



3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the notice of opposition.

4. Applicant admits that paragraph 4 of the notice of opposition purports to list trademark registrations owned by Opposer, but is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations in paragraph 4 of the notice of opposition.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5 of the notice of opposition.

6. Applicant admits that its Application Serial No. 76/596,083 for registration of the trademark VICTORIA'S SECRET PINK And Pink And White Polka Dot Dog Design covers hair care, skin care and personal care products set forth in the application, and denies the remaining allegations in paragraph 6 of the notice of opposition.

7. Applicant admits that its Application Serial No. 76/596,083 for registration of the trademark VICTORIA'S SECRET PINK And Pink And White Polka Dot Dog Design includes hair care products and is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 7 of the notice of opposition.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 of the notice of opposition.

9. Applicant denies the allegations in paragraph 9 of the notice of opposition.

10. Applicant denies the allegations in paragraph 10 of the notice of opposition.

11. Applicant admits that it filed Application Serial No. 76/596,083 to register the mark VICTORIA'S SECRET PINK And Pink And White Polka Dot Dog Design and admits that it has received written communications from representatives of Opposer and denies the remaining allegations in paragraph 11 of the notice of opposition.

12. Applicant does not require Opposer's consent or permission to use a trademark that includes the word PINK, and, therefore, denies the allegations in paragraph 12 of the notice of opposition.

13. Applicant denies the allegations in paragraph 13 of the notice of opposition.

14. Applicant denies the allegations in paragraph 14 of the notice of opposition.

15. Applicant denies the allegations in paragraph 15 of the notice of opposition.

16. Applicant denies the allegations in paragraph 16 of the notice of opposition.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

17. The notice of opposition fails to state a claim upon which relief can be granted against Applicant.

### **SECOND AFFIRMATIVE DEFENSE**

18. Opposer does not have the exclusive right to use the word PINK in connection with hair care, skin care and personal care products.

### **THIRD AFFIRMATIVE DEFENSE**

19. Upon information and belief, numerous third parties own registrations for word marks in International Class 3 that include the word PINK as part of the mark.

### **FOURTH AFFIRMATIVE DEFENSE**

20. Upon information and belief, numerous third parties use word marks in International Class 3 that include the word PINK as part of the mark.

### **FIFTH AFFIRMATIVE DEFENSE**

21. Applicant's use of the word PINK in combination with other words and designs is not likely to cause confusion with Opposer's PINK marks.

### **SIXTH AFFIRMATIVE DEFENSE**

22. There is no likelihood of confusion between Opposer's goods that bear the mark PINK and goods featuring Applicant's VICTORIA'S SECRET PINK And Pink And White Polka Dot Dog Design mark, which is the subject of Application Serial No. 76/596,083, because reasonably prudent consumers under ordinary purchasing conditions can distinguish among the myriad products in the marketplace that use the word PINK as part of their marks.

### **SEVENTH AFFIRMATIVE DEFENSE**

23. Applicant's goods and services bearing the mark VICTORIA'S SECRET PINK And Pink And White Polka Dot Dog Design are offered exclusively

through the world-famous VICTORIA'S SECRET retail stores, catalogue, and website, so that it is clear the products originate from Victoria's Secret and are not those of any other company.

WHEREFORE, Applicant prays:

- A. That the notice of opposition be dismissed in its entirety;
- B. That Applicant be awarded its reasonable attorneys' fees and costs in connection with the defense of this opposition proceeding;
- C. That Applicant have and recover such other and/or further relief as the Board may deem just and proper.

Dated: New York, New York  
March 10, 2006

COLUCCI & UMANS

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner For Trademarks, P.O. Box 1451, Alexandria, VA 22310-1451

By: Frank J. Colucci  
 Frank J. Colucci  
 218 East 50<sup>th</sup> Street  
 New York, New York 10022  
 (212) 935-5700  
 Attorneys for Applicant

Kathleen M. McGarr  
 Signature  
 3/10/06  
 Date of Signature

**CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing "Answer and Affirmative Defenses" has been served by first class mail, postage prepaid, to Opposer's attorneys, Burton S. Ehrlich, Esq., Ladas & Parry, 224 South Michigan Avenue, Suite 1600, Chicago, Illinois 60604, on this 10<sup>th</sup> day of March, 2006.

W. Brent M. May

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

-----X

LUSTER PRODUCTS, INC.,	:	
	:	
Opposer,	:	Opposition No.
	:	91169249
v.	:	
	:	
VICTORIA'S SECRET STORES BRAND	:	
MANAGEMENT, INC., as assignee of	:	
V SECRET CATALOGUE, INC.,	:	
	:	
Applicant.	:	

-----X

**APPLICANT'S MOTION TO SUSPEND  
THE OPPOSITION PROCEEDING UNDER RULE 510.02(a)  
PENDING DISPOSITION OF FEDERAL DISTRICT COURT ACTION**

Applicant, VICTORIA'S SECRET STORES BRAND MANAGEMENT, INC., as assignee of V SECRET CATALOGUE, INC. ("Victoria's Secret"), by and through its attorneys herein, requests the suspension of the instant opposition proceeding under Trademark Trial and Appeal Board Manual of Procedure Rule 510.02(a) based upon the pending federal district court action between the same parties concerning, *inter alia*, marks substantially similar to that at issue in this opposition proceeding, which action will likely be dispositive of this proceeding. In support of its Motion to Suspend the opposition proceeding, Applicant submits the following:

On August 8, 2005, Opposer filed Civil Action No. 05 C 4527 in the United States District Court for the Northern District of Illinois, Eastern Division (the "Civil Action"), against Applicant alleging federal trademark infringement, unfair competition and dilution, among other claims, in connection with Applicant's use of its various

VICTORIA'S SECRET PINK trademarks. A copy of the Complaint in the Civil Action is attached hereto and incorporated herein by reference as Exhibit A. The Civil Action specifically asserts claims involving Application Serial No. 76/596,084 for VICTORIA'S SECRET PINK And Pink Polka Dot Dog With Bow Design, which is substantially similar to the mark that is the subject of the instant opposition proceeding pertaining to Application Serial No. 76/596,083, namely, VICTORIA'S SECRET PINK And Pink And White Polka Dot Dog Design. Opposer has previously submitted arguments to the Board in connection with Opposition Nos. 91,153,553; 91,153,763; 91,153,841; 91,154,254; 91,154,345, 91,161,298, 91,168,059 and 91,167,975 that the Civil Action will likely be dispositive of the aforementioned opposition proceedings pending before the Trademark Trial and Appeal Board. Applicant agrees with Opposer's position. Accordingly, Applicant requests suspension of the instant proceeding, pending the final determination of the Civil Action. See, 37 CFR §2.117(a); *General Motors Corp. v. Cadillac Club Fashions Inc.*, 22 USPQ2d 1933 (TTAB 1992); *Tokaido v. Honda Associates Inc.*, 179 USPQ 861 (TTAB 1973); and *Whopper-Burger, Inc. v. Burger King Corp.*, 171 USPQ 805 (TTAB 1971).

In view of the foregoing, it is respectfully requested that the instant opposition proceeding be suspended, pending the final disposition of the Civil Action.

Dated: New York, New York  
March 10, 2006

COLUCCI & UMANS

By: Frank J. Colucci

Frank J. Colucci  
218 East 50<sup>th</sup> Street  
New York, New York 10022  
(212) 935-5700  
Attorneys for Applicant

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner For Trademarks, P.O. Box 1481, Alexandria, VA 22304-1481

Kathleen M. McLean  
Signature

3/10/06  
Date of Signature

**CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing "Motion To Suspend" has been served by first class mail, postage prepaid, to Opposer's attorneys, Burton S. Ehrlich, Esq., Ladas & Parry, 224 South Michigan Avenue, Suite 1600, Chicago, Illinois 60604, on this 10<sup>th</sup> day of March, 2006.

A handwritten signature in cursive script, reading "Al. Brant Murray", is written over a horizontal line.

**FILED**

KE

AUG - 8 2005

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MICHAEL W DOBBINS  
CLERK, U.S. DISTRICT COURT

LUSTER PRODUCTS, INC.,  
an Illinois corporation  
  
Plaintiff,  
  
v.  
  
INTIMATE BEAUTY CORPORATION,  
a New York corporation,  
  
And  
  
V SECRET CATALOGUE, INC.,  
a Delaware corporation,  
  
Defendants.

Civil Action No.:

**05C 4527**

**JUDGE GRADY**

**MAGISTRATE JUDGE LEVIN**

COMPLAINT

Plaintiff, Luster Products, Inc. ("Luster") for its complaint against defendants Intimate Beauty Corporation, ("Intimate") and V Secret Catalogue ("Secret") alleges:

PARTIES

1. The Plaintiff, Luster, is a corporation organized under the laws of the State of Illinois, with its principal place of business located at 1104 West 43rd Street Chicago, Illinois 60609.

2. The Defendant, Intimate, on information and belief, is a corporation organized under the laws of the State of New York, with its principal place of business located at 111 Eighth Avenue, New York, New York 10106.

3. The Defendant, Secret, on information and belief, is a corporation organized under the laws of the State of Delaware, with its principal place of business located at 1105 North Market Street, Wilmington, Delaware 19801.

4. The Defendants Intimate and Secret, on information and belief, are related entities and in opposition proceedings in the United States Patent and Trademark Office involving various marks referenced herein the same law firm representing both entities filed to consolidate matters by asserting that the entities are related. Any reference herein to Defendants will include either or both Defendants, as may be applicable under the situation for the related Defendants.

#### JURISDICTION AND VENUE

5. This action is for federal trademark infringement, dilution and unfair competition involving claims arising under the Trademark Act of the United States commonly known as the Lanham Act 15 U.S.C. §§ 1051 et seq. and for state trademark infringement, injury to business reputation and dilution, deceptive trade practices, deceptive business practices and unfair competition under the laws of the State of Illinois, involving claims arising under the Trademark Registration and Protection Act, 765 ILCS § 1036 et seq., the Deceptive Trade Practices Act 815 ILCS 505/2 et seq. and 510/2 et. seq., and the common law.

6. This Court has subject matter jurisdiction over the federal claims pursuant to 28 U.S.C. §§ 1331, 1338(a) and 15 U.S.C. § 1121, and has subject matter jurisdiction over the state law claims under 28 U.S.C. §§ 1338(b) and 1332, and since these claims are joined with substantial and related claims under the Trademark Laws of the United States.

7. Venue properly lies within the Northern District of Illinois pursuant to 28 U.S.C. § 1391(a), (b) and (c) as these causes of action arise based upon information and belief, as a result of the defendants' doing and transacting business in this district, or offering to sell its products or making its products available or by promoting the infringing mark or marks to prospective purchasers within this district, and marketing its services and products to prospective purchasers within this District.

8. Luster has for more than fifty (50) years been engaged in the manufacture, advertising, marketing, distribution and sale of a varied line of hair and personal care products primarily designed for persons of African or African-American descent or for persons having similar hair care or skin care characteristics. These products are sold throughout the United States and in many foreign countries.

9. Many of Luster's products are specifically designed for the specialized hair care styles or problems or needs common to persons of African or of African-American descent or for persons

having similar hair care or skin care characteristics. Such products are often referred to as ethnic products. Ethnic market hair and skin care products are typically considered by the industry to be products made or promoted for the specialized care, styling and grooming of hair and skin care common to those persons of African or African-American heritage or are products designed to meet the problems and needs of persons of African or African-American descent or for persons having similar hair or skin care characteristics. Luster is an one hundred percent minority-owned business of long standing repute in its industry, and sponsors a number of activities supportive of community goals and aspirations. Luster, on information and belief, is one of the largest ethnic owned hair care products corporation in the United States.

10. For nearly twenty five (25) years Luster Products has been engaged in the manufacture, advertising, marketing, distribution and sale of a varied line of hair care or personal care products under the word mark PINK, or which have over time included the word mark PINK, as part of an overall mark, such as in the mark PINK PROTECTION.

11. For decades Luster has extensively promoted its word mark PINK, incurring millions of dollars in advertising and promotional expenses in support of this brand. Such advertising and promotional efforts in support of the mark PINK has included decades of advertising in major media and magazine publications,

including advertising in magazines such as Ebony, Essence and Jet magazines, television advertising, outdoor advertising, advertising on bus shelters, on subway posters, major radio advertising, in particular on the National Black Radio Network and on other major radio advertising, advertising from sponsoring events and other forms of advertising in support of the word mark PINK.

12. In addition to the identified forms of advertising and promotional efforts Luster has incurred in support of the word mark PINK millions of dollars in discounts over decades which have been associated with trade allowance activities and with additional dollars having been incurred by retail establishments in co-operative advertising campaigns or in promoting the brand and line of products under the word mark PINK.

13. One of the items in the line of products marketed by Luster under the word mark PINK is an oil moisturizer product. This item sold under the word PINK, on information and belief, over time, by itself, has been one of the best selling ethnic hair care products in the United States and in many foreign nations.

14. To protect Luster's valuable trademark PINK and its marks which incorporate the word mark PINK, as part of the overall mark, Luster has obtained a number of Federal Trademark Registrations duly issued from the United States Patent and

Trademark Office. The following registrations were duly issued to Luster by the United States Patent and Trademark Office:

<u>MARK</u>	<u>REGISTRATION NO.</u>	<u>ISSUED</u>	<u>EXHIBIT</u>
PINK PROTECTION	1,503,517	September 13, 1988	1
PINK	1,649,218	July 2, 1991	2
PINK	1,864,492	November 29, 1994	3
PINK	1,511,336	November 1, 1988	4
PINK SMOOTH TOUCH	2,764,677	September 16, 2003	5
PINK PLUS	2,938,183	April 5, 2005	6

All of the above registrations are in full force and effect. Furthermore, Registration Nos.: 1503517; 1649218; and 1864492 have each achieved "incontestable" registration status, thereby constituting conclusive prima facie evidence of Plaintiff's exclusive right to use said marks in commerce. As shown above some of the registrations held by Luster have been issued for over fifteen years and a number of registrations held by Luster long ago achieved incontestable registration status. Exhibit 7 shows examples of Plaintiff's use of the mark PINK.

15. Luster has also over time promoted its trademark PINK in association with advertising or promotional efforts with other brands which Luster owns, including the marks S CURL, DESIGNER TOUCH, PCJ, and with other brands sold by Plaintiff, so that the PINK brand line of products sold by Luster is further associated with other major and minor brands sold by Luster. Furthermore, Luster holds the rights in a family of marks which include the

word mark PINK, which by way of example include the marks: PINK PLUS; PINK PROTECTION; PINK SMOOTH TOUCH; as well as the word mark PINK. Plaintiff holds rights in this family of trademarks which include the mark PINK as a mark, or as part of an overall mark, with said marks often promoted together.

16. For nearly twenty-five years Luster has spent substantial sums in advertising and promoting its range of products disseminated and promoted under the trademark PINK or under marks which include, as part of the overall marks the word mark PINK.

17. By reason of Luster's extensive promotion and dissemination of its products Plaintiff's PINK trademark or its marks which include the word mark PINK, have acquired great recognition and renown, and the relevant trade and public have come to recognize such trademarks as signifying Plaintiff.

**THE DEFENDANTS' USE OF THE WORD MARK PINK AND  
ATTEMPTED FEDERAL REGISTRATIONS OF VERSIONS OF THE MARK**

18. Notwithstanding the Plaintiff's well-known and prior established rights in its trademark PINK, and in related marks which include the mark PINK as a portion of a mark, the Defendants have commenced use of the word mark PINK for a variety of personal care products, including a body wash, a body lotion and a perfume. (See Exhibit 8) Furthermore, the Defendants have also filed trademark applications in the United States Patent and Trademark Office for marks which include the word mark PINK as a portion of the overall marks, based upon Defendants alleged

bonafide intent to use such marks, with some of these references including both a variety of personal care and hair care products among the listed goods intended for use. Defendants' applications filed in the United States Patent and Trademark Office have included the following marks:

<u>SERIAL NO.</u>	<u>MARK</u>	<u>EXHIBIT</u>
76/192,127	PINK ON PINK	9
76/012,690	LIQUID PINK	10
76/033,647	HOT PINK	11
76/003,578	SHOCKING PINK	12
76/046,788	VICTORIA'S SECRET PINK	13
76/197,903	PULSE PINK	14
76/596,084	VICTORIA'S SECRET PINK And Design	15

*Pink Polka Dot Dog with Bow*

Plaintiff has opposed or filed an extension to oppose all of these applications.

19. Plaintiff's use and registration of the word mark PINK occurred long prior to Defendants' first use of the word mark PINK or the Defendants filing of the referenced trademark applications. Plaintiff also holds prior rights in the word mark PINK and in related marks earlier than those which maybe asserted by the Defendants based upon the referenced applications filed by Defendants, which include the word mark PINK and which were filed by Defendants alleging a bonafied intent to use the identified trademarks in the applications. On information and belief, one

or more of the variations of the mark or other variations of the marks, are in use by Defendants for at least some goods or services. The Defendants' use of the mark PINK or variations of the mark or proposed uses identified in Defendants' applications, in promoting the sale of Defendants' products or services, will cause a likelihood of confusion, mistake or deception of a not insignificant number of prospective purchasers into believing that there is some affiliation, association or common source of sponsorship with Plaintiff's word mark PINK or in Plaintiff's related marks, or with the Plaintiff's products, services or business.

20. Defendants' use of the mark PINK or variations thereof will cause, and is likely to cause, confusion and mistake with Plaintiff's products and services, disseminated or sold in connection with the Plaintiff's mark PINK or its related marks, or the Plaintiff's business so as to deceive consumers, the trade and others, and thereby constitutes an infringement of the Plaintiff's rights through unfair competition.

21. The Defendants have adopted and are using the mark PINK or variations thereof, on information and belief, in commerce in association with the distribution, promotion, advertising and sale to the consuming public of personal care products, and with variations of the word mark PINK also being shown in intent to use trademark applications identified to include proposed identified use of the marks on hair care products.

22. Upon information and belief, the mark PINK or variations thereof were selected by Defendants in order to trade upon the reputation and goodwill of Plaintiff or with prior awareness of the Plaintiff's Federal registrations or use of the mark PINK. Defendants seek to reap where Defendants have not sown.

23. Persons familiar with Plaintiff's word mark PINK and with Plaintiff's related marks and the business of the Plaintiff and/or Plaintiff's products are, on information and belief, likely to be confused, mistaken and/or to be deceived upon seeing Defendants' use of the mark PINK or variations thereof, or that Defendants' business is endorsed by, sponsored by, or emanate from, or in some way are connected with Plaintiff or Plaintiff's business or with the mark PINK or variations thereof.

24. Defendants have, on information and belief, intentionally and willfully attempted to trade upon the goodwill of Plaintiff in its trademark.

25. As a result of Defendants' unfair and infringing acts or misappropriations, Plaintiff has been irreparably damaged and, unless Defendants' infringing activities are enjoined, the Plaintiff will continue to suffer irreparable injury and harm to its property and goodwill.

26. Certain products designed or intended for sale under Defendants' use of the mark PINK or related marks and provided under Plaintiff's mark PINK or Plaintiff's related marks, on

information and belief, could move through similar channels of trade or are promoted to the same or similar classes of prospective purchasers or end-users, or to the same or similar prospective purchasers.

27. Use by Defendants of the mark PINK or variations thereof is without Plaintiff's consent or permission.

28. Defendants' use of the mark PINK or variations thereof will result in damage and in the diminishment of sales and the loss of the value of Plaintiff's mark PINK or Plaintiff's related marks.

29. Upon information and belief, defendants, with knowledge of Plaintiff's mark PINK or Plaintiff's related marks and in willful disregard of Plaintiff's rights, is engaging in a deliberate course of conduct designed to appropriate the goodwill associated with Plaintiff's mark PINK or Plaintiff's related marks. Defendants began to offer its products or services in association with the mark PINK at a time long after Plaintiff's trademark PINK had been in use and would have appeared in a number of Plaintiff's Federal trademark registrations. After objections by Plaintiff to the Defendants continued use or registration of the mark PINK or variations thereof, and with the Defendants filing and pursuit of trademark applications which incorporate the word mark PINK, such actions further reflect that Defendants, unless otherwise restrained in continuing to engage in unauthorized conduct and infringing conduct, with the intent

to engage in advancing said problematic actions. Furthermore, the overall pattern of conduct by Defendants with the series of multiple problematic marks at issue, further increases the likelihood of confusion and harm or potential harm to Plaintiff. For instance, the Plaintiff sells products under the mark PINK which are liquids. As such, the liquid PINK brand products sold by Plaintiff and the Defendants application for the mark LIQUID PINK sought by Defendants to be registered would further increase the likelihood of confusion, as a result Defendants proposed use of the brand LIQUID PINK, as shown in Defendants pending trademark application.

30. Defendants' use of marks or names that are identical or similar to the Plaintiff's trademark PINK will irreparably harm Plaintiff by diminishing the reputation and goodwill of Plaintiff's mark PINK or Plaintiff's related marks. The public association of the trademark PINK with Plaintiff's products is so great that the use by another of the mark PINK for Defendants' products or proposed products for related marks identified in Defendants applications will inevitably cause the trade or consumers to believe that it is produced, authorized, licensed, or sponsored by Plaintiff or that it is somehow connected with Plaintiff.

31. Plaintiff will be unable to police the nature and quality of goods sold by Defendants under the mark PINK or of variations thereof. The sale or prospective sale by Defendants

of products or services under the mark PINK or variations thereof, such as those shown in pending trademark applications will also blur and diminish the distinctive quality of the Plaintiff's mark PINK or Plaintiff's related marks and lessen its capacity to identify and distinguish the products and services of Plaintiff.

**COUNT 1**

**(Federal Trademark Infringement)**

32. Plaintiff realleges and incorporates herein by this reference the allegations contained in paragraphs 1 through 31 hereof as if set forth in full.

33. Defendants' unauthorized use in commerce of the mark PINK or related variations thereof with respect to Defendants' products is likely to result in confusion, deception, or mistake and therefore constitutes an infringement of Plaintiff's registered trademarks.

34. Defendants have used and are continuing to use the word mark PINK and file or move forward with trademark applications which include this mark, as part of an overall mark with full knowledge of Plaintiff's prior and extensive rights in the trademark PINK and of Plaintiff's objection to the Defendants' registrations thereof, and such continued use or actions by Defendants are therefore with an intent and purpose to trade upon the goodwill of Plaintiff's mark PINK and Plaintiff's related

marks. The Defendants' infringement is thus willful and deliberate.

**COUNT II**

**(Unfair Competition Under Federal Law)**

35. Plaintiff realleges and incorporates herein by this reference the allegations contained in paragraphs 1-31, 33 and 34 of this Complaint as if set forth in full.

36. Defendants' unauthorized use in commerce of the mark PINK and proposed use of the related marks constitutes a false designation of origin and a false or misleading representation of fact that is likely to confuse or deceive consumers, or cause consumers to believe mistakenly that defendants and/or its goods are made or produced and/or its services offered by Plaintiff or are otherwise affiliated, connected, or associated with, or sponsored or approved by Plaintiff and therefore constitutes unfair competition pursuant to Section 43(a) of the Lanham Act, 15 U.S.C. §§ 1125(a).

37. Defendants' use in commerce of the mark PINK or variations thereof or proposed variations therefore, in connection with Defendants' marketing, distribution, promotion and sale to the consuming public of its services and products constitutes a misappropriation of the distinguishing and identifying features which Plaintiff created through substantial effort and expense, thus evoking from the Trade, consumers and others an immediate commercial impression or association

favorable to Defendants, based on and derived from Plaintiff's mark PINK or Plaintiff's related marks and the goodwill associated therein.

38. Defendants' use of the mark PINK or variations thereof, or proposed variations thereof, constitutes false representations that Defendants have some connection or association with, or sponsorship by Plaintiff, and that the services and products identified with Plaintiff are available from Defendants.

39. Said actions of Defendants constitute violations of 15 U.S.C. §1125(a) in that such false designation and representations of origin and quality are used on or in connection with the products that Defendants causes to enter into, or to affect commerce, which may lawfully be regulated by Congress.

40. Defendants have used and are continuing to use the mark PINK or variations thereof with full knowledge of Plaintiff's trademark rights, and after Plaintiff's objection to the Defendants' attempted registration of the marks, is based upon information and belief with an intent and purpose to trade upon the goodwill of Plaintiff's mark PINK or Plaintiff's related marks. Defendants' infringement is thus willful and deliberate.

**COUNT III**

**(Dilution Under Federal Law)**

41. Plaintiff realleges and incorporates herein by this reference the allegations contained in paragraphs 1-31, 33-34, and 36-40 hereof as if set forth in full.

42. The use by Defendants of the mark PINK or variations thereof, alone or in combination with other words or symbols or the proposed words or symbols, will dilute the distinctive quality of the Plaintiff's exceptionally well-known and famous mark PINK, and therefore constitutes federal trademark dilution pursuant to Section 43(c) of the Lanham Act, 15 U.S.C. §§ 1125(c), as amended by the Federal Trademark Dilution Act of 1995.

43. Defendants have used and continue to use the mark PINK or variations thereof with full knowledge of Plaintiff's long prior rights and fame of the mark PINK or Plaintiff's related marks and of Plaintiff's objection to the Defendants' marks and based upon information and belief is with a deliberate intent and purpose to trade upon the goodwill of Plaintiff's mark PINK or variations thereof or to dilute the distinctive quality thereof, blur and diminish the distinctive quality of the Plaintiff's trademark and lessen its capacity to identify and distinguish the products of Plaintiff.

**COUNT IV**

**(Illinois Trademark Infringement)**

44. Plaintiff realleges and incorporates herein by this reference the allegations contained in paragraphs 1-31, 33-34, 36-40, and 42-43 hereof, as if fully set forth in full.

45. Defendants' unauthorized use in commerce of the mark PINK or of possible variations of the mark are likely to result in confusion, deception or mistake and therefore constitutes an infringement of Plaintiff's mark PINK or Plaintiff's related marks pursuant to 765 ILCS § 1036/et seq.

46. Defendants have used and are continuing to use the mark PINK or variations of this mark with full knowledge of Plaintiff's prior and extensive rights and of Plaintiff's objection to the mark, and such continuing use is therefore with an intent and purpose to trade upon the goodwill of Plaintiff's PINK or related marks. Defendants' infringement is thus willful and deliberate.

**COUNT V**

**(Illinois Trademark Dilution)**

47. Plaintiff realleges and incorporates herein by this reference each and every allegation contained in paragraphs 1-31, 33-34, 36-40, 42-43, and 45-46 hereof as if set out in full.

48. Defendants' use of the mark PINK or variations of this mark in connection with the sale of Defendants' products, over the quality of which Plaintiff can exercise no control, creates a

likelihood of injury to Plaintiff's business reputation and of dilution of the distinctive quality or Plaintiff's famous mark in violation of 765 ILCS § 1036/65.

49. Defendants' acts alleged herein have caused and, unless restrained and enjoined by this Court, will continue to cause irreparable injury to Plaintiff for which Plaintiff is without an adequate remedy at law.

**COUNT VI**

**(Unfair Competition Under Illinois Common Law)**

50. Plaintiff realleges and incorporates herein by this reference each and every allegation contained in paragraphs 1-31, 33-34, 36-40, 42-43, 45-46, and 48-49 hereof as if set out in full.

51. Defendants' use of the mark PINK or variations of the mark is being done with the intent to palm off products or services as originating from or having the sponsorship, affiliation or approval of Plaintiff in order to trade on the goodwill created by Plaintiff in its trademark PINK or Plaintiff's related marks. This use has continued in bad faith despite Plaintiff's objections to the Defendants' mark PINK or variations of the mark.

52. Defendants' unauthorized use constitutes the common law tort of unfair competition.

COUNT VII

**(Deceptive Trade Practices Under Illinois Law)**

53. Plaintiff realleges and incorporates herein by this reference each and every allegation contained in paragraphs 1-31, 33-34, 36-40, 42-43, 45-46, 48-49, and 51-52 hereof as if set out in full.

54. Defendants' use of the mark PINK or variations of the mark constitutes a deceptive trade practice in violation of 815 ILCS 510/2 et seq. insofar as it:

- (a) passes off the Defendants' products as that of the Plaintiff;
- (b) causes a likelihood of confusion or misunderstanding as to the source, sponsorship, approval or certification of its goods;
- (c) causes a likelihood of confusion or of misunderstanding as to the affiliation, connection or association with or certification by Luster;
- (d) represents that Defendants' goods have sponsorship or approval that they do not have.

55. Defendants' acts as stated above, constitute deceptive business practices in that as alleged previously, those acts in trade and commerce use and employ practices set out in Section 2 of the Uniform Deceptive Trade Practices Act, 815 ILCS 510/2, and/or constitute the use and/or employment of deception, fraud, false pretense, false promise, misrepresentation and/or the concealment, suppression and/or omission of a material fact, with

an intent that others rely upon the concealment, suppression or omission of such material fact.

56. Upon information and belief, Defendants have willfully engaged in the deceptive trade practices.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment as follows:

1. That Defendants, their respective directors, officers, agents and employees, successors and assigns and all others acting in knowing consort with it, be preliminarily and then permanently restrained and enjoined from:

a. marketing, advertising, displaying, selling its personal care products or any other related products or services in association with the mark PINK alone or in combination with any word, design or name, or any other mark, including but not limited to those identified herein in Defendants pending U.S. trademark applications, likely to cause confusion, mistake or deception with the mark PINK or Plaintiff's related marks ;

b. otherwise infringing the Plaintiff's PINK or Plaintiff's related marks;

c. engaging in any other or further acts of unfair competition against Plaintiff;

d. using any trademark or trade name which will be likely to dilute the distinctive quality of Plaintiff's mark PINK or Plaintiff's related marks or tarnish the business reputation of Plaintiff;

e. engaging in any deceptive trade practices in the offering of goods or services under the mark PINK or any other variation or simulation of the mark PINK, including but not limited to those identified herein in Defendants pending U.S. trademark applications;

f. engaging in any deceptive business practice in the offering of goods under the designation PINK or any other variations or simulations of the Plaintiff's mark PINK or related marks; and

g. be ordered to abandon any trademark applications filed for the mark PINK and any confusingly similar variations thereof, including but not limited to those identified herein in Defendants pending U.S. trademark applications, with the requirement that Defendants not file further trademark applications for such marks and assign to Plaintiff any domain names which include such designations.

2. That Defendants be directed to deliver up for destruction all labels, signs, prints, packages, wrappers, receptacles, advertisements or other materials in its possession or custody and control which are within the United States of America, its territories and possessions, which display the mark PINK or related marks, including but not limited to those identified herein in Defendants pending U.S. trademark applications, and all means of making or affixing the same pursuant to Section 36 of the Lanham Act, 15 U.S.C. § 1118.

3. That Plaintiff be awarded the profits secured by Defendants as a result of its unlawful activities, and that said award be trebled as provided by law or in the alternative that Plaintiff be awarded statutory damages in an amount determined by the Court for willful use of an infringing or counterfeit mark.

4. That Plaintiff be awarded punitive damages in such amount as the Court shall find sufficient to deter Defendants' willful unlawful conduct.

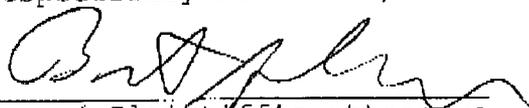
5. That Plaintiff be awarded its costs incurred in this action, including its reasonable attorneys' fees.

6. That Defendants be required to file with this Court and serve upon Plaintiff within thirty (30) days after entry of the order of judgment a report, in writing and under oath, setting forth the manner and form of Defendants' compliance with the Court's order.

7. That Plaintiff have such other and further relief as is warranted by the facts established at trial or which this Court may deem as just and equitable.

Respectfully submitted,

By:

  
One of Plaintiff's attorneys

Burton S. Ehrlich  
Edward J. Chalfie  
John E. McKie  
Ladas & Parry LLP  
224 S. Michigan Avenue  
Suite 1600  
Chicago, Illinois 60604  
(312) 427-1300



Int. Cl.: 3

Prior U.S. Cls.: 51 and 52

Reg. No. 1,503,517

**United States Patent and Trademark Office** Registered Sep. 13, 1988

**TRADEMARK  
PRINCIPAL REGISTER**

**PINK PROTECTION**

LUSTER PRODUCTS, INC. (ILLINOIS CORPORATION)  
1631 S. MICHIGAN AVENUE  
CHICAGO, IL 60616

FOR: HAIR CARE PRODUCTS, NAMELY, SHAMPOOS, CREAM RINSE, STRAIGHTENERS, MOISTURIZING OIL, COLOR RINSE, SETTING LOTION, TEXTURIZER, HORMONE TREATMENT, PERMANENT RELAXER, OIL SPRAY, AND CURL ACTIVATOR, IN CLASS 3 (U.S. CLS. 51 AND 52).

FIRST USE 0-0-1981; IN COMMERCE 0-0-1981.

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

SER. NO. 632,917, FILED 11-28-1986.

RICHARD A. STRASER, EXAMINING ATTORNEY

EXHIBIT

1

Int. Cl.: 3

Prior U.S. Cl.: 51

**United States Patent and Trademark Office** **Reg. No. 1,649,218**  
Registered July 2, 1991

**TRADEMARK  
PRINCIPAL REGISTER**

**PINK**

LUSTER PRODUCTS, INC. (ILLINOIS CORPORATION)  
1631 S. MICHIGAN AVENUE  
CHICAGO, IL 60616

OWNER OF U.S. REG. NOS. 1,503,517 AND  
1,511,336.

SEC. 3(F).

FOR: COMBINATION HAIR CONDITIONER  
AND MOISTURIZER, IN CLASS 3 (U.S. CL. 51).  
FIRST USE 11-0-1986; IN COMMERCE  
11-0-1986.

SER. NO. 73-783,052, FILED 2-27-1989.

JOHN MICHO, EXAMINING ATTORNEY

**EXHIBIT**

2

Int. Cl.: 3



Prior U.S. Cls.: 51 and 52

**United States Patent and Trademark Office**

Reg. No. 1,864,492

Registered Nov. 29, 1994

**TRADEMARK  
PRINCIPAL REGISTER**

**PINK**

LUSTER PRODUCTS, INC. (ILLINOIS CORPORATION)  
1631 SOUTH MICHIGAN AVENUE  
CHICAGO, IL 60616

FOR: HAIR CARE PREPARATIONS; NAMELY, SHAMPOOS, CONDITIONERS, MOISTURIZERS, SOFTENING SPRAYS, SOFTENING LOTIONS, SOFTENING GELS, HAIR DRESSINGS, CREAM LOTIONS, STYLING LOTIONS, HAIR SETTING PREPARATIONS, HAIR RELAXING PREPARATIONS, HAIR STRAIGHTENING PREPARATIONS, HAIR TEXTURIZING PREPARATIONS, HAIR CLEANSERS, HAIR SHEENS, SPRAYS FOR HOLDING THE HAIR, SPRAYS FOR MOISTURIZING THE HAIR, SPRAYS AND CONDITIONERS FOR ENHANCING SHEEN IN THE HAIR, HOT OIL TREATMENTS FOR MOISTURIZING

AND CONDITIONING HAIR, OIL TREATMENTS, KITS FOR SOFTENING AND CONDITIONING THE HAIR, KITS FOR RELAXING THE HAIR, KITS FOR STRAIGHTENING THE HAIR, AND KITS FOR TEXTURIZING THE HAIR, ALL CONTAINING A HAIR RELAXER, RINSING AND/OR NEUTRALIZING SHAMPOO AND CONDITIONER, IN CLASS 3 (U.S. CLS. 51 AND 52).

FIRST USE 11-0-1986; IN COMMERCE 11-0-1986.

OWNER OF U.S. REG. NOS. 1,331,541, 1,649,218 AND OTHERS.  
SEC. 2(F).

SER. NO. 74-462,982, FILED 11-24-1993.

PRISCILLA MILTON, EXAMINING ATTORNEY

EXHIBIT

3



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Trademarks > Trademark Electronic Search System (TESS)

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### Typed Drawing

Word Mark	PINK
Goods and Services	IC 003. US 051. G & S: HAIR CONDITIONER. FIRST USE: 19861117. FIRST USE IN COMMERCE: 19861117
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73832921
Filing Date	November 28, 1986
Current Filing Basis	1A
Original Filing Basis	1A
Supplemental Register Date	March 28, 1988
Registration Number	1511336
Registration Date	November 1, 1988
Owner	(REGISTRANT) LUSTER PRODUCTS, INC. CORPORATION ILLINOIS 1631 SOUTH MICHIGAN AVENUE CHICAGO ILLINOIS 60616
Attorney of Record	BURTON S. EHRlich
Type of Mark	TRADEMARK
Register	SUPPLEMENTAL
Affidavit Text	SECT 8 (6-YR).
Live/Dead Indicator	LIVE

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

REGISTRATION NO. 1511336

SERIAL NO. 73/632921

PAPER NO.

MAILING DATE: 05/02/94

MARK: PINK

REGISTRANT: LUSTER PRODUCTS, INC.

## CORRESPONDENCE ADDRESS:

BURTON S. EHRLICH  
BREZINA & EHRLICH  
600 SOUTH FEDERAL STREET  
SUITE 201  
CHICAGO, IL 60605-1842

Please furnish the following  
in all correspondence:

1. Your phone number and zip code.
2. Mailing date of this action.
3. Affidavit-Renewal Examiner's name.
4. The address of all correspondence not containing fees should include the words "Box 5".
5. Registration No.

RECEIPT IS ACKNOWLEDGED OF THE SUBMITTED REQUEST UNDER:

SECTION 8 OF THE TRADEMARK STATUTE AND 37 CFR SECS. 2.161-2.166.

YOUR REQUEST FULFILLS THE STATUTORY REQUIREMENTS AND HAS BEEN ACCEPTED.

*B. A. Harper*

BARBARA HARPER  
AFFIDAVIT-RENEWAL EXAMINER  
TRADEMARK EXAMINING OPERATION  
(703) 308-9500 EXT. 41

Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52

United States Patent and Trademark Office

Reg. No. 2,764,677

Registered Sep. 16, 2003

**TRADEMARK  
PRINCIPAL REGISTER**

**Pink**  
*Smooth  
Touch*

LUSTER PRODUCTS, INC. (ILLINOIS COR-  
PORATION)  
1104 WEST 43RD STREET  
CHICAGO, IL 60609

OWNER OF U.S. REG. NOS. 1,223,860, 2,209,243,  
AND OTHERS.

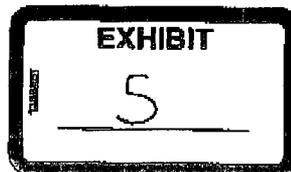
FOR: HAIR CARE PREPARATIONS, NAMELY,  
HAIR RELAXERS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51  
AND 52).

SEC. 2(F) AS TO "PINK".

SN 76-010,274, FILED 3-27-2000.

FIRST USE 12-31-2001; IN COMMERCE 12-31-2001.

GWEN STOKOLS, EXAMINING ATTORNEY



Int. Cl.: 3

Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52

**United States Patent and Trademark Office**

Reg. No. 2,938,183  
Registered Apr. 5, 2005

**TRADEMARK  
PRINCIPAL REGISTER**

**PINK PLUS**

LUSTER PRODUCTS, INC. (ILLINOIS COR-  
PORATION)

1104 WEST 43RD STREET

CHICAGO, IL 60609

FOR: NON-MEDICATED HAIR CARE PREPARA-  
TIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 12-0-2002, IN COMMERCE 12-0-2002.

THE MARK CONSISTS OF STANDARD CHAR-  
ACTERS WITHOUT CLAIM TO ANY PARTICULAR  
FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,503,517, 1,864,492  
AND OTHERS.

SEC. 2(F) AS TO "PINK".

SER. NO. 78-391,409, FILED 3-26-2004.

ELLEN B. AWRICH, EXAMINING ATTORNEY

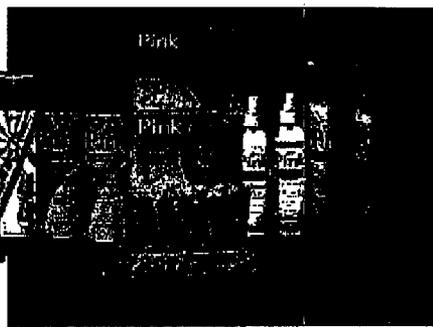
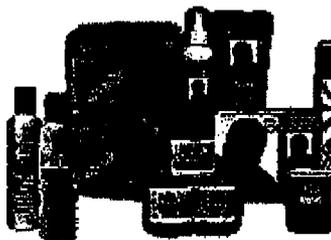
EXHIBIT  
6



July Time



# Pink



<a href="#">Pink Products</a>	<a href="#">Promotions</a>	<a href="#">Hair Gallery</a>	<a href="#">Tips &amp; Trends</a>	<a href="#">Retail Locations</a>
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EXHIBIT  
7

## Oil Moisturizer Hair Lotion

**Pink**  
Juste Hair

### Protect your hair against breakage and split ends.

Pink Oil Moisturizer Hair Lotion -- with rich natural conditioners, Panthenol B5, vitamins and sunscreen -- helps guard against the damaging effects of hot combs, curling irons and sun exposure. Use it every time you blow dry to restore nutrients and moisturize. Great for relaxed and specialty styles, curls and body waves.



[Pink Products](#)

[Promotions](#)

[Hair Gallery](#)

[Tips & Trends](#)

[Retail Locations](#)

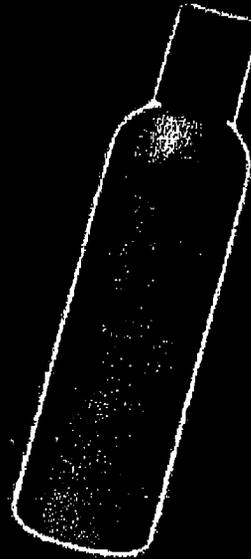
## Light Oil Moisturizer Hair Lotion

Pink

Lustre Hair

**A lighter hair lotion formula ideal for natural, chemically treated and color-treated hair.**

Pink Oil Moisturizer Hair Lotion comes in a lighter formula that won't weigh hair down -- and there's no build-up! Use Pink Light Oil Moisturizer Hair Lotion to help guard against the damaging effects of hot combs and curling irons, to restore your hair's nutrients and to protect and moisturize dry, dull and damaged hair. It's ideal for color-treated hair, relaxed and specialty styles and natural and short styles.



[Pink Products](#)

[Promotions](#)

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[Tips & Trends](#)

[Retail Locations](#)

## 2-N-1 Scalp Soother & Oil Sheen

**Pink**  
Luster Hair

**Excellent for: Braids, Twist, Dry Scalp, Pressed Hair, Natural Hair, Relaxed Hair and Color Treated Hair.**

Pink Plus 2-N-1 Scalp Soother provides conditioning for hair and scalp. The special spray nozzle disperses conditioners and softening agents directly to scalp, reaching those hard to reach areas without disturbing your look. Vitamins A, D, and E absorb into the hair and scalp to insure optimum moisture level that increases flexibility and elasticity. Pink Plus 2-N-1 Oil Sheen adds shine to enhance your everyday style. Product is formulated with Shea Butter to add sheen, leaving hair shiny and never oily.



[Pink Products](#)

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[Tips & Trends](#)

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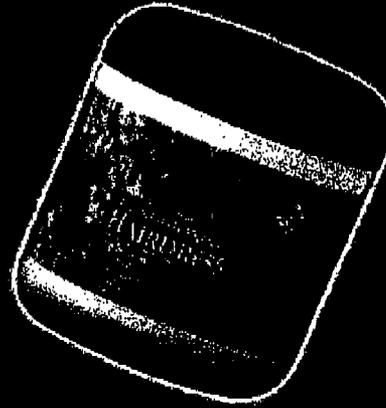
## Conditioning Hairdress

Pink

Luster Hair

### Revitalizes Dry Scalp, Less Breakage

Pink Conditioning Hairdress is enriched with natural oils and botanical extracts to aid in revitalizing the hair. It provides excellent conditioning and moisturization, which act to help prevent dry, itchy scalp and reduce breakage. This formula improves combability and is a great source of vitamin E. Pink Conditioning Hairdress can be used on all types of hair.



[Pink Products](#)

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**Hair Glosser**

**Pink**

Luster Home

### Revives Dull, Dry Hair

Hair Glosser provides superior shine without heavy coating and buildup and works to eliminate frizzies. At the same time it softens and conditions your hair. Leaves hair looking smooth, glossy, and silky. Pink Glosser contains shea butter, aloe extract, and jojoba oil. Pink Glosser can be used daily. Great on wet or dry hair.



[Pink Products](#)

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## No-Lye Creme Relaxer

Pink  
Luster Home

**Beautifully straightened hair that's soft, shiny and full of body.**

Pink Oil Conditioning No-Lye Creme Relaxer's patented conditioner - built into the relaxer cream - repairs the hair shaft and restores vital nutrients even before the relaxing process begins. And the conditioner keeps conditioning during and after relaxing.



[Pink Products](#)

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[Retail Locations](#)

## Conditioning Shining Gel

**Pink**  
Luster Home

### Style and moisturize in one easy step.

Pink Shining Gel conditions with fabulous sheen. Use it to create smooth relaxed, wrapped and natural styles -- plus waves, fades and tapered short cuts. This versatile styling and conditioning formula protects against the heat of curling irons and is excellent for chemically and physically treated hair.



[Pink Products](#)

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PRODUCTS

HAIR TIPS

ADVERTISING

LOCATIONS

[Pink Home](#) | [Luster Home](#)



*Luster's Pink Smooth Touch and New Maintenance System for enhanced body, silkier softness and more shimmering shine...*

*Introducing the New Pink Smooth Touch Anti-Itch and Grow System!*



PRODUCTS

HAIR TIPS

ADVERTISING

LOCATIONS

[Pink Home](#) | [Luster Home](#)

### *Luster's Pink Smooth Touch © New Growth Relaxer Kit*

Pink Smooth Touch® New Growth Relaxer Kit is the only relaxer made just for touch-ups. The Smooth Touch Relaxer's special formula straightens the new growth as straight and beautiful as the very first day you relaxed your hair and it straightens new growth no matter what relaxer you have used in the past. The Smooth Touch New Growth Relaxer Kit comes complete with Conditioning & Neutralizing Shampoo, Moisture Conditioner and Pink Oil Hair Lotion. Available in Regular and Super formulas.



# Lister's Pink SHORTLOOKS

Products

Hair Tips

Where to Buy

Advertising

Promotions

Home



Short

## Design Control gel

Pink

Luster Home

**Get beautiful, shiny hold without any sticky build-up.**

Let Pink Design Control Gel help you create the style and shape you want. Proteins and natural vitamins in the gel condition hair while it holds, and leaves a fabulous sheen.



[Pink Products](#)

[Promotions](#)

[Hair Gallery](#)

[Tips & Trends](#)

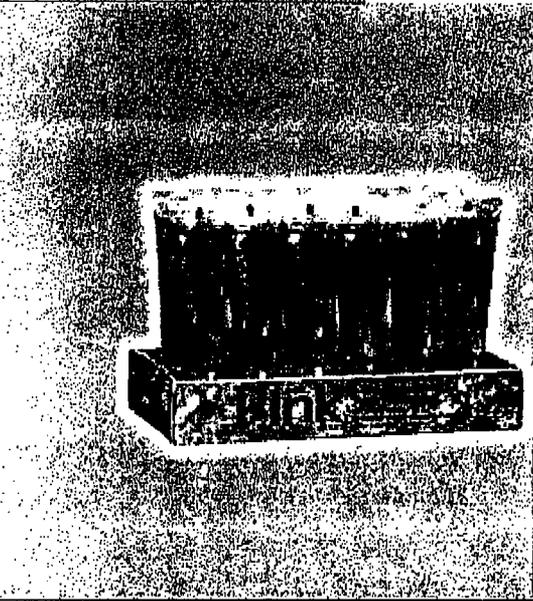
[Retail Locations](#)

## Hot Oil Treatment



**Deep condition and repair dry, brittle or damaged hair.**

Use Pink Hot Oil Treatment after shampooing to condition and moisturize your hair and scalp and repair split ends. The self-heating oil conditioner rinses out easily and leaves a beautiful shine.



<a href="#">Pink Products</a>	<a href="#">Promotions</a>	<a href="#">Hair Gallery</a>	<a href="#">Tips &amp; Trends</a>	<a href="#">Retail Locations</a>
-------------------------------	----------------------------	------------------------------	-----------------------------------	----------------------------------

## Holding Spray

Pink

Luster Home

**Give your style long-lasting hold,  
touchability and protection.**

Pink Holding Spray is specially formulated with a Lanolin derivative, Panthenol B5 and sunscreen to leave every hairstyle you create soft, touchable -- and protected against dryness and humidity.



[Pink Products](#)

[Promotions](#)

[Hair Gallery](#)

[Tips & Trends](#)

[Retail Locations](#)

## Conditioning Shampoo

Pink

Luster Home

**Gently cleanse your hair without stripping away the natural oils.**

Pink Conditioning Shampoo detangles and softens hair while it restores moisturizer, minimizes dryness and gives your hair a beautiful sheen. Its gentle cleansing formula effectively lifts dirt and residue without stripping hair of natural oils. Pink Conditioning Shampoo eliminates flyaway hair and leaves hair bouncy and shiny.



[Pink Products](#)

[Promotions](#)

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[Tips & Trends](#)

[Retail Locations](#)

## Design Control Spritz

Pink

Luster Home

Hold your style no matter what the weather.

The special conditioners in Pink Design Control Spritz give your hair long-lasting sheen. Plus, it protects against humidity and prevents flaking.



Pink Products

Promotions

Hair Gallery

Tips & Trends

Retail Locations

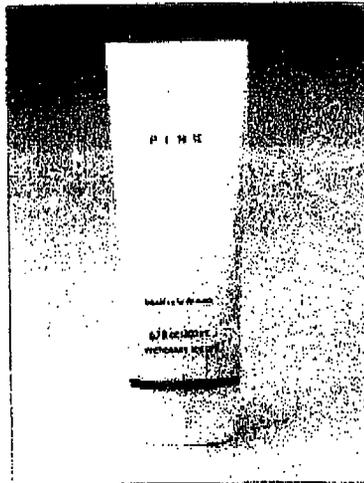


EXHIBIT  
8

# VICTORIA'S SECRET

EAU DE PARFUM SPRAY

- ▷ LARGER VIEW
- ▷ RELATED PRODUCTS



Body Wash  
Think bright, effervescent.  
Sophisticated. Sexy. Modern.  
Confident. Playful. Domestic.

6.7 oz. #146-098 \$15.



Body Lotion



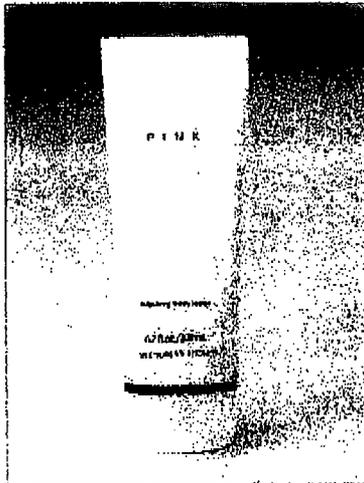
Body Wash

▷ CLOSE WINDOW

# VICTORIA'S SECRET

EAU DE PARFUM SPRAY

- ▷ LARGER VIEW
- ▷ RELATED PRODUCTS



**Body Lotion**  
Think bright, effervescent.  
Sophisticated. Sexy. Modern.  
Confident. Playful. Domestic.  
6.7 oz. #146-096 \$20.



Body Lotion



Body Wash

▷ CLOSE WINDOW

# VICTORIA'S SECRET

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## BEAUTY

### Shop by Category

- Makeup
  - Eyes
  - Lips
  - Face
  - Body Bronzers
  - Nails
  - All Makeup
- Fragrance
  - Women's Fragrance
  - Men's Fragrance
  - All Fragrance
- Body Care
- Skin Care
- Hair Care
- Sun Care
- Accessories

### Shop by Brand

- Features
- Get the Look
- Supermodel Picks
- Lip Plumpers



**PINK**  
Eau de Parfum Spray

Think bright, effervescent. Sophisticated. Sexy. Modern. Confident. Playful. Dab it on. Expect the unexpected. Think modern blends of Artemesia, Neroli Flower, Peony, Frensia, Bergamot, Mandarin, Violet Leaves, Juniper Berry, and Muguet. Domestic.

- 2.5 oz. spray. #146-096 \$45.
- 1.7 oz spray. #146-094 \$39.
- .5 oz. spray. #146-092 \$25.

size  quantity

[SEE MORE AT A TIME](#)

### RELATED PRODUCTS

Body Lotion, \$20.  
Body Wash, \$15.

select a style

quantity

[SEE MORE AT A TIME](#)

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# VICTORIA'S SECRET

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BRAS PANTIES SLEEPWEAR CLOTHING SHOES SWIM BEAUTY SALE

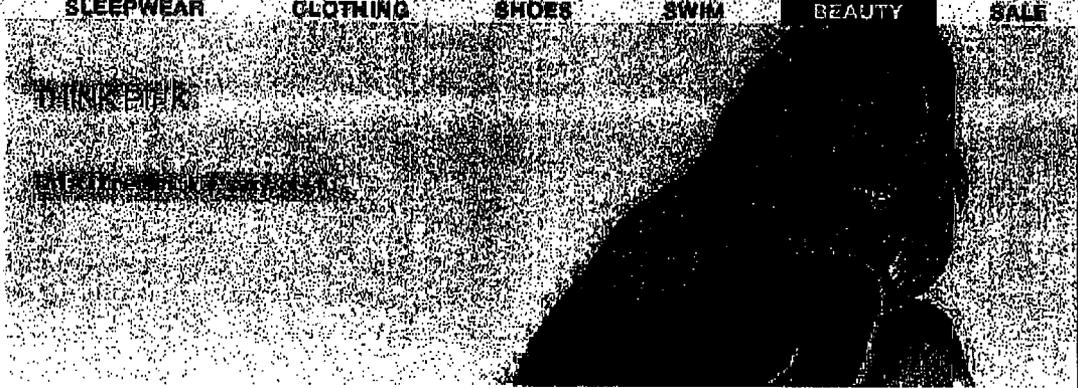
## BEAUTY

### Shop by Category

- Makeup
  - Eyes
  - Lips
  - Face
  - Body Bronzers
  - Nails
  - All Makeup
- Fragrance
- Body Care
- Skin Care
- Hair Care
- Sun Care
- Accessories

### Shop by Brand

- Features
- Get the Look
- Supermodel Picks
- Lip Plumpers



Sort by Brand:  Sort by Type:



Eau de Parfum Spray  
\$25-\$45

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### Record 1 out of 1

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#### Typed Drawing

Word Mark PINK ON PINK

Goods and Services IC 035. US 100 101 102. G & S: retail store services and mail order catalog services all featuring personal care products, home fragrance products and clothing

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76192127

Filing Date January 10, 2001

Current Filing Basis 1B

Original Filing Basis 1B

Published for Opposition September 18, 2001

Owner (APPLICANT) Intimate Beauty Corporation DBA Victoria's Secret Beauty CORPORATION DELAWARE 888 Seventh Avenue New York NEW YORK 10106

Attorney of Record Frank J Colucci

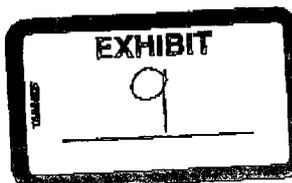
Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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### Trademark Electronic Search System(Tess)

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## Record 1 out of 1

TARR Status ASSIGN Status TDR Status TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)

### Typed Drawing

Word Mark LIQUID PINK

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: personal care products, namely, nail polish, nail polish remover, nail stencils, hard artificial nails, shower gel, bubble bath, fragrant body splash, hand lotion, body lotion, face lotion, hand soap, body soap, face soap, hair shampoo, hair conditioner, hair styling gel, hair spray, hair dyes, hair rinses, perfume, cologne, body glitter, mascara, blush, eye shadow, lip stick, lip gloss, make-up, make-up remover, eye cream, hand cream, body cream, face cream, non-medicated astringent for the face, face cleanser, bath oil, bath beads, body powder, face powder, talcum powder, non-medicated blemish stick, shaving cream, personal deodorant, potpourri, sachets, scented beads, body suntan lotion, face suntan lotion, body sunless tanning lotion, face sunless tanning lotion, body pre-suntanning lotion, face pre-suntanning lotion, body after suntanning lotion and face after suntanning lotion

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76012690

Filing Date March 29, 2000

Current Filing Basis 1B

Original Filing Basis 1B

Published for Opposition October 9, 2001

Owner (APPLICANT) Intimate Beauty Corporation DBA Victoria's Secret Beauty CORPORATION DELAWARE 888 Seventh Avenue New York NEW YORK 10106

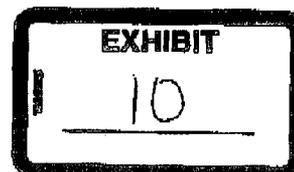
Attorney of Record Frank J. Colucci

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Type of Mark TRADEMARK

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### Typed Drawing

Word Mark HOT PINK

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: Perfume and cologne

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76033647

Filing Date April 19, 2000

Current Filing Basis 1B

Original Filing Basis 1B

Published for Opposition March 12, 2002

Owner (APPLICANT) Intimate Beauty Corporation DBA Victoria's Secret Beauty CORPORATION DELAWARE 888 Seventh Avenue New York NEW YORK 10106

Attorney of Record Frank J. Colucci

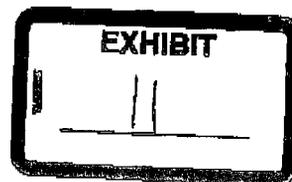
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### Typed Drawing

**Word Mark** SHOCKING PINK

**Goods and Services** IC 003, US 001 004 006 050 051 052. G & S: PERFUME AND COLOGNE SOLD IN APPLICANT'S SPECIALTY RETAIL STORES, CATALOGS AND WEBSITES

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 76003578

**Filing Date** March 20, 2000

**Current Filing Basis** 1B

**Original Filing Basis** 1B

**Published for Opposition** August 27, 2002

**Owner** (APPLICANT) Intimate Beauty Corporation DBA Victoria's Secret Beauty CORPORATION DELAWARE 888 Seventh Avenue New York NEW YORK 10108

**Attorney of Record** Frank J. Colucci

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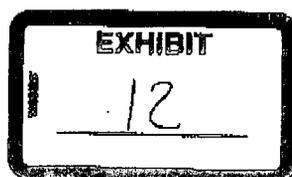
**Type of Mark** TRADEMARK

**Register** PRINCIPAL

**Live/Dead Indicator** LIVE

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### Typed Drawing

Word Mark VICTORIA'S SECRET PINK  
Goods and Services IC 021. US 002 013 023 029 030 033 040 050. G & S: personal care products, namely, body brushes, bottles sold empty, facial brushes, eyebrow brushes, hair brushes, hair combs, makeup application brushes, makeup application sponges and skin cleansing sponges

IC 003. US 001 004 008 050 051 052. G & S: personal care products, namely, aftershave, antiperspirant, artificial nails, astringent for the face, astringent for the skin, bath oil, bath beads, blush, body glitter, bubble bath, cleanser for the face, cologne, cotton swabs, cream for the body, cream for cuticles, cream for the eyes, cream for the face, cream for the hands, deodorant, exfoliators for skin, eye makeup pencils, eye shadow, face mist, foundation, fragrant body splash, hair conditioner, hair dyes, hair glitter, hair rinses, hair shampoo, hair spray, hair styling gel, hair styling mousse, lotion for the body, lotion for the hands, lotion for the face, lip balm, lip gloss, lip makeup pencils, lipstick, makeup for the body, makeup for the face, makeup remover, mascara, nail corrector pens, nail polish, nail polish remover, nail stencils, non-medicated blemish stick, oil blotting sheets for the skin, perfume, powder for the body, powder for the face, pumices, shaving cream, shower gel, soap for body, soap for face, soap for hands, sun block for the skin, suntan lotion for the body, suntan lotion for the face, sunless tanning lotion for the body, sunless tanning lotion for the face, pre-suntanning lotion for the body, post-suntanning lotion for the face, post-suntanning lotion for the face and talcum powder

IC 008. US 023 028 044. G & S: personal care products, namely, eyelash curlers, foot buffers, nail buffers, nail clippers, nail files, nail orange sticks, nail scissors, toe separators and tweezers

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76046788

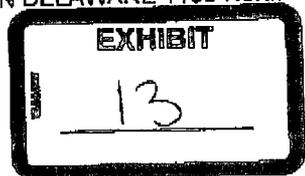
Filing Date May 11, 2000

Current Filing Basis 1B

Original Filing Basis 1B

Published for Opposition November 27, 2001

Owner (APPLICANT) V Secret Catalogue, Inc. CORPORATION DELAWARE 1105 North Market Street Wilmington DELAWARE 19801



**Attorney of Record** Frank J. Colucci  
**Prior Registrations** 1224782;1908042;2165974  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PINK" APART FROM THE MARK AS SHOWN  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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### Typed Drawing

Word Mark PULSE PINK

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: personal care products, namely, nail polish, nail polish remover, nail stencils, hard artificial nails, nail corrector pens, pumices, cotton swabs, oil blotting sheets, shower gel, bubble bath, fragrant body splash, hand lotion, cuticle cream, body lotion, non-medicated skin exfoliators, face lotion, hand soap, body soap, face soap, hair shampoo, hair conditioner, hair styling gel, hair spray, hair dyes, hair rinses, hair glitter, perfume, cologne, body glitter, mascara, blush, eye shadow, eye makeup pencils, lip stick, lip gloss, lip balm, lip make-up pencils, foundation, make-up remover, eye cream, hand cream, body cream, face cream, cosmetic stringent for the face, face cleanser, face mist, bath oil, bath beads, body powder, face powder, talcum powder, non-medicated blemish stick, shaving cream, personal deodorant, scented beads, body suntan lotion, face suntan lotion, body sunless tanning lotion, face sunless tanning lotion, body pre-suntanning lotion, face pre-suntanning lotion, body after suntanning lotion and face after suntanning lotion

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76197903

Filing Date January 22, 2001

Current Filing Basis 1B

Original Filing Basis 1B

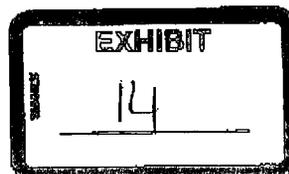
Published for Opposition March 9, 2004

Owner (APPLICANT) Intimate Beauty Corporation DBA Victoria's Secret Beauty CORPORATION DELAWARE 888 Seventh Avenue New York NEW YORK 10106

Attorney of Record Frank J. Colucci

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Type of Mark TRADEMARK



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**Word Mark** VICTORIA'S SECRET PINK  
**Goods and Services** IC 003. US 001 004 006 050 051 052. G & S: personal care products, namely, aftershave, antiperspirant, artificial nails, astringent for the face, astringent for the skin, bath oil, bath beads, blush, body glitter, bubble bath, cleanser for the face, cologne, cotton swabs, cream for the body, cream for cuticles, cream for the eyes, cream for the face, cream for the hands, deodorant, exfoliators for skin, eye makeup pencils, eye shadow, face mist, foundation, fragrant body splash, hair conditioner, hair dyes, hair glitter, hair rinses, hair shampoo, hair spray, hair styling gel, hair styling mousse, lotion for the body, lotion for the hands, lotion for the face, lip balm, lip gloss, lip makeup pencils, lipstick, makeup for the body, makeup for the face, makeup remover, mascara, nail corrector pens, nail polish, nail polish remover, nail stencils, non-medicated blemish stick, oil blotting sheets for the skin, perfume, powder for the body, powder for the face, pumices, shaving cream, shower gel, soap for body, soap for face, soap for hands, sun block for the skin, suntan lotion for the body, suntan lotion for the face, sunless tanning lotion for the body, sunless tanning lotion for the face, pre-suntanning lotion for the body, pre-suntanning lotion for the face, post-suntanning lotion for the face, post-suntanning lotion for the body, post-suntanning lotion for the face and talcum powder

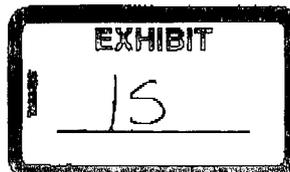
IC 006. US 002 012 013 014 023 025 050. G & S: metal key chains

IC 025. US 022 039. G & S: clothing, namely, bras, slips, panties, camisoles, pajamas, nightgowns, shorts, sleep shirts, robes, t-shirts, pants and skirts

IC 035. US 100 101 102. G & S: retail store services, mail order catalog services and on-line retail services featuring personal care products, metal key chains and clothing

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 030108 030126 260102 260115



**Serial Number** 76596084  
**Filing Date** June 8, 2004  
**Current Filing Basis** 1B  
**Original Filing Basis** 1B  
**Published for Opposition** July 12, 2005  
**Owner** (APPLICANT) V Secret Catalogue, Inc. CORPORATION DELAWARE 1105 North Market Street Wilmington DELAWARE 19801  
**Attorney of Record** Frank J. Colucci  
**Prior Registrations** 1146199;1908042;1924706;1935346;2099903;2118112;2165974;2168500;2168510;2196470;2300658;2330205;2407056;2416251;2455260;2541042;2628046;AND OTHERS  
**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "Pink" APART FROM THE MARK AS SHOWN  
**Description of Mark** The color(s) pink and white is/are claimed as a feature of the mark. The mark consists of a pink and white polka dot dog and a white bow design.  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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