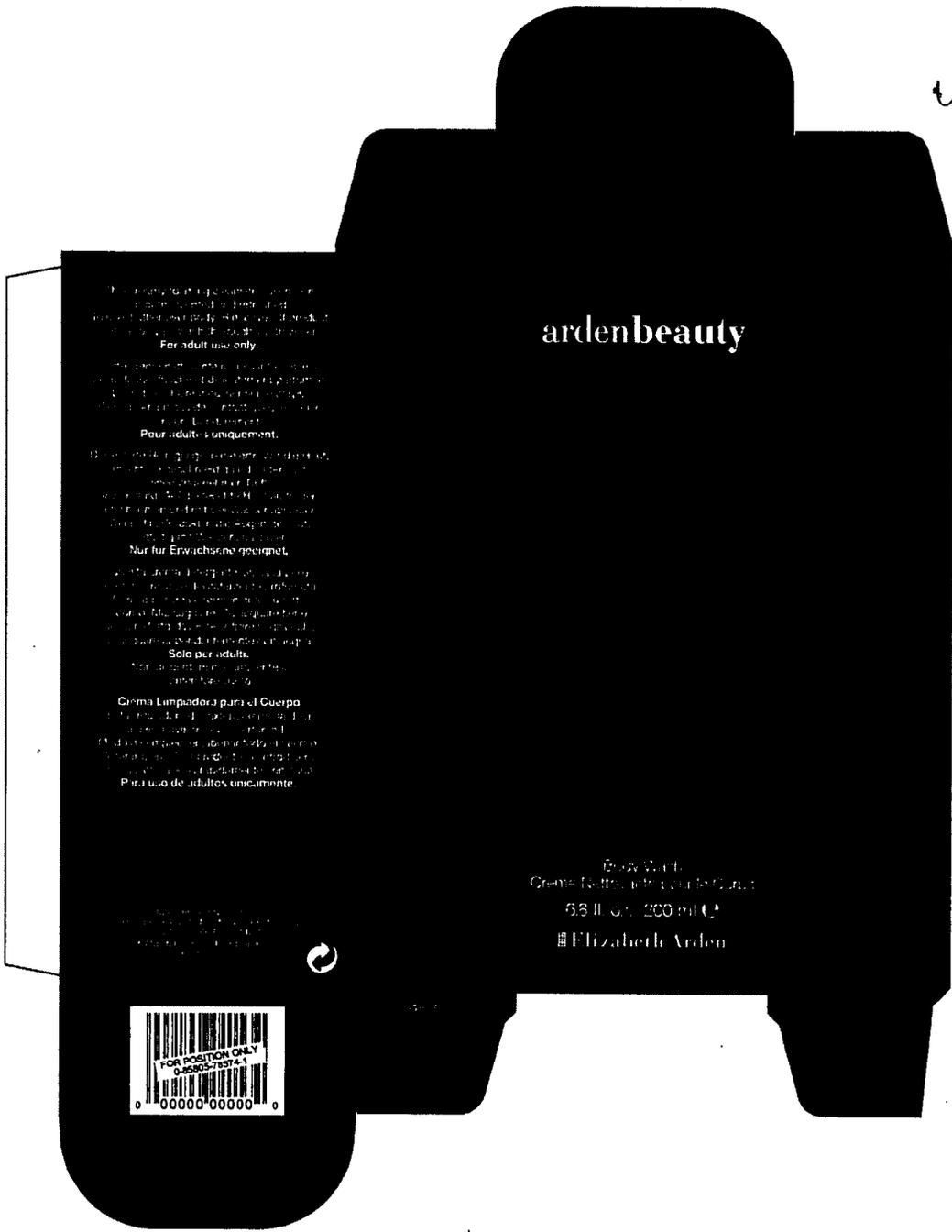
Approved



COLORBREAK	
<input type="checkbox"/>	STAMPED WHITE
<input checked="" type="checkbox"/>	EMBOSSED RED
<input checked="" type="checkbox"/>	OURLINE (DOES NOT PRINT)

ELI: BETH ARDEN, INC. 100 PARKWAY DRIVE, NEW BRUNSWICK, NJ 08901, U.S.A. (201) 360-0300		APPROVALS	(NAME/DATE)	RELEASE HISTORY	RELEASE DATE: 03/22/2001
386952	0144-400	0-85805-86437-8	DESIGN:		
	S 37-02-02	NEW	MARKETING:		
ardenbeauty Cream Deodorant net wt. 1.7 oz		a014811	LEGAL:		
Carton		1.812" x 1.375" x 4.555"	R&D:		
NET WT 1.7 OZ 50 g 50 mL					

W. Arden



ardenbeauty

For adult use only

Pour adulte uniquement

Nur für Erwachsene geeignet

Solo per adulti

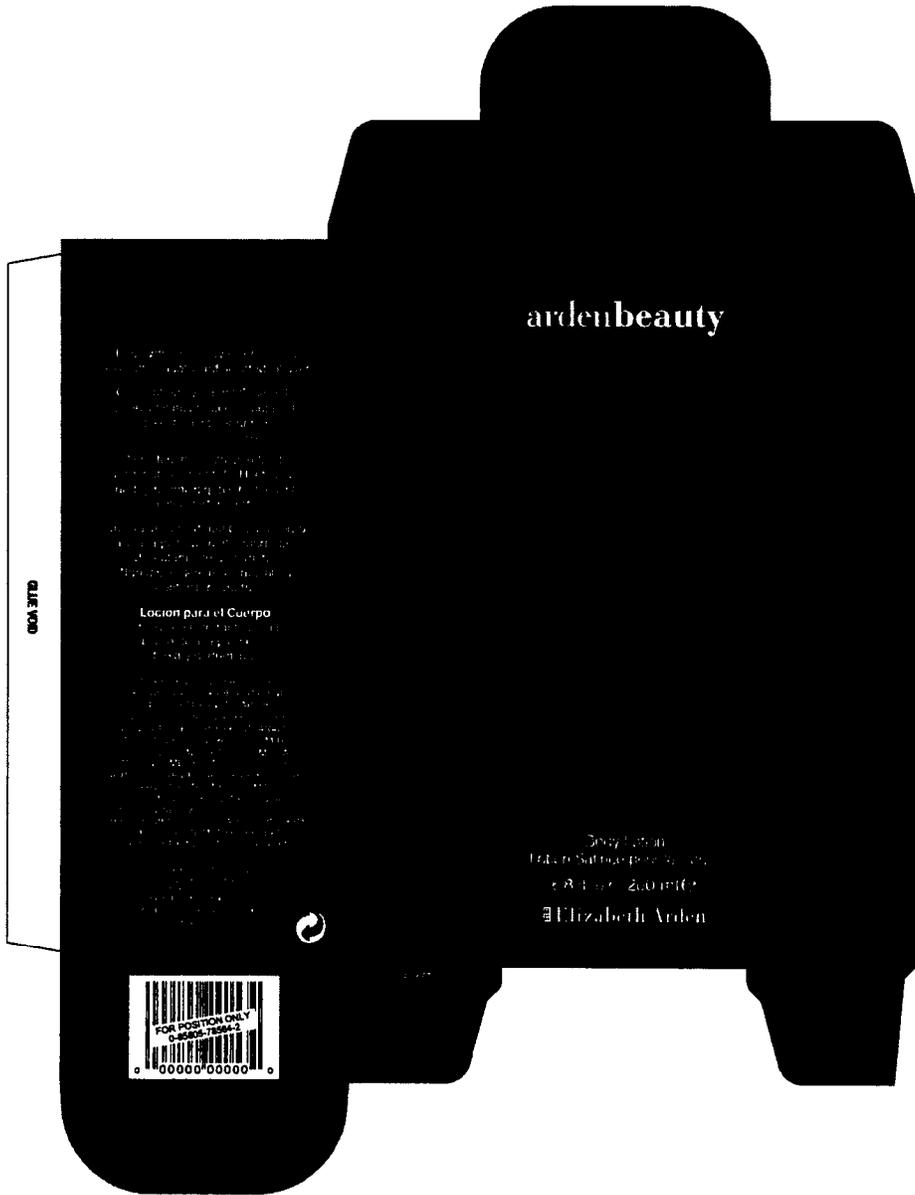
Crema Limpadora para el Cuerpo

Body Wash
Cream To Froth gently cleanses
6.8 FL. OZ. 200 ml U.S.
Elizabeth Arden



COLORBREAK	
<input type="checkbox"/>	STAMPED WHITE
<input type="checkbox"/>	EMBOSSED RED
<input type="checkbox"/>	DIELINE (DOES NOT PRINT)

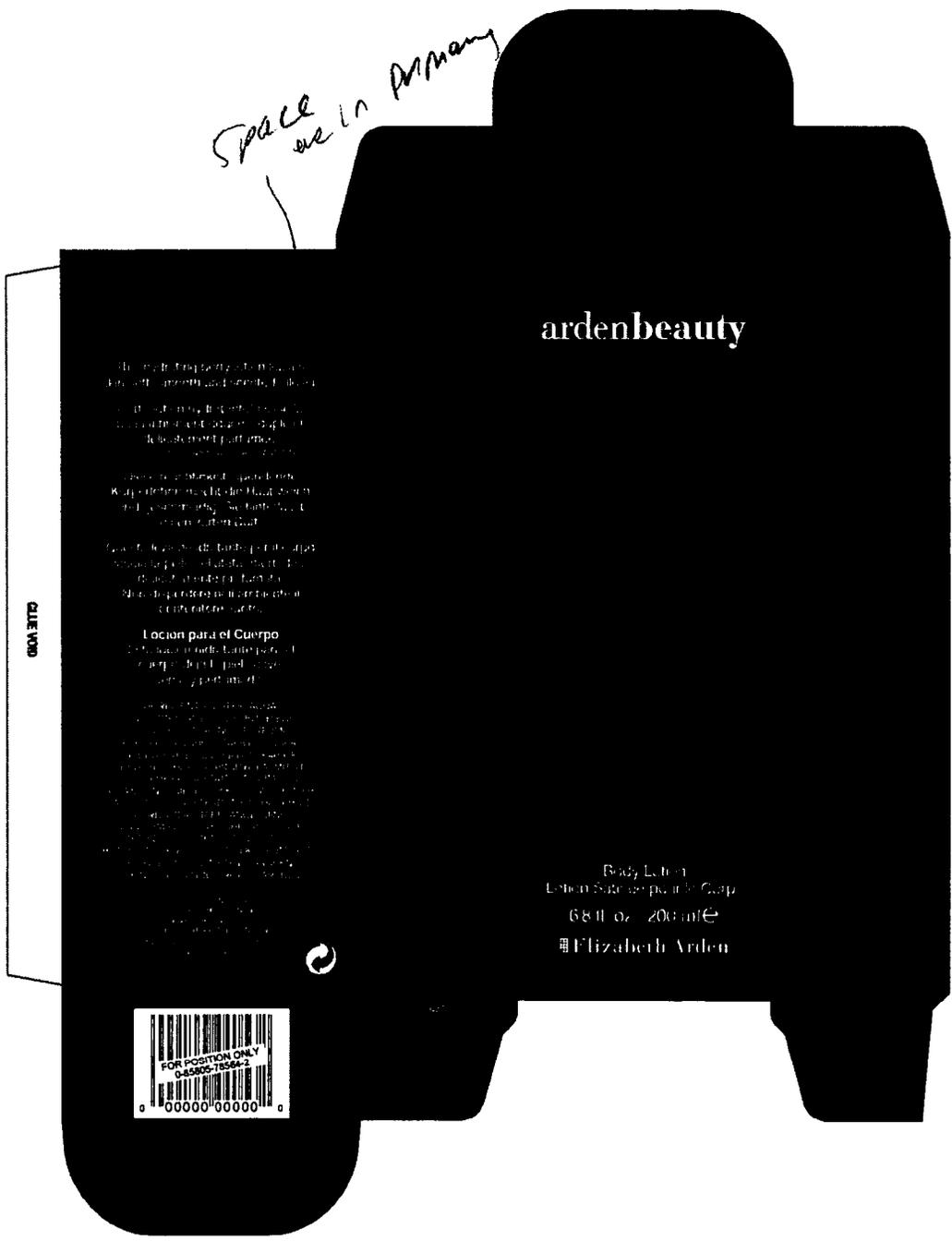
EL ZABETH ARDEN, INC.		200 PARK AVENUE, 34th FL., NEW YORK, N.Y. 10017-2402		APPROVALS (NAME/DATE)		REVISION HISTORY		RELEASE DATE:	03/18/2002
Product #	386870	Product #	7857-400	Product #	0-85805-78574-1	Pub. Dev.			
Product #		Product #	S 37-01-02	Product #	NEW	Design			
Product Name	ardenbeauty Body Wash 6.8 FL. OZ. 200 mL	Product Name		Product Name	arkay AD14932	Marketing			
Product Type	Carton	Product Type		Product Type	2 1/2" x 1 15/32" x 8 21/32"	Legal			
Product Weight	6.8 FL. OZ. 200 mL	Product Weight		Product Weight		R&D			



COLORBREAK		
<input type="checkbox"/>	STAMPED WHITE	
<input type="checkbox"/>	EMBOSSED RED	
<input type="checkbox"/>	DIE LINE (DOES NOT PRINT)	

ELIZABETH ARDEN, INC.		APPROVALS (NAME/DATE)		REVISION HISTORY	RELEASE DATE
386876	7856-400	0-85805-78564-2	PH. DEV.		03/05/2001
	S 37-01-02	NEW	DESIGN		
ardenbeauty Body Lotion 6.6 FL OZ 200 mL		2010M1A	MARKETING		
Carton		2 1/2" x 1 15/32" x 6 21/32"	LEGAL		
6.6 FL OZ. 200 mL			R&D		

Space
we in Primary



WIP DESC.	WIP #	WT.	FORMULA	MFG.

COLORBREAK

STAMPED WHITE

EMBOSSED RED

DELINE (DOES NOT PRINT)

ELIZABETH ARDEN, INC.		06402 U.S.A. (201) 367-5700		APPROVALS	NAME/DATE	REVISION HISTORY	RELEASE DATE	03/05/2001
WIP #	386876	WIP #	7856-400	FORMULA	0-85805-78564-2	PKG. DEV.		
DATE		DATE	S 37-01-02	NEW		DESIGN		
DESCRIPTION	ardenbeauty Body Lotion 8.8 FL OZ 200 mL			2018M1A		MARKETING		
BRAND	Carlton	SIZE	2 1/2" x 1 15/32" x 6 21/32"			LEGAL		
NET WT.	8.8 FL OZ 200 mL					RBD		

✓

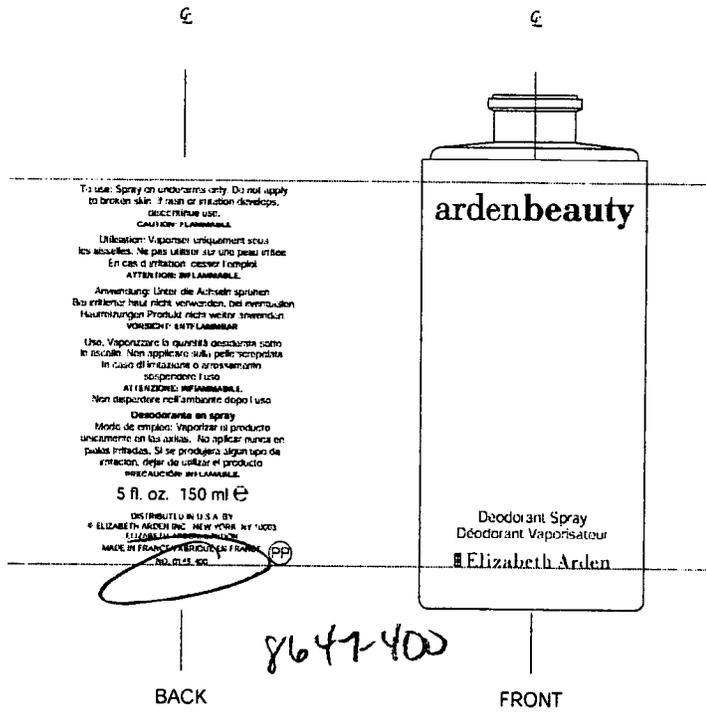
ardenbeauty ← DECO AREA 26.36 mm x 4 mm

COLORBREAK

DEBOSS

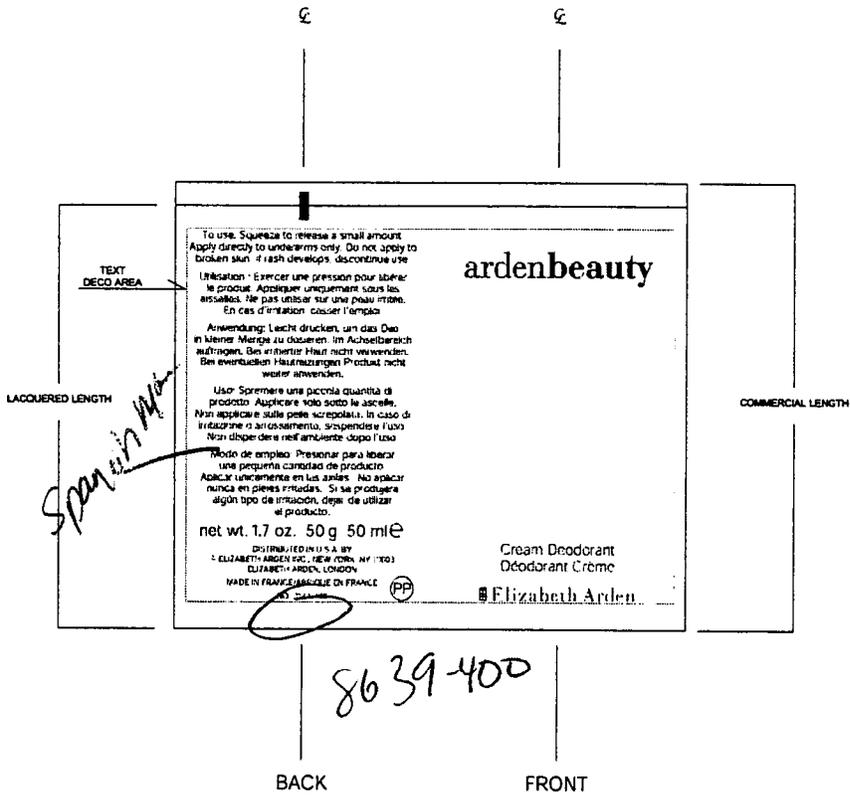
DECO AREA
(DOES NOT PRINT)

ELIZABETH ARDEN, INC.		200 FIRST STAMFORD PLACE, STAMFORD, CT 06902 U.S.A. (203) 462-5700		APPROVALS		REVISION HISTORY		RELEASE DATE:	
NEW CC #:	423837	UPC#:	9613-400	PG. DEV.:	NA				
OLD CC #:		FORMULA #:	S 37-04-02	DESIGN:	NA				
DESCRIPTION:	ArdenBeauty EDP .33 fl oz / 10 ml	D/E (SUP #):		MARKETING:					
COMPONENTS:	Collar Deco	DIMENSIONS:	26.36 x 4 mm	LEGAL:					
W.T. CLASS:	.33 fl oz / 10 ml	CREATED BY:	Orange & Blue Design Group	RD:					



COLORBREAK	
■	ARDEN RED
----- COLORS BELOW DO NOT PRINT	
■	DIELINE (DOES NOT PRINT)
■	DECO LIMIT (DOES NOT PRINT)

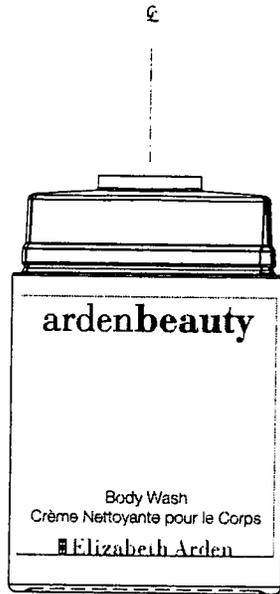
ELIZABETH ARDEN, INC. 150 N. W. 15th St., Miami, FL 33136, U.S.A. TEL: 305-372-5700				APPROVALS	(NAME / DATE)	REVISION HISTORY	RELEASE DATE:
SKU	150679	0145-400	0-85805-86438-5	FIG. DEV.:			
REF. NO.	N/A	S-37-02-02		DESIGN:			
PRODUCT	ARDEN BEAUTY DEODORANT SPRAY			MARKETING:			
PACKAGE	BOTTLE			LEGAL:			
NET WT.	5.0 FL. OZ. 150 ml			REG:			



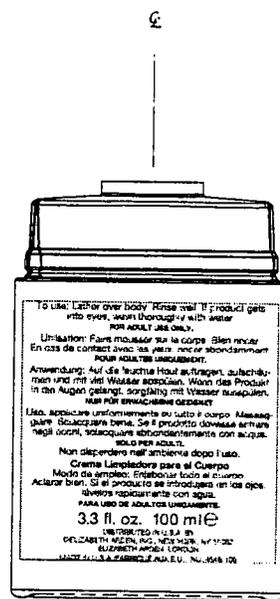
COLORBREAK	
	ARDEN RED
--- COLORS BELOW DO NOT PRINT ---	
	DIELINE (DOES NOT PRINT)
	DECO LIMIT (DOES NOT PRINT)

ELIZABETH ARDEN, INC. 160 Park Avenue South, 17th Floor, New York, NY 10003 (212) 462-5700				APPROVALS	(NAME/DATE)	REVISION HISTORY	RELEASE DATE:
Product #	161833	Phone #	0144-400	Product #	0-85805-86437-8	Per. Dev.:	
Product #	N/A	Product #	S-37-02-02	Product #		Design:	
Description	ARDEN BEAUTY CREAM DEODORANT			Product #		Marketing:	
Product #	TUBE	Product #		Product #	35 mm x 96 mm	Legal:	
Net Weight	NET WT. 1.7 OZ. 50 g 50 ml			Product #		R&D:	

J



FRONT

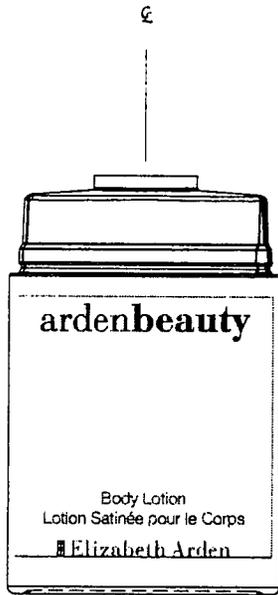


BACK

COLORBREAK

- ARDEN RED
- COLORS BELOW DO NOT PRINT**
- DIELINE (DOES NOT PRINT)
- DECO LIMIT (DOES NOT PRINT)

ELIZABETH ARDEN, INC.				APPROVALS		RELEASE HISTORY		RELEASE DATE:
ITEM NO.	ITEM NAME	ITEM CODE	ITEM DESCRIPTION	NAME	DATE	REVISION	DATE	
150691	ARDEN BEAUTY BODY WASH	4648-400	N/A					02/28/2002
N/A	BOTTLE, DECO	S-37-05-02	2.303" x 3.543"					
	3.3 FL. OZ. 100 ml							



FRONT

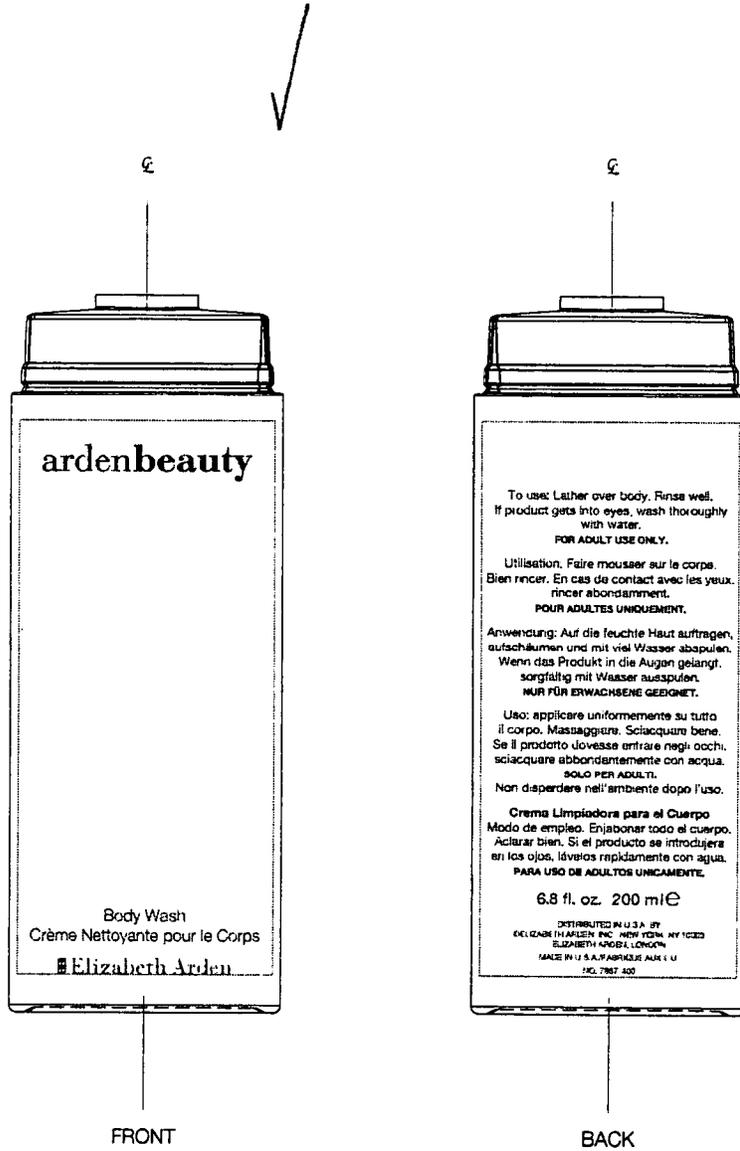


BACK

COLORBREAK

- ARDEN RED
- COLOURS BELOW DO NOT PRINT**
- DIELINE (DOES NOT PRINT)
- DECO LIMIT (DOES NOT PRINT)

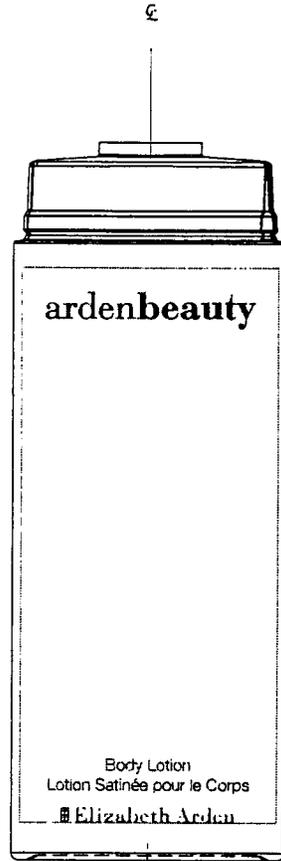
ELIZABETH ARDEN, INC. 100 EAST 57TH STREET, NEW YORK, NY 10022 U.S.A. TEL: 212 467 5100				APPROVALS	NAME / DATE	REVISION HISTORY	RELEASE DATE: 02/28/2002
SKU	150686	9812-400	N/A	PRG. DEV.			
SKU	N/A	S-37-01-02		DESIGN			
DESCRIPTION	ARDEN BEAUTY BODY LOTION			MARKETING			
DESCRIPTION	BOTTLE, DECO		2.303" x 3.543	LEGAL			
DESCRIPTION	3.3 FL. OZ. 100 ml			R&D			



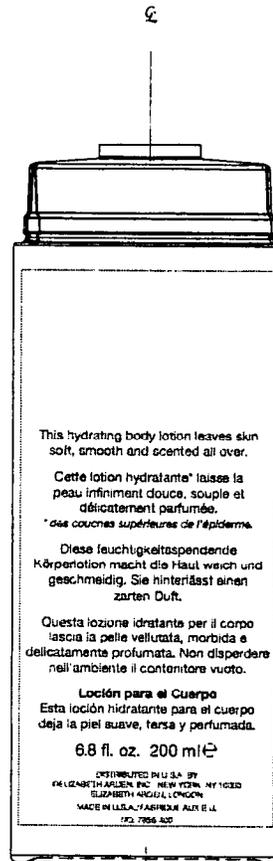
COLORBREAK

- ARDEN RED
- COLORS BELOW DO NOT PRINT
- DIELINE (DOES NOT PRINT)
- DECO LIMIT (DOES NOT PRINT)

ELIZABETH ARDEN, INC. 120 FIFTH AVENUE NEW YORK, NY 10011-4621 USA 120114621100				APPROVALS	FRAME/DATE	RELEASE HISTORY	RELEASE DATE:
150680	7857-400	N/A		PRG. DEV.:			02/28/2002
N/A	S-37-01-02			DESIGN:			
ARDEN BEAUTY BODY WASH				MARKETING:			
BOTTLE, DECO			2.303" x 6.098"	LEGAL:			
6.8 FL. OZ. 200 ml				REG.:			



FRONT



BACK

COLORBREAK

- ARDEN RED
- COLORS BELOW DO NOT PRINT
- DIELINE (DOES NOT PRINT)
- DECO LIMIT (DOES NOT PRINT)

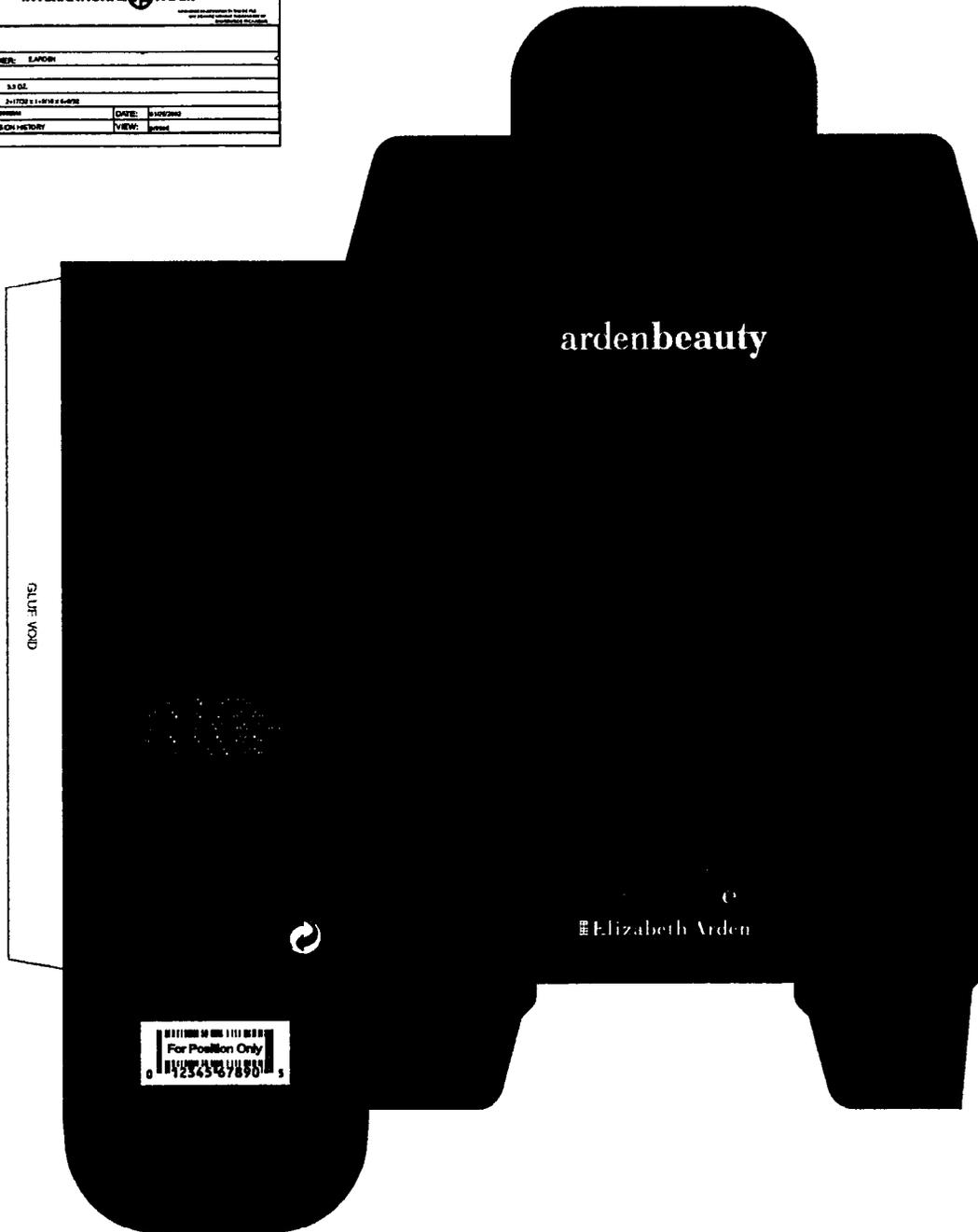
ELIZABETH ARDEN, INC.		150 N. W. 42ND ST. MIAMI, FL 33142 U.S.A. (305) 262-4700		APPROVALS	IRNAME/DATE	REVISION HISTORY	RELEASE DATE: 02/28/2002
150676	7856-400	N/A		PRG. DEV.:			
N/A	S-37-01-02			DESIGN:			
ARDEN BEAUTY BODY LOTION				MARKETING:			
BOTTLE, DECO		2.303" x 6.098"		LEGAL:			
6.8 FL. OZ. 200 ml				R&D:			



A MEMBER OF
INTERNATIONAL PAPER

INTERNATIONAL PAPER CORPORATION
200 FINESTAMPING PLACE, STAMFORD, CT 06307 U.S.A. TEL: 203/472-5700

CUSTOMER: ELIZABETH ARDEN
LINE:
ITEM: 3.3 OZ.
SIZE: 2 17/32" x 1 9/16" x 6 9/32"
REF: 888888 DATE: 01/02/02
REVISION HISTORY: VIEW: 0000



COLORBREAK

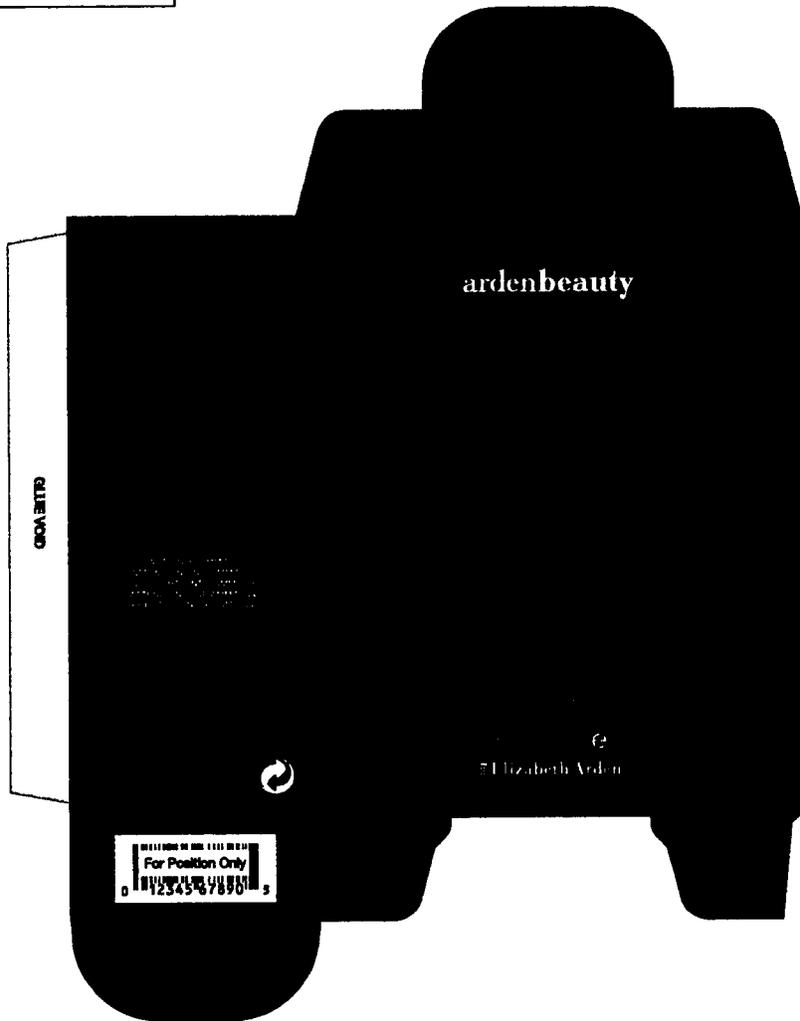
- STAMPED WHITE
- EMBOSSED RED
- BLACK
- DIELINE (DOES NOT PRINT)

ELIZABETH ARDEN, INC. 200 FINESTAMPING PLACE, STAMFORD, CT 06307 U.S.A. TEL: 203/472-5700				APPROVALS	(NAME/DATE)	REVISION HISTORY	RELEASE DATE:
NO. OF P.	386681	PART	7853-400	PROJ. NO.	0-85805-78534-6		
DATE		PH. DATE	S 37-01-02	STATUS	NEW		
DESCRIPTION	ardenbeauty EDP Spray 3.3 fl oz 100 ml			MANUFACTURER			
FORM FACTOR	Carton			LENGTH	2 17/32" x 1 9/16" x 6 9/32"		
NET WT.	3.3 fl oz 100 ml			BRAND			



A BUSINESS OF
INTERNATIONAL PAPER

CUSTOMER: L'ORÉAL
 LINE: 1.02
 SIZE: 1.025 x 1.641 x 4.2732
 REF: 386678 DATE: 03/08/02
 REVISION HISTORY: VIEW: 0000



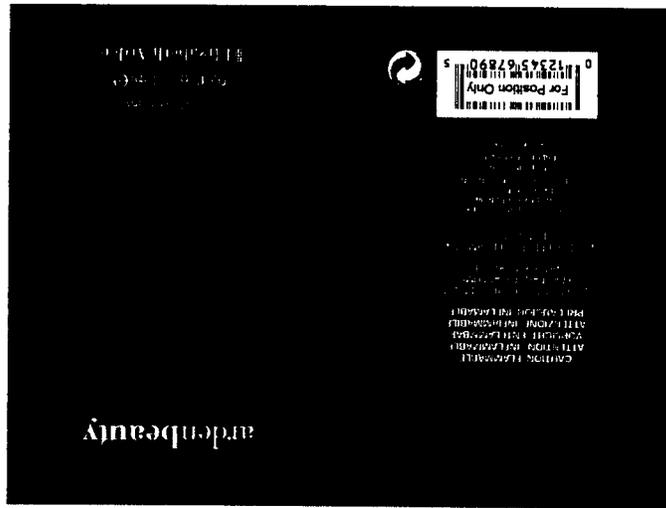
COLORBREAK	
<input type="checkbox"/>	STAMPED WHITE
<input type="checkbox"/>	EMBOSSERED RED
<input type="checkbox"/>	BLACK
<input type="checkbox"/>	DIELINE (DOES NOT PRINT)

ELIZABETH ARDEN, INC. 203 First Stamford Place, Stamford, CT 06902 U.S.A. (203) 462-5700				APPROVALS	CHANG/ DATE	REVISION HISTORY	RELEASE DATE:
NO. OF	386678	PKT	7850-400	PKT	0-85805-78504-8	PKT. REV.:	
DATE		PRINTED	S 37-01-02	DATE	NEW	DESIGN	
DESCRIPTION	ardenbeauty EDP Spray 1.0 fl oz 30 ml			DESCRIPTION			
CONTENTS	Carton			LENGTH	1 7/8" x 1 9/64" x 4 27/32"		
WEIGHT	1.0 fl oz 30 ml			BAR			

ELIZABETH ARDEN, INC. 100 N. STATE STREET, SUITE 1100, CT 06102, U.S.A. 203.562.1700		APPROVALS (NAME/DATE)	RELEASE HISTORY	RELEASE DATE
386852	K656-400	085805-96564-6		
S 37-03-02	NEW			
Vial Card		MARKETING		
Vial Card		LEAD		
.03 fl.oz. 1 ml		REQD.		
		2 15/32" x 15/32" x 4 1/2"		

COLORBREAK

STAMPED WHITE
 EMBOSSED RED
 BLACK
 DIELINE (DOES NOT PRINT)



DATE	TIME	APPROVALS

INTERNATIONAL PAPER



TO ARTWORK PRODUCTION:

DESIGN

Jean Antretter

PLANNING

S.DIGIOVACCHINO
M.DEMARZO

PURCHASING

R.BOBICK

R&D

C.CORCORAN

LEGAL

DOCUMENT #: 400

REGULATORY

E. Charalambous

OTHER

M.HOLKERSMITH

PACKAGE DEV.

F.JOHNSTON,F
J.LAROSA,
R.GELLER

MARKETING

s.vaid

PKG. ENGINEERING

J. LaRosa
F. Johnston
B. Geller

Greenpoint Required?

YES

PACKAGING ART REQUEST FORM

PROJECT #: S 37-04-02

CATEGORY: FRAGRANCE

BRAND: NEW ARDEN

FINISHED GOODS #: 9613-400

UPC CODE N/A

COMPONENT CODE # 423837

MFG. SOURCE U.S.

COMPONENT: collar, plastic

FORMULA NUMBER n/a

MATRL DESIGNATION plastic

PROJECT DESCRIPTION: ARDEN BEAUTY EDP 10ml

U.S. WEIGHT CLAIM: .33 FL OZ

METRIC CLAIM: 10 ML

WIP ITEM DESCRIPTION

WIP #/F.G#

WEIGHT (U.S. / METRIC)

FORMULA#:

MFG SITE

DIE LINE OR LAYOUT ATTACHED: see email dated 1/25/02, matic plast reference # 3244, dated 1/25/02

COLORBREAK DIRECTION: per creative

SPECIAL INSTRUCTIONS:

REVISION DATE: REASON FOR REVISION:

- #1
- #2
- #3

REQUESTOR: R. Geller

DATE: 02/27/02

ART DUE TO PURCH: 03/07/02

RELEASE TO: Rob Bobick

DESIGN

Jean.Antretter

PLANNING

S.DIGIOVACCHINO
M.DEMARZO

PURCHASING

R.BOBICK

R&D

C.CORCORAN

LEGAL

DOCUMENT #: 401
REGULATORY

E. Charalambous

PACKAGE DEV.

F.JOHNSTON,F
J.LAROSA,
R.GELLER

OTHER

M.HOLKERSMITH

MARKETING

s.vaid

PKG. ENGINEERING

J. LaRosa
F. Johnston
B. Geller

Greenpoint Required?

YES

PACKAGING ART REQUEST FORM

PROJECT #: S 37-04-02

CATEGORY: FRAGRANCE

BRAND: NEW ARDEN

FINISHED GOODS #: 9613-400

UPC CODE N/A

COMPONENT CODE # 171506

MFG. SOURCE U.S.

COMPONENT: BASE LABEL

FORMULA NUMBER n/a

MATRL. DESIGNATION plastic

PROJECT DESCRIPTION: ARDEN BEAUTY EDP 10ml

U.S. WEIGHT CLAIM: .33 FL OZ

METRIC CLAIM: 10 ML

<u>WIP ITEM DESCRIPTION</u>	<u>WIP #/F.G#</u>	<u>WEIGHT (U.S. / METRIC)</u>	<u>FORMULA#:</u>	<u>MFG SITE</u>
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DIE LINE OR LAYOUT ATTACHED: per disk from kroger packaging due 3/7

COLORBREAK DIRECTION: per creative

SPECIAL INSTRUCTIONS:

REVISION DATE: REASON FOR REVISION:

- #1
- #2
- #3

REQUESTOR: R. Geller
ART DUE TO PURCH: 3/11/02

DATE: 02/27/02
RELEASE TO: Rob Bobick

TO ARTWORK PRODUCTION:

DOCUMENT #: 430
REGULATORY

DESIGN

Jean Antretter

PLANNING

S.DIGIOVACCHINO
M.DEMARZO

PURCHASING

R.BOBICK

R&D

C.CORCORAN

LEGAL

PACKAGE DEV.

F.JOHNSTON,F
J.LAROSA,
R.GELLER

E. Charalambous

OTHER

M.HOLKERSMITH

MARKETING

s.vaid

PKG. ENGINEERING

J. LaRosa
F. Johnston
B. Geller

Greenpoint Required?

YES

PACKAGING ART REQUEST FORM

PROJECT #: S 37-04-02

CATEGORY: FRAGRANCE

BRAND: NEW ARDEN

FINISHED GOODS #: 9613-400

UPC CODE N/A

COMPONENT CODE # 171507

MFG. SOURCE FRANCE

COMPONENT: BASE LABEL

FORMULA NUMBER n/a

MATRL. DESIGNATION plastic

PROJECT DESCRIPTION: ARDEN BEAUTY EDP 10ml

U.S. WEIGHT CLAIM: .33 FL OZ

METRIC CLAIM: 10 ML

<u>WIP ITEM DESCRIPTION</u>	<u>WIP #/F.#</u>	<u>WEIGHT (U.S. / METRIC)</u>	<u>FORMULA#:</u>	<u>MFG SITE</u>
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DIE LINE OR LAYOUT ATTACHED: per disk from kroger packaging due 3/7

COLORBREAK DIRECTION: per creative

SPECIAL INSTRUCTIONS:

REVISION DATE: REASON FOR REVISION:

- #1
- #2
- #3

REQUESTOR: R. Geller
ART DUE TO PURCH: 3/11/02

DATE: 02/27/02
RELEASE TO: Rob Bobick

TO ARTWORK PRODUCTION:

DOCUMENT #: 239
REGULATORY

DESIGN

Jean Antretter

PLANNING

S. DIGIOVACCHINO
M. DEMARZO

PURCHASING

P. NOVAK

R&D

C. CORCORAN

LEGAL

PACKAGE DEV.

E. Charalambous
OTHER
M. HOLKER-SMITH

MARKETING

s. void

PKG. ENGINEERING

J. LaRosa
F. Johnston
B. Geller

Greenpoint Required?

YES

PACKAGING ART REQUEST FORM

PROJECT #: S 37-05-02 CATEGORY: FRAGRANCE BRAND: ARDEN BEAUTY

FINISHED GOODS #: 4648-400 UPC CODE N/A

COMPONENT CODE # 150691 MFG. SOURCE U.S.A.

COMPONENT: BOTTLE

FORMULA NUMBER NEW

MATRL. DESIGNATION PP ADFLEX

PROJECT DESCRIPTION: ARDEN BEAUTY CREAM CLEANSER, 100ML/3.3 FL.OZ.

U.S. WEIGHT CLAIM: 3.3 FL OZ

METRIC CLAIM: 100 ML

<u>WIP ITEM DESCRIPTION</u>	<u>WIP #/F.G.#</u>	<u>WEIGHT (U.S. / METRIC)</u>	<u>FORMULA#:</u>	<u>MFG SITE</u>
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DIE LINE OR LAYOUT ATTACHED: SAME ADS CC#150686

COLORBREAK DIRECTION: per creative

SPECIAL INSTRUCTIONS: NAME, ADDRESS, DESCRIPTION, F.G.#, LEGALLINE, LABEL CLAIM, GREENPOINT SYMBOL, COUNTRY OF ORIGIN,

REVISION DATE: REASON FOR REVISION:

- #1
- #2
- #3

REQUESTOR: R. Geller
ART DUE TO PURCH: 02-18-02

DATE: 01-21-02
RELEASE TO: ROBERT GELLER

TO ARTWORK PRODUCTION:

DESIGN

Jean.Antretter

PLANNING

S.DIGIOVACCHINO
M.DEMARZO

PURCHASING

R.BOBICK

R&D

C.CORCORAN

LEGAL

DOCUMENT #: 240

REGULATORY

E. Charalambous

OTHER

M.HOLKERSMITH

MARKETING

s.vaid

PKG. ENGINEERING

J. LaRosa
F. Johnston
B. Geller

PACKAGE DEV.

F.JOHNSTON,F
J.LAROSA,
R.GELLER

Greenpoint Required?

YES

PACKAGING ART REQUEST FORM

PROJECT #: S 37-01-02

CATEGORY: FRAGRANCE

BRAND: NEW ARDEN

FINISHED GOODS #: 7855-400

UPC CODE N/A

COMPONENT CODE # 171423

MFG. SOURCE u.s.

COMPONENT: BASE LABEL

FORMULA NUMBER n/a

MATRL. DESIGNATION plastic

PROJECT DESCRIPTION:

ARDEN BEAUTY EDP replica

U.S. WEIGHT CLAIM: .20 fl.oz.

METRIC CLAIM: 5ml

WIP ITEM DESCRIPTION

WIP #/F.G#

WEIGHT (U.S. / METRIC)

FORMULA#:

MFG SITE

DIE LINE OR LAYOUT ATTACHED: per disk from kroger packaging due 3/7

COLORBREAK DIRECTION: per creative

SPECIAL INSTRUCTIONS:

REVISION DATE:

REASON FOR REVISION:

- #1
- #2
- #3

REQUESTOR: R. Geller

DATE: 02/27/02

ART DUE TO PURCH: 3/11/02

RELEASE TO: Rob Bobick

DESIGN

Jean.Antretter

PLANNING

S.DIGIOVACCHINO
M.DEMARZO

PURCHASING

R.BOBICK

R&D

C.CORCORAN

LEGAL

REGULATORY

E. Charalambous

OTHER

M.HOLKERSMITH

PACKAGE DEV.

F.JOHNSTON,F
J.LAROSA,
R.GELLER

MARKETING

s.void

PKG. ENGINEERING

J. LaRosa
F. Johnston
B. Geller

Greenpoint Required?

YES

PACKAGING ART REQUEST FORM

PROJECT #: S 37-01-02

CATEGORY: FRAGRANCE

BRAND: NEW ARDEN

FINISHED GOODS #: 7856-400

UPC CODE N/A

COMPONENT CODE # 423819

MFG. SOURCE ROANOKE

COMPONENT: CAP

FORMULA NUMBER NEW

MATRL DESIGNATION P.P.

PROJECT

DESCRIPTION: ARDEN BEAUTY BODY LOTION

U.S. WEIGHT CLAIM: 6.8 FL OZ

METRIC CLAIM: 200 ML

<u>WIP ITEM DESCRIPTION</u>	<u>WIP #/F.G.#</u>	<u>WEIGHT (U.S. / METRIC)</u>	<u>FORMULA#:</u>	<u>MFG SITE</u>
-----------------------------	--------------------	-------------------------------	------------------	-----------------

DIE LINE OR LAYOUT ATTACHED: DISK FROM QUALIPAC

COLORBREAK DIRECTION: per creative

SPECIAL INSTRUCTIONS: GOLD BAND

REVISION DATE:

- #1 2/27/2002
- #2
- #3

REASON FOR REVISION:

cancel request, mktg advised no deco on cap

REQUESTOR: R. Geller

DATE: 01-15-02

ART DUE TO PURCH: 02-18-02

RELEASE TO: Rob Bobick

1.7 ml

ORIGINAL

ardenbeauty

TRACKING 10/1000*

ardenbeauty

TRACKING 7/1000*

ardenbeauty

10%

ardenbeauty

20%

ardenbeauty

30%

ardenbeauty

30 ml

ORIGINAL

ardenbeauty

TRACKING 10/1000*

ardenbeauty

TRACKING 7/1000*

ardenbeauty

10%

ardenbeauty

20%

ardenbeauty

30%

ardenbeauty

100 ml

ORIGINAL

ardenbeauty

TRACKING AT 10/1000*

ardenbeauty

10% REDUCTION

ardenbeauty

20% REDUCTION

ardenbeauty

30% REDUCTION

ardenbeauty

Collar out for the blind debossed logo.

Of course this one
Logo as is for mainly
↓ ↑ people
Squashed Logo
↓

3.3 oz.

ardenbeauty

ardenbeauty

1.7 oz.

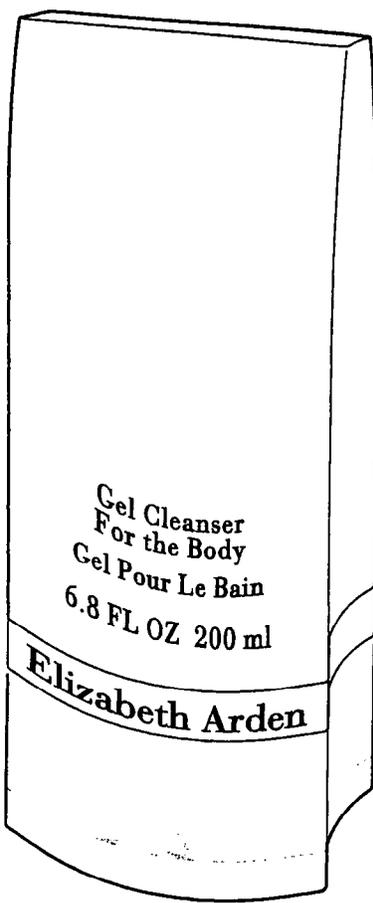
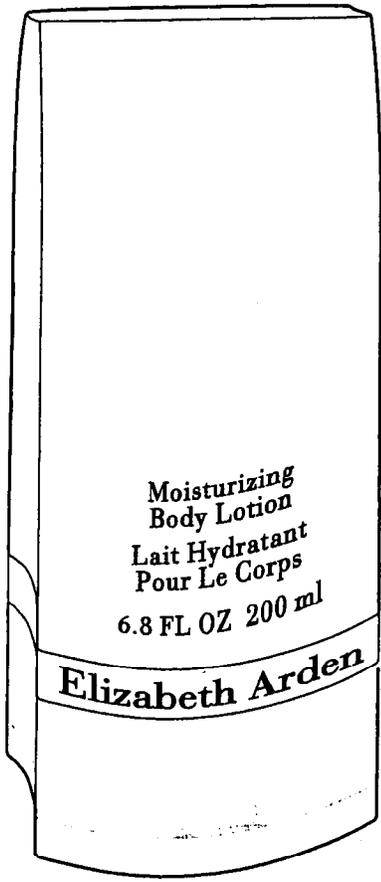
ardenbeauty

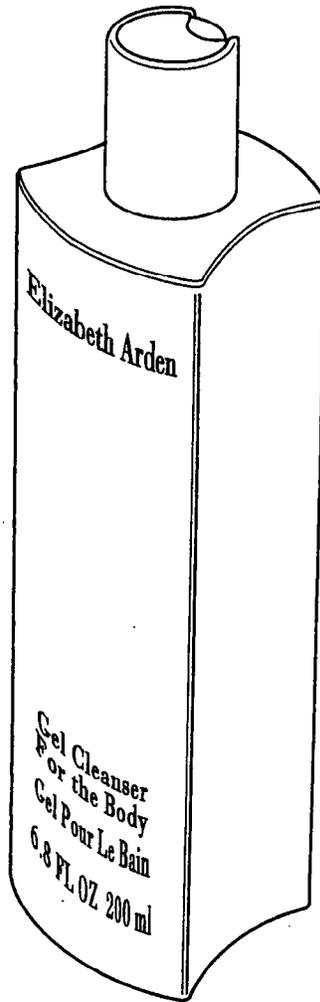
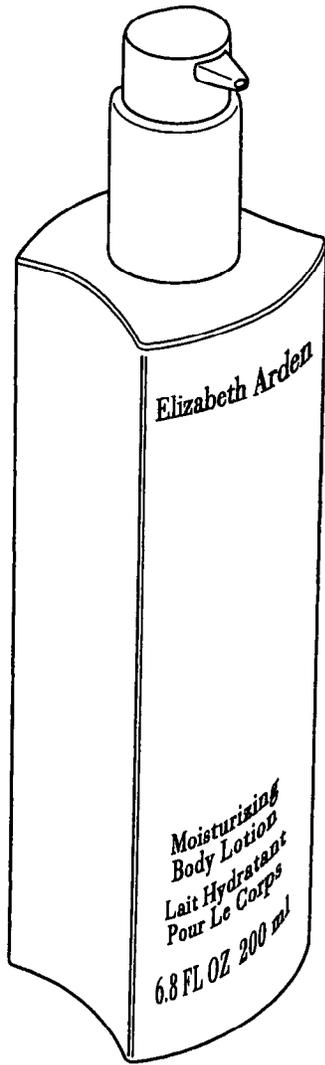
ardenbeauty

1 oz.

ardenbeauty

ardenbeauty

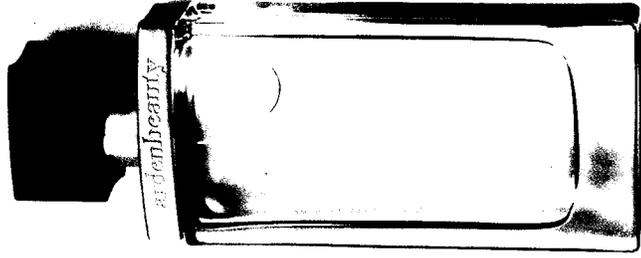




partreality.

partillusion.

allwoman.



Catherine's make

Natural Riches Fall Color C

Eyes: Dual Perfection Eyeshad

in Currant/Heather and B

Ches

Elizabeth Arden

ardenbeauty



A free
gift
 for you.

It's time for Fall Style,
 9 absolute must-haves
 including a stylish, faux
 leather makeup bag.

Plus a preview of
 Elizabeth Arden's
 fabulous new
 fragrance,
 ardenbeauty.

One to a customer,
 while supplies last.

A 77.00 value. Yours with any 21.00 Elizabeth Arden purchase.

BONATON

TO ORDER:
 1-800-9-BON-TON
 (10/02)



introducing
Empo
 eau de

*The Wet Seal, Inc. v. FD
Management, Inc.*

Opposition No. 91157022

Roller
Exhibit No. 22

S.H.

4-21-05

Catherine's look:
Arden Eyeshadow
Teak and Sherbet
; Elizabeth Arden
color in Terrarose
s: Dual Perfection
p Liner in Russet



Catherine's colors
Eyes: Dual Perfection
Eyeshadow/Eye Liner
in Forest/Sage and
Elizabeth Arden Eyeshadow
in Sherbet
Cheeks: Elizabeth Arden
Cheekcolor in Terrarose
Lips: Dual Perfection
Lipstick/Lip Liner
in Copper

introducing

ardenbeauty

eau de parfum

*The Wet Seal, Inc. v. FD
Management, Inc.*

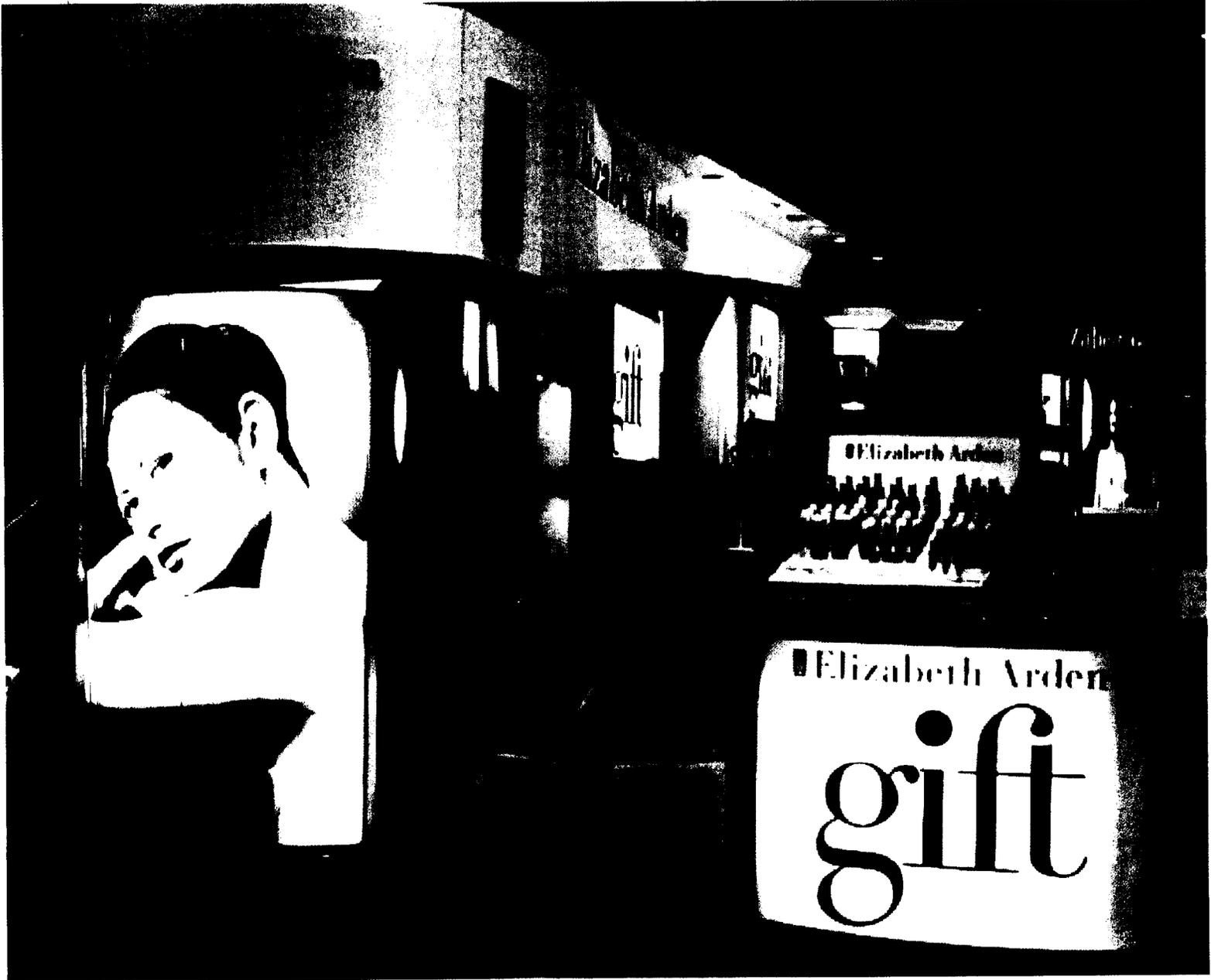
Opposition No. 91157022

Rollerston

Exhibit No. 2-3

GH

4-21-05



*The Wet Seal, Inc. v. FD
Management, Inc.*

Opposition No. 91157022

Roller
Exhibit No. _____

4-21-05
SH



Open for beauty.



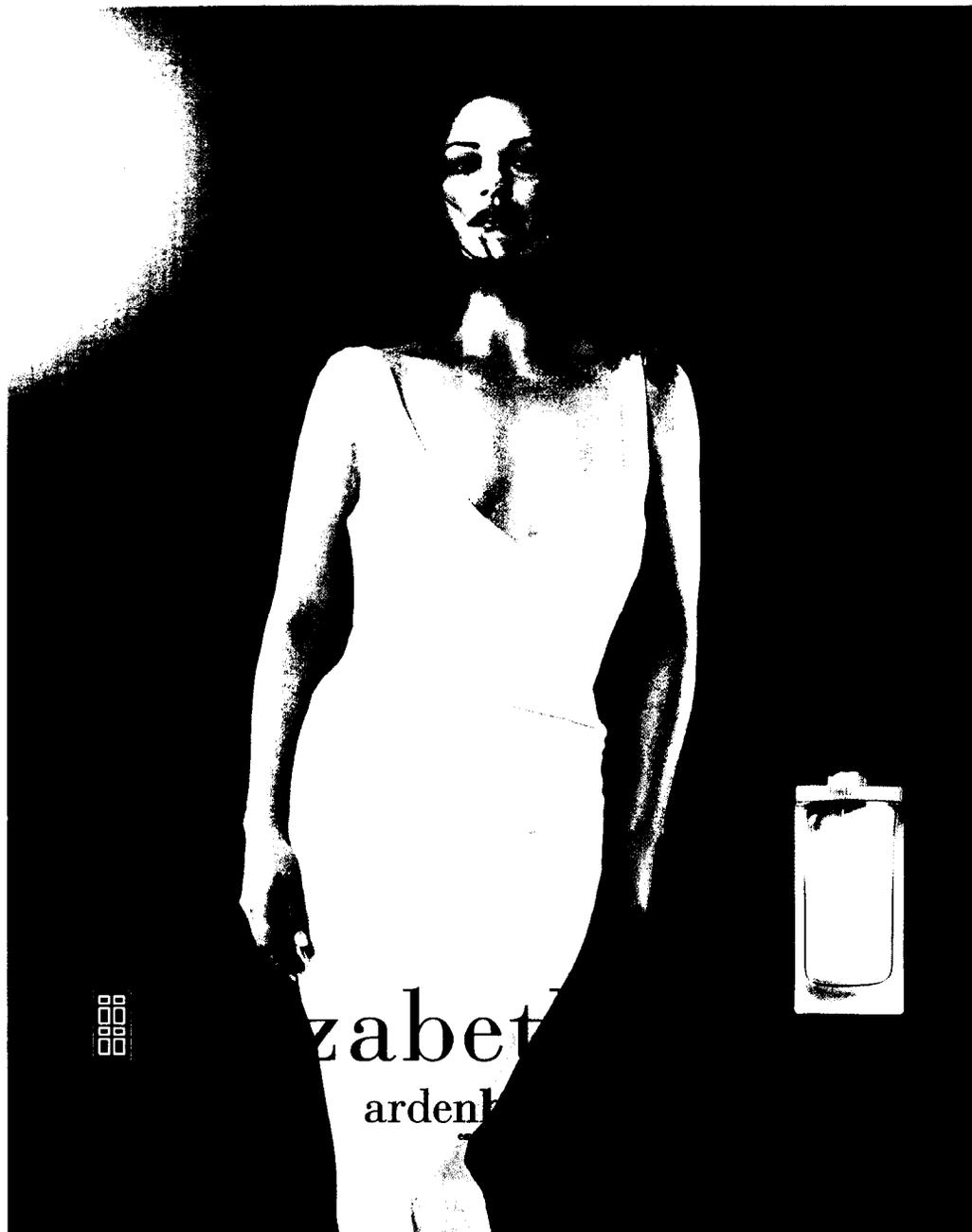
Elizabeth Arden

ardenbeauty

eau de parfum

Open for beauty.

 Elizabeth Arden

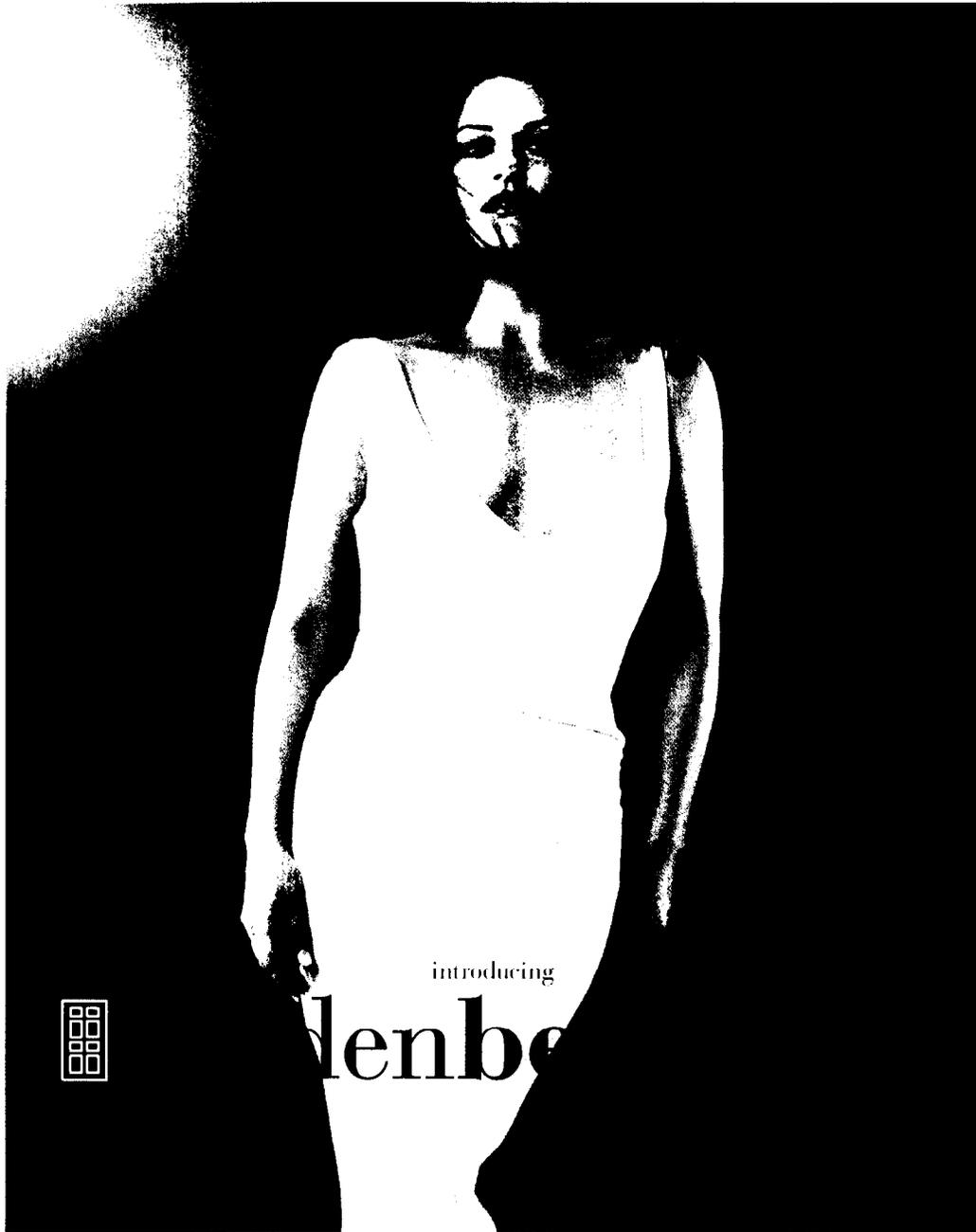


SINGLE PAGE NATIONAL ADVERTISING

Dimensions: Variable. Shown here cm 22 W x 28 cm H

Open for beauty.

 Elizabeth Arden



introducing

denbe



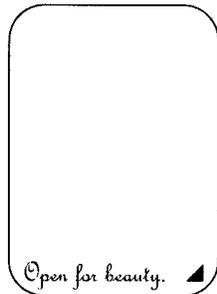
SCENT SEAL INSERT (FRONT)

Dimensions: Variable. Shown here 22 cm W x 28 cm H

Open for beauty.

 Elizabeth Arden

part reality. part illusion. all woman.



Elizabeth Arden

ardenbeauty
eau de parfum

SCENT SEAL INSERT (BACK)

Dimensions: Variable. Shown here 22 cm W x 28 cm H

Open for beauty.

Elizabeth Arden



DOUBLE PAGE SPREAD NATIONAL ADVERTISING

Dimensions: Variable. Shown here 44 cm W x 28 cm H

Open for beauty.

 Elizabeth Arden



POSTER (1 OF 2)

Dimensions: 50 cm W x 70 cm H

Open for beauty.

 Elizabeth Arden



ardenbeauty

 Elizabeth Arden
eau de parfum



POSTER (2 OF 2)

Dimensions: 50 cm W x 70 cm H

Open for beauty.

 Elizabeth Arden



OVER-SIZED POSTER

Dimensions: 70 cm W x 100 cm H

Open for beauty.

 Elizabeth Arden

ardenbeauty



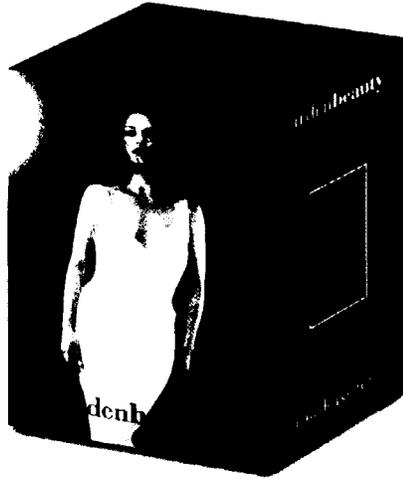
 Elizabeth Arden

BANNER

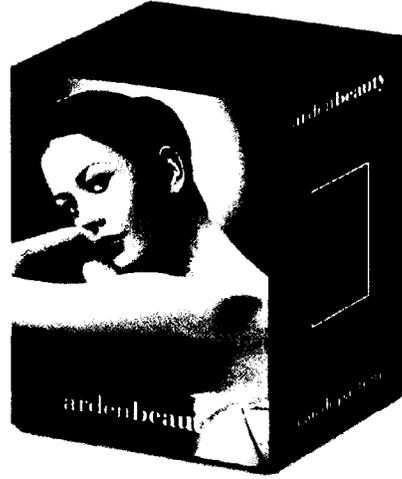
Dimensions: 60 cm W x 180 cm H

Open for beauty.

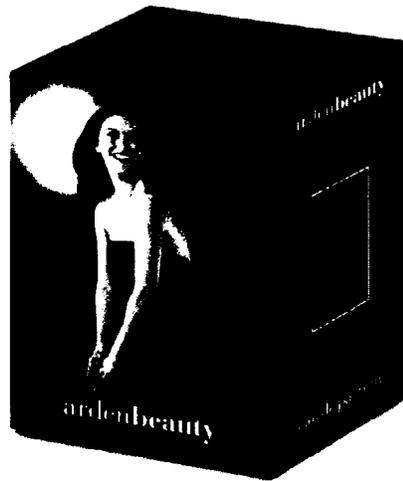
 Elizabeth Arden



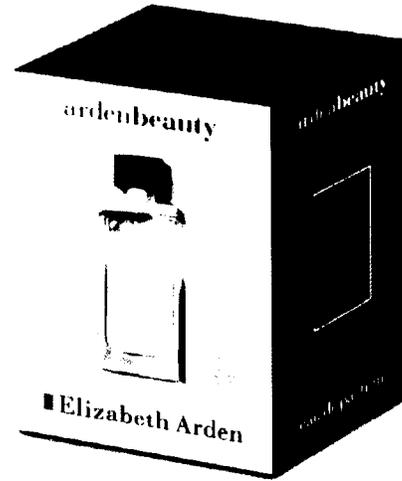
Box No.1 (Front)



Box No.2 (Front)



Box No.3 (Front)



All Boxes (Back)

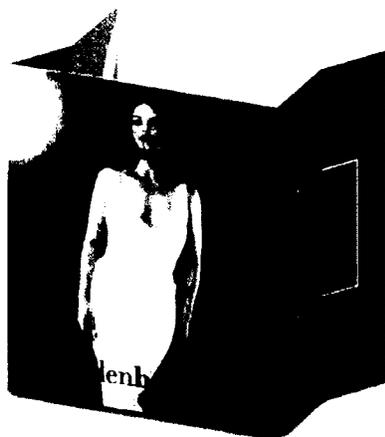
3 CEREAL BOXES (AVAILABLE IN 2 SIZES)

Dimensions: Large 25 cm W x 36 cm H x 18 cm D

Small 18.75 cm W x 27 cm H x 13.5 cm D

Open for beauty.

■ Elizabeth Arden



Shopping Bag No.1 (Front)



Shopping Bag No.2 (Front)



Shopping Bag No.3 (Front)



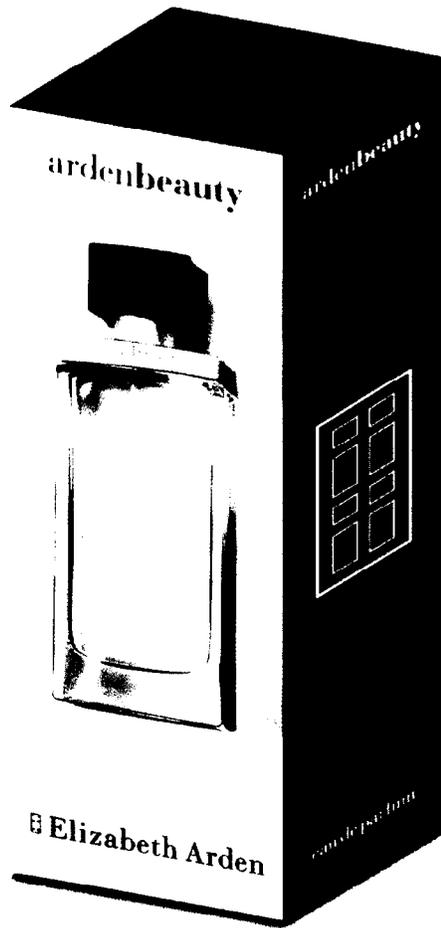
All Shopping Bags (Back)

3 SHOPPING BAGS

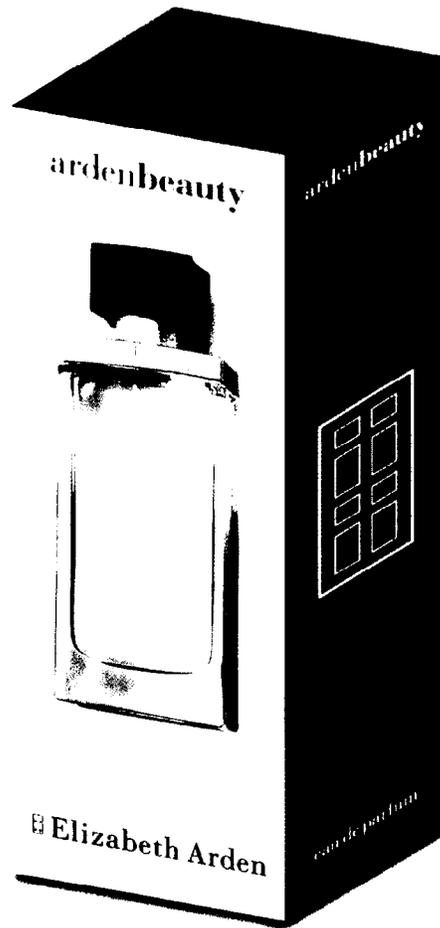
Dimensions: 22 cm W x 26 cm H x 10 cm D

Open for beauty.

 Elizabeth Arden



Giant Tower (Front)



Giant Tower (Back)

GIANT TOWER

Dimensions: 32 cm W x 90 cm H x 19 cm D

Open for beauty.

■ Elizabeth Arden



ardenbeauty



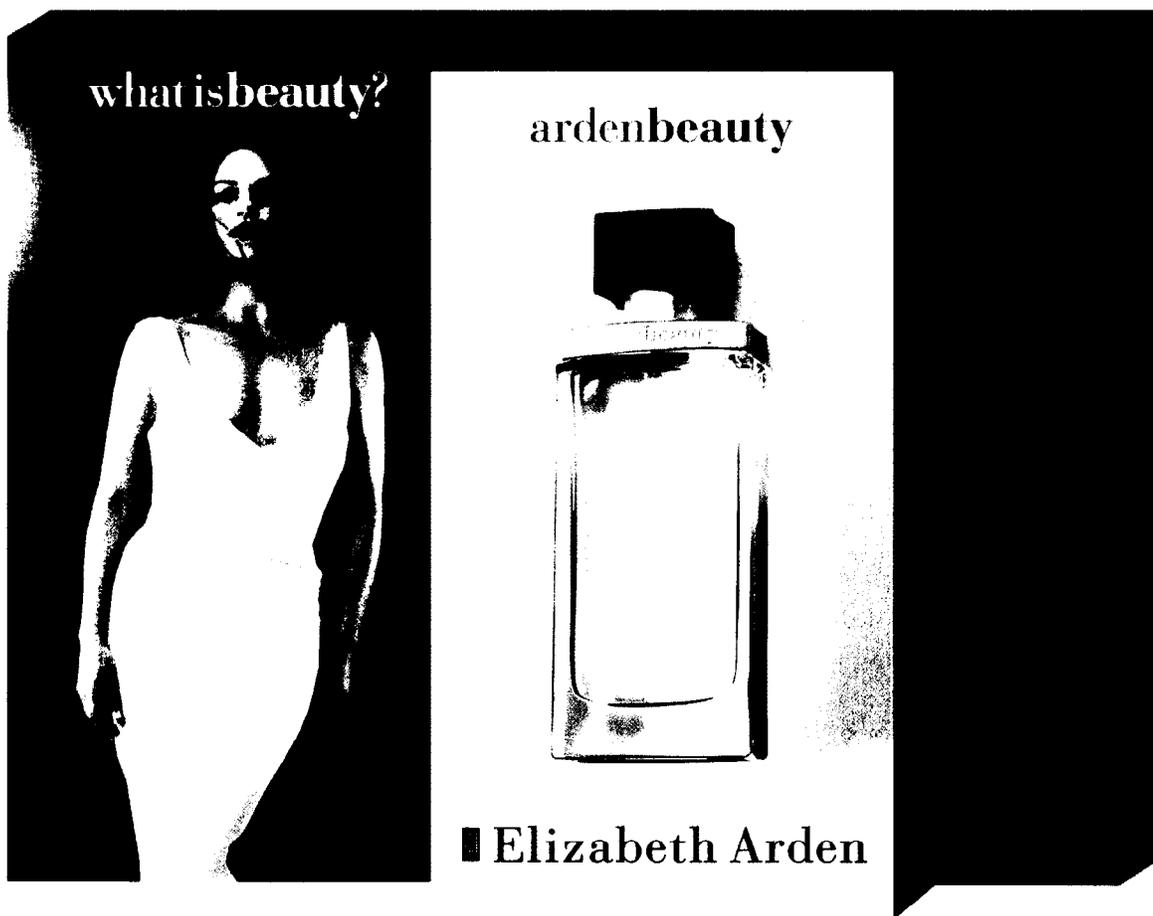
■ Elizabeth Arden

WINDOW DISPLAY

Dimensions: TBD

Open for beauty.

■ Elizabeth Arden

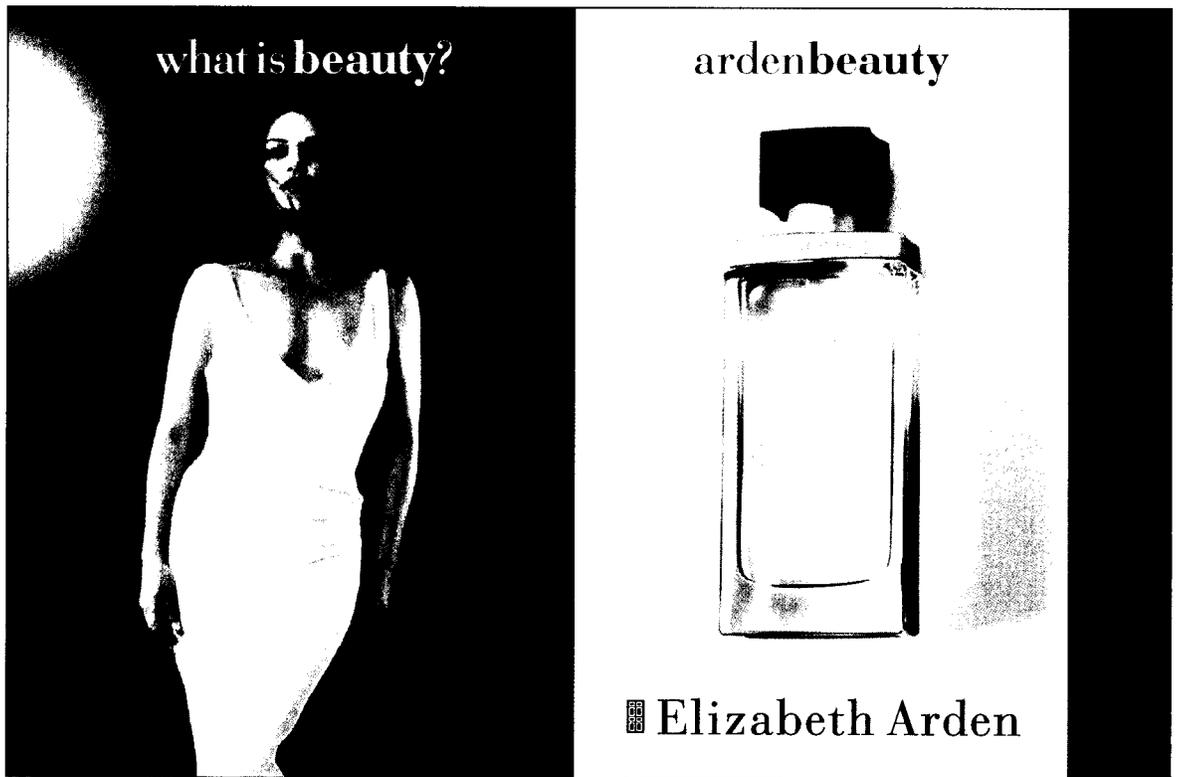


WINDOW DISPLAY

Dimensions: TBD

Open for beauty.

Elizabeth Arden



LARGE WINDOWCARD

Dimensions: 90 cm W x 60 cm H

Open for beauty.

 Elizabeth Arden



SMALL WINDOWCARD

Dimensions: 40 cm W x 60 cm H

Open for beauty.

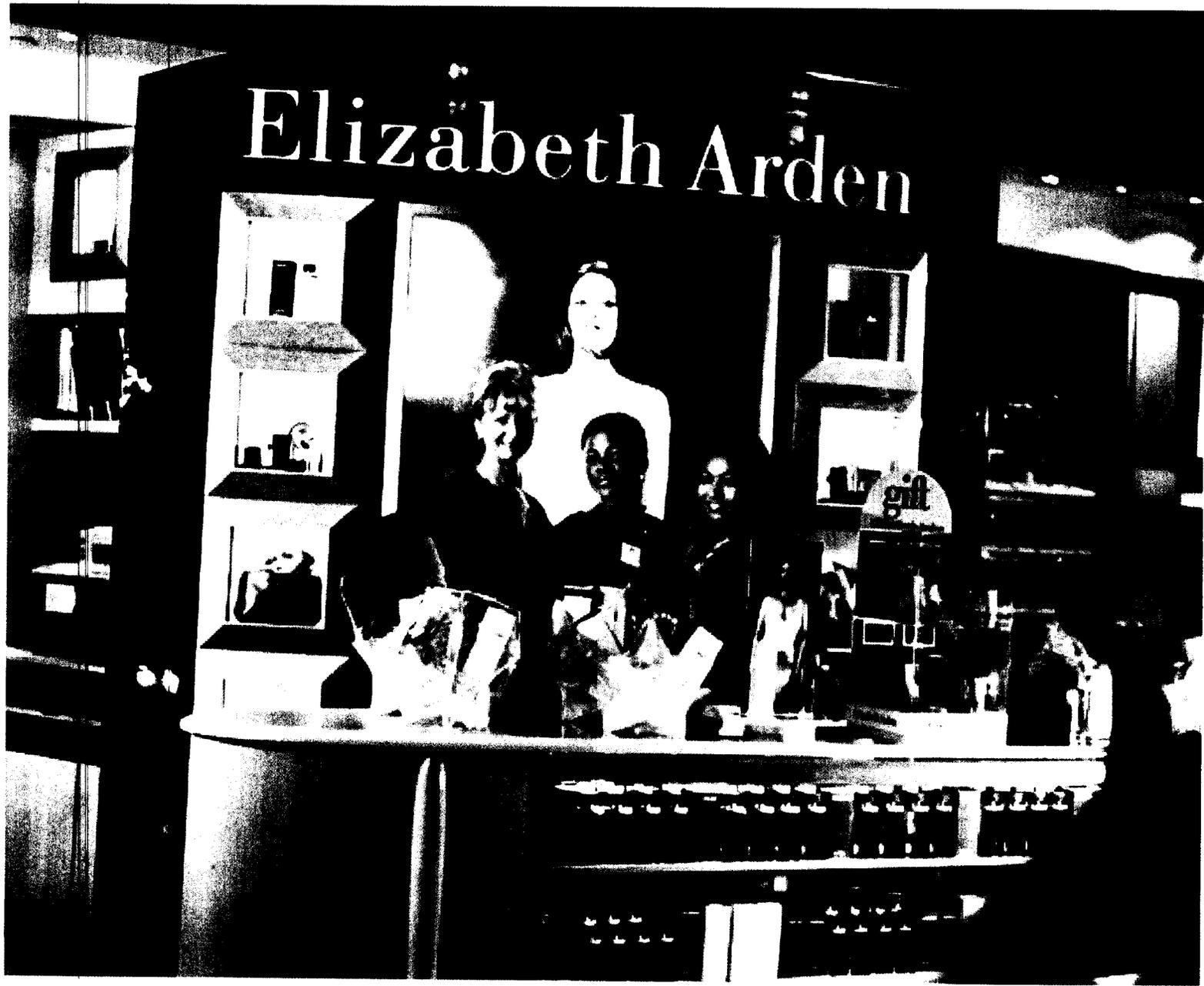
Elizabeth Arden



COUNTERCARD/SHEET A4

Dimensions: 21 cm W x 29.7 cm H

Elizabeth Arden



■ Elizabeth Arden



ardenbeauty



Elizabeth Arden



Elizabeth Arden



ardenbeauty

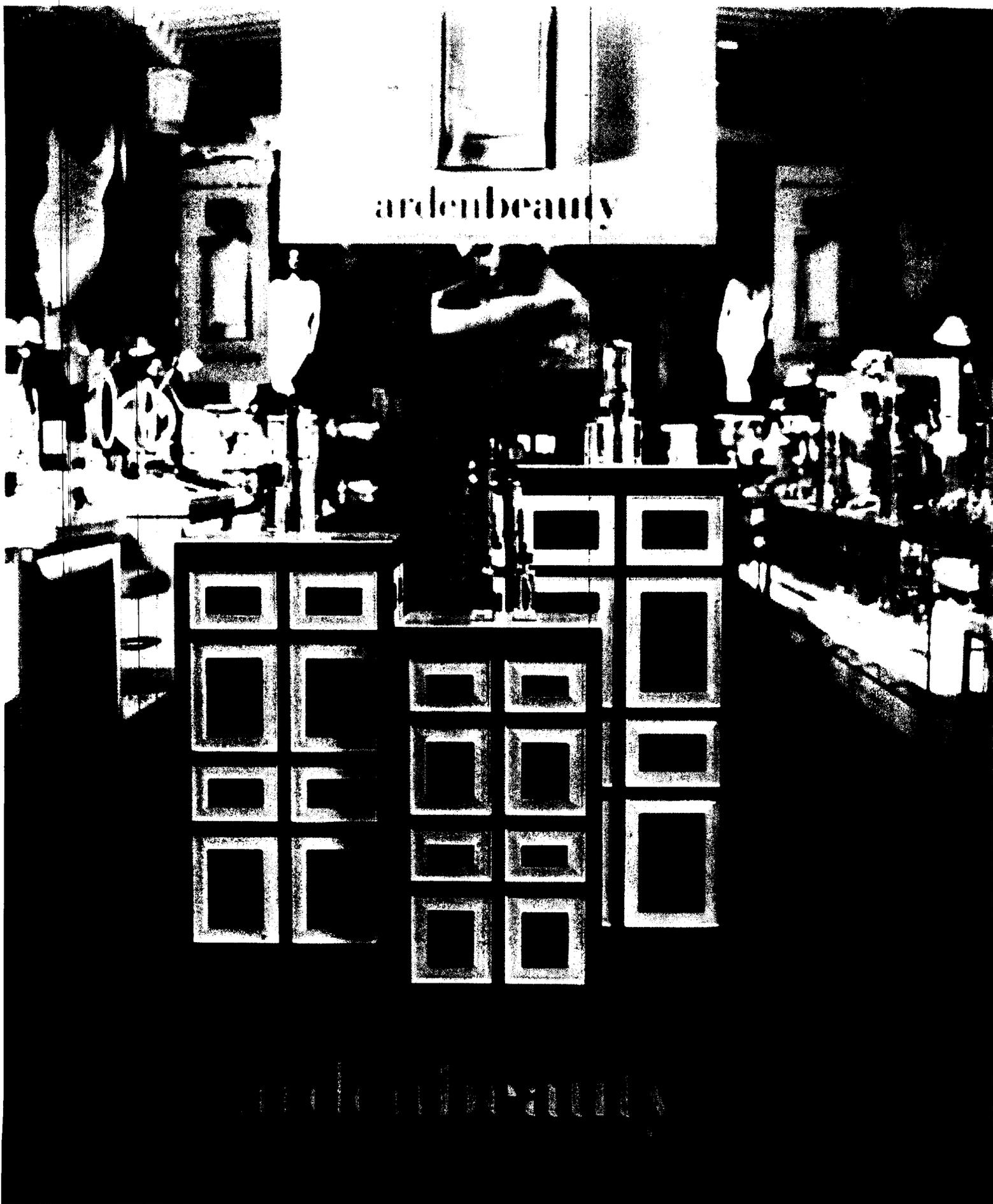
Elizabeth Arden

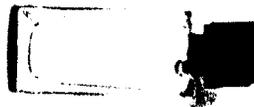
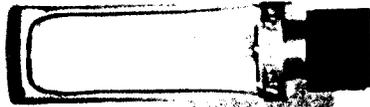
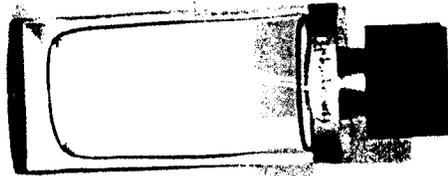
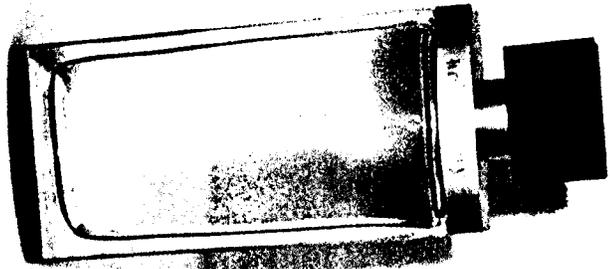


ardenbeauty

ardenbeauty

ardenbeauty





The Wet Seal, Inc. v. FD
Management, Inc.

Opposition No. 91157022

Exhibit No.

Rollerston

BH
4-21-05



Elizabeth Arden
Body Wash
Creme Moisturizing pour Body

ardenbeauty

11/17/71
11/17/71

attribution

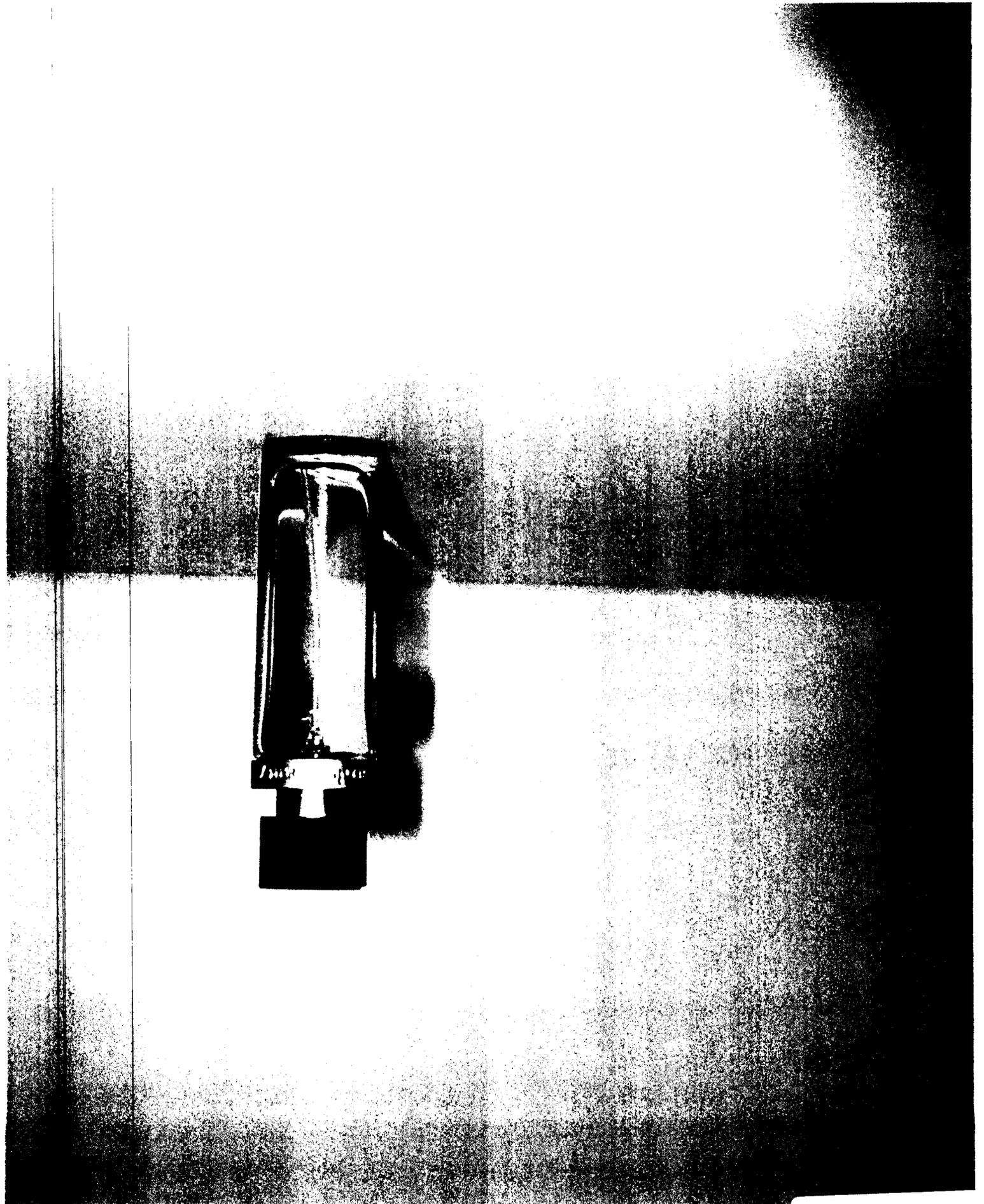
Elizabeth Arden
Lotion, Salve, Doux & Oil
LONDON, LONDON

ardenbeauty

Elizabeth Arden

1000 Madison Avenue
New York, N.Y. 10017

ardensbeauty

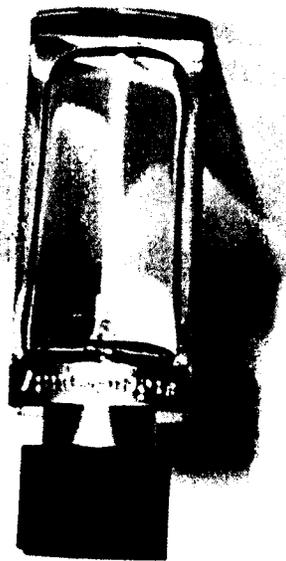


atdenbcany

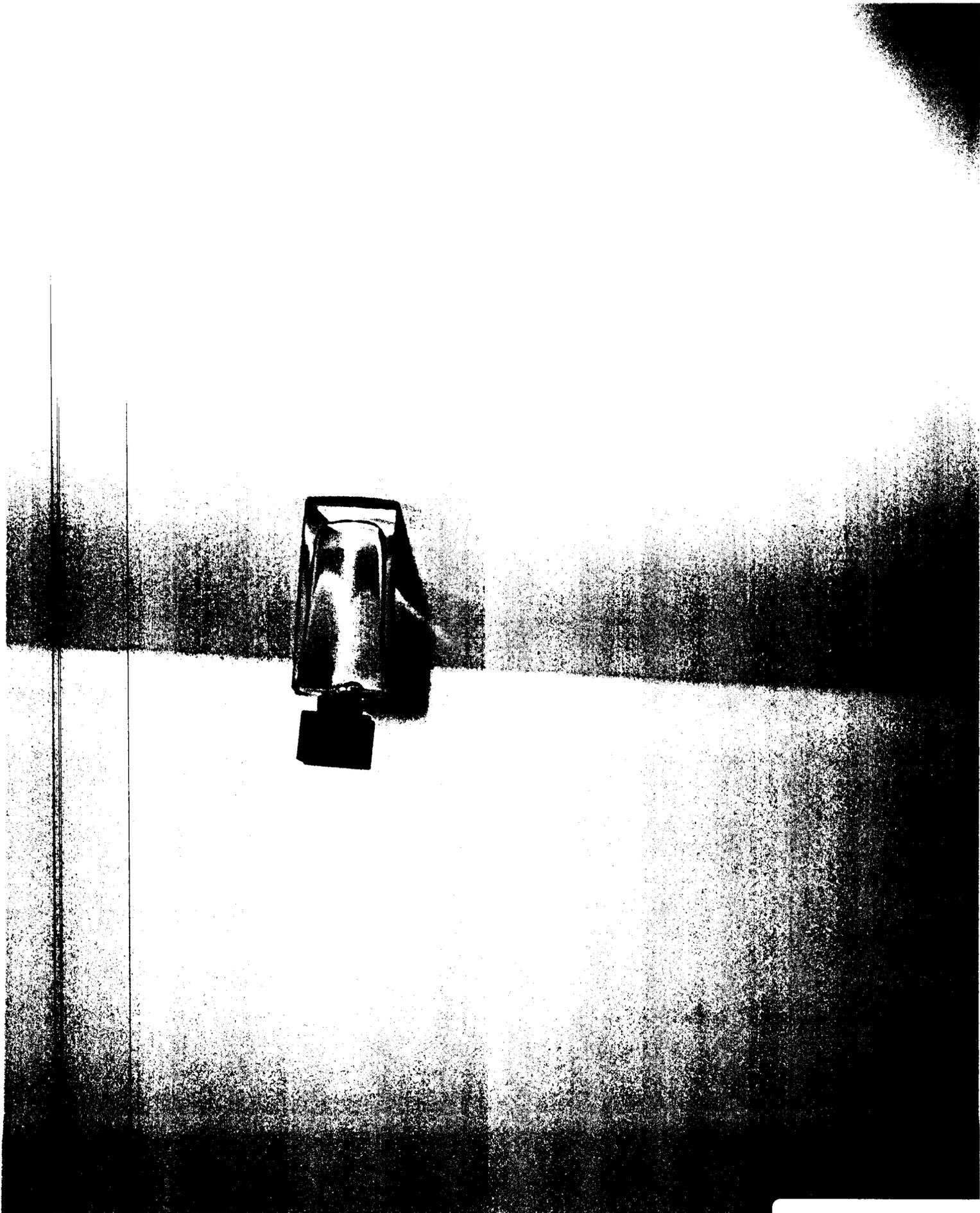
DEPARTMENT OF
COMMUNICATIONS

Elizabeth Arden
Cosmetics

Arden Beauty







ardenbeauty

8000 West
Lodge Freeway Suite 1000
Denver, CO 80202
#1111111111

ardenbeauty

8000 West
Lodge Freeway Suite 1000
Denver, CO 80202
#1111111111

ardenbeauty

8000 West
Lodge Freeway Suite 1000
Denver, CO 80202
#1111111111

ardenbeauty

8000 West
Lodge Freeway Suite 1000
Denver, CO 80202
#1111111111

ardenbeauty

8000 West
Lodge Freeway Suite 1000
Denver, CO 80202
#1111111111

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Cream Deodorant
Déodorant Crème

net wt. 1.7 oz. 50 g 50 ml e

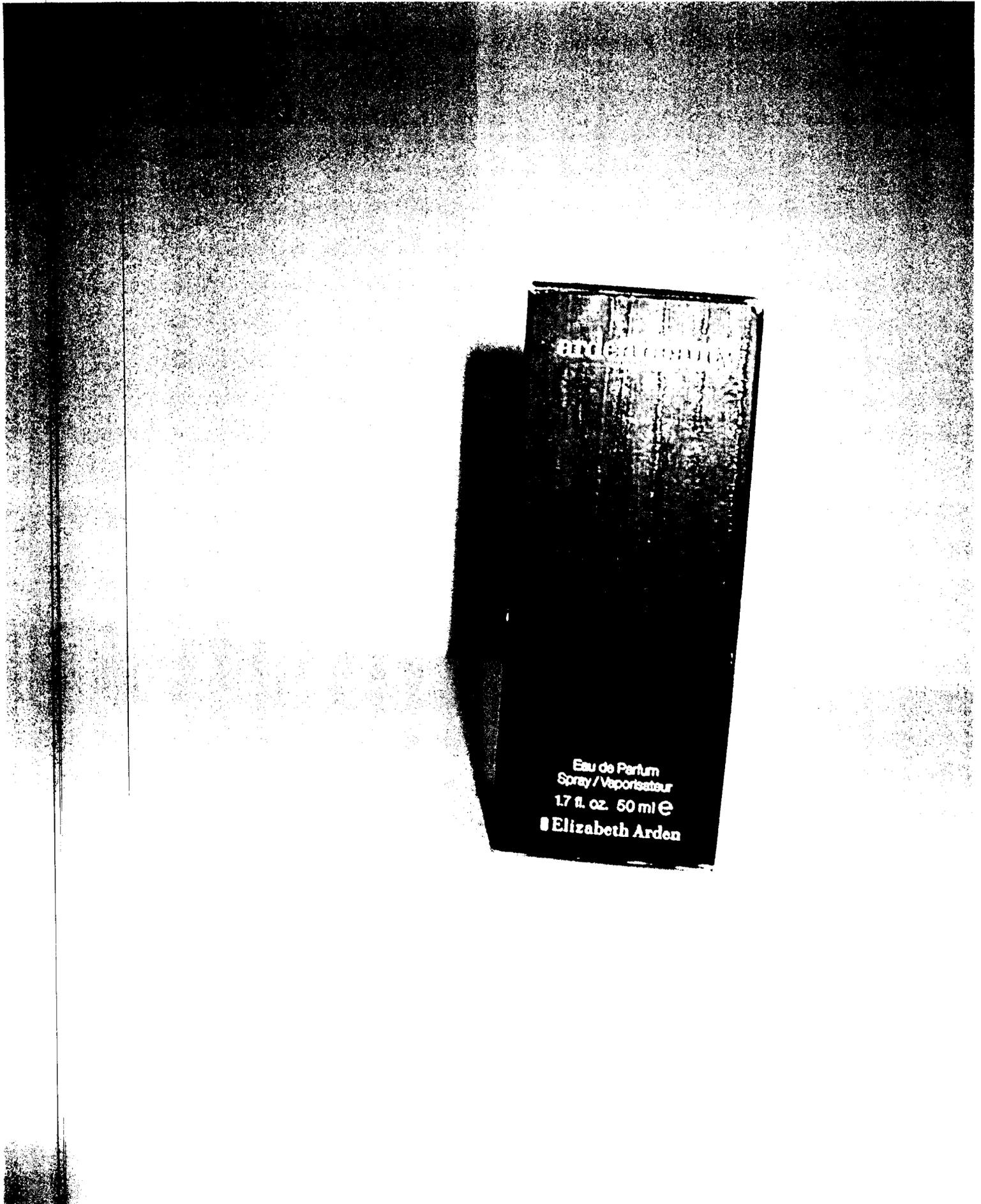
■ Elizabeth Arden

arden beauty

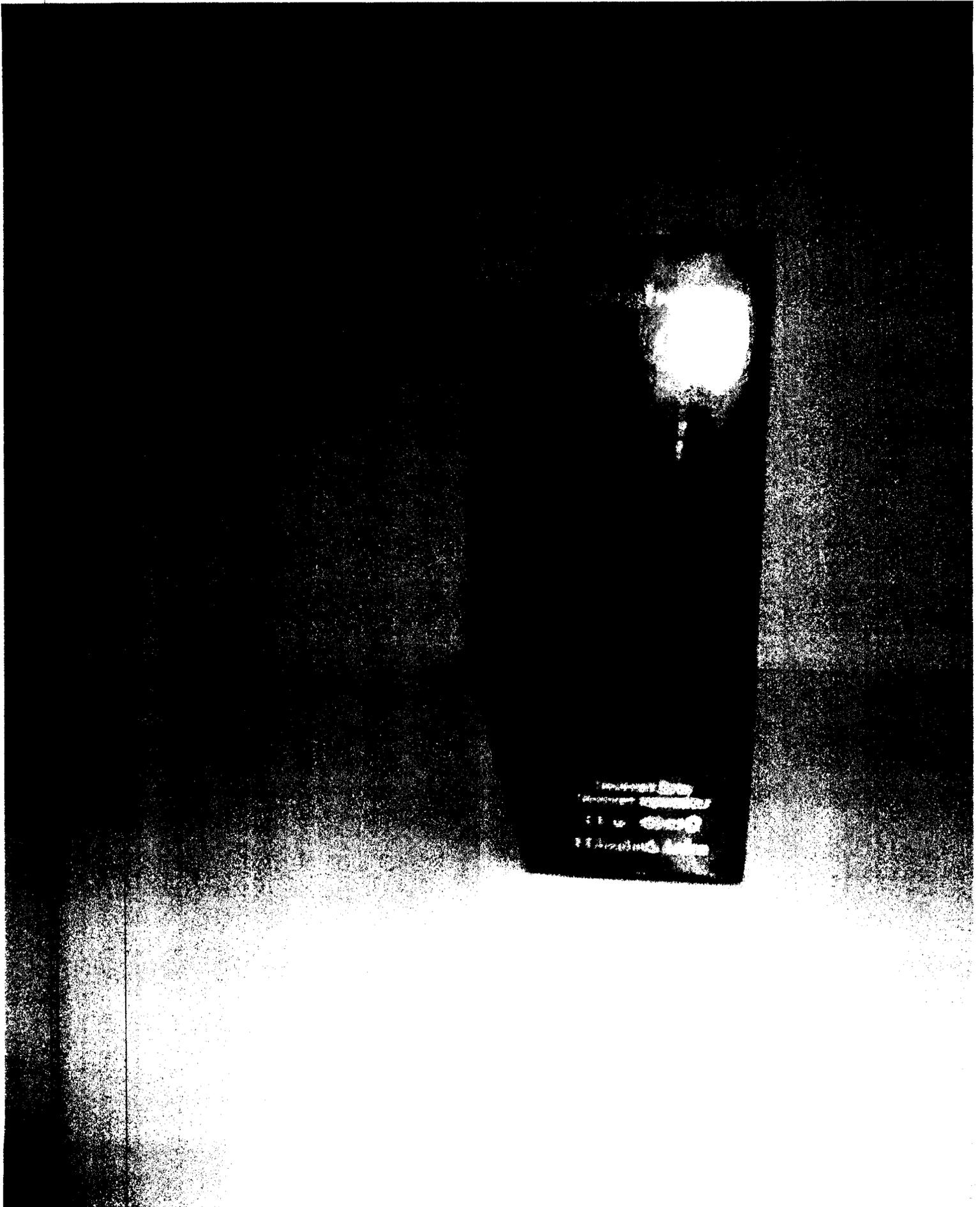
Body Wash
Crème Nettoyante pour le Corps

6.8 fl. oz. 200 ml e

■ Elizabeth Arden



Elizabeth Arden
Eau de Parfum
Spray / Vaporisateur
1.7 fl. oz. 50 ml e
Elizabeth Arden



ardisbeauty

Easy Lotion
Lotion, Sunscreen & Cream
6.8 oz. 200 ml
© Elizabeth Arden



New Arden Fragrance Launch
 STT 7/01/02 Ex-Roanoke - confirm
 STT 7/30/02 Ex-Lille

2001

August _____

- 6
- 13 PPR / Initiate Structural Design
- 20
- 27

September _____

- 3
- 10
- 17
- 24

October _____

- 1 Final Structural Design
- 8 Cost Estimate/Supplier Selection
- 15
- 22
- 29 Tool Authorization

November _____

- 5 Start Tools
- 12
- 19
- 26 Formula Prototype Approval

December _____

- 3 Begin stability *FACTSHEET*
- 10
- 17
- 24 Forecasts
- 31 Final Approval - Graphics

2002

January _____

- 7 PARFs / Name Approval
- 14 Reqs
- 21
- 28 CID / P.O.'s

February _____

- 4
- 11 Mechanical Art / Line Trial
- 18
- 25 Provisional to Manufacturing / P.O. Raws

March _____

- 4
- 11 Tool Delivery / Pilot Batch
- 18 Tool Shakedown
- 25 Start Component Production

April _____

- 1
- 8 *Advanced samples*
- 15
- 22
- 29

May _____

- 6 Deliver Components
- 13 QC
- 20 Start Fill
- 27

June _____

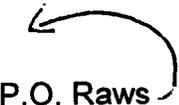
- 3
- 10
- 17 Ship To Warehouse
- 24

July _____

- 1 STT - Ex-Roanoke
- 8
- 15
- 22
- 29 STT - Ex-Lille

August _____

- 5
- 12
- 19
- 26



- 1000?
 See what mnn.
 could be
 - take off tool unit

*5 weeks instead of 10 weeks
 20 weeks / 24 weeks*

The Wet Seal, Inc. v. FD
 Management, Inc.

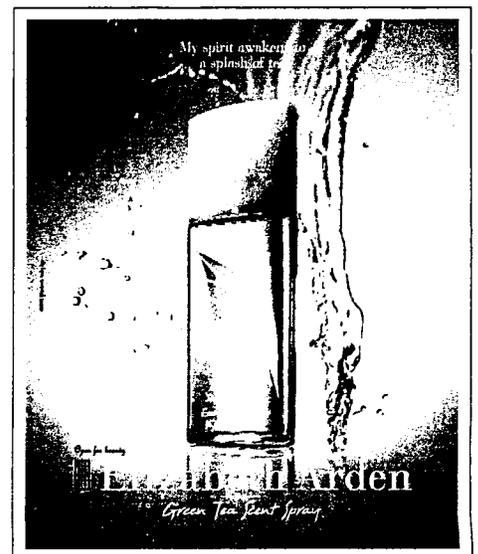
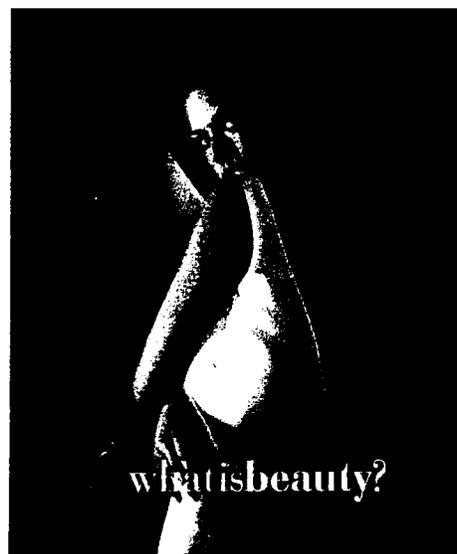
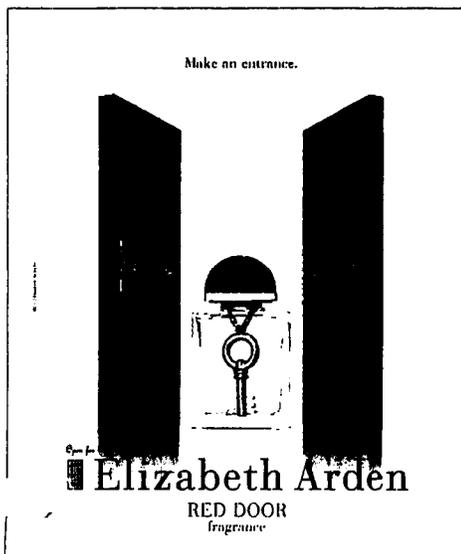
Opposition No. 91157022

Exhibit No. *26* *4-21-05*
Polleston *SH*

CONFIDENTIAL

Second Half 2002 Advertising Calendar

Publication	July	August	September	October	November	December
Allure	Green Tea	Arden Beauty Scent Strip	Arden Beauty	Green Tea	Arden Beauty	
Cosmopolitan	Arden Beauty Teaser			Green Tea	Arden Beauty Scent Strip	Green Tea
Glamour	Green Tea			Arden Beauty Scent Strip/ Green Tea	Arden Beauty Scent Strip	Arden Beauty
Harper's Bazaar		Arden Beauty Scent Strip				
InStyle	Green Tea		Red Door	Arden Beauty	Arden Beauty Scent Strip/ Red Door	Red Door
Self	Green Tea	Arden Beauty Scent Strip			Arden Beauty Scent Strip	Green Tea
Vogue	Arden Beauty Teaser	Arden Beauty Scent Strip	Arden Beauty Scent Strip			
Martha Stewart Living	Arden Beauty Teaser		Arden Beauty	Red Door	Red Door	Red Door
O, The Oprah Magazine				Red Door	Red Door	
People	Arden Beauty Teaser 7/1		Arden Beauty 9/2	Red Door 10/21	Red Door 11/4	
Vanity Fair		Arden Beauty Scent Strip				



The Wet Seal, Inc. v. FD
Management, Inc.
Opposition No. 91157022

Exhibit No. 21
Bolleston

SH
4-21-05

CONFIDENTIAL

EA-00000510

ELIZABETH ARDEN FISCAL YEAR 2003 (Feb '02 - Jan '03)
 March 21st, 2002

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
Ceramide Capsules:													
1 Harper's Bazaar		█											
2 Martha Stewart Living		█											
3 Oprah		█											
4 Self		█											21%/1.6/33
# of Insertions		4											4
Circ (M)		6,287											6,287
S(M)		\$264.8											\$264.8
Ceramide Face:													
1 Glamour													
2 Harper's Bazaar			█	P4C									
3 InStyle													
4 InStyle Makeover					█								
5 Martha Stewart Living				P4CB									
6 Oprah													
7 Organic Style													
8 People													
9 Self				P4CB									
10 Vanity Fair													
11 Vogue													54%/2.7/148
# of Insertions			8	8									16
Circ (M)			13,326	11,972									25,298
S(M)			\$525.7	\$545.2									\$1,070.9
Green Tea:													
1 Allure							P4CB			P4CB			
2 Cosmopolitan										P4CB		P4CB	
3 Elle										P4CB	P4CB		
4 Glamour					P4CB		P4CB			P4CB			
5 InStyle							P4CB						
6 Martha Stewart Living													
7 People													
8 Self							P4CB	P4CB					53%/3.3/176
# of Insertions					4	3	5			4	1	2	19
Circ (M)					6,942	7,618	8,050			6,602	921	3,961	34,094
S(M)					\$246.9	\$274.2	\$268.9			\$229.3	\$41.5	\$145.6	\$1,206.4
Red Door:													
1 Harper's Bazaar							P4CB						
2 InStyle													
3 Martha Stewart Living													
4 Oprah													
5 People													
# of Insertions					4	2				1	3	4	3
Circ (M)					6,511	5,433				1,485	7,756	9,241	4,511
S(M)					\$244.8	\$215.1				\$62.4	\$275.5	\$322.0	\$151.4
CZJ Teaser:													
1 Allure													
2 Cosmopolitan													
3 Glamour													
4 Martha Stewart Living							P4CB	→					
5 People													
6 Vogue													
# of Insertions							3	3					6
Circ (M)							5,304	7,235					12,539
S(M)							\$196.2	\$285.9					\$482.1
ArdenBeauty:													
1 Allure													
2 Cosmopolitan													
3 Elle													
4 Glamour													
5 Harper's Bazaar													
6 InStyle													
7 Martha Stewart Living													
8 People													
9 Self													
10 Vanity Fair													
11 Vogue													
# of Insertions							5	6	3	5	3		22
Circ (M)							4,957	9,365	4,286	8,527	3,722		30,857
S(M)							\$657.2	\$653.5	\$378.3	\$917.6	\$336.4		\$2,943.0

*4/4/02
 Scented
 minimum
 position*

*P4CB - single page 4 color
 SS # - Scented; what # scent strip*

*SPD - spread
 C4 - back cover
 CONFIDENTIAL EA-00000511*

ELIZABETH ARDEN FISCAL YEAR 2003 (Feb '02 - Jan '03)
 March 8th, 2002

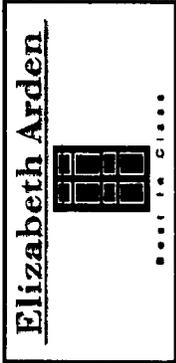
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	
Ceramide Capsules:													
1 Harper's Bazaar													
2 Martha Stewart Living													
3 Oprah													
4 Self													21%/1.6/33
# of Insertions													4
Circ (M)													6,287
\$(M)													\$270.6
Ceramide Face:													
1 Glamour													
2 Harper's Bazaar													
3 InStyle													
4 InStyle Makeover													
5 Martha Stewart Living													
6 Oprah													
7 Organic Style													
8 People													
9 Self													
10 Vanity Fair													
11 Vogue													
# of Insertions													8
Circ (M)													13,326
\$(M)													\$531.5
Green Tea:													
1 Allure													
2 Cosmopolitan													
3 Elle													
4 Glamour													
5 InStyle													
6 Martha Stewart Living													
7 People													
8 Self													
# of Insertions													4
Circ (M)													6,942
\$(M)													\$260.1
Red Door:													
1 Harper's Bazaar													
2 InStyle													
3 Martha Stewart Living													
4 Oprah													
5 People													
# of Insertions													4
Circ (M)													6,511
\$(M)													\$249.4
CZJ Teaser:													
1 Allure													
2 Cosmopolitan													
3 Glamour													
4 Martha Stewart Living													
5 People													
6 Vogue													
# of Insertions													3
Circ (M)													5,304
\$(M)													\$196.2
ArdenBeauty:													
1 Allure													
2 Cosmopolitan													
3 Elle													
4 Glamour													
5 Harper's Bazaar													
6 InStyle													
7 People													
8 Self													
9 Vanity Fair													
10 Vogue													
# of Insertions													5
Circ (M)													4,957
\$(M)													\$657.2

The Wet Seal, Inc. v. FD
Management, Inc.

Opposition No. 91157022

Exhibit No. 28

SH
4-21-05



PROJECT COST ESTIMATES

Item:	Magazine Inserts	PO#s:	N029739, N111164 U.S. N029740, N111165 Canada N02974, N111166 P.R./L.A.
Specifications:	70#C2S U.S./Canada/PR/LA Production	Date:	September 18, 2002
	Final		

Publication	Quantity	Per M \$	Total	PREP(A)	OIL	TOTAL PER BOOK	PER Unit \$
Self - August	1,957,000	\$ 23.79	\$ 46,557.03	\$ 842.00	\$ 6,334.81		\$0.0275
Harpers Bazaar - August	1,050,000	\$ 23.79	\$ 24,979.50	\$ 452.00	\$ 3,398.85		\$0.0275
Vanity Fair - August	1,575,000	\$ 23.79	\$ 37,469.25	\$ 677.00	\$ 5,098.28		\$0.0275
Vogue - August	1,767,800	\$ 23.79	\$ 42,055.96	\$ 760.00	\$ 5,722.37		\$0.0275
Allure - August	1,344,000	\$ 23.79	\$ 31,973.76	\$ 578.00	\$ 4,350.53		\$0.0275
Vogue - September	1,848,900	\$ 23.79	\$ 43,985.33	\$ 795.00	\$ 5,984.89		\$0.0275
Glamour - October	3,451,760	\$ 23.79	\$ 82,117.37	\$ 1,484.00	\$ 11,173.35		\$0.0275
Cosmopolitan - November	3,500,000	\$ 23.79	\$ 83,265.00	\$ 1,505.00	\$ 11,329.50		\$0.0275
Glamour - November	3,270,430	\$ 23.79	\$ 77,803.53	\$ 1,406.00	\$ 10,586.38		\$0.0275
In Style - November	2,300,000	\$ 23.79	\$ 54,717.00	\$ 989.00	\$ 7,445.10		\$0.0275
Self - November	1,974,200	\$ 23.79	\$ 46,966.22	\$ 849.00	\$ 6,390.49		\$0.0275

Canada

Flare - September	208,000	\$ 23.79	\$ 4,948.32	\$ 2,111.00	\$ 673.30		\$0.0372
Elm Street - September	300,000	\$ 23.79	\$ 7,137.00	\$ 3,051.00	\$ 971.10		\$0.0372
Clin D'oeil - October	100,000	\$ 23.79	\$ 2,379.00	\$ 1,020.00	\$ 323.70		\$0.0372
Elle Canada - October	149,350	\$ 23.79	\$ 3,553.04	\$ 1,523.20	\$ 483.45		\$0.0372
Elle Quebec - December	90,000	\$ 23.79	\$ 2,141.10	\$ 918.00	\$ 291.33		\$0.0372
Fashion - December	184,000	\$ 23.79	\$ 4,377.36	\$ 1,876.80	\$ 595.61		\$0.0372

Recap EA Beauty Launch

3/15/2005

D. Bosques

ARDENBEAUTY - 2003 HOLIDAY NATIONAL TV SCHEDULE

11/13/03

Date	Network	Time	Program Name	Length	Units
WEEK OF 11/24/03					
11/27/03	ABC	6:00-6:30 AM	World News Morning	:15	1
11/27/03	ABC	7:00-9:00 AM	Good Morning America	:15	1
11/27/03	ABC	2:00-3:00 PM	One Life To Live	:15	1
11/27/03	ABC	9:00-10:00 PM	Extreme Makeover	:15	1
11/27/03	ABC	10:00-11:00 PM	Primetime Thursday	:15	1
11/28/03	NBC	6:30-7:00 AM	Early Today	:15	1
11/28/03	ABC	7:00-9:00 AM	Good Morning America	:15	1
11/28/03	NBC	7:00-9:00 AM	Today Show	:15	1
11/28/03	CBS	12:30-1:30 PM	Young & The Restless	:15	1
11/28/03	ABC	9:00-9:30 PM	Hope & Faith	:15	1
11/28/03	ABC	9:30-10:00 PM	Life With Bonnie	:15	1
11/30/03	ABC	10:00-11:00 PM	20/20 Friday	:15	1
11/30/03	NBC	10:00-11:00 PM	The Lyon's Den	:15	1
wk of 11/24/03	Syndication	N/A	Regis & Kelly	:15	2
wk of 11/24/03	Syndication	N/A	Seinfeld	:15	1
wk of 11/24/03	Syndication	N/A	Access Hollywood	:15	1
wk of 11/24/03	Syndication	N/A	Ellen Degeneres	:15	1
wk of 11/24/03	Lifetime	N/A	Various	:15	5
wk of 11/24/03	TNT	N/A	Various	:15	7
wk of 11/24/03	The Food Network	N/A	Various	:15	8

*The Wet Seal, Inc. v. FD
Management, Inc.*

Opposition No. 91157022

Rolleston

Exhibit No. 35

*4-21-05
SH*

EA-00000742

ARDENBEAUTY - 2003 HOLIDAY NATIONAL TV SCHEDULE

11/13/03

Date	Network	Time	Program Name	Length	Units
------	---------	------	--------------	--------	-------

ARDENBEAUTY - 2003 HOLIDAY NATIONAL TV SCHEDULE

11/13/03

Date	Network	Time	Program Name	Length	Units
WEEK OF 12/15/03					
12/15/03	NBC	6:30-7:00 AM	Early Today	:15	1
12/15/03	ABC	7:00-9:00 AM	Good Morning America	:15	1
12/15/03	ABC	1:00-2:00 PM	All My Children	:15	1
12/15/03	CBS	1:30-2:00 PM	Bold & The Beautiful	:15	1
12/15/03	ABC	2:00-3:00 PM	One Life To Live	:15	1
12/15/03	NBC	2:00-3:00 PM	Passions	:15	1
12/15/03	ABC	8:00-9:00 PM	Primetime Monday	:15	1
12/15/03	CBS	10:00-11:00 PM	CSI: Miami	:15	1
12/16/03	NBC	7:00-9:00 AM	Today Show	:15	1
12/16/03	ABC	1:00-2:00 PM	All My Children	:15	1
12/16/03	CBS	3:00-4:00 PM	Guiding Light	:15	1
12/16/03	ABC	8:00-8:30 PM	8 Simple Rules	:15	1
12/16/03	ABC	9:30-10:00 PM	Less Perfect	:15	1
12/17/03	ABC	7:00-9:00 AM	Good Morning America	:15	1
12/17/03	CBS	12:30-1:30 PM	Young & The Restless	:15	1
12/17/03	NBC	1:00-2:00 PM	Days Of Our Lives	:15	1
12/17/03	ABC	3:00-4:00 PM	General Hospital	:15	1
12/17/03	ABC	10:00-11:00 PM	Karen Sisco	:15	1
12/18/03	ABC	6:00-6:30 AM	World News Morning	:15	1
12/18/03	NBC	7:00-9:00 AM	Today Show	:15	1
12/18/03	ABC	9:00-10:00 PM	Extreme Makeover	:15	1
12/18/03	ABC	10:00-11:00 PM	Primetime Thursday	:15	1
12/19/03	CBS	2:00-3:00 PM	As The World Turns	:15	1
12/19/03	NBC	2:00-3:00 PM	Passions	:15	1
12/19/03	NBC	9:00-10:00 PM	Dateline Friday	:15	1
12/19/03	NBC	10:00-11:00 PM	Boomtown	:15	1
12/20/03	NBC	7:30-9:00 AM	Saturday Today	:15	1
12/21/03	NBC	10:00-11:00 PM	The Lyon's Den	:15	1
wk of 12/15/03	Syndication	N/A	Regis & Kelly	:15	1
wk of 12/15/03	Syndication	N/A	Wayne Brady	:15	1
wk of 12/15/03	Syndication	N/A	Dr. Phil Show	:15	1
wk of 12/15/03	Syndication	N/A	Ellen Degeneres	:15	1
wk of 12/15/03	Syndication	N/A	Extra	:15	1
wk of 12/15/03	Syndication	N/A	Suddenly Susan	:15	1
wk of 12/15/03	Syndication	N/A	Providence	:15	1
wk of 12/15/03	Lifetime	N/A	Various	:15	9
wk of 12/15/03	TNT	N/A	Various	:15	12
wk of 12/15/03	the Food Netwo	N/A	Various	:15	15

ARDENBEAUTY - 2003 HOLIDAY NATIONAL TV SCHEDULE

11/13/03

Date	Network	Time	Program Name	Length	Units
EK OF 12/22/03					
12/22/03	ABC	7:00-9:00 AM	Good Morning America	:15	1
12/22/03	CBS	12:30-1:30 PM	Young & The Restless	:15	1
12/22/03	ABC	3:00-4:00 PM	General Hospital	:15	1
12/22/03	CBS	10:00-11:00 PM	CSI: Miami	:15	1
12/23/03	ABC	7:00-9:00 AM	Good Morning America	:15	1
12/23/03	CBS	12:30-1:30 PM	Young & The Restless	:15	1
12/23/03	NBC	10:00-11:00 PM	Law & Order: SVU	:15	1
wk of 12/22/03	Syndication	N/A	Regis & Kelly	:15	1
wk of 12/22/03	Syndication	N/A	Wayne Brady	:15	1
wk of 12/22/03	Syndication	N/A	Suddenly Susan	:15	1
wk of 12/22/03	Lifetime	N/A	Various	:15	3
wk of 12/22/03	TNT	N/A	Various	:15	3
wk of 12/22/03	The Food Network	N/A	Various	:15	4

W25-49 GRPs

0.9
0.8
0.6

Elizabeth Arden
 US SBU's
 ardenbeauty
 Launch Thru Jan 31, 2005

Item Sku	Gross Shipment Units	Gross Shipment Value	Gross Shipment Cost
AB 1.0 EDP+3.3 B/L+3.3 CLNR+.17 EDP	44,532	801,049	472,536
AB 1.7 EDP+3.3 BL+3.3 BW+.33 EDP+MIR	45,428	1,126,836	522,403
AB 1.7 EDP+3.3 B/L+3.3 CLNR+.17 EDP	21,543	574,999	217,873
a/bty 1.7EDP+1.7BL+1.7BW+.17EDP+MIRR	356	5,338	3,739
ardenbeauty;1.0 EDP+ 1.7 BL+ 1.7 BW	4	0	30
ardenbeauty 1.0 OZ EDP STEPUP GWP L	432	1,633	1,499
ardenbeauty 1.7 EDP+3.3 BL+.17EDP	1,460	32,341	19,245
ardenbeauty;1.7 EDP+3.3 BL+ .17 EDP	2,964	29,640	26,330
ardenbeauty;1.7 EDP+ 3.3 BODY LOT	3,397	33,467	22,055
ardenbeauty 1.7 EDP+ 3.3 MST BL	91,816	2,230,737	818,129
ardenbeauty;1.7OZ/50ML BDY LOTN L	0	-5	0
ardenbeauty .17 OZ EDP	576	0	622
ardenbeauty 1.7 OZ EDP	113	0	375
ardenbeauty;1.7 OZ EDP SP+6.8 OZ BLL	5,021	59,278	39,513
ardenbeauty 3.3 BL GWP MLT=12	13	0	23
ardenbeauty 3.3 EDP+3.3 BL+3.3 C CLN	64,949	1,899,375	937,826
ardenbeauty 3.3 EDP+ .33 EDP	4,238	50,575	34,474
ardenbeauty 3.3 OZ BODY LOTN WIP TB	465	0	434
ardenbeauty 3.3 OZ BODY WASH WIP TB	466	0	385
ardenbeauty 3 X ARBF7851CS L	1,814	127,615	61,961
ardenbeauty 6.8 OZ PROMO BDY LT M=12	14,724	0	42,846
ardenbeauty BDY LOTION PKT M=50	50	0	0
ardenbeauty BDY WASH 3.3FLOZ/100ML	391	0	534
ardenbeauty;B/LOTION 6.8 OZ TSTR L	71	168	171
ardenbeauty;BLOTTER CARDS M=50 L	5,000	180	73
ardenbeauty BODY LOTION 1.7 OZ	1,903	2,379	1,435
ardenbeauty;BODY LOTION 3.3 OZ L	1,191	9,181	2,902
ardenbeauty;BODY LOTION 3.3 OZ L	4,329	34,088	10,682
ardenbeauty;BODY LOTN 6.8OZ/200ML L	80,989	1,375,663	201,276
ardenbeauty;BODY WASH 6.8OZ/200ML L	73,894	576,553	177,780
ardenbeauty CEREAL BOX (1=2)	4,040	0	34,035
ardenbeauty;CREAM DEO 1.7 OZ L	2,309	5,368	3,433
ardenbeauty;DEO SPRAY 5.0 OZ L	2,328	5,608	5,506
ardenbeauty;EDP 1.0+ BL 1.7+BW 1.7 L	483	3,623	3,979
ardenbeauty;EDP 1.0+BL 3.3+BW 3.3 L	1,490	11,175	11,944
ardenbeauty;EDP 1.0+BL 6.8 L	4,355	62,266	35,330
ardenbeauty;EDP 1.0+BW L	5,232	55,312	42,562
ardenbeauty;EDP 1.0OZ/30ML SP L	68,770	516,225	211,191
ardenbeauty;EDP 1.0 OZ SP W/SLEEV L	3,927	80,941	17,136
ardenbeauty EDP 1.0SP+BL1.7+EDP.33 L	651	6,831	5,636
ardenbeauty;EDP 1.0 SP+BL 1.7+PARF	6,000	121,500	48,726
ardenbeauty EDP 1.0 SP+BL 1.7+PARF L	33,740	509,310	250,487
ardenbeauty;EDP 1.0 SP+BL 1.7+PARF L	18,321	341,931	141,900

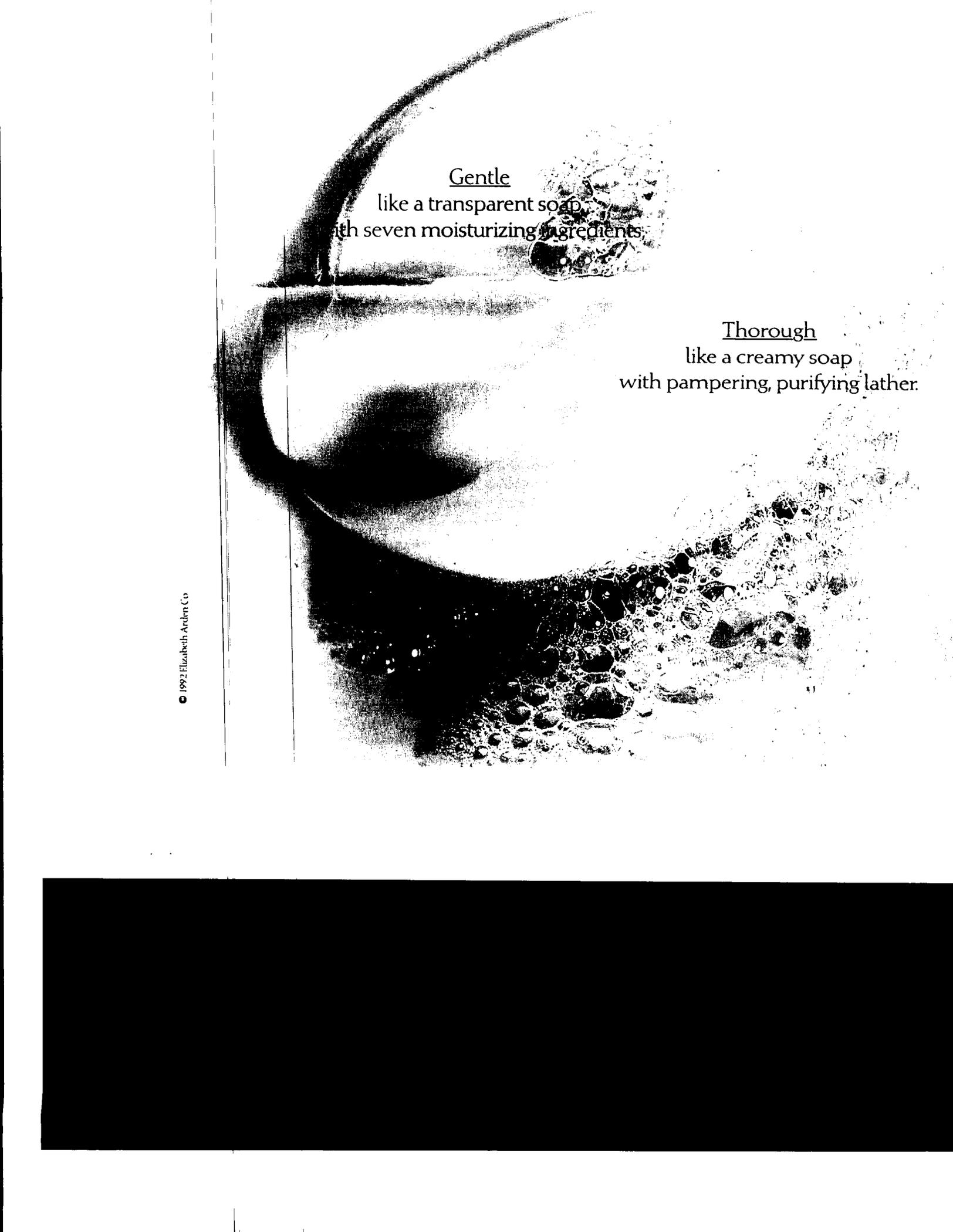
The Wet Seal, Inc. v. FD
 Management, Inc.

Opposition No. 91157022

Colleston 4-21-05
 Exhibit No. 21 GH

CONFIDENTIAL EA-00000801

ardenbeauty;EDP 1.0 SP+BL+BW L	307	2,593	2,276
ardenbeauty;EDP 1.0 SP+BW+BL L	6,482	96,570	53,749
ardenbeauty;EDP 1.7+BL 3.3+EDP .17 L	831	9,768	7,451
ardenbeauty;EDP 1.7+EDP .17+BL+BW L	18,689	369,973	176,019
ardenbeauty;EDP 1.7 OZ/50 ML SP L	391,627	7,117,655	1,514,309
ardenbeauty;EDP 1.7 OZ SP I	17	62	62
ardenbeauty;EDP 1.7 OZ SP+MINI L	6,050	121,215	38,606
ardenbeauty;EDP 1.7 SP+BL 3.3OZ L	14,154	178,791	98,565
ardenbeauty;EDP 1.7 SP+BL+BW+MINI L	4,950	99,012	59,762
ardenbeauty;EDP 1.7 SP+BL+BW+REPL L	18,353	173,998	189,331
ardenbeauty;EDP .5 OZ SP L	12	33	33
ardenbeauty;EDP .5 OZ SP L	127,197	904,681	404,703
ardenbeauty;EDP REP .17FZ/5ML M=12 L	755	1,632	1,014
ardenbeauty EDP/SP 1.0+BL 3.3+BW L	15,090	214,464	127,528
ardenbeauty;EDP/SP 1.0+BL 3.3+BW L	1,357	13,306	11,115
ardenbeauty;EDP SP 1.0OZ/30ML L	5,979	122,955	25,481
ardenbeauty;EDP SP 3.3OZ/100ML L	178,592	3,877,974	911,585
ardenbeauty EDP/SP .5+BL 1.7+BW 1.7	11,690	149,556	73,731
ardenbeauty;EDP/SP .5+BL 1.7+BW 1.7	18	0	112
ardenbeauty;EDP TSTR 3.3OZ/100ML L	24,814	258,816	114,535
ardenbeauty FRAG 10ML SPR	390	975	671
ardenbeauty FRAG VOC	6,322	516	1,505
ardenbeauty GLORIFIER	15	585	487
ardenbeauty MASS 9 PC PPK I	2,743	316,713	135,258
ardenbeauty MASS 9 PC PPK L	2,838	328,153	142,542
ardenbeauty MHOC 1=50	3	29	25
ardenbeauty PERF BDY LTN 3.3 OZ	387	0	529
ardenbeauty;SCENTSEAL CARD MLT=50 L	25,400	0	1,671
ardenbeauty SMALL SHOPPING BAGS	263	0	243
ardenbeauty SM POSTERS 1=2	29	168	78
ardenbeauty;SPRAY .33FZ/10ML L	240	0	217
ardenbeauty STEINMART 9 PC PPK	280	32,308	14,421
ardenbeauty;VOC MLT=24 L	28,790	7,307	7,177
ardenbeauty WA 24 PC PPK L	1,816	339,955	250,527
ardenbeauty WG 9 PC PPK L	4,267	494,119	231,442
ardenbeauty XMAS CONT GWP	723	2,326	1,217
ardenbty 1.7 EDP+3.3 BL+ .17 EDP REP	37,496	733,738	349,917
ardenbty BDY WASH PKT .18FZ/5ML M=50	50	0	0
MIRROR,CMN,ARBSW3V ardenbty 2H03	15,308	16,650	14,295
SCRATCH/SCENT,ardenbty LBL	160,000	0	5,680
SETBX,BB,ardenbty ARBSP42066 2H4 XMS	12	0	24
SHANTUNG TRAIN CS,US,ardenbty XMS 02	63	0	185
TOTALS	1,738,174	26,677,772	9,397,088



Gentle
like a transparent soap
with seven moisturizing ingredients.

Thorough
like a creamy soap
with pampering, purifying lather.



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CONFETTI-PAGE, AMERICAN WAY-PAGE



01-06-1999

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #26

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

-----X
 In the Matter of Application :
 Serial No. 75/365,543 :
 Published September 8, 1998 :
 :
 UNOPCO SUB, INC. and CONOPCO, INC., :
 dba ELIZABETH ARDEN CO. :
 :
 Opposers, :
 v. :
 :
 THE WET SEAL, INC. :
 :
 Applicant. :
 -----X

Opposition No.

112,592

NOTICE OF OPPOSITION

Opposers Unopco Sub, Inc., a corporation organized and existing under the laws of the State of Delaware, with its address at 501 Silverside Road, Wilmington, Delaware 19809, and Conopco, Inc. dba Elizabeth Arden Co., a corporation organized and existing under the laws of the State of New York, with offices located at 1345 Avenue of the Americas, New York, New York 10105 (hereinafter referred to collectively as Opposers), hereby oppose registration of the mark ARDEN B. that is the subject of application Serial No. 75/365,543 published in the Official Gazette of September 8, 1998, and request that registration to Applicant be refused.

As grounds for opposition, it is alleged that:

EXHIBIT
<i>Opp. No. 91157022</i>
<i>Rolleston 34</i>
<i>4-21-05 6H</i>

1. Opposer Unopco Sub, Inc. and its exclusive licensee Conopco, Inc. dba Elizabeth Arden Co., by themselves and through their licensees, for many years and since long prior to any date of first use upon which Applicant can rely, have adopted and used the trademark ELIZABETH ARDEN and variants thereof (hereinafter referred to as the Arden Marks), for a variety of products and services, including cosmetics, fragrances, skin and hair care products, eyeglass frames, as well as spa and retail store services.

2. Opposer Unopco Sub, Inc. is the owner of the following trademark registrations for the Arden Marks issued by the United States Patent and Trademark Office:

ELIZABETH ARDEN, No. 1,073,947 for eyeglass frames, dated September 27, 1977;

ELIZABETH ARDEN, No. 1,656,519 for luggage and umbrellas, dated September 10, 1991;

ELIZABETH ARDEN, No. 1,835,108 for cosmetic bags containing eau de toilette, body lotion, bath and shower gel, sold together as a unit, dated May 10, 1994;

ELIZABETH ARDEN, No. 1,775,644 for home fragrance products, namely, scent sachets and potpourri, and scented candles, dated June 8, 1993;

ELIZABETH ARDEN, No. 1,579,710 for toilet lotions; skin creams; perfumes; face, dusting and talcum powders; make-up foundations; nail preparations; oils,

creams and ointments for the alleviation and prevention of sun burn; sachets in powdered form; rouge; lip pencils, salve; eyebrow pencils; eye shadow; mascara; ointments; shampoos; bath salts and oils; depilatories; and deodorants, dated May 8, 1990;

ELIZABETH ARDEN, No. 1,594,803 for toilet lotions; skin creams; perfumes; face, dusting and talcum powders; make-up foundations; nail preparations; oils, creams and ointments for the alleviation and prevention of sun burn; sachets in powdered form; rouge; lip pencils, salve; eyebrow pencils; eye shadow; mascara; ointments; shampoos; bath salts and oils; depilatories; and deodorants, dated May 8, 1990;

ELIZABETH ARDEN, No. 1,577,216 for skin moisturizers, skin lotions, skin creams and perfumery, dated January 16, 1990;

ELIZABETH ARDEN, No. 545,890 for facial and bath soaps, dated July 31, 1951;

ELIZABETH ARDEN, No. 557,022 for face, body and hair make-up and care, consisting of: face treatment - namely, massages, application of cosmetics, eyelash and eyebrow dyeing, eyebrow tweezing and advice on care of skin and make-up; body massages, passive reducing treatments, hair tinting, hair dyeing, hair shampooing, manicuring, pedicuring, removal of superfluous hair, and corrective exercise and roller treatments, dated April 1, 1952;

ELIZABETH ARDEN RED DOOR, No. 1,704,044 for anti-perspirant deodorant and deodorant, bath and shower gel, body cream, dusting powder and soap, dated July 28, 1992;

ELIZABETH ARDEN RED DOOR, No. 1,649,230 for eau de toilette, perfume body lotion and parfum, dated July 2, 1991;

ELIZABETH ARDEN 5TH AVENUE, No. 2,162,507
for parfum, eau de parfum, eau de
toilette, body powder, body lotion and
bath and shower gel, dated June 2, 1998;

The aforementioned registrations are valid, subsisting,
unrevoked and uncanceled.

3. Applicant has filed an intent-to-use application to register the mark ARDEN B. for men's, women's and children's clothing, namely, boots, shoes, slippers, tops, tank tops, sweatshirts, blouses, vests, shirts, shorts, pants, skirts, jumpsuits, outerwear, namely, blazers, coats, jackets, and rainwear, suits, camisoles, underwear, hosiery, scarves, swimwear in International Class 25, and retail apparel store services in the field of men's, women's and children's clothing, footwear, hats and accessories in International Class 42. That application was filed on September 30, 1997, and was assigned Serial No. 75/365.543.

4. Upon information and belief, Applicant made no use of the mark Arden B. prior to the filing date of its application, September 30, 1997.

5. Applicant's mark so resembles Opposers' previously used and registered Arden marks as to be likely, when applied to the goods set forth in the Applicant's application, to cause confusion,

mistake or deception within the meaning of Section 2(d) of the Trademark Act.

WHEREFORE, Opposers believe they will be damaged by registration of the mark in Application Serial No. 75/365,543, and respectfully request that the registration sought by applicant be denied.

Dated: January 6, 1999

Respectfully submitted,

UNOPCO SUB, INC. and
CONOPCO, INC. dba
ELIZABETH ARDEN CO.

By: 

Peter M. Mendelson
Kenneth C. Leonard
Eric W. McCormick
Their Attorneys
390 Park Avenue
New York, N.Y. 10022
Tel.: (212) 906-4770

Open for beauty.

 Elizabeth Arden
miscellaneous



T. Shirt (Front)



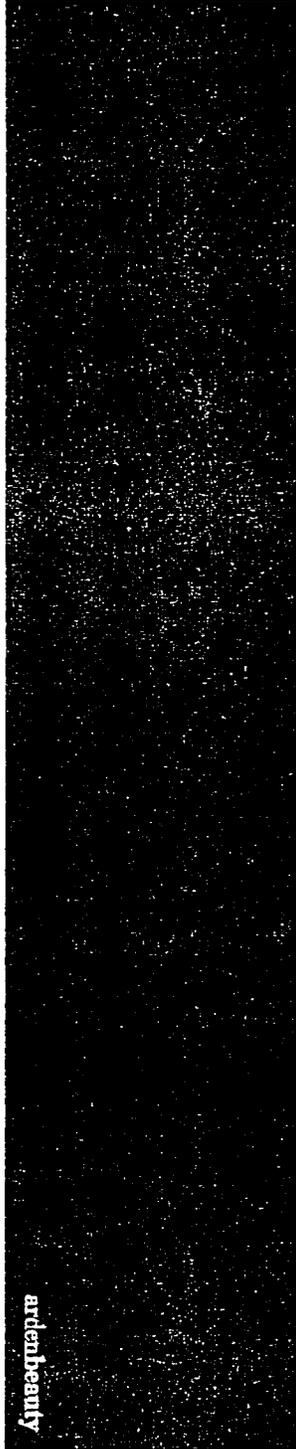
T. Shirt (Back)

T. SHIRT

EXHIBIT
App. No. 91157022
Rollston 35
4-21-05 G.H.
EA-00000706

Open for beauty.

 Elizabeth Arden
miscellaneous



ardenbeauty

SCARF

EA-000000707