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09/09/2003TTAB

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

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Hachette Filipacchi Presse,	:		
	Opposer,	:	
	:	Opposition No.:	
-v-	:	Serial No.:	76/474,422
	:	Published:	May 27, 2003
Malecon Tobacco, LLC.,	:	Trademark:	ELLA
	Applicant.	:	
	:		
-----	x		

**NOTICE OF OPPOSITION**

Petitioner, Hachette Filipacchi Presse (hereinafter "Hachette" or "Opposer"), a joint-stock company duly organized and existing under the laws of France, and having its principal place of business at 149, rue Anatole France, 92534 Levallois-Perret, Cedex, France, believes that it will be damaged by the registration of the mark ELLA by Malecon Tobacco, LLC. (hereinafter "Applicant"), published in the *Official Gazette* on May 27, 2003. Hachette has been granted an extension of time to file this Opposition up to an including August 25, 2003.

As grounds for this Opposition, Hachette relies upon the rights developed by it, its related companies and predecessors in interest, and alleges on knowledge as to itself and otherwise upon information and belief, as follows:

1. Since 1945, Hachette, directly and through its predecessors, has been engaged in the sale of a wide spectrum of goods and services under the mark ELLE, including, but not limited to the publication, distribution, and sale of the world-famous women's magazine entitled *ELLE*. This magazine is a unique mixture of topical events and fashion articles.

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09/05/2003 TSMITH 00000051 76474422

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08-22-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #74

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2. *ELLE* magazine was originally published as a French-language magazine distributed in France. Since 1952, the French-language edition of *ELLE* magazine has been imported into the United States. Thousands of copies of the French-language edition of this magazine are distributed annually in the United States.

3. The reputation of the French-language edition of *ELLE* magazine in the United States became so favorable that, in 1983, in a special promotion and celebration of the French retail marketplace by a leading New York retailer, Hachette's *ELLE* magazine was selected to represent French women's magazines. Hachette published a special edition of *ELLE* magazine in English for this occasion.

4. Upon receiving favorable reaction to its initial English-language edition of *ELLE* magazine, Hachette commenced publication on a semi-annual basis of an English-language edition of *ELLE* magazine, specifically tailored to the United States market. Due to the popular appeal of this edition, Hachette soon thereafter began monthly publication of an English-language edition of *ELLE* magazine. Hachette sells several hundred thousand copies per month of the English-language edition of *ELLE* magazine in the United States.

5. In addition to the French-language version of *ELLE* magazine and the English-language version sold in the United States, Hachette publishes magazines under the "ELLE" mark in several other languages. Currently, *ELLE* magazine is sold in more than 25 editions throughout the world, including versions in French, Spanish and Italian.

6. For many years, and long prior to Applicant's filing of its application, Opposer has used the mark ELLE, and variations thereof, in interstate commerce throughout the United States in connection with a variety of goods and services, including, goods and services in the

magazine, apparel, footwear, jewelry, cosmetics, home décor, publishing, news, advertising and multimedia fields.

7. Prior to Applicant's filing of its application, Opposer obtained, *inter alia*, the following registrations (hereinafter the "ELLE registrations," "ELLE marks" or "Opposer's marks"):

<u>Trademark</u>	<u>Registration No.</u>	<u>Goods or Services</u>
ELLE	0,758,137	MAGAZINE
ELLE	0,861,159	PROMOTING THE SALE OF WOMEN'S APPAREL BY OTHERS BY STAGING STYLE SHOWS AND BY THE PREPARATION OF VARIOUS TYPES OF ADVERTISING
ELLE	0,862,001	DRESSES, CLOAKS, CAPES, SKIRTS, JACKETS, SUITS, TWO-PIECE COSTUMES OR SUITS, COATS, SWEATERS, BODICES, PULLOVERS, HOUSEGOWNS, SLIPS, COMBINATION UNDERWEAR, PETTICOATS, CORSETS, SHEATH CORSETS, BUST-BODICES, BRASSIERES, UNDERSHIRTS, UNDERWEAR, BATHING SUITS, JODPHURS, KNICKERS, STOCKINGS, TIES, SCARVES, SQUARE SHAWLS, HATS, CAPS, GLOVES & SLIPPERS
ELLE	1,318,319	EARRING OF NONPRECIOUS METALS.
ELLE	1,322,177	UMBRELLAS; ARTICLES MADE OF LEATHER, IMITATION LEATHER & CANVAS-NAMELY, LUGGAGE, TRAVELING BAGS, TOTE BAGS, HAND BAGS, BEACH TOTE BAGS, SHOULDER BAGS, COSMETIC BAGS SOLD EMPTY, KEY CASES, SHOPPING TOTE BAGS & WALLETS.
ELLE	1,348,158	FOOTWEAR-NAMELY, SHOES, BOOTS, SLIPPERS, SANDALS AND CLOGS.
ELLE	1,374,805	DISHES, PLATES, CUPS, DRINKING GLASSES BOTTLES, BOTTLE STANDS, COASTERS, BOTTLE OPENERS, JUGS, BRUSHES FOR CLEANING TANKS AND CONTAINERS, BRUSHES FOR

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<u>Trademark</u>	<u>Registration No.</u>	<u>Goods or Services</u>
		FOOTWEAR, ELECTRIC BRUSHES, BRUSHES FOR CLOTHING, HAIR BRUSHES, NAIL BRUSHES; EYEBROW BRUSHES; TOOTH BRUSHES, TRAYS, COFFEE SERVICE IN NON-PRECIOUS METAL, COFFEE POTS, MENU CARD RESTS, COSMETIC WIPES, POTS FOR MAKE-UP SOLD EMPTY, POWDER PUFFS; FRUIT CUPS, STATUES AND FIGURINES OF PORCELAIN, TERRA COTTA AND GLASS; BASINS, COOKING POTS, BUTTER DISHES, GLASS JARS, DRINKING VESSELS, ORNAMENTAL BOXES OF GLASS, ALL-PURPOSE BOXES OF METAL FOR DOMESTIC USE, BASIN BOWLS, CORK SCREWS, SPONGES FOR HOUSEHOLD PURPOSES, TOILET SPONGES, FLASKS IN NON-PRECIOUS METAL, OIL CRUETS IN NON-PRECIOUS METAL, CRUMB TRAYS, FITTED VANITY CASES, PERFUME SPRAYERS, PERFUME VAPORIZERS, COMBS, CURRY COMBS, FITTED PICNIC BASKETS, HAND OPERATED PEPPER MILLS, PEPPER POTS IN NON-PRECIOUS METAL, POWDER COMPACTS IN NON-PRECIOUS METAL SOLD EMPTY, BUCKETS, PAILS, EPERGNES, MUGS, GOBLETS, BASKETS FOR DOMESTIC USE, TRAYS FOR DOMESTIC USE, SAUCERS IN NON-PRECIOUS METAL, CUPS IN NON-PRECIOUS METAL, TABLE PLATES, DECANTERS, DISHES IN NON-PRECIOUS METAL, DECANTER STANDS, GLASS BOWLS, STEW PANS, EGG CUPS IN NON-PRECIOUS METAL, PITCHERS, POTS IN NON-PRECIOUS METAL, KNIFE RESTS FOR THE TABLE.
ELLE	1,408,874	ADVERTISING AGENCY SERVICES
ELLE	1,429,609	NEWS AGENCY SERVICES-NAMELY, GATHERING & DISSEMINATING NEWS BY ELECTRONIC TRANSMISSION.
ELLE	1,454,393	LINGERIE
ELLE	1,454,808	TOILETRIES & COSMETICS, NAMELY PERFUMES; COLOGNES; TOILET WATER; ESSENTIAL OILS; HAIR, SKIN & BATH LOTIONS; TOILET SOAPS; BODY LOTIONS & POWDERS; PERSONAL

<u>Trademark</u>	<u>Registration No.</u>	<u>Goods or Services</u>
		DEODORANTS; FACE POWDER & LOTIONS, LIPSTICK; LIP LINER; EYE SHADOW; EYEBROW PENCILS; EYE LINERS; LIQUID FOUNDATION; MASCARA; BLUSH; ROUGE; SKIN ASTRINGENTS; CLEANERS & SCRUBS; FACIAL MASKS; SKIN MOISTURIZING LOTION & CREAMS; HAIR SHAMPOO; HAIR CONDITIONING LOTION; EYE MAKEUP REMOVER; NAIL POLISH; NAIL HARDENER; NAIL POLISH REMOVER; CUTICLE REMOVERS & CONDITIONERS; TALCUM POWDER; SHAVING CREAM; HAIR DEPILATORIES; SUN SCREENING CREAMS; FOAMS & LOTIONS; HAIR STYLING MOUSSE & GELS; HAIR SPRAY; BATH GEL & OILS; BUBBLE BATHS; DENTIFRICES.
ELLEDECOR	1,654,884	MAGAZINES FEATURING INTERIOR & EXTERIOR DECORATING, ARCHITECTURE, LANDSCAPING, GARDENING & HORTICULTURE; CUISINE; ART & SCULPTURE, ARTIFACTS, ANTIQUES & COLLECTIONS, FURNITURE; HOUSEHOLD ACCESSORIES, ACCOUTREMENTS, & FIXTURES, CRITIQUES OF RESIDENCES; BIOGRAPHICAL SKETCHES; ELECTRONICS FOR THE HOME; NATIONAL & INTERNATIONAL LIFESTYLES, TRAVEL, TOURISM & PHOTOGRAPHY.
ELLE DÉCOR	1,732,988	MAGAZINES FEATURING INTERIOR & EXTERIOR DECORATING, ARCHITECTURE, LANDSCAPING, GARDENING & HORTICULTURE; CUISINE; ART & SCULPTURE, ARTIFACTS, ANTIQUES & COLLECTIONS, FURNITURE; HOUSEHOLD ACCESSORIES, ACCOUTREMENTS, & FIXTURES; CRITIQUES OF RESIDENCES; BIOGRAPHICAL SKETCHES; ELECTRONICS FOR THE HOME; NATIONAL & INTERNATIONAL LIFESTYLES, TRAVEL, TOURISM & PHOTOGRAPHY.

Copies of these registrations are attached hereto as Exhibit A.

8. The ELLE registrations are valid and subsisting, unrevoked and uncanceled, and are *prima facie* evidence of the validity of Opposer's exclusive right to use the ELLE marks in commerce in connection with the goods and services described in those registrations, without

condition or limitation, and constitutes constructive notice of Opposer's ownership of the ELLE marks for the goods and services described in those registrations, as provided for by Sections 7(b), 22, and 33(a) of the Lanham Act.

9. Opposer has expended substantial amounts of time and effort in advertising and promoting its goods and services under the ELLE marks. As a result of such advertising and promotional activities, the ELLE marks have become famous, the relevant public has come to associate and identify ELLE with Opposer and Opposer derives substantial goodwill from such identification by consumers.

10. On December 12, 2002, Applicant filed a trademark application for the mark ELLA in connection with "cigars" in International Class 34.

Count I: Likelihood of Confusion

11. Opposer hereby incorporates by reference the allegations in Paragraphs 1 through 10 hereof as if fully set forth herein.

12. Applicant's mark ELLA, as set forth in the application opposed herein, is substantially similar in sight, sound, connotation and commercial impression to Opposer's ELLE marks.

13. Due to the high degree of inherent distinctiveness, the duration and extent of use, the duration and extent of advertising and publicity, the geographical extent of the trading area, and the degree of recognition, Opposer's ELLE marks are "famous" pursuant to Section 43 (c) of the Lanham Act.

14. Because Opposer's ELLE marks are famous and because Opposer currently uses the ELLE marks in connection with a variety of goods and services, the greater the likelihood

that the public will believe that the same or similar mark found on a wide range of goods or services are affiliated or associated with, connected to or sponsored by Opposer.

15. Accordingly, Applicant's mark is likely to cause confusion, mistake, or to deceive the public into believing that Applicant's goods are somehow affiliated or associated with, connected to or sponsored by Opposer, in violation of Section 2(d) of the Lanham Act.

16. If Applicant is permitted to register or use the mark herein opposed, there would be likely confusion as to the sponsorship of the goods, resulting in damage and injury to Opposer by reason of the similarity between Applicant's mark and Opposer's marks. Persons familiar with Opposer's ELLE marks will be likely to purchase Applicant's goods, believing them to be affiliated or associated with, connected to or sponsored by Opposer. Likewise, persons exposed to Applicant's mark ELLA who subsequently become acquainted with Opposer's ELLE marks are likely to conclude that the goods and services offered by Opposer under its marks are in some manner affiliated or associated with, connected to or sponsored by Applicant. Any such confusion as to sponsorship inevitably would result in damage and injury to Opposer.

17. Opposer will be damaged by registration of the mark shown in the application opposed herein because such registration will support and assist Applicant in the confusing and misleading use of Applicant's mark, and will give color of rights to Applicant in violation of Opposer's prior and superior statutory and common-law rights in the ELLE marks.

#### Count II: Likelihood of Dilution

18. Opposer hereby incorporates by reference the allegations of Paragraphs 1 through 17 hereof as if fully set forth herein.

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19. Pursuant to Section 43(c) of the Lanham Act, Opposer's ELLE marks are famous. Opposer's ELLE marks became famous prior to the date that Applicant can first lay claim to any rights in the ELLA mark.

20. The registration and use of Applicant's mark ELLA will likely dilute the distinctive quality of Opposer's famous ELLE marks.

21. Opposer will be damaged by registration of the mark shown in the application opposed herein because such registration will support and assist Applicant in the diluting use of Applicant's mark, and will give color or rights to Applicant in violation of Opposer's prior and superior statutory and common law rights in the ELLE marks.

WHEREFORE, Hachette prays that this Opposition be sustained and that the application for registration of the mark ELLA be in all respects denied.

Dated: New York, New York  
August 19, 2003

Respectfully submitted,

HUGHES HUBBARD & REED LLP

By: Perla M Kuhn  
Perla M. Kuhn  
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CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513	
on	<u>August 20, 2003</u>
	HUGHES HUBBARD & REED LLP
Dated: <u>8/20/03</u>	By: <u>[Signature]</u>
	Name: CLAUDIA SALZBERG

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# United States Patent Office

758,137  
Registered Oct. 8, 1963

## PRINCIPAL REGISTER Trademark

Ser. No. 157,211, Filed Nov. 14, 1962

### ELLE

France Editions & Publications (French limited-liability  
company)  
100 Rue Reaumur  
Paris 2<sup>e</sup>, France

For: MAGAZINE, in CLASS 38.  
First use Nov. 1, 1945; in commerce 1945.  
An English translation of the French word "Elle" is  
"she."

Int. Cl. 16

AFFIDAVIT SEC. 8

Sec. 15 affidavit filed

11/2/69

**PRINCIPAL REGISTER**  
**Service Mark**

Ser. No. 237,756, filed Feb. 1, 1966

**ELLE**

France Editions & Publications (French corporation)  
100 Rue Reaumur  
Paris 2, France, assignee of  
Societe des Editions Mai (French company)  
Paris, France

For: PROMOTING THE SALE OF WOMEN'S AP-  
PAREL BY OTHERS BY STAGING STYLE SHOWS  
AND BY THE PREPARATION OF VARIOUS TYPES  
OF ADVERTISING, in CLASS 101 (INT. CL. 35).

First use Mar. 20, 1951; in commerce Oct. 13, 1955.  
Priority claimed under Sec. 44(d) or French Reg. No.  
539,700, dated Aug. 2, 1965.

The word "Elle" means "she" in English.  
Owner of U.S. Reg. No. 758,137.

# United States Patent Office

862,001  
Registered Dec. 17, 1968

## PRINCIPAL REGISTER Trademark

Ser. No. 276,692, filed July 24, 1967

**ELLE**

France Editions & Publications (French company)  
100 Rue Reumur  
Paris 2, France, assignee of  
S.A.R.L. Editions Mai (French company)  
Paris 8, France

Fur: DRESSES, CLOAKS, CAPES, SKIRTS, JACKETS, SUITS, TWO-PIECE COSTUMES OR SUITS, COATS, SWEATERS, BODICES, PULLOVERS, HOUSE-GOWNS, SLIPS, COMBINATION UNDERWEAR, PETTICOATS, CORSETS, SHEATH CORSETS, BUST-BODICES, BRASSIERES, UNDERSHIRTS, UNDERWEAR, BATHING SUITS, JODPHURS, KNICKERS, STOCKINGS, TIES, SCARVES, SQUARE SHAWLS, HATS, CAPS, GLOVES, AND SLIPPERS, in CLASS 39 (INT. CL. 25).

First use Mar. 22, 1949; in commerce Mar. 22, 1965.  
Owner of U.S. Reg. No. 758,137.

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Int. Cl.: 26

Prior U.S. Cl.: 28

Reg. No. 1,318,319

Registered Feb. 5, 1985

United States Patent and Trademark Office

TRADEMARK  
Principal Register

E L L E

France Editions & Publications (France corporation)  
6 rue Ancelle  
Neuilly-sur-Seine (Hauts de Seine), France

For: EARRINGS OF NONPRECIOUS METAL,  
in CLASS 26 (U.S. Cl. 28).  
Owner of France Reg. No. 1,113,720, dated Jun.  
28, 1979, expires Jun. 28, 1989.  
The English translation of the word "Elle" is  
"she".

Ser. No. 452,264, filed Nov. 10, 1983.

SUE CARRUTHERS, Examining Attorney

Int. Cl.: 18

Prior U.S. Cls.: 3 and 41

United States Patent and Trademark Office

Reg. No. 1,322,177

Registered Feb. 26, 1985

TRADEMARK  
Principal Register

E L L E

France Editions & Publications (France corporation)  
6 rue Ancelle  
Neuilly-sur-Seine (Hauts de Seine), France

For: UMBRELLAS; ARTICLES MADE OF LEATHER, IMITATION LEATHER AND CANVAS—NAMELY, LUGGAGE, TRAVELLING BAGS, TOTE BAGS, HAND BAGS, BEACH TOTE BAGS, SHOULDER BAGS, COSMETIC BAGS SOLD EMPTY, KEY CASES, SHOPPING TOTE BAGS, AND WALLETS, in CLASS 18 (U.S. Cls. 3 and 41).

Owner of France Reg. No. 1,113,720, dated Jun. 28, 1979, expires Jun. 28, 1989.

"Elle" may be translated as "She".

Ser. No. 452,261, filed Nov. 10, 1983.

SUE CARRUTHERS, Examining Attorney

Int. Cl.: 25

Prior U.S. Cl.: 39

Reg. No. 1,348,158

Registered July 9, 1985

United States Patent and Trademark Office

TRADEMARK  
PRINCIPAL REGISTER

ELLE

FRANCE EDITIONS & PUBLICATIONS  
(FRANCE CORPORATION)  
6 RUE ANCELLE NEUILLY-SUR-SEINE,  
HAUTS DE SEINE, FRANCE

FOR: FOOTWEAR—NAMELY, SHOES,  
BOOTS, SLIPPERS, SANDALS AND CLOGS, IN  
CLASS 25 (U.S. CL. 39).  
OWNER OF FRANCE REG. NO. 1113720,  
DATED 6-28-1979, EXPIRES 6-28-1989.

OWNER OF U.S. REG. NOS. 758,137 AND  
861,159.

THE MARK ELLE MAY BE TRANSLATED  
INTO ENGLISH AS "SHE".

SER. NO. 512,968, FILED 12-10-1984.

SUE CARRUTHERS, EXAMINING ATTORNEY

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Int. Cl.: 21

Prior U.S. Cls.: 2, 13, 21, 23, 29, 30, 33, 40 and 50

United States Patent and Trademark Office

Reg. No. 1,374,805

Registered Dec. 10, 1985

TRADEMARK  
PRINCIPAL REGISTER

ELLE

FRANCE EDITIONS & PUBLICATIONS  
(FRANCE CORPORATION)  
6 RUE ANCELLE A NEUILLY SUR SEINE  
(HAUTS DE SEINE), FRANCE

FOR: DISHES, PLATES, CUPS, DRINKING GLASSES BOTTLES, BOTTLE STANDS, COASTERS, BOTTLE OPENERS, JUGS, BRUSHES FOR CLEANING TANKS AND CONTAINERS, BRUSHES FOR FOOTWEAR, ELECTRIC BRUSHES, BRUSHES FOR CLOTHING, HAIR BRUSHES, NAIL BRUSHES; EYEBROW BRUSHES; TOOTH BRUSHES, TRAYS, COFFEE SERVICE IN NON-PRECIOUS METAL, COFFEE POTS, MENU CARD RESTS, COSMETIC WIPES, POTS FOR MAKE-UP SOLD EMPTY, POWDER PUFFS; FRUIT CUPS, STATUES AND FIGURINES OF PORCELAIN, TERRA COTTA AND GLASS; BASINS, COOKING POTS, BUTTER DISHES, GLASS JARS, DRINKING VESSELS, ORNAMENTAL BOXES OF GLASS, ALL-PURPOSE BOXES OF METAL FOR DOMESTIC USE, BASIN BOWLS, CORK SCREWS, SPONGES FOR HOUSEHOLD PURPOSES, TOILET SPONGES, FLASKS IN NON-PRECIOUS METAL, OIL CRUETS IN NON-PRE-

CIOUS METAL, CRUMB TRAYS, FITTED VANITY CASES, PERFUME SPRAYERS, PERFUME VAPORISERS, COMBS, CURRY COMBS, FITTED PICNIC BASKETS, HAND OPERATED PEPPER MILLS, PEPPER POTS IN NON-PRECIOUS METAL, POWDER COMPACTS IN NON-PRECIOUS METAL SOLD EMPTY, BUCKETS, PAILS, EPERGNES, MUGS, GOBLETS, BASKETS FOR DOMESTIC USE, TRAYS FOR DOMESTIC USE, SAUCERS IN NON-PRECIOUS METAL, CUPS IN NON-PRECIOUS METAL, TABLE PLATES, DECANTERS, DISHES IN NON-PRECIOUS METAL, DECANTER STANDS, GLASS BOWLS, STEW PANS, EGG CUPS IN NON-PRECIOUS METAL, PITCHERS, POTS IN NON-PRECIOUS METAL, KNIFE RESTS FOR THE TABLE, IN CLASS 21 (U.S. CLS. 2, 13, 21, 23, 29, 30, 33, 40 AND 50).

OWNER OF FRANCE REG. NO. 1113720, DATED 6-28-1979, EXPIRES 6-28-1989.

THE ENGLISH TRANSLATION OF THE WORD "ELLE" IS "SHE".

SER. NO. 452,263, FILED 11-10-1983.

SUE CARRUTHERS, EXAMINING ATTORNEY

Prior U.S. Cl.: 101

Reg. No. 1,408,874

United States Patent and Trademark Office

Registered Sep. 9, 1986

SERVICE MARK  
PRINCIPAL REGISTER

ELLE

FRANCE EDITIONS ET PUBLICATIONS  
(FRANCE JOINT STOCK COMPANY)  
6 RUE ANCELLE  
NEUILLY-SUR-SEINE. HAUTS-DE-SEINE.  
FRANCE

OWNER OF FRANCE REG. NO. 926992,  
DATED 6-20-1975, RENEWED AS REG. NO.  
745834, DATED 6-3-1985, EXPIRES 6-3-1995.  
THE ENGLISH TRANSLATION OF THE  
FRENCH WORD "ELLE" IS "SHE".

FOR: ADVERTISING AGENCY SERVICES,  
IN CLASS 35 (U.S. CL. 101).

SER. NO. 566,683, FILED 11-4-1985.

EDWARD NELSON, EXAMINING ATTORNEY

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SERVICE MARK  
PRINCIPAL REGISTER

ELLE

FRANCE EDITIONS ET PUBLICATIONS  
(FRANCE JOINT STOCK COMPANY)  
6 RUE ANCELLE  
NEUILLY-SUR-SEINE, HAUTS-DE-SEINE,  
FRANCE

FOR: NEWS AGENCY SERVICES- NAMELY,  
GATHERING AND DISSEMINATING NEWS  
BY ELECTRONIC TRANSMISSION, IN CLASS  
42 (U.S. CLS. 100 AND 104).

OWNER OF FRANCE REG. NO. 926992,  
DATED 6-20-1975, RENEWED AS REG. NO.  
745834, DATED 6-3-1985, EXPIRES 6-20-1995.

THE ENGLISH TRANSLATION OF THE  
FRENCH WORD "ELLE" IN THE MARK IS  
"SHE".

SER. NO. 566,750, FILED 11-4-1985.

EDWARD NELSON, EXAMINING ATTORNEY

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INT. Cl.: 25

Prior U.S. Cl.: 39

Reg. No. 1,454,393

United States Patent and Trademark Office  
Registered Aug. 25, 1987

TRADEMARK  
PRINCIPAL REGISTER

ELLE

FRANCE EDITIONS ET PUBLICATIONS  
(FRANCE JOINT STOCK COMPANY)  
6 RUE ANCELLE A NEUILLY SUR SEINE  
HAUTS DE SEINE, FRANCE

FOR: LINGERIE, IN CLASS 25 (U.S. CL. 39).  
FIRST USE 2-0-1986; IN COMMERCE  
2-0-1986.

OWNER OF U.S. REG. NOS. 751,137, 862,001  
AND OTHERS.  
THE ENGLISH TRANSLATION OF "ELLE" IS  
"SHE".

SER. NO. 633,631, FILED 12-4-1986  
ERIC WACHSPRESS, EXAMINING ATTORNEY

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TRADEMARK  
PRINCIPAL REGISTER

ELLE

FRANCE EDITIONS ET PUBLICATIONS  
(FRANCE COMPANY)  
6 RUE ANCELLE  
NEUILLY-SUR-SEINE, HAUTE-DE-SEINE,  
FRANCE

FOR: TOILETRIES AND COSMETICS,  
NAMELY PERFUMES; COLOGNES; TOILET  
WATER; ESSENTIAL OILS; HAIR; SKIN AND  
BATH LOTIONS; TOILET SOAPS; BODY LO-  
TIONS AND POWDERS; PERSONAL DEODOR-  
ANTS; FACE POWDER AND LOTIONS; LIP-  
STICK; LIP LINERS; EYE SHADOW; EYE-  
BROW PENCILS; EYE LINERS; LIQUID FOU-  
DATION; MASCARA; BLUSH; ROUGE; SKIN  
ASTRINGENTS; CLEANSERS AND SCRUBS;  
FACIAL MASKS; SKIN MOISTURIZING  
LOTION; AND CREAMS; HAIR SHAMPOO;  
HAIR CONDITIONING LOTION; EYE MAKE-

UP REMOVER; NAIL POLISH; NAIL HARDEN-  
ER; NAIL POLISH REMOVER; CUTICLE RE-  
MOVERS AND CONDITIONERS; TALCUM  
POWDER; SHAVING CREAM; HAIR DEPILA-  
TORIES; SUN SCREENING CREAMS; FOAMS  
AND LOTIONS; HAIR STYLING MOUSSE AND  
GELS; HAIR SPRAY; BATH GELS AND OILS;  
BUBBLE BATHS; AND DENTRIFICESS, IN  
CLASS 3 (U.S. CLS. 51 AND 52).

OWNER OF FRANCE REG. NO. 1113720,  
DATED 6-28-1979, EXPIRES 6-28-1989.

OWNER OF U.S. REG. NOS. 758,137, 1,348,158  
AND OTHERS.

THE ENGLISH TRANSLATION OF THE  
FRENCH WORD "ELLE" IS "SHE".

SER. NO. 585,396, FILED 2-28-1986.

EDWARD NELSON, EXAMINING ATTORNEY

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TRADEMARK  
PRINCIPAL REGISTER

ELLEDECOR

FRANCE EDITIONS ET PUBLICATIONS  
(FRANCE CORPORATION)  
2 RUE ANCELLE  
92200 NEUILLY-SUR-SEINE, FRANCE

FOR: MAGAZINES FEATURING INTERIOR  
AND EXTERIOR DECORATING, ARCHITEC-  
TURE, LANDSCAPING, GARDENING AND  
HORTICULTURE; CUISINE; ART AND SCULP-  
TURE, ARTIFACTS, ANTIQUES AND COL-  
LECTIONS, FURNITURE; HOUSEHOLD AC-  
CESSORIES, ACCOUTREMENTS, AND FIX-  
TURES; CRITIQUES OF RESIDENCES; BIO-  
GRAPHICAL SKETCHES; ELECTRONICS FOR  
THE HOME; NATIONAL AND INTERNATION-

AL LIFESTYLES, TRAVEL, TOURISM AND  
PHOTOGRAPHY, IN CLASS 16 (U.S. CL. 38).

FIRST USE 10-3-1989; IN COMMERCE  
10-3-1989.

PRIORITY CLAIMED UNDER SEC. 44(D) ON  
FRANCE APPLICATION NO. 143871, FILED  
7-17-1989, REG. NO. 1541556, DATED 7-17-1989,  
EXPIRES 7-17-1999.

OWNER OF U.S. REG. NOS. 758,137, 1,314,558  
AND OTHERS.

THE ENGLISH TRANSLATION OF THE  
WORD "ELLE" IN THE MARK IS "SHE".

SER. NO. 73-836,968, FILED 11-8-1989.

JOHN MICHOS, EXAMINING ATTORNEY

Int. Cl.: 16

Prior U.S. Cl.: 38

United States Patent and Trademark Office

Reg. No. 1,732,988

Registered Nov. 17, 1992

TRADEMARK  
PRINCIPAL REGISTER

ELLE DECOR

FRANCE EDITIONS ET PUBLICATIONS  
(FRANCE CORPORATION)  
2 RUE ANCELLE  
92200 NEUILLY-SUR-SEINE, FRANCE

FOR: MAGAZINES FEATURING INTERIOR  
AND EXTERIOR DECORATING, ARCHITECTURE,  
LANDSCAPING, GARDENING AND  
HORTICULTURE; CUISINE; ART AND SCULPTURE,  
ARTIFACTS, ANTIQUES AND COLLECTIONS,  
FURNITURE; HOUSEHOLD ACCESSORIES,  
ACCOUTREMENTS, AND FIXTURES; CRITIQUES  
OF RESIDENCES; BIOGRAPHICAL SKETCHES;  
ELECTRONICS FOR THE HOME; NATIONAL AND INTERNATIONAL

AL LIFESTYLES, TRAVEL, TOURISM AND  
PHOTOGRAPHY, IN CLASS 16 (U.S. CL. 38).  
FIRST USE 10-3-1989; IN COMMERCE  
10-3-1989.

OWNER OF U.S. REG. NOS. 1,654,884 AND  
1,668,272.

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "DECOR", APART FROM THE  
MARK AS SHOWN.

THE ENGLISH TRANSLATION OF THE  
WORD "ELLE" IN THE MARK IS "SHE".

SER. NO. 74-232,527, FILED 12-23-1991.

CHERYL LYNN BLACK, EXAMINING ATTORNEY

09/09/2003TTAB