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PATENTS · TRADEMARKS · COPYRIGHTS · INTELLECTUAL PROPERTY

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TTAB

March 29, 2006

United States Patent and Trademark Office
P.O. Box 1451
Alexandria, Virginia 22313-1451

Re: *The Versailles Foundation, Inc., v. AFB Productions, Inc.*

Dear Sir/Madam:

Submitted herewith for filing is an original Notice of Opposition. This Notice of Opposition was filed electronically, and we are sending this to you by mail only because Exhibits B and C are original certified copies of Opposer's trademark registrations.

Also enclosed are:

1. Return receipt postcard.
2. Certificate of Mailing.

Very truly yours,

GOTTLIEB, RACKMAN & REISMAN, P.C.


Richard Schurin



04-03-2006

CERTIFICATE OF MAILING

I hereby certify that this NOTICE OF OPPOSITION is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the following addresses: United States Patent and Trademark Office, Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, Virginia 22313-1451, on this 29th day of March, 2006.

Date of Deposit March 29, 2006

Lewis Brown
(Name of applicant, assign or Registered Representative)

Lewis Brown
(Signature)

3/29/2006
(Date of Signature)

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

-----X
THE VERSAILLES FOUNDATION, INC., :
 : Opposition No. _____
 :
 : Opposer, :
 :
 : v. :
 :
 : AFB PRODUCTIONS, INC., :
 :
 : Applicant. :
-----X

NOTICE OF OPPOSITION

In the matter of Application Serial Nos. 76-549,120, 76-548,979, 76-549,118 and 76-549,117, originally filed in the name of AILEEN BORDMAN, an individual, and subsequently assigned to Applicant AFB PRODUCTIONS, INC., and published in the Trademark Official Gazette on November 29, 2005;

THE VERSAILLES FOUNDATION, INC., a not-for-profit corporation, organized and existing under the laws of the State of New York, having an office and place of business at 420 Lexington Avenue, New York, New York 10170, believes that it will be damaged by registration of the marks shown in the aforesaid Application Serial Nos. 76-549,120 (hereinafter "'120'"), 76-549,979 (hereinafter "'979'"), 76-549,118 (hereinafter "'118'") and 76-549,117 (hereinafter "'117'"), and hereby opposes the same pursuant to §13 of the Act of July 4, 1946, 15 U.S.C. 1063, on the following grounds:

1. The Versailles Foundation, Inc. (hereinafter "Opposer" or "the Foundation") is a not-for-profit corporation organized under the laws of the State of New York and is qualified as a publicly supported charitable organization under Section 501(c)(3) of the Internal Revenue Code. The Foundation is active in promoting French/American friendship and cultural exchange, primarily through providing support

for the preservation and maintenance of important French historical monuments and institutions. Among its principal interests is to provide funding for projects of, and general support to, the Claude Monet Museum located at Giverny, France.

2. As an important part of its efforts in support of the Claude Monet Museum, the Foundation has created and is the owner of various Claude Monet-related trademarks and associated logos, as set forth more particularly below. Such trademarks and logos were created by the Foundation with the approval, encouragement and input of both the Claude Monet Museum and the Institut de France, which is the French governmental agency which oversees the Claude Monet Museum. The Foundation has licensed such trademarks and logos to a variety of licensees, and the royalty income resulting therefrom has significantly benefitted the Foundation, which in turn benefits the Claude Monet Museum. Such trademarks and logos have become known and associated with the Foundation, and its trademark-bearing products have become increasingly well known in the marketplace. Such licensees have utilized the Foundation's trademarks and logos in a manner to bring favorable notice and an enhanced public image to both the Foundation and the Claude Monet Museum.

3. Under the auspices of the Claude Monet Museum, including its Director, Opposer has created its principal identifying trademark CLAUDE MONET MUSEUM/GIVERNY and an accompanying Water Lily logo (Exhibit A hereto), which is an important part of the Foundation's image in connection with its publicity efforts with respect to the artist Claude Monet and the Claude Monet Museum in Giverny, France. This mark, which is the subject of the registrations set forth below, is the principal symbol of the Foundation in its activities based on the work and themes of the artist Claude Monet, and has become extremely well known in various product fields due to

the work of the Foundation itself and of its various licensees in different product categories.

4. Similarly, Opposer has developed additional trademarks ancillary to its principal mark, also revolving around Claude Monet and the Claude Monet Museum at Giverny, to assist in a supporting manner to project the images of Claude Monet and the Museum and to enhance the Foundation's ability to offer and promote licensed properties in the commercial marketplace. These additional marks include, inter alia, MONET'S LILIES with respect to a wide variety of bedding products and MONET'S GARDEN with respect to artificial flowers. (These marks, together with the mark CLAUDE MONET MUSEUM/GIVERNY and Water Lily Logo, are sometimes collectively referred to herein as "Opposer's Trademarks".)

5. Opposer has been successful in licensing its Trademarks to various entities in the U.S. commercial market and has thereby generated substantial revenues from the sale of defined "licensed products" bearing said Trademarks, under various license agreements. Among the licensed product areas in which Opposer has been active and successful under these marks are wrapping paper and stationery, greeting cards, wall coverings, bedding, bath and table linens, textiles by the yard, furniture, flatware, dinnerware and artificial flowers and the containers in which they are presented. As part of each Licensee's responsibility under the respective License Agreements with Opposer, proper trademark use is mandated and supervised, and advertising and publicity activities are required and have in fact been implemented by such Licensees, in a manner to favorably publicize, make known and significantly promote Opposer's Trademarks, most notably CLAUDE MONET MUSEUM/GIVERNY and Logo and MONET'S GARDEN. As a result of such publicity, those marks, as well as others, have become known and identified with Opposer as representing activities

and products associated with the Claude Monet Museum and the artist Claude Monet, through the Foundation.

6. In order to perfect its rights in the mark CLAUDE MONET MUSEUM/GIVERNY and Water Lily Logo, Opposer filed for and obtained U.S. Trademark Registration No. 2,259,484, which issued on July 6, 1999 for the aforesaid mark for Goods described as "Vases, Compote Dishes, Potpourri Boxes, Pitchers, All Made of Porcelain (Class 21) and "Permanent Flowers" (Class 26), based on a first use date of November, 1997. Said Registration is valid and subsisting and two (2) certified status copies of that Registration are annexed hereto as Exhibit B and introduced into evidence in accordance with the provisions of Trademark Rule 2.122(d)(1).

7. Also as part of its obtaining rights to the trademark CLAUDE MONET MUSEUM/GIVERNY and Water Lily logo, Opposer filed for and obtained U.S. Trademark Registration No. 2,489,271, which issued on September 11, 2001 for the aforesaid mark for goods described as "Furniture" (Class 20), based on a first use date of October 2000. Said Registration is valid and subsisting and two (2) certified status copies of that Registration are annexed hereto as Exhibit C and introduced into evidence in accordance with the provisions of Trademark Rule 2.122(d)(1).

8. To further perfect its rights, including those related to its additional and supportive ancillary activities for Claude Monet matters, Opposer filed Application Serial No. 76-635,973 on April 13, 2005 to register the trademark MONET'S GARDEN for Opposer's goods defined as "Artificial Flowers," based on a first use date of April 22, 2003. This application is based on actual use of this mark by one of Opposer's Licensees, such use on the goods in Class 26 having commenced on April 22, 2003 and having been continuous up to the present. Said application is presently pending.

9. In addition to the foregoing activities, the Foundation, through its association with the Claude Monet Museum and the Institut de France, has assisted in and benefitted from relevant publicity and information disseminated with respect to the name "Claude Monet", including information regarding the artist Claude Monet himself, the recently renovated gardens at Giverny, France (to which the Foundation's financial contributions were significant), the Claude Monet Museum located at Giverny and many topics and activities associated with all of the foregoing. Due to the Foundation's active involvement in the renovation, refurbishing and management of the gardens at Giverny and the former house of the artist Claude Monet at that location, considerable favorable publicity has redounded to the Foundation's credit and has been a part of the associated fame and reputation associated with the Foundation's use and licensing of the trademarks CLAUDE MONET MUSEUM/GIVERNY and Logo and MONET'S GARDEN.

10. Based on the activities set forth in the preceding paragraphs, the name and image of Claude Monet have become associated with the Foundation in connection with the products sold under Opposer's Trademarks. This association has been enhanced by the publicity activities conducted by the Foundation and its licensees, and through the activities of Opposer's licensing representatives, who are constantly active in making known to the public the Foundation's interest in Claude Monet, the Claude Monet Museum, the Gardens at Giverny and related matters. This favorable publicity has also emanated from the products themselves, including bedding and linens, stationery, furniture and artificial flowers, sold by Opposer's Licensees, and extends to those areas of goods and services reasonably related to the foregoing products, in part under the established trademark doctrine of "expansion of use". Thus, the Foundation's opportunities to exploit its Trademarks occupy a sphere of influence greater than that represented by the goods and services on or in connection with which Opposer's

Trademarks have actually been used. In that regard, any use of a Monet-related trademark that enters into the areas of goods and services in which Opposer has been active or could reasonably be active, under the expansion of use doctrine (e.g., home furnishings, domestics, housewares, kitchenware, food and many others), will potentially interfere with Opposer's valuable trademark rights and its ability to utilize and license such marks in an appropriate and unfettered manner.

11. Upon information and belief, recently and long after the adoption and use of the CLAUDE MONET MUSEUM/GIVERNY and Logo, MONET'S LILIES and MONET'S GARDEN trademarks by Opposer, Applicant AFB Productions, Inc. (hereinafter "AFB" and/or "Applicant") developed an intent to use the term MONET'S PALATE, with a Claude Monet Logo, in connection with a wide variety of goods and services, including videocassettes, paints, jewelry, flowers, foods and beverages, wine, dinnerware, bedding and assorted foods and spices. Such intent had no valid or proper basis in law or fact, was not authorized by Opposer or by any legitimate entity at the Claude Monet Museum or the Institut de France, and was undertaken by Applicant strictly on its own without any proper endorsement or permission.

12. On September 5 and 11, 2003, Ms. Aileen Bordman filed in the United States Patent and Trademark Office a first group of four (4) intent-to-use trademark applications for the mark MONET'S PALATE and Logo. These applications are in four (4) separate trademark classes, i.e., Classes 2, 9, 14 and 31, and allege no dates of use. This group of applications was published for opposition on July 5, 2005, and Opposer has opposed these Applications in an Opposition proceeding, Opposition No. 91/167584, which is currently pending.

13. On March 24 and 26, 2004, Ms. Bordman filed a second group of four (4) intent-to-use trademark applications in the United States Patent and Trademark Office, with the Serial Nos. set forth in the table below, all again for the mark MONET'S PALATE and Logo, for the respective goods categories indicated in the table. These applications are in four (4) separate Trademark Classes, and alleged no dates of use. These applications, which are the applications at issue herein, are as follows:

<i>Serial Number</i>	<i>Filing Date</i>	<i>Class and Goods</i>
76-549,117	March 26, 2004	Class 21 (dinnerware)
76-549,118	March 26, 2004	Class 24 (bed sheets)
76-549,979	March 24, 2004	Class 29 (soup mixes)
76-548,120	March 26, 2004	Class 33 (wine)

14. Upon information and belief, neither Ms. Bordman nor AFB made use of the MONET'S PALATE mark in connection with any goods prior to Ms. Bordman's March, 2004 filing dates for the goods in Class 21, 24, 29 or 33, and neither Ms. Bordman nor AFB has commenced use in commerce of such marks with respect to most or all of the aforesaid goods. In particular, since no Amendment to Allege Use of the mark in connection with any of the aforesaid published applications has been filed, this confirms their status as Section 1(b) intent-to-use applications.

15. Upon information and belief, in or about September, 2005, Aileen Bordman, the original Applicant of all of the intent-to-use trademark applications, filed an Assignment, purporting to assign all of her interests in said applications to AFB.

16. Upon information and belief, at the time the subject applications were filed, Ms. Bordman did not have a bona fide intent to use the applied-for marks.

17. Upon information and belief, AFB is not the actual and operational successor of the business of the original applicant, Aileen Bordman. Accordingly, the purported Assignment of the four (4) marks and applications being opposed herein to AFB, did not comply with Section 10 of the Trademark Act, 15 U.S.C. § 1060, and is therefore void and of no legal effect. Such invalidity renders the four (4) applications opposed herein void and of no legal effect or standing.

18. Upon information and belief, the goods and services of Opposer, publicized, marketed, and sold under its CLAUDE MONET MUSEUM/GIVERNY and Logo and MONET'S GARDEN marks, as well as Opposer's reasonable expansion of use of Opposer's Trademarks in connection with a variety of other home furnishings, domestics, housewares, kitchenware, decorative and any related products, and the goods and services of Applicant as set forth in Applicant's four (4) applications identified and opposed herein, intended to be offered and promoted under her MONET'S PALATE mark, are of the same general class and description, are offered to the same class of purchasers through the same channels of distribution and trade, and are or will be advertised and promoted through the same media.

19. The mark MONET'S PALATE of Applicant, as used or as intended to be used to identify the goods and services of Applicant, and more particularly the goods set forth in Classes 21, 24, 29 and 33 in Application Serial Nos. '117, '118, '979 and '120 respectively, so resembles the previously used and registered CLAUDE MONET MUSEUM/GIVERNY and Logo mark of Opposer, as well as the previously used MONET'S GARDEN mark of Opposer, as used in connection with Opposer's previously recited, registered and applied for goods, as to be likely to cause confusion, to cause mistake or to deceive. Such resemblance is due, in part, to the similarities in meaning,

appearance, sound, suggestive connotation and general association between Opposer's and Applicant's marks.

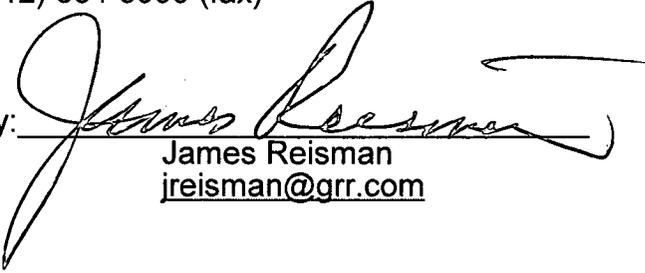
20. Use by Applicant of its MONET'S PALATE mark in connection with the goods of Applicant, as set forth in its four (4) applications opposed herewith, is likely to cause the public, familiar with Opposer's goods and services, long identified and to be identified hereinafter by its CLAUDE MONET MUSEUM/GIVERNY and Logo and MONET'S GARDEN marks, to falsely assume that the goods of Applicant are endorsed by, sponsored by or in some way associated or connected with Opposer or its Licensees, or any of their associated and affiliated companies.

21. Opposer will be damaged by the registration of the marks shown in the '117, '118, '979 and '120 applications, since by virtue of such registrations, Applicant will be in a position to dilute Opposer's prior rights in its CLAUDE MONET MUSEUM/GIVERNY and Logo and MONET'S GARDEN marks, to interfere with Opposer's continued use and enjoyment of Opposer's Trademarks, to raise doubts as to the rights of Opposer to use its marks on its existing and contemplated goods and services and to interfere with Opposer's ability to approach and effectuate license agreements with a wide variety of companies who will no longer associate Opposer's Trademarks with Opposer in a manner to furnish an economic, cultural and reputational incentive for those companies to enter into license agreements with Opposer with regard to its Trademarks.

22. On the aforesaid basis, registration of the marks shown in the four (4) applications identified as '117, '118, '979 and '120 hereinabove on the Principal Register of the United States Patent and Trademark Office will do harm and injury to Opposer.

WHEREFORE, Opposer prays that Application Serial Nos. 76-548,980, 76-549,115, 76-549,116 and 76-549,119, filed by Applicant on March 24 and 26, 2004 be rejected and that this Opposition be sustained.

GOTTLIEB, RACKMAN & REISMAN, P.C.
Attorneys for Opposer
270 Madison Avenue
New York, NY 10016
(212) 684-3900 (tel)
(212) 684-3999 (fax)

By: 
James Reisman
jreisman@grr.com

Dated: New York, New York
March 29, 2006

S:\rschurin\Monet\Not.Opp2.wpd

CERTIFICATE OF TRANSMITTAL

I hereby certify that this NOTICE OF OPPOSITION is being electronically transmitted to the Trademark trial and Appeal Board through the Electronic System for Trademark trials and Appeals (ESTTA) this 29th day of March, 2006.



RICHARD E. SCHURIN



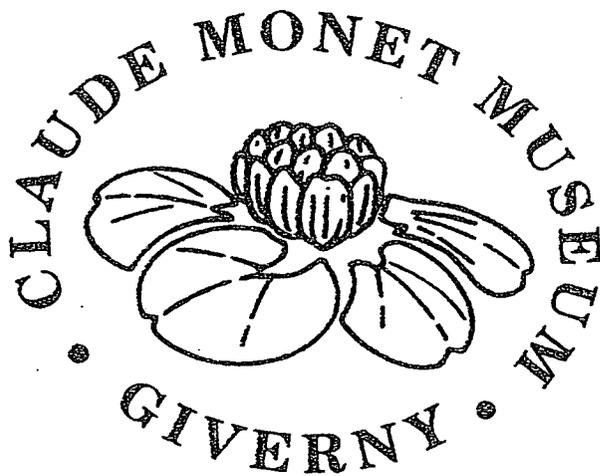
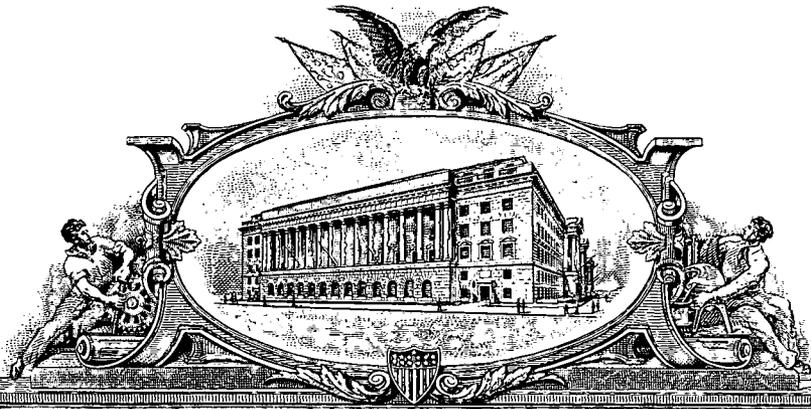


Exhibit A



1408449



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

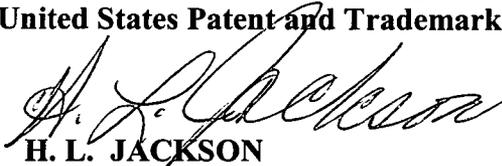
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

December 23, 2005

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,489,271 IS
CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY
THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH
REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM *September 11, 2001*
SAID RECORDS SHOW TITLE TO BE IN: *Registrant*

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


H. L. JACKSON
Certifying Officer



Int. Cl.: 20

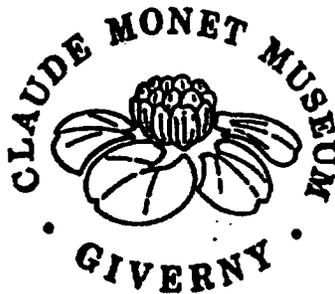
Prior U.S. Cls.: 2, 13, 22, 25, 32, and 50

United States Patent and Trademark Office

Reg. No. 2,489,271

Registered Sep. 11, 2001

**TRADEMARK
PRINCIPAL REGISTER**



VERSAILLES FOUNDATION, INC., THE (NEW
YORK CORPORATION)
C/O FORSYTHE, PATTON, ELLIS, LIPSETT & SA-
VAGE
GRAYBAR BUILDING 420 LEXINGTON AVE-
NUE 420 LEXINGTON AVENUE
NEW YORK, NY 10170

FIRST USE 10-0-2000; IN COMMERCE 10-0-2000.

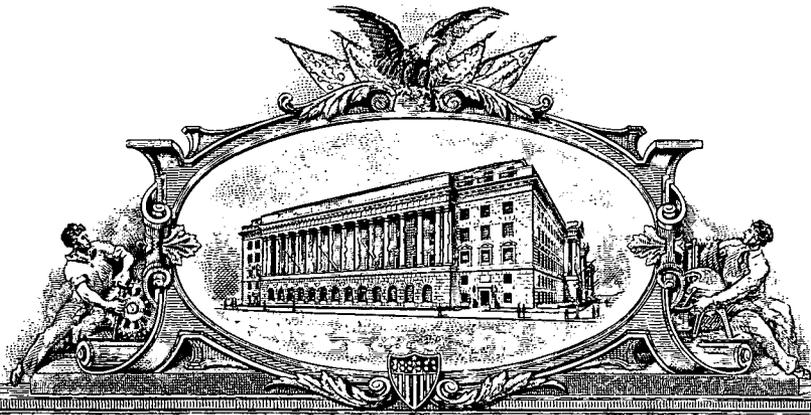
OWNER OF U.S. REG. NOS. 1,743,226, 1,842,373,
AND OTHERS.

SN 75-915,654, FILED 2-10-2000.

FOR: FURNITURE, IN CLASS 20 (U.S. CLS. 2, 13,
22, 25, 32 AND 50).

WILLIAM P. SHANAHAN, EXAMINING ATTOR-
NEY

1408449



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

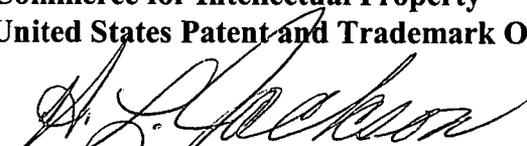
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H. L. JACKSON
Certifying Officer



Int. Cl.: 20

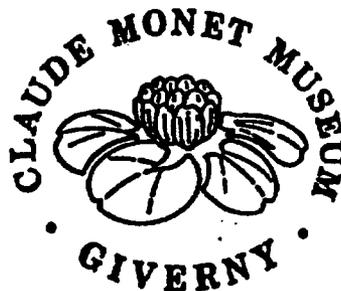
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Reg. No. 2,489,271

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VERSAILLES FOUNDATION, INC., THE (NEW
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C/O FORSYTHE, PATTON, ELLIS, LIPSETT & SA-
VAGE
GRAYBAR BUILDING 420 LEXINGTON AVE.
420 LEXINGTON AVENUE
NEW YORK, NY 10170

FIRST USE 10-0-2000; IN COMMERCE 10-0-2000.

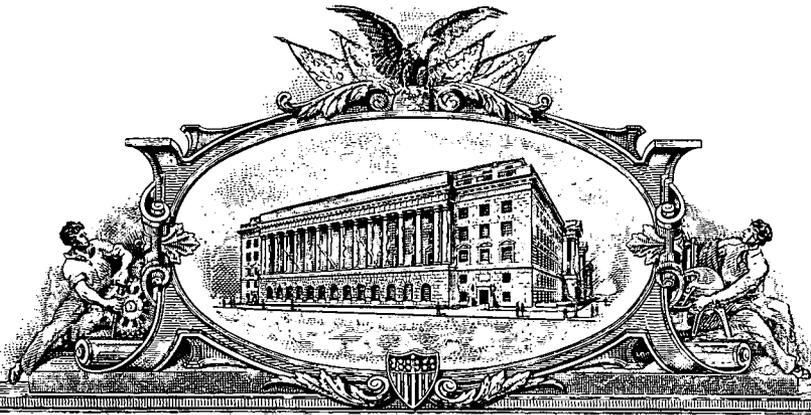
OWNER OF U.S. REG. NOS. 1,743,226, 1,842,373,
AND OTHERS.

SN 75-915,654, FILED 2-10-2000.

FOR: FURNITURE, IN CLASS 20 (U.S. CLS. 2, 13,
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WILLIAM P. SHANAHAN, EXAMINING ATTOR-
NEY

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United States Patent and Trademark Office

December 23, 2005

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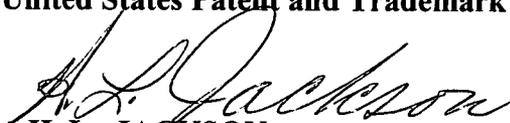
REGISTERED FOR A TERM OF 10 YEARS FROM *July 06, 1999*

SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

Registrant

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office


H. L. JACKSON
Certifying Officer



Int. Cls.: 21 and 26

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 37, 39, 40, 42
and 50

Reg. No. 2,259,484

United States Patent and Trademark Office

Registered July 6, 1999

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PRINCIPAL REGISTER**



VERSAILLES FOUNDATION, INC., THE (NEW
YORK CORPORATION)
C/O FORSYTHE, HOLBROOK, PATTON,
BOVONE SEWARD & ELLIS
GRAYBAR BUILDING 420 LEXINGTON
AVENUE
NEW YORK, NY 10170

FOR: VASES, COMPOTE DISHES, POTPOUR-
RI BOXES, PITCHERS, ALL MADE OF PORCE-
LAIN, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33,
40 AND 50).

FIRST USE 11-0-1997; IN COMMERCE
11-0-1997.

FOR: PERMANENT ARRANGEMENTS OF
ARTIFICIAL AND/OR PRESERVED FLOW-

ERS; PERMANENT ARRANGEMENTS OF AR-
TIFICIAL GREENERY; ARTIFICIAL TREES
AND SHRUBS; WREATHS AND SPRAYS OF
ARTIFICIAL AND/OR PRESERVED FLOW-
ERS, IN CLASS 26 (U.S. CLS. 37, 39, 40, 42 AND
50).

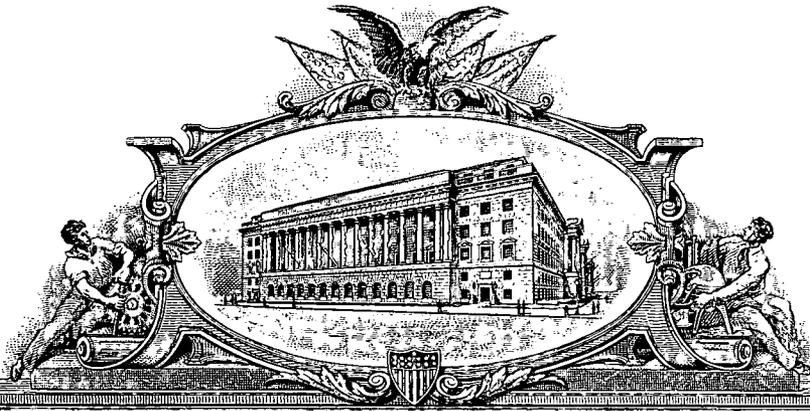
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1,819,587, AND 1,842,373.

SER. NO. 75-493,539, FILED 5-29-1998.

JACQUELINE A. LAVINE, EXAMINING AT-
TORNEY

1408448



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H. L. Jackson
H. L. JACKSON
Certifying Officer

Int. Cls.: 21 and 26

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 37, 39, 40, 42
and 50

Reg. No. 2,259,484

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Registered July 6, 1999

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C/O FORSYTHE, HOLBROOK, PATTON, BOVONE SEWARD & ELLIS
GRAYBAR BUILDING 420 LEXINGTON AVENUE
NEW YORK, NY 10170

FOR: VASES, COMPOTE DISHES, POTPOURRI BOXES, PITCHERS, ALL MADE OF PORCELAIN, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 11-0-1997; IN COMMERCE 11-0-1997.

FOR: PERMANENT ARRANGEMENTS OF ARTIFICIAL AND/OR PRESERVED FLOW-

ERS; PERMANENT ARRANGEMENTS OF ARTIFICIAL GREENERY; ARTIFICIAL TREES AND SHRUBS; WREATHS AND SPRAYS OF ARTIFICIAL AND/OR PRESERVED FLOWERS, IN CLASS 26 (U.S. CLS. 37, 39, 40, 42 AND 50).

FIRST USE 11-0-1997; IN COMMERCE 11-0-1997.

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SER. NO. 75-493,539, FILED 5-29-1998.

JACQUELINE A. LAVINE, EXAMINING ATTORNEY