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

Proceeding	91166486
Party	Plaintiff VANITY FAIR, INC. Vanity Fair, Inc. 3411 Silverside Road 201 Baynard Building Wilmington, DE 19810 UNITED STATES
Correspondence Address	NANCY H. LUTZ COLLIER SHANNON SCOTT, PLLC 3050 K STREET, N.W. SUITE 400 WASHINGTON, DC 20006 UNITED STATES nlut@colliershannon.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	NANCY H. LUTZ
Filer's e-mail	skalamaras@kelleydrye.com
Signature	/nancy h. lutz/
Date	04/18/2006
Attachments	SFX4F.pdf (27 pages)(861113 bytes)

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

In the Matter of Serial No. 76/597,695
Published in the *Official Gazette* on May 10, 2005

VANITY FAIR, INC.,

Opposer,

v.

SHANGHAI SILK GROUP CO., LTD.,

Applicant.

Opposition No. 91166486

Attorney Docket No.: 67990-62588

OPPOSER'S MOTION FOR LEAVE TO AMEND NOTICE OF OPPOSITION

Pursuant to Trademark Rule 2.107, 37 C.F.R. 2.107, and Rule 15(a) of the Federal Rules of Civil Procedure, Opposer seeks to amend its Notice of Opposition to plead trademark dilution under Section 43(c)(1) of the Trademark Act, 15 U.S.C. § 1125(c)(1). The proposed Amended Notice of Opposition is attached hereto.

I. Leaves to Amend Are Granted Freely

Leave to amend pleadings shall be freely given where justice so requires. Fed. R. Civ. P. 15(a). The Trademark Trial and Appeal Board ("Board") liberally grants leave to amend pleadings at any stage of the proceeding when justice so requires, provided the proposed amendment would not violate settled law or be prejudicial to the rights of the adverse party. *See, e.g., International Finance Corp. v. Bravo Co.*, 64 U.S.P.Q. 2d 1597 (TTAB 2002); *Polaris Industries v. DC Comics*, 59 U.S.P.Q. 2d 1789 (TTAB 2001); *Boral Ltd. v. FMC Corp.*, 59 U.S.P.Q. 2d 1701 (TTAB 2001); and *Commodore*

Electronics Ltd. v. CBM Kabushiki Kaisha, 26 U.S.P.Q. 2d 1503 (TTAB 1993). To determine whether an adverse party will be prejudiced by a motion for leave to amend, the Board considers the timing of the motion. See, e.g., *United States Olympic Committee v. O-M Bread Inc.*, 26 U.S.P.Q. 2d 1221 (TTAB 1993) (motion granted where proceeding was still in pre-trial stage and discovery had been extended); *Focus 21 International, Inc. v. Pola Kasei Kogyo Kabushiki Kaisha*, 22 U.S.P.Q. 2d 1316 (TTAB 1992) (motion granted where motion was filed prior to the opening of plaintiff's testimony period); and *Space Base Inc. v. Stadis Corp.*, 17 U.S.P.Q. 2d 1216 (TTAB 1990) (motion granted in the interests of justice and any prejudice was overcome by reopening the discovery period for the benefit of the non-moving party).

II. There is Just Cause for the Amendment, and Applicant Will Not be Prejudiced by Granting This Motion

The status of the opposition follows. On September 6, 2005, Opposer filed a Notice of Opposition alleging likelihood of confusion and fraud. On September 14, the parties began settlement discussions via e-mail. Applicant served its Answer on September 30, and Opposer timely served its first set of discovery requests (interrogatories, document requests and requests to admit) to Applicant on March 27, 2006. The parties continued to discuss settlement throughout this time, and they continue to do so. On March 27, Opposer filed a Motion to Extend Discovery Period ("Motion to Extend"), and that motion is pending. The motion was sought to give the parties additional time to settle the matter, which would obviate the need to proceed with this opposition. Negotiations have been complicated because the parties are trying to settle not only the current opposition, but also to resolve their differences on a worldwide basis. See Declaration of Nancy H. Lutz ("Lutz Decl.") ¶¶ 2-5, 10.

Applicant has not served any discovery or responded to the Motion to Extend. To date, the only action Applicant has taken in the Opposition is to file its Answer. *See* Lutz Decl. ¶ 4, 6.

In drafting its discovery requests, Opposer focused on Applicant's Answer which set forth several affirmative defenses regarding the strength of Opposer's trademark on which the opposition is based claiming the mark is geographically descriptive and deserving of only a narrow scope of protection. While it is believed that both parties continue to seek an amicable resolution, should the case not settle, Opposer wants to make as strong a case as possible with regard to the strength of its trademark and thus seeks to add the dilution claim.

Opposer's counsel, Nancy Lutz, has been in constant contact with Applicant's counsel. On March 27, 2006, Ms. Lutz called Applicant's U.S. counsel, Kenneth Cang Li, to see if Applicant would consent to Opposer's Motion to Extend, but he said he did not have the authority to make that decision. She then sent two e-mails on March 28 and April 3 to Applicant's Chinese counsel, Lin Fangfang, with whom Opposer has been negotiating, to seek consent for the present motion and an e-mail Mr. Li on April 12, but to date has not received a substantive response. *See* Lutz Decl. ¶¶ 7-9, 11-12.

If Applicant does not reply to Opposer's Motion to Extend, the Board will generally grant such a motion as conceded. TBMP § 509.02; 37 C.F.R. 2.127(a). If Opposer's motion to extend is granted, the Applicant will have time to propound its first discovery requests, including any questions regarding the proposed trademark dilution claim.

In view of the foregoing, Opposer respectfully requests that the Board grant

Opposer's motion to amend the Notice of Opposition to include the claim of trademark dilution. See Exhibit A, ¶¶ 7-8, which contains the signed Amended Notice of Opposition.

Respectfully submitted,

KELLEY DRYE & WARREN LLP

April 18, 2006

By: Nancy H Lutz

Nancy H. Lutz
Stacey C. Kalamaras
3050 K Street, N.W.
Washington, D.C. 20007
Tel: (202) 342-8200
Fax: (202) 342-8451

Attorneys for Opposer
VANITY FAIR, INC.

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

In the Matter of Application Serial No. 76/597,695
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VANITY FAIR, INC.,

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v.

SHANGHAI SILK GROUP CO., LTD.,

Applicant.

Opposition No. 91166486

Attorney Docket No. 67990-62588

AMENDED NOTICE OF OPPOSITION

VANITY FAIR, INC. (“Opposer”), a Delaware corporation, with an office located at 3411 Silverside Road, Wilmington, Delaware 19810, believes that it will be damaged by registration of the designation LILY (Stylized) shown in Application Serial No. 76/597,695 for “clothing, namely shirts, suits, trousers, knit shirts, skirts, overcoats, jackets, tee-shirts, leather jackets, leather coats, coats, pajamas, polo shirt [sic], sport coats, sport shirts, suit coats, athletic uniforms, jeans, jerseys [clothing]; shoes; socks; neckties” and hereby opposes same.

As grounds for opposition, it is alleged that:

1. Opposer, by itself and through its predecessors, licensees, and related companies, is now and has been for many years, engaged in the business of manufacturing, marketing and selling clothing, including intimate apparel and sleepwear.
2. Since at least as early as October 22, 1897 (Eighteen hundred ninety seven), and long prior to the date of filing of Applicant’s application, June 16,

2004, or use date of the designation LILY (Stylized) by Applicant, January 10, 2003, Opposer and its predecessors, licensees, and related companies adopted and have continuously used the mark LILY OF FRANCE (“Opposer’s LILY OF FRANCE Mark”) in various styles as a trademark for clothing, including intimate apparel and sleepwear, including as:

LILY OF FRANCE

and currently as:

LILY OF FRANCE[®]

3. Since its adoption, Opposer’s LILY OF FRANCE Mark has been conspicuously applied to Opposer’s products. Said products so marked, promoted and advertised have been widely shipped, distributed and sold in interstate commerce throughout the United States. By virtue of the widespread sales, advertising and promotion of Opposer’s goods under the LILY OF FRANCE mark and the excellence of the goods themselves, Opposer’s LILY OF FRANCE Mark is recognized and relied upon as identifying Opposer’s goods and as distinguishing them from the goods of others, and has come to represent and symbolize an extremely valuable goodwill and business belonging exclusively to Opposer.

4. Opposer’s LILY OF FRANCE Mark has long been registered in the United States Patent and Trademark Office (“PTO”) as LILY OF FRANCE, Reg. No. 2,512,651, since November 27, 2001 as a trademark for numerous clothing items. Said registration is subsisting, unrevoked and uncancelled, and Opposer owns it and the mark shown therein and the goodwill connected therewith.

5. By the application herein opposed, Applicant seeks to register the designation LILY (Stylized) for “clothing, namely shirts, suits, trousers, knit shirts, skirts, overcoats, jackets, tee-shirts, leather jackets, leather coats, coats, pajamas, polo shirt [sic], sport coats, sport shirts, suit coats, athletic uniforms, jeans, jerseys [clothing]; shoes; socks; neckties” as shown below:

The image shows the word "LILY" in a bold, stylized, black font. The letters are thick and blocky, with a slightly irregular, hand-drawn appearance. The 'L' and 'I' are very similar in shape, and the 'Y' has a distinctive shape with a wide base and a pointed top.

6. Applicant’s designation LILY (Stylized) so nearly resembles and is virtually identical to Opposer’s LILY OF FRANCE Mark and is for virtually identical goods that it is likely, when applied to the goods of Applicant, to cause confusion, mistake or deception as to the source, origin or sponsorship of Applicant’s goods, with consequent injury to Opposer, the trade and the public.

7. Opposer’s LILY OF FRANCE Mark became famous as defined under Section 43(a) of the Trademark Act, 15 U.S.C. § 1125(c), prior to Applicant’s commercial use in commerce of LILY (Stylized).

8. Applicant’s use and registration of the designation LILY (Stylized) is likely to dilute the distinctive quality of Opposer’s famous LILY OF FRANCE Mark and will lessen the ability of Opposer’s LILY OF FRANCE Mark to distinguish the products of Opposer.

9. Opposer will be damaged by the registration sought by Applicant because it will support and assist Applicant in the confusing and misleading use of the designation sought to be registered, and will give color of exclusive statutory rights in Applicant in violation and derogation of the prior and superior rights of Opposer.

10. On June 16, 2004, Applicant submitted its application with a sworn Declaration to the PTO stating that “Applicant is using the mark in commerce on or in connection with the above-identified goods/services. (15 U.S.C. 1051(a))” and “Date of first use of the mark in commerce which the U.S. Congress may regulate: at least as early as on January 10, 2003 in the United States”. The goods are identified as “Clothing, namely Shirts, Suits, Trousers, Knit shirts, Skirts, Overcoats, Jackets, Tee-shirts, Leather jackets, Leather coats, Coats, Pajamas, Polo shirt [sic], Sport coats, Sport shirts, Suit coats, Athletic uniforms, Jeans, Jerseys [clothing]; Shoes; Socks; Neckties”.

11. Further, and/or alternatively, on information and belief, Applicant is not using, and has never used in commerce, the designation LILY (Stylized) on or in connection with at least some or all of the goods identified in paragraph 8. Therefore, on information and belief, when Applicant filed its application indicating that it first used the designation LILY (Stylized) in commerce as of January 10, 2003, such information was false.

12. On information and belief, Applicant misrepresented the nature of its use in commerce of the designation LILY (Stylized) at the time it filed its application and continued to prosecute the trademark application.

13. On information and belief, Applicant made the declaration with the knowledge that the statement was false.

14. On information and belief, the false declaration was made with the intent to induce authorized agents of the PTO to approve Applicant’s application and grant Applicant a registration, and reasonably relying on the truth of the statement, the PTO did, in fact, approve the application for publication.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's mark and prays that application Serial No. 76/597,695 be denied.

Respectfully submitted,

April 18, 2006

KELLEY DRYE & WARREN, LLP

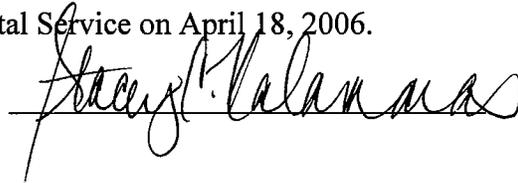
By: Nancy H Lutz

Nancy H. Lutz
3050 K Street, N.W., Suite 400
Washington, D.C. 20006
Tel.: (202) 342-8400

Attorneys for Opposer
VANITY FAIR, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of OPPOSER'S MOTION FOR LEAVE TO AMEND NOTICE OF OPPOSITION and DECLARATION OF NANCY H. LUTZ have been served by mail upon Kenneth Cang Li, attorney for Applicant, Shanghai Silk Group Co., Ltd., at Lin & Li, LLC, 65 Broadway, Suites 802, New York, New York 10006, the address designated by said attorney for that purpose, by depositing a true copy of same in a postpaid properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service on April 18, 2006.



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Applicant.

Opposition No. 91166486

Attorney Docket No.: 67990-62588

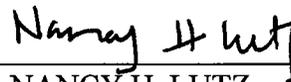
DECLARATION OF NANCY H. LUTZ

I, Nancy H. Lutz, hereby declare as follows:

1. I am a member of the bar of the District of Columbia and a partner in the law firm of Kelley Drye & Warren LLP, counsel for Vanity Fair, Inc. ("Opposer"). I make this declaration in support of Opposer's Motion for Leave to Amend Notice of Opposition.
2. On September 6, 2005, Vanity Fair filed a Notice of Opposition against Shanghai Silk Group Co., Ltd. ("Applicant") alleging likelihood of confusion and fraud.
3. On September 14, I was contacted by Kenneth Cang Li, Applicant's U.S. counsel, concerning possible settlement. The settlement negotiations have continued throughout this opposition on a worldwide basis. *See* Exhibit A.
4. Applicant served its Answer to the Notice of Opposition on September 30.
5. Opposer timely filed its discovery requests on Applicant, including interrogatories, document requests and requests to admit on March 27.

6. Applicant has not served any discovery on Opposer.
7. As the original discovery period was set to close on March 27, I contacted Mr. Li to seek consent to file a motion to extend discovery so that the parties could continue settlement discussions and reach a settlement that would obviate the need for this opposition. *See Exhibit B.*
8. Mr. Li informed me he did not have authority to grant consent. *Id.*
9. I then contacted Mr. Fangfang with the same request. He told me that the person at Shanghai Silk from whom he needed approval was out of the office and that he would get back to me upon talking to his client. *See Exhibit B.*
10. To preserve its rights, Opposer filed a Motion to Extend Discovery with the Trademark Trial and Appeal Board on March 27, which is currently pending. To date, I have not received a substantive answer from Mr. Fangfang regarding Applicant's consent to the motion. *See Exhibit B.*
11. On March 28 and April 3, I e-mailed Mr. Fangfang to request consent to amend Opposer's Notice of Opposition. To date, I have not received a substantive response. *See Exhibits B and C.*
12. On April 12, I e-mailed Mr. Li regarding Applicant's consent to amend the Notice of Opposition. He replied that he had forwarded the request to the Applicant. *See Exhibit C.*

April 18, 2006



NANCY H. LUTZ

EXHIBIT A

Lutz, Nancy H.

From: fflin [fflin@sh163.net]
Sent: Tuesday, September 20, 2005 8:12 PM
To: Lutz, Nancy H.
Subject: Re: FW: RE: Opp. No. 91166486 re Mark "LILY" - URGENT

Dear Ms. Lutz,

Thank you so much for your e-mail.

Please kindly re-send us your reply to our following-mail: again

sietloip@sh163.net and fflin@sh163.net

just in case of non-proper receipt by fax.

Thank you so much for your assistance.

Best regards,

Lin Fangfang

----- Original Message -----

From: "Lutz, Nancy H." <NLutz@colliershannon.com>
To: <fflin@sh163.net>
Cc: <kennethcli@hotmail.com>
Sent: Wednesday, September 21, 2005 7:41 AM
Subject: Re: FW: RE: Opp. No. 91166486 re Mark "LILY" - URGENT

>
> We replied to your e-mails in the morning, but they were returned to us as undeliverable. We sent it by facsimile.

>
>
>
> -----
> Sent from my BlackBerry Wireless Handheld

>
> -----Original Message-----
> **From:** fflin <fflin@sh163.net>
> **To:** Lutz, Nancy H. <NLutz@colliershannon.com>
> **CC:** kennethcli <kennethcli@hotmail.com>
> **Sent:** Tue Sep 20 19:18:41 2005
> **Subject:** Re: FW: RE: Opp. No. 91166486 re Mark "LILY" - URGENT

> urgent
> ----- Original Message -----
> **From:** "fflin" <fflin@sh163.net>
> **To:** "Lutz, Nancy H." <NLutz@colliershannon.com>
> **Cc:** "kennethcli" <kennethcli@hotmail.com>
> **Sent:** Tuesday, September 20, 2005 10:33 PM
> **Subject:** Re: FW: RE: Opp. No. 91166486 re Mark "LILY" - URGENT

>
>
> > Dear Ms. Lutz,
> > >
> > > Thank you for your prompt reply. We will persuade our client to agree to the extension, and based on our experience, our client will generally accept our proposal, however, we would like to kindly request you to advise first whether there is any

>>>> Forwarded is a response from Vanity Fair. Please respond them direct.
>>>>
>>>> B.regards.
>>>>
>>>>
>>>> From: "Lutz, Nancy H." <NLutz@colliershannon.com>
>>>> To: "Kenneth Li" <kennethcli@hotmail.com>
>>>> Subject: RE: Opp. No. 91166486 re Mark "LILY" - URGENT
>>>> Date: Mon, 19 Sep 2005 10:22:40 -0400
>>>>
>>>>
>>>> We hope to have a response from you today.
>>>>
>>>> Shanghai filed a cancellation action against Vanity Fair's registration
>>>> for LILY OF FRANCE in New Zealand. Vanity Fair's response is due
>>>> September 22. Vanity Fair may wish to discuss this action with Shanghai
>>>> in addition to the U.S. action. Vanity Fair needs Shanghai's consent
>>>> for this, and its New Zealand associate is contacting Shanghai's
>>>> associate, A.J. Park. Vanity Fair's associate asked us to ask you to
>>>> contact A.J. Park so they are aware that Vanity Fair and Shanghai are
>>>> going to explore whether there are grounds for settlement with respect
>>>> to the U.S. action. Since the due date is upon us, would you please do
>>>> so today?
>>>>
>>>> We don't have the name of a specific A.J. Park attorney, but if you send
>>>> an e-mail to wlg@ajpark.com and refer to the matter as Shanghai Silk
>>>> Group Co. Ltd. - Revocation of LILY OF FRANCE, Reg. No. 219608, we
>>>> believe they will know to whom to forward your e-mail.
>>>>
>>>> Thank you.
>>>>
>>>>
>>>>
>>>> -----Original Message-----
>>>> From: Lutz, Nancy H.
>>>> Sent: Wednesday, September 14, 2005 5:33 PM
>>>> To: 'Kenneth Li'
>>>> Subject: RE: Opp. No. 91166486 re Mark "LILY"
>>>>
>>>>
>>>> This confirms receipt of your message. It may take me several days to
>>>> respond to you as one of our contacts is out of the office. We hope to
>>>> respond to you next week.
>>>>
>>>>
>>>>
>>>> -----Original Message-----
>>>> From: Kenneth Li [mailto:kennethcli@hotmail.com]
>>>> Sent: Wednesday, September 14, 2005 5:29 PM
>>>> To: Lutz, Nancy H.
>>>> Subject: Opp. No. 91166486 re Mark "LILY"
>>>>
>>>>
>>>> Dear Ms. Lutz:
>>>>
>>>> Our client would like to know if your client is interested in any
>>>> settlement
>>>> of the captioned case, if our client agrees to drop some of the goods in
>>>> the
>>>> application so as to avoid any possible confusion with your client's
>>>> goods
>>>> marketed in the States.
>>>>
>>>>
>>>> This offer is sent without prejudice to our client's rights and claims,
>>>> all
>>>> of which are expressly reserved.
>>>>
>>>>

>>>> >>Sincerely,
>>>> >>
>>>> >>Kenneth Cang Li
>>>> >>LIN & LI, LLC
>>>> >>Attorney-At-Law
>>>> >>65 Broadway, Suites 802
>>>> >>New York, NY 10006
>>>> >>Tel: 212-430-6810
>>>> >>Fax: 212-430-6815
>>>> >>Email: kennethcli@nysbar.com

>>>> >>
>>>> >>
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>>>> >> sietloip
>>>> >> sietloip@sh163.net
>>>> >> 2005-09-20

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> PLLC, please visit us at <http://www.colliershannon.com/>
>

EXHIBIT B

message

Lutz, Nancy H.

From: Lutz, Nancy H.
Sent: Monday, April 03, 2006 3:59 PM
To: 'sietloip'
Subject: RE: Fw: URGENT - URGENT - URGENT

Have you received a response from Shanghai?

-----Original Message-----

From: sietloip [mailto:sietloip@sh163.net]
Sent: Tuesday, March 28, 2006 6:42 AM
To: Lutz, Nancy H.
Subject: Re: Fw: URGENT - URGENT - URGENT
Importance: High

The person in charge is now on business trip. We will revert to you as soon as we have response from Shanghai Silk

Thank you

===== 2006-03-28 08:58:41 您在来信中写道: =====

Sent: Tuesday, March 28, 2006 7:02 AM
Subject: URGENT - URGENT - URGENT

Vanity Fair, Inc. v. Shanghai Silk Group Co., Ltd.

This is further to the attached motion to extend the close of discovery and re-set testimony dates that we filed with the U.S. Trademark Office today.

Discovery was set to close today. As you can see from the motion, I called Mr. Li (Shanghai's counsel of record in the U.S. opposition) to see if he would agree to a 120 day stipulated extension of the discovery period. He informed me that he do represent Shanghai and to contact Shanghai directly. Since we have been dealing with you, we are contacting you to determine whether Shanghai will consent to the stipulated motion.

We filed the motion assuming that Shanghai would consent to it because (i) we believe that you are unaware of the deadline and because you are unaware of the deadline, we assume Shanghai has not served any discovery requests; (iii) Vanity Fair has served interrogatories, document requests and requests to admit on Shanghai (responses will be due in 30 days) to preserve its rights in the event the parties do not settle the dispute; and (iv) we believe Shanghai continues to wish to settle matter on a worldwide basis.

1. Please confirm that Shanghai consents to the stipulated extension. Given the foregoing facts, we assume that Shanghai will consider that an extension is beneficial to its interests.
2. Vanity Fair also seeks consent to amend the Notice of Opposition to add a claim for dilution as it plans to proceed with U.S. opposition in the event that the parties do not reach settlement. Please confirm that Shanghai consents to this proposed amendment.
3. We have asked Vanity Fair to make a counter-proposal within the next week. In evaluating the counter-proposal, please

3/2006

consider that Shanghai seeks a number of concessions with respect to the U.S., but we have seen little movement from Shanghai regarding Vanity Fair's requests in other jurisdictions. There is little point in Vanity Fair making great concessions to the U.S. and entering into a worldwide agreement unless it gets something in return on an international basis.

Thank you.

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sietloip
sietloip@sh163.net
2006-03-28

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Opposition No. 91166486

Attorney Docket No.: 67990-62588

OPPOSER'S MOTION TO EXTEND DISCOVERY PERIOD

Pursuant to the Rule 2.116(a) of the Trademark Rules of Practice and Rule 6(b) of the Federal Rules of Civil Procedure Rule, Opposer seeks to extend the discovery period 120 days and reset the testimony dates accordingly. It is believed that Applicant will consent to this motion or at least some extension period, and Opposer hopes to conclusively advise the Trademark Trial Appeal Board within the next couple of days.

At approximately 10 a.m. Eastern Standard Time on March 27, 2006, Attorney for Opposer, Nancy H. Lutz, called Attorney for Applicant, Kenneth Cang Li, to discuss filing a stipulated request to extend discovery. Mr. Li told Ms. Lutz to contact Applicant directly in China as he has not been following the case and does not have authority to act in the case. As detailed below, it is believed that Applicant will agree to this motion, since Opposer believes that: (i) Applicant is unaware that discovery closes today; (ii)

Applicant has not served any discovery; and (iii) Applicant continues to desire to settle the matter.

The parties have been trying to negotiate a worldwide settlement through e-mails between Ms. Lutz and Lin Fangfang, an attorney for Applicant at the Shanghai International Economic and Trade Law Office, since September 20, 2005. It is presumed that Mr. Fangfang is located in Shanghai, China, where Applicant is located, which is thirteen (13) hours ahead of Eastern Standard Time. Since discovery is set to close today, Opposer will file this motion as being unopposed. Ms. Lutz will e-mail Mr. Fangfang (the only means by which they have communicated to date) to see if Shanghai agrees to the stipulation. If not, Ms. Lutz will inform the Board as soon as possible and file a brief in support of this motion. Either way, Ms. Lutz will inform the Board of Applicant's decision.

Opposer believes that Applicant will agree to the motion since the parties still need to determine whether they can resolve their dispute, which would obviate the need for the opposition. Further, Applicant may wish to serve discovery requests on Opposer, and Opposer may need additional time to serve follow-up discovery on Applicant (Opposer served interrogatories, document requests and requests to admit on Applicant today).

In view of the foregoing, Opposer respectfully requests that the Board grant
Opposer's motion.

Respectfully submitted,

COLLIER SHANNON SCOTT, PLLC

March 27, 2006

By: Nancy H Lutz

Nancy H. Lutz
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VANITY FAIR, INC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of OPPOSER'S MOTION TO EXTEND DISCOVERY PERIOD have been served by mail upon Kenneth Cang Li, attorney for Applicant, Shanghai Silk Group Co., Ltd., at Lin & Li, LLC, 65 Broadway, Suites 802, New York, New York 10006, the address designated by said attorney for that purpose, by depositing a true copy of same in a postpaid properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service on March 27, 2006.

Nancy #hutj

EXHIBIT C

Lutz, Nancy H.

From: Lutz, Nancy H.
Sent: Wednesday, April 12, 2006 1:28 PM
To: 'Kenneth Li'
Subject: RE: Vanity Fair, Inc. v. Shanghai Silk Group Co., Ltd.

Thank you.

-----Original Message-----

From: Kenneth Li [mailto:kennethcli@hotmail.com]
Sent: Wednesday, April 12, 2006 11:37 AM
To: Lutz, Nancy H.
Cc: fflin@sh163.net; sietlo@sh163.net; sietlo@online.sh.cn
Subject: RE: Vanity Fair, Inc. v. Shanghai Silk Group Co., Ltd.

I have already forwarded your email to Shanghai.

Lin & Li, LLC

>From: "Lutz, Nancy H." <NLutz@colliershannon.com>
>To: <kennethcli@hotmail.com>
>Subject: Vanity Fair, Inc. v. Shanghai Silk Group Co., Ltd.
>Date: Tue, 11 Apr 2006 16:42:22 -0400

>
>
>On March 28 and April 7, we sent an e-mail to Chinese counsel asking
>them whether Shanghai consents to Vanity Fair amending its Notice of
>Opposition to add a claim for dilution and asked for a response today.
>We assume from our last conversation that you are not authorized to make
>such decision. Please confirm this as we hope to file the motion
>tomorrow.

>
>Thank you.

>
>
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