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

Proceeding	91193275
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Attachments	Brief (public)_Redacted.pdf(218095 bytes) Kayser Declaration.pdf(38285 bytes) Ex. 1 - Reg. No. 3,951,879 (2).PDF(667072 bytes) Ex. 2 - Reg. No. 3135750 (2).PDF(124015 bytes) Ex. 3 - Reg. No. 2626917 (2).PDF(133891 bytes) Ex. 4 - App. No. 79064732 (2).PDF(86522 bytes) Ex. 5 - Int Excerpt (2).PDF(253568 bytes) Ex. 6 - RFP Excerpt (2).PDF(210930 bytes) Ex. 7 - RFA Excerpt (2).PDF(1812848 bytes) Willson Declaration (redacted).PDF(229966 bytes) Ex. A - Website Excerpts.PDF(4244909 bytes) Ex. B - In-Store Photographs.PDF(1065958 bytes) Ex. C - Promotional E-mails.PDF(948497 bytes) Ex. D - Hang Tag Exhibit.PDF(4487620 bytes) Ex. E - Catalog Excerpts.PDF(2233191 bytes) Ex. F - Unsolicited Third Party Recognition.PDF(1691109 bytes) Ex. G - Public.PDF(51494 bytes) Ex. H - Public.PDF(51478 bytes) Ex. I - Public.PDF(51520 bytes) Ex. J - Public.PDF(51525 bytes) Ex. K - Public.PDF(51522 bytes) Ex. L - Pac Sun.PDF(395662 bytes) Ex. M - So Sweet.PDF(1211912 bytes)

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

ABERCROMBIE & FITCH TRADING CO.,	)	Opposition No. 91193275
)	
Opposer,)	
)	
v.)	
)	
ARTEMIDES HOLDINGS PTY. LTD.,)	
)	
Applicant.)	

Opposer’s Opposition to Applicant’s Motion for Summary Judgment

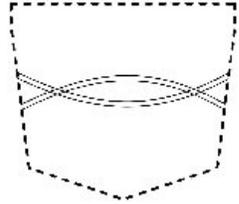
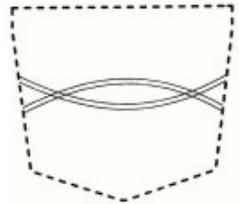
Opposer Abercrombie & Fitch Trading Co. (“A&F”) hereby submits its opposition to Applicant Artemides Holdings Pty. Ltd’s (“Applicant”) Motion for Summary Judgment (“Motion”). Applicant’s motion should be denied because when the relevant, undisputed facts are considered under the correct legal standards, it is clear that the factors weigh in favor of a likelihood of confusion between A&F’s registered mark and Applicant’s proposed mark. The undisputed facts show that the parties’ marks are highly similar, used on identical goods in the same or overlapping trade channels, and are sold to the same class of customers who use an ordinary level of care in purchasing decisions. Moreover, A&F’s registered mark is strong and famous and entitled to a wide scope of protection, as demonstrated by the over [REDACTED] of sales under the mark, the highlighting of its mark in in-store, website and other promotional avenues, unsolicited third party recognition, and enforcement efforts that have resulted in third parties acknowledging A&F’s rights in its mark and abandoning use of unauthorized similar marks. The record in this case shows a likelihood of confusion between Applicant’s Artemides

Mark¹ and the A&F Mark,² and Applicant’s Motion should be denied.

I. A&F’s Statement of Undisputed Facts

Applicant failed to bring to the Board’s attention undisputed material facts that weigh in favor of A&F. The following undisputed facts³ establish that confusion is likely between the A&F Mark and Artemides Mark as discussed *infra*:

1. A&F is the owner of the following U.S. trademark registrations for the A&F Mark which are valid, subsisting and have never been abandoned:

<u>Mark</u>	<u>Reg. No.</u>	<u>Reg. Date</u>	<u>Filing Date</u>	<u>First Use</u>	<u>Goods</u>
	3,951,879	04/26/11	12/17/09	02/01/01	25: Denim bottoms, namely jeans, skirts, shorts, pants; denim jackets; pants
	3,135,750	08/29/06	09/20/05	02/01/01	25: Jeans; skirts; shorts; pants
	2,626,917	09/24/02	05/17/01	02/2001	25: Clothing, namely, denim jeans sold in specialty retail clothing stores, and Internet website

(Kayser Decl. Exs. 1-3).⁴

¹ The term “Artemides Mark,” shall mean the mark that is the subject of U.S. Trademark Application No. 79/064,732.

² As used herein, the term “A&F Mark,” shall mean the mark that is the subject of U.S. Registration No. 3,135,750, U.S. Registration No. 2,626,917, and U.S. Registration No. 3,951,879.

³ A&F cites to these undisputed facts in the argument section of its brief as “SUMF.”

⁴ All citations to numbered exhibits are attached to the Declaration of Susan M. Kayser, and all

2. A&F's Registration No. 3,135,750 is incontestable. (Ex. 2.)

3. Applicant filed U.S. Application No. 79/064,732 on December 8, 2008 for the Artemides Mark (Ex. 4) (depicted below) covering "clothing, namely, dresses, skirts, jackets, vests, coats, blazers, jumpers, sweaters, caftans, ponchos, shirts, blouses, knit shirts, T-shirts, sweatshirts, tops, polo shirts, trousers, pants, overalls, jeans, and denim trousers, shorts, camisoles, lingerie, sleepwear, women's underwear, swimwear, gloves, ties, scarves, headscarves, shawls, leather belts, fabric belt, socks, hosiery" in International Class 25 and claims a filing basis under Section 66(a):



4. A&F has been using the A&F Mark in commerce since at least as early as February 2001. (Wilson Decl. ¶¶ 3, 13, Ex. E; Exs. 1-3.)

5. A&F currently sells goods bearing the A&F Mark, through its retail stores and Internet websites at www.bercrombie.com and www.bercrombiekids.com. (Wilson Decl. ¶¶ 4, 9, Ex. A.)

6. Applicant describes the Artemides Mark in Application No. 79/064,732 as "[t]he mark consists of two semi-circles that intersect to form an oval in the center." (Ex. 4.)

7. A&F describes the A&F Mark in Reg. No. 3,951,879 as "[t]he mark consists of two curved double lines, intersecting twice, forming an eye shape in the center." (Ex. 1.)

(continued...)

citations to lettered exhibits are attached to the declaration of Reid M. Wilson, both of which are being filed concurrently herewith.

8. A&F describes the A&F Mark in Reg. No. 2,626,917 as “[t]he mark consists of a pair of double-lined stitches, extending continuously across the rear pocket of the goods. The stitches are curved, intersecting twice, forming an oval shape in the center of the pocket. The dotted lines are used to indicate the positioning of the mark on the goods and are not a feature of the mark.” (Ex. 3.)

9. A&F describes the A&F Mark in Reg. No. 3,135,750 as “[t]he mark consists of a pair of double-lined stitches, extending continuously across the pocket of the goods. The stitches are curved, intersecting twice, forming an eye shape in the center of the pocket. The broken lines outlining the pockets are used to indicate the positioning of the mark on the goods and are not a feature of the mark.” (Ex. 2.)

10. Applicant admits that Applicant’s Application No. 79/064,732 for the Artemides Mark and A&F’s Reg. No. 3,135,750 for the A&F Mark both identify jeans, skirts, shorts, and pants in the goods description. (Ex. 7, Req. No. 24.)

11. A&F’s Reg. No. 2,626,917 for the A&F Mark identifies clothing, namely, denim jeans sold in specialty retail clothing stores, and Internet website in the goods description. (Ex. 3.)

12. A&F’s Reg. No. 3,951,879 for the A&F Mark identifies jeans, skirts, shorts and pants in the goods description. (Ex. 1.)

13. From 2004-2012, A&F has sold over [REDACTED] worth of products bearing the A&F Mark through retail stores in the United States. (Wilson Decl. ¶ 5.)

14. From 2002-2012, A&F has sold an additional [REDACTED] in products bearing the A&F Mark (representing sales of [REDACTED]), through its e-commerce

websites at www.abercrombie.com and www.abercrombiekids.com to customers in the United States. (Wilson Decl. ¶ 6.)

15. The total monetary amounts spent for marketing and promotion of the Abercrombie & Fitch brand in the United States since 2001, which includes products bearing the A&F Mark, exceeded [REDACTED]. (Wilson Decl. ¶ 7.)

16. A&F promotes its A&F Mark on its websites at www.abercrombie.com and www.abercrombiekids.com, on in-store photographs, hangtags, and through promotional emails. (Wilson Decl. ¶ 8.)

17. A&F's website, www.abercrombie.com, which displays and offers for sale jeans and other clothing bearing the A&F Mark, receives several million hits per month. (Wilson Decl. 9, Ex. A.)

18. Jeans and other clothing items bearing the A&F Mark are displayed and offered for sale in A&F's 410 retail stores located throughout the United States. (Wilson Decl. ¶ 10, Ex. B.)

19. A&F periodically sends promotional e-mails regarding products, including products bearing the A&F Mark, to customers who have registered for A&F's e-mail distribution list. (Wilson Decl. ¶ 11, Ex. C.)

20. A&F uses the A&F Mark on hangtags attached to its products. (Wilson Decl. ¶ 12, Ex. D.)

21. From 2001-2007, A&F released and distributed catalogs displaying and offering for sale jeans and/or other clothing bearing the A&F Mark, with a total U.S. circulation of over 16.6 million copies. (Wilson Decl. ¶ 13, Ex. E.)

22. Available at the websites victoriabeckham-jenna.blogspot.com, denimology.com, and denimblog.com are third-party photographs showing the following celebrities, Victoria Beckham, Gabrielle Anwar, Cameron Diaz, Lindsey Lohan, Ciara, and Nicollette Sheridan, were wearing jeans or shorts bearing the A&F Mark. (Wilson Decl. ¶ 14, Ex. F.)

23. A&F has enforced its rights in the A&F Mark against the following third parties for uses of marks similar to the A&F Mark, [REDACTED]
[REDACTED]
[REDACTED] resulting in these companies agreeing to cease use of similar marks and also abandoning applications for similar marks where filed. (Wilson Decl. ¶ 15, Exs. G-M.)

24. Applicant has not yet sold goods bearing the Artemides Mark in the United States and does not currently market or sell any goods bearing the Artemides Mark in the United States. (Ex. 5, Int. Nos. 18, 23; Ex. 7, Req. No. 65.)

25. Applicant has sold a total of \$375.00 of goods under the Artemides Mark between February 2011 and June 2012 through its Australian website to customers in the United States. (Ex. 5, Int. Nos. 10, 23.)

26. Applicant has spent no more than \$100,000 on advertising or promotional activities in the United States for product sold under the Artemides Mark, the majority of which relates to appearances at three trade shows between 2010 and 2012. (Ex. 5, Int. Nos. 11, 13; Ex. 6, Req. No. 5.)

27. Applicant admits that there is no restriction of trade on channels of trade in its application for the Artemides Mark. (Ex. 7, Req. No. 61; Ex. 4.)

28. There is no restriction on channels of trade in A&F's Registration Nos. 3,135,750 and 3,951,879 for the A&F Mark. (Exs. 1-2.)

29. Applicant admits that the Artemides Mark and A&F Mark are both used on the back pockets of jeans. (Ex. 7, Req. No. 36; Ex. 5, Int. No. 22.)

30. Applicant admits that the Artemides Mark is visible on jeans, denim skirts, and denim pants bearing the Artemides Mark when worn by consumers. (Ex. 7, Req. Nos. 39, 40, 41.)

31. Applicant intends to use the Artemides Mark in print, on the internet and in advertising, including outdoor advertising. (Ex. 5, Int. No. 22)

II. Argument

A. Standard of Review

Applicant is entitled to summary judgment only "if the record evidence shows no remaining material factual dispute and [Applicant's] entitlement to a legal ruling in its favor" *Dena Corp. v. Belvedere Intl., Inc.*, 950 F.2d 1555, 15557, 21 U.S.P.Q.2d 1047, 1049 (Fed. Cir. 1991). "A genuine dispute is shown to exist if sufficient evidence is presented such that a reasonable fact finder could decide the question in favor of the nonmoving party." *Opryland USA Inc. v. The Great American Music Show, Inc.*, 970 F.2d 847, 851, 23 U.S.P.Q.2d 1471, 1473 (Fed. Cir. 1992) (vacating Board's grant of summary judgment to applicant finding it "improvidently granted" based in part on an incorrect legal analysis of the similarity of the marks). "The evidence submitted by the non-movant, in opposition to a motion for summary judgment, is to be believed, and all justifiable inferences are to be drawn in its favor." *Id.*; see also TBMP § 528.01 ("the evidentiary record on summary judgment, and all inferences to be drawn from the undisputed facts, must be viewed in the light most favorable to the non-moving party").

Here, consideration of all relevant undisputed material facts and the correct standard for likelihood of confusion between the Artemides Mark and the A&F Mark, it is clear that Applicant has not met its burden to show that judgment is warranted in its favor. To the contrary, the likelihood of confusion factors weigh in favor of A&F.

B. A&F Has Standing and Prior Rights

A&F is the owner of prior registrations upon which this opposition is based, and has used the A&F Mark in commerce for goods since as early as February 2001. (SUMF Nos. 1, 4-5.) Accordingly, A&F has standing to oppose and priority over Applicant's Application No. 79/064,732, filed December 8, 2008 for the Artemides Mark which Applicant admits it has not yet used in the United States. (SUMF Nos. 3, 24.) *Brown Shoe Co. v. Robbins*, 90 USPQ2d 1752, 1754 (TTAB 2009) (priority and standing established by making pleaded registrations of record); *L.C. Licensing Inc. v. Berman*, 86 USPQ2d 1883, 1887 (TTAB 2008) (priority and standing established where pleaded registrations are of record, show that opposer is the current owner and that each is valid and subsisting, and evidence showing use further established priority).

C. Applicant's Mark Is Likely To Cause Confusion With A&F's Mark

Applicant addresses only a small sub-set of the *Dupont* likelihood of confusion factors. While it is not necessary to address all of the factors, Applicant wholly fails to address key factors that demonstrate that confusion is likely. The factors Applicant does address are analyzed under an incorrect legal framework. When the relevant likelihood of confusion factors are examined under the appropriate legal standards, the undisputed facts show that confusion is *likely* between the A&F Mark and the Artemides Mark.

1. The Marks Are Similar

Applicant's side-by side comparison in an attempt to show differences between the

parties' marks is not the test.⁵ “The test of likelihood of confusion is not whether the marks can be distinguished when subjected to a side-by-side comparison, but whether the marks are sufficiently similar that there is a likelihood of confusion as to the source of the goods or services.” TMEP § 1207.01(b); *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 U.S.P.Q.2d 1435, 1440 (Fed. Cir. 2012) (test is whether the marks are “sufficiently similar in their overall commercial impression”). Additionally, the parties' marks here are both design marks, without any word elements, and accordingly, “the similarity of the marks must be decided primarily on the basis of visual similarity” with appropriate consideration given to the fact that “the marks usually will not be viewed side-by-side in the marketplace and a purchaser's recollection of design marks is often of a general, rather than specific, nature; thus the marks may be confusingly similar despite differences between them.” TMEP § 1207.01(c); *In re Cook Medical Technologies LLC*, 105 USPQ2d 1377, 1381, 1383 (TTAB 2012) (finding that minor differences noted by applicant between the design marks at issue “not sufficient to distinguish the marks in a meaningful manner for purposes of our likelihood of confusion determination” since “[a] purchaser's (even a sophisticated one) recollection of design marks is often of a general, rather than specific, nature”).

⁵ The cases relied on by Applicant (at p. 6) are clearly distinguishable as the dissimilarity between the marks at issue in those cases is absent here. Those cases also involved word or composite marks, rather than design marks, where factors like sound and connotation can be evaluated while design marks are evaluated primarily on the basis of a visual comparison. See *Shen Mfg. Co. v. Ritz Hotel, Ltd.*, 393 F.3d 1238, 1241, 1242, 73 U.S.P.Q.2d 1350, 1354 (Fed. Cir. 2004) (PUTTING ON THE RITZ dissimilar to RITZ based on the meaning of sophistication and wealth evoked by the full phrase “putting on the ritz”); *Champagne Louis Roederer, S.A. v. Delicato Vineyards*, 148 F.3d 1373, 1375, 47 U.S.P.Q.2d 1459, 1460 (Fed. Cir. 1998) (“‘CRISTAL’ and ‘CRYSTAL CREEK’ evoked very different images in the minds of relevant consumers” and also sounded dissimilar); *Kellogg Co. v. Pack'em Enters., Inc.*, 951 F.2d 330, 332-33, 21 U.S.P.Q.2d 1142, 1144-45 (Fed. Cir. 1991) (FROOTEE ICE & Design not confusingly similar to FROOT LOOPS as applicant's mark had an elephant design and stylized script, while registrant's did not, and the marks shared no common words).

The overall commercial impression of the Artemides Mark and the A&F Mark is the same, as the Artemides Mark is merely a rotated version of the A&F Mark as is clear even from Applicant's incorrect side-by-side comparison. (See Exs. 1, 4.) The Board has previously found that such a change in orientation does not alter the commercial impression of a mark, and accordingly is insufficient to prevent confusion here. See *Visa International Service Assn. v. Life Code Systems*, 220 USPQ 740, 743-44 (TTAB 1983) (inverted mark created "same commercial impression"); *Freedom Fed. Sav. & Loan Ass'n v. Heritage Fed. Sav. & Loan Ass'n*, 210 USPQ 227, 231-32 (TTAB 1981) ("Likewise, the horizontal and vertical positions of the marks may be lost on the average person in view of its use on literature and similar material, which may not always be presented or viewed in a horizontal position. The only thing that would be constant to the public and would be likely to be remembered are two similar elongated stripes creating a banner appearance."). Taking the average purchaser's recollection into account, it is unlikely that consumers will remember a mere 90 degree change in orientation.⁶ Even Applicant's identification of the marks in its brief (at p. 6) describes the marks as both consisting of a pair of interlinking arcs. The other minute differences asserted by Applicant, *i.e.* the relative width or

⁶ *Puma-Sportschuhfabriken Rudolf Dassler KG v. Roller Derby Skate Corporation*, 206 USPQ 255 (TTAB 1980), relied on by Applicant in its brief (at p. 8), is instructive regarding the comparison of design marks. In finding a likelihood of confusion, the Board explained that consumers "must rely upon past recollections, which are usually hazy, and generally amount to nothing more than general, overall impressions." *Id.* at 259. The Board noted that "purchasers ordinarily would not have the opportunity for scrutinous examination, or analysis of two stripe or stripe design marks under normal marketing circumstances, so the focus must be on the general recollection reasonably produced by a purchaser's encounter with applicant's marks and the mental impression and the mental comparison with opposer's mark." *Id.* Accordingly, the Board concluded that "[i]t is quite apparent that there are marked resemblances in the overall strip or stripe design formats and the commercial impressions which they convey which we believe are sufficient in and of themselves to cause purchasers and prospective purchasers familiar with opposer's Puma Formstrip mark upon encountering applicant's stripe design on the same and competitive product to believe mistakenly that such athletic shoe originated with opposer." *Id.*

symmetry of the arcs are also insufficient to alter the overall commercial impression of the parties' design marks.⁷ Applicant's mere change in orientation is not sufficient to create a different commercial impression as noted in the *Visa* and *Freedom Fed.* cases cited above.

Additionally, Applicant depicts the A&F Mark in the scheme of a pocket, however, the A&F Mark is not limited to use on pockets and Reg. No. 3,951,879 covers the A&F Mark outside the confines of any pocket which further emphasizes the similarity of the marks. (*See* Ex. 1.) The parties' descriptions of their respective marks also reveal similarities. Applicant describes its Artemides Mark in its application as "consist[ing] of two semi-circles that intersect to form an oval in the center." (SUMF No. 6.) A&F describes its A&F Mark in Reg. No. 2,626,917 as "consist[ing] of a pair of double-lined stitches, extending continuously across the rear pocket of the goods. The *stitches are curved, intersecting twice, forming an oval shape in the center* of the pocket. The dotted lines are used to indicate the positioning of the mark on the goods and are not a feature of the mark." (SUMF No. 8.) (emphasis added). A&F's other registrations also contain descriptions similar to Applicant's, noting the use of "two curved double lines, intersecting twice, forming an eye shape in the center" and a "pair of double-lined stitches, extending continuously across the pocket of the goods. The stitches are curved, intersecting twice, forming an eye shape in the center of the pocket." (SUMF Nos. 7, 9.) Therefore, Applicant's claim that "there is no similarity in appearance" between the parties'

⁷ *Multitherm Corp. v. Fuhr*, 1991 WL 146233 (E.D. Pa. 1991), cited by Applicant at pp. 6-7 of its brief is inapposite, as there the court decided after a bench trial that defendant's "Paratherm," and logo mark consisting of a capital letter "P" with horizontal lines running through it, did not infringe upon plaintiff's registered "Multitherm" and logo mark consisting of a capital "M" with vertical lines running through it. *Id.* at *17-*18. While the court noted that each mark used differently oriented lines in their designs, its conclusion of dissimilarity was based on the overall dissimilar commercial impressions including the different prefixes, and the different letters used in the logos as well as on evidence of use that many competitors in the same industry used marks with the term "therm." *Id.*

marks is not supported by either a visual review of the respective marks, or the respective descriptions of these design marks in the application for the Artemides Mark and the registrations for the A&F Mark.

Where, as here, “the goods or services are identical or virtually identical, the degree of similarity between the marks necessary to support a determination that confusion is likely declines.” TMEP § 1207.01(b); *Century 21 Real Estate Corp. v. Century Life of America*, 970 F.2d 874, 877, 23 U.S.P.Q.2d 1698, 1700 (Fed. Cir. 1992) (reversing dismissal of opposition where Board gave “insufficient weight to the use of these marks on identical services” explaining that the “second factor accentuates the likelihood of consumer confusion about the sources of services marketed under similar marks”); *In re Max Capital Group Ltd.*, 93 USPQ2d 1243, 1248 (TTAB 2010) (“consumers familiar with the registrant's MAX mark are likely to believe, upon seeing applicant's MAX and design mark for legally identical services, that the registrant has adopted a variation of its original MAX mark for such services”). As discussed in Section II.C.2 *infra*, Applicant has admitted that its goods are identical to A&F’s goods, and accordingly even though A&F has already shown that the marks are highly similar, even a lower level of similarity would support a finding of likely confusion here.

Moreover, the A&F Mark is famous as demonstrated in Section II.C.5 *infra*, and “as the fame of a mark increases, ... the degree of similarity between the marks necessary to support a conclusion of likely confusion declines.” *UMG Recordings Inc. v. Mattel Inc.*, 100 USPQ2d 1868, 1885 (TTAB 2011).

Considering all of the above, the similarity of the marks factor weighs in A&F’s favor.⁸

⁸ Applicant’s citation to eleven year old arguments by A&F with respect to a third party mark (Hot Kiss) that has since been cancelled are not binding on A&F in this proceeding, nor are

2. The Goods in the Application Are Identical to Opposer's Goods

“To establish this *du Pont* factor, *i.e.*, that the goods are related, it is sufficient that *any* item encompassed by the identifications of goods is identical or related.” *Chanel, Inc. v. Frank Mauriello*, 2010 WL 3873650, *7 (TTAB 2010) (emphasis in original), citing *Tuxedo Monopoly, Inc. v. General Mills Fun Group*, 648 F.2d 1335, 209 USPQ 986 (CCPA 1981); *Otto International, Inc. v. Otto Kern GmbH*, 2009 WL 4086580, *5 (TTAB 2009) (finding factor met where “[t]he identification of goods in applicant’s application and opposer’s Reg. Nos. 2947026 and 2947027 include identical goods, namely, caps and hats”). Applicant has admitted that its application for the Artemides Mark and one of A&F’s registrations for the A&F Mark cover identical items of clothing. (SUMF No. 10.) There is also overlapping goods in A&F’s other registrations. (SUMF Nos. 11-12.) Accordingly, this factor weighs in favor of a likelihood of confusion.

3. The Channels of Trade Are Identical

Applicant ignores the undisputed facts establishing that A&F’s and Applicant’s trade channels are identical. Applicant has admitted that there is no restriction on channels of trade in its application for the Artemides Mark. (SUMF No. 27.) There also is no restriction on channels of trade in A&F’s Registration Nos. 3,135,750 and 3,951,879 for the A&F Mark. (SUMF No. 28.) Additionally, Applicant’s application for the Artemides Mark, and A&F’s registrations for

(continued...)

they relevant to whether confusion is likely between the Artemides Mark and the A&F Mark. Moreover, as the referenced Hot Kiss mark has since been cancelled it is no longer evidence that the mark was ever used, or that there was ever any co-existence with the A&F Mark in the marketplace. *See* Section II.C.6.a *infra*. *Seaboard Corp. v. R&R Turf Supply Inc.*, 101 USPQ2d 1826, 1832 n. 13 (TTAB 2012) (Board could draw no conclusion from the alleged co-existence of registrant’s mark with a third party mark as to whether there would be a likelihood of confusion between opposer’s mark and applicant’s mark, which was a different mark; nor does an expired registration affect the strength of opposer’s mark).

the A&F Mark cover identical items of clothing. (SUMF No. 10.)

“[I]t is well established that, absent restrictions in the application and registration, goods and services are presumed to travel in the same channels of trade to the same class of purchasers.” *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (affirming Board’s finding of identical trade channels where goods were identical). “Registrability must be determined on the basis of the identification of goods set forth in the application regardless of what the record may reveal as to the particular nature of an applicant’s goods, the particular channels of trade or the class of purchasers to which the sales of the goods are directed.” *Bose Corp. v. QSC Audio Products Inc.*, 293 F.3d 1367, 1377, 63 USPQ2d 1303, 1310-11 (Fed. Cir. 2002) (rejecting applicant’s argument that its goods were sold only to professional customers as the application contained no limiting language). Additionally, where “there is no limitation as to their nature, type, channels of trade, or class of purchasers, it is presumed that the registration encompasses all goods or services of the type described, that they move in all normal channels of trade, and that they are available to all classes of purchasers.” TMEP § 1207.01(a)(iii). Since Applicant’s application and A&F’s registrations cover identical goods in unrestricted channels of trade, goods bearing the A&F Mark and Artemides Mark are presumed to travel in the same channels of trade to the same class of purchasers.

Applicant’s attempt to argue restrictions into each parties’ channels of trade are irrelevant and unavailing. “An applicant may not restrict the scope of the goods covered in the cited registration by argument or extrinsic evidence.” *In re La Peregrina Ltd.*, 86 USPQ2d 1645, 1647 (TTAB 2008) (finding that given the identity of the goods “applicant’s distinctions between the goods are irrelevant in our analysis,” and that “applicant’s reliance on registrant’s website in an attempt to restrict the scope of registrant’s goods is to no avail”). *See also Jansen Enterprises*

Inc. v. Rind, 85 USPQ2d 1104, 1108 n. 11 (TTAB 2007) (“fact that respondent sells only kosher foods is of no moment” because “the recitation of services that controls our analysis does not limit the customers for respondent’s services to those adhering to kosher dietary laws. Further, there is nothing in petitioner’s registration which would prevent it from also offering kosher food.”). Applicant’s reliance on eleven year old arguments by A&F in relation to a now expired third party mark are not binding or relevant to any determination of confusion in the current opposition. See *Jaquet-Girard S.A. v. Girard Perregaux & Cie., S.A.*, 165 USPQ 265, 266 (CCPA 1970) (“prior decisions on different marks used under different circumstances are of little value in deciding a specific issue of likelihood of confusion”); *Chromalloy American Corp. v. Kenneth Gordon (New Orleans), Ltd.*, 736 F.2d 694, 698, 222 USPQ 187, 190 (Fed. Cir. 1984) (finding that “claim against LADY GORDON is simply not the same claim as one against GORDON OF NEW ORLEANS. The ‘transactional facts’ are different in that a different mark used over a different period of time is involved”).

Additionally, Applicant ignores the substantial likelihood of post-purchase confusion presented by the use of such similar marks on identical goods. The Board has long recognized that “likelihood of confusion under Section 2(d) encompasses situations when even relevant non-purchasers are confused, mistaken or deceived.” *In re Infinity Broadcasting Corp. of Dallas*, 60 USPQ2d 1214, 1218-19 (TTAB 2001) (affirming confusion likely between radio call letter marks and finding that “the public at large who watches television and listens to radio comprises another class of consumers that is relevant to likelihood of confusion analysis”). See also *In re Star Pharmaceuticals, Inc.*, 221 USPQ 84 (1984) (“It is clear that in evaluating the likelihood of mistake under Section 2(d) of the Act, what may happen subsequent to the sale of the product is also relevant.”); *HRL Associates Inc. v. Weiss Associates, Inc.*, 12 USPQ2d 1819, 1822 (TTAB

1989) (“The Board has, in the past, found likelihood of confusion where source confusion occurred even after the point of purchase.”)

Here, Applicant has admitted that both parties will use their marks on the back pockets of jeans and that the Artemides Mark will be visible when worn. (SUMF Nos. 29-30.) Applicant has also stated that it plans to use the mark in advertising, including outdoor advertising. (SUMF No. 31.) Accordingly, it is highly likely that potential purchasers will see the parties’ marks after the point of sale, *i.e.* being worn on the street or in Applicant’s advertising, and be confused as to the source of the products based on the use of highly similar marks. *See In re Whole Soul by DAZ, LLC*, 2012 WL 684460, *1 (TTAB 2012) (in affirming refusal to register, Board noted the examining attorney’s reliance on post-sale confusion and quoted the examining attorney’s determination that “it is plausible that knowledgeable consumers of the registrant’s WHOLE SOUL robes upon encountering the applicant’s WHOLE SOUL clothing items worn by individuals on the street are likely to be confused as to the source of the goods”).

The identity of the parties’ trade channels thus weighs in A&F’s favor and a finding of likelihood of confusion.

4. Lower Degree Of Care Among Purchasers Of Ordinary Goods

This factor examines whether purchases of the involved goods will be made on impulse or with less deliberation by purchasers, or following careful consideration of the goods by discriminating purchasers. Where, as here, “the registrations and applications do not limit their goods to the high end of the market, purchasers would include ordinary members of the general public. The applicable standard of care is that of the least sophisticated purchaser of the goods.” *Chanel, Inc. v. Mauriello*, 2010 WL 3873650, *7 (TTAB 2010); *see also Alfacell Corp. v. Anticancer Inc.*, 71 USPQ2d 1301, 1306 (TTAB 2004) (“the standard of care to be exercised....will be equal to that of the least sophisticated consumer in the class”). The Board

has found that goods like those covered by A&F's registrations and Applicant's application are "ordinary consumer items" and that the "class of consumers for such goods is the public at large, rather than a discriminating or sophisticated market segment. Consumers of at least these ordinary items of clothing are not likely to exercise a high degree of care in their purchasing decisions, thus increasing the likelihood of confusion." See e.g., *In re Ginc UK Limited*, 90 U.S.P.Q.2d 1472, 1477 (TTAB 2006).

Additionally, articles of clothing tend to be purchased on impulse which also lessens the degree of care of consumers in making their purchasing decisions. *In re Kemistre 8 LLC*, 2009 WL 1017282, *2 (TTAB 2009) ("because the identifications of goods do not include any limitations as to price, the identifications encompass inexpensive clothing that frequently would be the subject of an impulse purchase made with nothing more than ordinary care"); *Wet Seal Inc. v. FD Management Inc.*, 82 USPQ2d 1629, 1640-41 (TTAB 2007) ("Given the relatively low cost and the nature of the goods, the parties' clothing and fragrances may be subject to impulse purchase and frequent replacement. It has often been stated that purchasers of such products are held to a lesser standard of purchasing care and, thus, are more likely to be confused as to the source of the goods.").

Here, the goods described in the application for the Artemides Mark and A&F's registrations for the A&F Mark are the type sold to consumers making impulse purchases using an ordinary degree of care. This factor also weighs in favor of A&F and finding a likelihood of confusion.

5. A&F's Mark Is Strong And Famous

"[F]ame of the prior mark, when present, plays a 'dominant' role in the process of balancing the *Dupont* factors....Famous marks thus enjoy a wide latitude of legal protection." *Recot, Inc. v. Becton*, 214 F.3d 1322, 1327, 54 USPQ2d 1894, 1897 (Fed. Cir. 2000) (vacating

dismissal of opposition where Board improperly discounted the fame of the prior mark). “Famous marks are accorded more protection because they are more likely to be remembered and associated in the public mind than a weaker mark.” *Id.* Factors the Board considers in measuring the fame of a mark include “volume of sales and advertising expenditures of the goods travelling under the mark, and ... length of time those indicia of commercial awareness have been evident.” *Bose v. QSC Audio Products, Inc.*, 293 F.3d 1367, 1371, 63 USPQ2d 1303, 1305 (Fed. Cir. 2002).

A&F has sold nearly [REDACTED] in products bearing the A&F Mark in the United States through its retail stores and e-commerce websites since it first began using the mark in February 2001. (SUMF Nos. 13-14.) A&F’s U.S. annual sales of products bearing the A&F Mark through its retail stores regularly reach over [REDACTED]. (SUMF No. 13.) Additionally, A&F has sold over [REDACTED] bearing the A&F Mark since 2002 to consumers in the United States through its websites. (SUMF No. 14.) A&F has spent over [REDACTED] in marketing and promotion of its Abercrombie & Fitch brand, which includes products bearing the A&F Mark. (SUMF No. 15.) Such a substantial level of sales and advertising support has been found sufficient to establish the fame of a mark. *See, e.g., Nina Ricci, S.A.R.L. v. E.T.F. Enters., Inc.*, 889 F.2d 1070, 1072, 12 USPQ2d 1901, 1902 (Fed. Cir. 1989) (NINA RICCI for perfume, clothing and accessories: \$200 million in sales, over \$37 million in advertising over 27 years); *Kimberly-Clark Corp. v. H. Douglas Enter., Ltd.*, 774 F.2d 1144, 1146-47, 227 USPQ 541, 542 (Fed. Cir. 1985) (HUGGIES for diapers: over \$300 million in sales over 9 years, \$15 million in advertising in one year showed “opposer’s mark[s] have acquired considerable fame”).

Additionally, A&F prominently displays photographs highlighting the A&F Mark in its retail stores and on the internet, and also highlights the A&F Mark in other advertising such as

through promotional e-mails, on hangtags, and previously through its catalogs. (SUMF Nos. 16-21.) This manner of use strengthens the commercial impression communicated to consumers of the A&F Mark and also supports a finding of fame. *Bose v. QSC Audio Products, Inc.*, 293 F.3d 1367, 1375, 63 USPQ2d 1303, 1308-09 (Fed. Cir. 2002) (noting advertising and sales literature that highlighted the marks on their own as supporting fame). Further, unsolicited third parties have reported celebrities wearing clothing bearing the A&F Mark on the streets and elsewhere, thereby demonstrating third party recognition of the A&F Mark and supporting a finding of fame. (SUMF No. 22.) *See Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin Maison Fondee En 1772*, 396 F.3d 1369, 1375-76, 73 USPQ2d 1689, 1695 (Fed. Cir. 2005) (noting press coverage in finding mark famous).

6. There Is No Evidence of Third Party Marks Used on Similar Goods

Applicant largely rests its entire motion on the alleged “saturated” market of back-pocket stitching designs, however, Applicant’s alleged “evidence” consists only of copies of third-party registrations (the majority of which are expired, cancelled or only registered on the Supplemental Register) which merit little to no probative value, especially in the absence of any evidence of use of these alleged similar third party marks. Such limited evidence does not detract from the demonstrated strength of A&F’s famous mark discussed in Section II.C.5 *supra*.

a. Cancelled Registrations Are “Not Evidence of Anything”

Applicant’s citation to expired or cancelled registrations in an attempt to demonstrate a “crowded field” has no probative value. A crowded field only exists if third parties have actually used a similar mark on similar goods. “[A]n expired or cancelled registration ... is not evidence of anything except that the registration issued; it is not evidence of any presently existing rights in the mark shown in the registration, or that the mark was ever used.” TBMP § 704.03(b)(1)(A); *see also The United States Shoe Corp. v. Kiddie Kobbler Ltd.*, 231 USPQ 815, 818 n. 7 (TTAB

1986) (“it is clear that the expired registration has no probative value in this proceeding”). Additionally, an expired registration “is not evidence of use either as of the date of registration or application, or as of the date of first use alleged therein.” *Elder Manufacturing Co. v. International Shoe Co.*, 92 USPQ 330, 332 (CCPA 1952). Moreover, “[i]t has been consistently held that an expired registration is incompetent as evidence of any presently existing rights in the mark which is the subject matter of the registration.” *Bonomo Culture Institute, Inc. v. Mini-Gym, Inc.*, 188 USPQ 415, 416 (TTAB 1975) (denying motion for summary judgment that was based on an argument that relied on an expired registration).⁹ Nor does an expired registration affect the strength of opposer's mark. *Seaboard Corp. v. R&R Turf Supply Inc.*, 101 USPQ2d 1826, 1832 n. 13 (TTAB 2012).

Accordingly, cancelled Reg. Nos. 2,524,058, 2,481,854, and 1,492,315 (*see* Applicant’s Ex. A, pp. 5-6, 13-16) are not evidence of any crowded field, and are irrelevant to any determination of confusion between the A&F Mark and Artemides Mark in this proceeding.

b. Supplemental Registrations Are Not Evidence Of A “Crowded Field”

Applicant’s reliance on third party registrations on the Supplemental Register are not evidence of a “crowded field,” and are irrelevant to any determination in this opposition due to the limited scope of protection afforded marks on the Supplemental Register. “[A] subsisting registration on the Supplemental Register, even when properly made of record by its owner, is

⁹ As explained by the Board, “[t]he mere existence of third parties’ registrations has very little influence on the determination of the question whether applicant’s mark is likely to cause confusion, mistake or deception because of similarity to opposer’s mark. Public knowledge of mere registrations is not assumed, and we do not assume any continuing use of registered marks or any conditioning of the purchasing public’s mind or the public’s learned ability to distinguish between two marks as a result of familiarity with other similar marks owned by strangers to the proceeding.” *The Sinclair Manufacturing Company v. Les Parfums de Dana, Inc.*, 191 USPQ 292, 295 (TTAB 1976).

not entitled to any statutory presumptions, and is not evidence of anything except that the registration issued.” TBMP § 704.03(b)(1)(A); *McCormick & Co. v. Summers*, 354 F.2d 668, 674 148 USPQ 272, 276 (CCPA 1966) (“It must be remembered that registrations on the Supplemental Register do not receive the advantages of section 7(b) with regard to prima facie evidence of exclusive right to use.”). In *Otter Products LLC v. BaseOneLabs LLC*, 105 USPQ2d 1252, 1255 (TTAB 2012), the Board found that the opposer had failed to establish proprietary rights in its asserted mark because “opposer’s only evidence, its pleaded Supplemental Register Registration, is not evidence of ownership, validity, or the exclusive right to use.”

Accordingly, Supplemental Reg. Nos. 2,098,458, 3,131,452, and 3,199,898 (*see* Applicant’s Ex. A, pp. 1-4, 9-10) are not evidence of any crowded field, and are irrelevant to any determination of confusion between the A&F Mark and Artemides Mark in this opposition.

c. No Evidence of Third Party Use

When the expired, cancelled, and supplemental registrations are appropriately removed from the analysis, Applicant is left with only one third party registration¹⁰ which is dissimilar to the A&F Mark, is insufficient to establish any “crowded field,” and carries no weight as Applicant has not produced any evidence of *use* of the third party mark. As even noted in cases cited by Applicant, a crowded field can only be established through evidence of *use* by third parties.¹¹ The Court of Customs and Patent Appeals and the Board have long held that the

¹⁰ A&F does not address Reg. No. 2,083,208 as it covers a word mark, PLANE-MATE, in connection with “steerable, motorized vehicles for transporting passengers from an airport terminal to an aircraft” in International Class 12, and accordingly appears to have been attached in error and is irrelevant to the analysis of likelihood of confusion here.

¹¹ *Homeowners Group, Inc. v. Home Mktg. Specialists, Inc.*, 931 F.2d 1100, 1108, 18 U.S.P.Q.2d 1587, 1593 (6th Cir. 1991) (“merely showing the existence of marks in the records of the Patent and Trademark Office will not materially affect the distinctiveness of another’s mark which is actively used in commerce. In order to be accorded weight a defendant must show what actually

submission of copies of third-party registrations are not evidence that the marks covered by the registrations are being used, what happens in the marketplace, or of any consumer exposure. *AMF Inc. v. American Leisure Products, Inc.*, 474 F.2d 1403, 1406 177 USPQ 268, 269 (CCPA 1973) (“ . . . little weight is to be given such [third-party] registrations in evaluating whether there is likelihood of confusion . . . nor should the existence on the register of confusingly similar marks aid an applicant to register another likely to cause confusion, mistake or to deceive.”); *Nike Inc. v. Maher*, 100 USPQ2d 1018, 1028 (TTAB 2011) (rejecting evidence of third party registrations where Applicant failed to present evidence of use or impact on consumer perceptions.”).

Additionally, all of Applicant’s cited cases regarding a crowded field are decisions from district court litigations which involve a different marketplace analysis than the registrability determination applicable before the USPTO. *See* TMEP § 1217 (“a claim for trademark infringement is not the same as an inter partes claim for opposition or cancellation of the registration of a mark”). As explained by the Federal Circuit, “[i]n a trademark infringement action, the owner of a registered mark sues for relief from the injury caused by the defendant’s actual sale, offering for sale, or advertising of goods or services bearing the challenged mark, whereas an opposition to registration is based on the content of the registration application.”

Finally, A&F has produced undisputed evidence of its successful enforcement efforts

(continued...)

happens in the marketplace”); *Miss World (UK) Ltd. v. Mrs. America Pageants, Inc.*, 856 F.2d 1445, 1449, 8 U.S.P.Q.2d 1237, 1241 (9th Cir. 1988) (finding crowded field based on evidence that “most other pageants use a mark which is composed of a marital prefix and a defining geographic term”); *Matrix Motor Co. v. Toyota Jidosha Kabushiki Kaisha*, 290 F. Supp. 2d 1083, 1091 (C.D. Cal. 2003) (“twenty undisputed *uses* of the MATRIX mark in the automotive field” was evidence of crowded field) (emphasis added); *Skechers U.S.A., Inc. v. Vans, Inc.*, 2007 WL 4181677, *5 (C.D. Cal. 2007) (“Skechers has submitted evidence of at least thirteen shoe manufacturers’ *use* of checkerboard patterns on their shoes”) (emphasis added).

which demonstrate both the strength of its mark and recognition by third parties of A&F's rights to the A&F Mark. (SUMF No. 23.) *See Nike Inc. v. Maher*, 100 USPQ2d 1018, 1031 (TTAB 2011) (in granting opposition, Board noted that the degree of public recognition of the mark is extremely high and that Opposer engages in substantially exclusive use of its mark by policing unauthorized uses); *In re America Online Inc.*, 77 USPQ2d 1618, 1622-23, 1625 (TTAB 2006) (finding that examples of successful policing efforts showed trademark recognition by third parties). *See also* McCarthy on Trademarks and Unfair Competition § 11:91 (“[A]ctive program of prosecution of infringers, resulting in elimination of others’ uses of similar marks, enhances the distinctiveness and strength of a mark”). Accordingly, the absence of third party uses based on A&F’s enforcement efforts weighs in favor of A&F.

7. Actual Confusion And Concurrent Use Is Impossible Given That Applicant Admits It Has Not Used Its Mark In the United States

It is well established that it is not necessary to show actual confusion in order to establish likelihood of confusion in an opposition before the Board. *Weiss Assocs. v. HRL Assocs.*, 902 F.2d 1546, 1549 14 U.S.P.Q.2d 1840, 1842-43 (Fed. Cir. 1990) (affirming Board’s decision that confusion is likely even in absence of evidence of actual confusion as “the test is likelihood of confusion not actual confusion”).

Contrary to Applicant’s claim of “co-existence”, there has not been any opportunity for confusion. Applicant has admitted that other than a few token sales (\$375) through its Australian website, it has not yet begun to sell products under the Artemides Mark in the United States. (SUMF No. 24-25.)¹² Applicant even admitted in its brief (at p. 11) that it “has not yet begun

¹² “[A] mere token sale or shipment of the goods does not constitute ‘use’ under the Trademark Act.” *Westrex Corp. v. New Sensor Corp.*, 83 USPQ2d 1215, 1219 (TTAB 2007) (finding that party “failed to submit any evidence to create a genuine issue of material fact that more than a negligible segment of the marketplace was impacted by its online pre-sale activities”).

selling its goods in the American market.” Nor has Applicant begun to market products under the Artemides Mark in the United States, only appearing at less than a handful of trade shows since 2010. (SUMF No. 26.)¹³ Further, any use by Applicant of the Artemides Mark in foreign countries is irrelevant to a determination of likelihood of confusion in a Board proceeding in the United States. *See Johnson & Johnson v. Salve S.A.*, 183 USPQ 375, 376 (TTAB 1974) (“foreign use of a mark creates no rights in such mark in the United States, and any information or evidence pertaining to foreign use is thus immaterial to a party’s right to register its mark in the United States”); *General Media Communications, Inc. v. Imperia Holdings, Inc.*, 2010 WL 2513875, *4 (TTAB 2010) (Board found use of marks outside the United States “is irrelevant to the proceeding before us to determine registrability in the United States”); *In Re Carlos O. Calderone*, 2006 WL 1404230, *5 (TTAB 2006) (noting in analysis of actual confusion factor that “neither use nor registration of applicant’s mark outside the United States is relevant for purposes of our determination”)

(continued...)

Applicant’s total sales of only \$375.00 does not establish anything more than a token sale which is insufficient to establish use in the United States or any opportunity for confusion. (SUMF No. 25.) *See Cunningham v. Laser Golf Corp.*, 222 F.3d 943, 949, 55 U.S.P.Q.2d 1842, 1847 (Fed. Cir. 2000) (substantial evidence supported Board’s conclusion that there had not been an opportunity for confusion where party “admitted that sales of his product were only in the tens”).

¹³ Applicant’s meager advertising expenditures also demonstrate that there has not been any opportunity for confusion. (SUMF No. 26.) *Westrex Corp. v. New Sensor Corp.*, 83 USPQ2d 1215, 1219 (TTAB 2007) (“\$50,000-60,000 in advertising expenditures over an eleven-year time period are insufficient to establish that the necessary association or public identification was indeed created among more than ‘an insubstantial number of potential customers’”). Additionally, Applicant’s sporadic attendance at trade shows provides minimal opportunity for any actual confusion. *Alpha Industries, Inc. v. Alpha Unlimited*, Cancellation No. 92047029, p. 18 (TTAB Sept. 8, 2010) (“given that sales of respondent’s clothing are through its website, trade shows and church and community events, it would appear that the opportunity for instances of actual confusion to have occurred in the marketplace has been minimal”).

Since Applicant has admitted that it has not yet used the Artemides Mark in the United States, there is no evidence of concurrent use without confusion. Accordingly, this factor is neutral.

III. Conclusion

For the foregoing reasons, A&F respectfully requests that the Board deny Applicant's motion for summary judgment.

Dated: June 28, 2013

Respectfully submitted,

Attorneys for Abercrombie & Fitch Trading Co.

/s/ Susan M. Kayser

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Certificate of Service

The undersigned hereby certifies that on this 28th day of June, 2013, a copy of this paper has been served via email, per consent of the parties, at the following email addresses:

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Susan M. Kayser

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

ABERCROMBIE & FITCH TRADING CO.,)	
	)	Opposition No. 91193275
Opposer,)	
v.)	
ARTEMIDES HOLDINGS PTY. LTD.,)	
)	
Applicant.)	

DECLARATION OF SUSAN M. KAYSER

I, Susan M. Kayser, declare and state as follows:

1. I am a partner in the law firm of Jones Day, counsel for Opposer, Abercrombie & Fitch Trading Co. (“A&F”). I make this declaration in support of Opposer’s Opposition to Applicant’s Motion for Summary Judgment. The following facts are within my knowledge and, if called and sworn as a witness, I could and would testify competently thereto. The matters referred to in this declaration are based upon my personal knowledge, and/or when referencing documents, such documents were reviewed by me and where applicable, were obtained and compiled at my instruction by other attorneys employed by Jones Day, and if called as a witness I could and would testify competently thereto.

2. Attached hereto as **Exhibit 1** are true and correct copies of the registration certificate and status report from the United States Patent and Trademark Office (“USPTO”) TSDR database for A&F’s U.S. Registration No. 3,951,879 covering the A&F Mark.

3. Attached hereto as **Exhibit 2** are true and correct copies of the registration certificate and status report from the United States Patent and Trademark Office (“USPTO”) TSDR database for A&F’s U.S. Registration No. 3,135,750 covering the A&F Mark.

4. Attached hereto as **Exhibit 3** are true and correct copies of the registration certificate and status report from the United States Patent and Trademark Office (“USPTO”) TSDR database for A&F’s U.S. Registration No. 2,626,917 covering the A&F Mark.

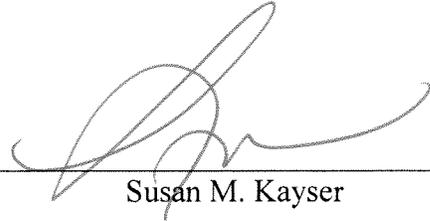
5. Applicant filed U.S. Application No. 79/064,732 on December 8, 2008 for the Artemides Mark covering “clothing, namely, dresses, skirts, jackets, vests, coats, blazers, jumpers, sweaters, caftans, ponchos, shirts, blouses, knit shirts, T-shirts, sweatshirts, tops, polo shirts, trousers, pants, overalls, jeans, and denim trousers, shorts, camisoles, lingerie, sleepwear, women's underwear, swimwear, gloves, ties, scarves, headscarves, shawls, leather belts, fabric belt, socks, hosiery” in International Class 25 and claiming a filing basis under Section 66(a). Attached hereto as **Exhibit 4** is a true and correct copy of the status report from the USPTO TSDR database for Applicant’s Application No. 79/064,732.

6. Attached hereto as **Exhibit 5** is a true and correct copy of an excerpt from Applicant’s Answers to Opposer’s First Set of Interrogatories.

7. Attached hereto as **Exhibit 6** is a true and correct copy of an excerpt from Applicant’s Responses to Opposer’s First Request For Production of Documents And Things.

8. Attached hereto as **Exhibit 7** is a true and correct copy of an excerpt from Applicant’s Response to Opposer’s First Request For Admissions.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on June 28, 2013.



Susan M. Kayser

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

ABERCROMBIE & FITCH TRADING CO.,)	
	)	Opposition No. 91193275
)	
Opposer,)	
v.)	
)	
ARTEMIDES HOLDINGS PTY. LTD.,)	
)	
)	
Applicant.)	

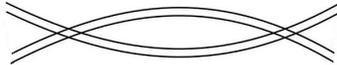
EXHIBIT 1

TO

DECLARATION OF SUSAN M. KAYSER

United States of America

United States Patent and Trademark Office



Reg. No. 3,951,879

Registered Apr. 26, 2011

Corrected Aug. 23, 2011

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

ABERCROMBIE & FITCH TRADING CO. (OHIO CORPORATION)
ATTN: JACOB KRAMER
6301 FITCH PATH
NEW ALBANY, OH 43054

FOR: DENIM BOTTOMS, NAMELY, JEANS, SKIRTS, SHORTS, PANTS; DENIM JACKETS;
PANTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 2-1-2001; IN COMMERCE 2-1-2001.

OWNER OF U.S. REG. NOS. 2,626,917 AND 3,135,750.

THE MARK CONSISTS OF TWO CURVED DOUBLE LINES, INTERSECTING TWICE,
FORMING AN EYE SHAPE IN THE CENTER.

SER. NO. 77-896,032, FILED 12-17-2009.



David J. Kappas

Director of the United States Patent and Trademark Office

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UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: OHIO

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Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Jul. 20, 2011	CERTIFICATE OF CORRECTION ISSUED	67723
Jul. 18, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	67723
Jul. 12, 2011	TEAS SECTION 7 REQUEST RECEIVED	
Jul. 12, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 12, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 26, 2011	REGISTERED-PRINCIPAL REGISTER	
Mar. 24, 2011	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Mar. 23, 2011	LAW OFFICE REGISTRATION REVIEW COMPLETED	77312
Mar. 22, 2011	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 22, 2011	STATEMENT OF USE PROCESSING COMPLETE	71034
Mar. 08, 2011	USE AMENDMENT FILED	71034
Mar. 22, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	71034
Mar. 08, 2011	TEAS STATEMENT OF USE RECEIVED	
Jan. 11, 2011	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Nov. 16, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 16, 2010	PUBLISHED FOR OPPOSITION	
Oct. 12, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Oct. 12, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 12, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 12, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 12, 2010	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 12, 2010	EXAMINERS AMENDMENT -WRITTEN	76733
Sep. 30, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	77312
Sep. 30, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	77312
Sep. 29, 2010	ASSIGNED TO LIE	77312
Sep. 22, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 23, 2010	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 23, 2010	NON-FINAL ACTION E-MAILED	6325
Mar. 23, 2010	NON-FINAL ACTION WRITTEN	76733
Mar. 18, 2010	ASSIGNED TO EXAMINER	76733
Dec. 24, 2009	NOTICE OF DESIGN SEARCH CODE MAILED	
Dec. 23, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Change in Registration: Yes

Correction made to Registration: In the statement, Column 1, line 7, "First use 2-1-2011" should be deleted, and 2-1-2001 should be inserted.

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Aug. 31, 2011

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: [91193275](#)

Filing Date: Jan 04, 2010

Status: Pending

Status Date: Jan 04, 2010

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Artemides Holdings Pty Ltd

Correspondent Address: J JOE SADLER
WARNER NORCROSS & JUDD LLP
900 FIFTH THIRD CENTER, 111 LYON STREET NW
GRAND RAPIDS MI , 49503-2487
UNITED STATES

Correspondent e-mail: jsadler@wnj.com , ltaffs@wnj.com , mazzi@wnj.com , jscott@wnj.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Opposition Pending	79064732	

Plaintiff(s)

Name: Abercrombie & Fitch Trading Co.

Correspondent Address: SUSAN M KAYSER
JONES DAY
51 LOUISIANA AVENUE NW
WASHINGTON DC , 20001-2113
UNITED STATES

Correspondent e-mail: skayser@jonesday.com , jbradley@jonesday.com , tcgreenleaf@jonesday.com , NYTEF@jonesday.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Renewed	76258313	2626917
	Section 8 and 15 - Accepted and Acknowledged	78716362	3135750
	Registered	77896032	3951879

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 04, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 06, 2010	Feb 15, 2010
3	PENDING, INSTITUTED	Jan 06, 2010	
4	D MOT FOR EXT W/ CONSENT	Feb 11, 2010	
5	EXTENSION OF TIME GRANTED	Feb 11, 2010	
6	D MOT FOR EXT W/ CONSENT	Apr 13, 2010	
7	EXTENSION OF TIME GRANTED	Apr 13, 2010	
8	D MOT FOR EXT W/ CONSENT	Jun 10, 2010	
9	EXTENSION OF TIME GRANTED	Jun 10, 2010	

10	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 06, 2010	
11	EXTENSION OF TIME GRANTED	Aug 06, 2010	
12	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Nov 12, 2010	
13	EXTENSION OF TIME GRANTED	Nov 12, 2010	
14	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 10, 2011	
15	EXTENSION OF TIME GRANTED	Feb 10, 2011	
16	ANSWER	Apr 08, 2011	
17	CHANGE OF CORRESPONDENCE ADDRESS	Jun 01, 2011	
18	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 12, 2011	
19	EXTENSION OF TIME GRANTED	Aug 15, 2011	
20	CHANGE OF CORRESPONDENCE ADDRESS	Aug 12, 2011	
21	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Nov 28, 2011	
22	EXTENSION OF TIME GRANTED	Nov 28, 2011	
23	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 21, 2012	
24	EXTENSION OF TIME GRANTED	Jan 21, 2012	
25	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 04, 2012	
26	EXTENSION OF TIME GRANTED	Jun 04, 2012	
27	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jun 13, 2012	
28	D MOT FOR EXT W/ CONSENT	Aug 01, 2012	
29	EXTENSION OF TIME GRANTED	Aug 01, 2012	
30	P MOT FOR EXT W/ CONSENT	Nov 30, 2012	
31	EXTENSION OF TIME GRANTED	Nov 30, 2012	
32	D MOT FOR SUMMARY JUDGMENT	Mar 29, 2013	
33	P MOT FOR EXT W/ CONSENT	Apr 25, 2013	
34	RESPONSE DUE; SUSPENDED FOR CONSIDERATION OF PENDING MTN	Apr 30, 2013	
35	D RESP TO BD ORDER; PROOF OF SERVICE	May 02, 2013	
36	RESPONSE DUE 30 DAYS (DUE DATE)	May 29, 2013	Jun 28, 2013

Type of Proceeding: Opposition

Proceeding Number: [91193159](#)

Filing Date: Dec 23, 2009

Status: Terminated

Status Date: Apr 13, 2010

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: Not-Not, Inc.

Correspondent Address: DANIEL R. FRIJOUF
FRIJOUF, RUST & PYLE, P.A.
201 E DAVIS BLVD
TAMPA FL , 33606-3728
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
LEVOLUSION	Abandoned - After Inter-Partes Decision	77586350	

Plaintiff(s)

Name: Abercrombie & Fitch Trading Co.

Correspondent Address: JACOB KRAMER
ABERCROMBIE & FITCH TRADING CO.
6301 FITCH PATH
NEW ALBANY OH , 43054
UNITED STATES

Correspondent e-mail: ipdocketingwest@abercrombie.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Renewed	76258313	2626917

Section 8 and 15 - Accepted and
Acknowledged
Registered

[78716362](#) [3135750](#)

[77896032](#) [3951879](#)

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 23, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 23, 2009	Feb 01, 2010
3	PENDING, INSTITUTED	Dec 23, 2009	
4	NOTICE OF DEFAULT	Feb 17, 2010	
5	BOARD'S DECISION: SUSTAINED	Apr 13, 2010	
6	TERMINATED	Apr 13, 2010	

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

ABERCROMBIE & FITCH TRADING CO.,)	Opposition No. 91193275
)	
Opposer,)	
v.)	
ARTEMIDES HOLDINGS PTY. LTD.,)	
Applicant.)	

EXHIBIT 2

TO

DECLARATION OF SUSAN M. KAYSER

Int. Cl.: 25

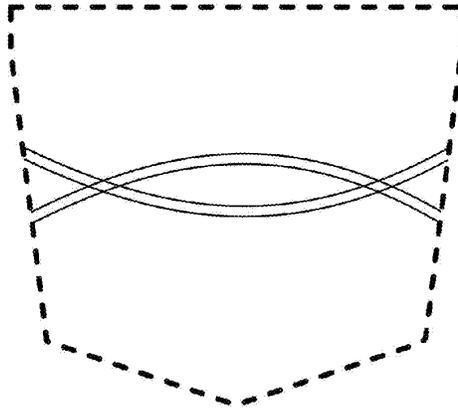
Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,135,750

Registered Aug. 29, 2006

TRADEMARK
PRINCIPAL REGISTER



ABERCROMBIE & FITCH TRADING CO. (OHIO CORPORATION)
6301 FITCH PATH
NEW ALBANY, OH 43054

FOR: JEANS; SKIRTS, SHORTS; PANTS; JACKETS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 2-1-2001; IN COMMERCE 2-1-2001.

OWNER OF U.S. REG. NO. 2,626,917.

THE MARK CONSISTS OF A PAIR OF DOUBLE-LINED STITCHES, EXTENDING CONTINUOUSLY

ACROSS THE POCKET OF THE GOODS. THE STITCHES ARE CURVED, INTERSECTING TWICE, FORMING AN EYE SHAPE IN THE CENTER OF THE POCKET. THE BROKEN LINES OUTLINING THE POCKETS ARE USED TO INDICATE THE POSITIONING OF THE MARK ON THE GOODS AND ARE NOT A FEATURE OF THE MARK.

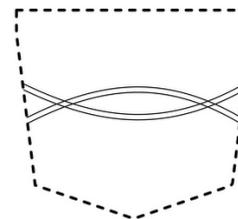
SEC. 2(F).

SER. NO. 78-716,362, FILED 9-20-2005.

MARTHA SANTOMARTINO, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2013-06-28 10:58:20 EDT

Mark:



US Serial Number: 78716362

Application Filing Date: Sep. 20, 2005

US Registration Number: 3135750

Registration Date: Aug. 29, 2006

Register: Principal

Mark Type: Trademark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Sep. 19, 2012

Publication Date: Jun. 06, 2006

Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a pair of double-lined stitches, extending continuously across the pocket of the goods. The stitches are curved, intersecting twice, forming an eye shape in the center of the pocket. The broken lines outlining the pockets are used to indicate the positioning of the mark on the goods and are not a feature of the mark.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Acquired Distinctiveness Claim: In whole

Design Search Code(s): 09.03.16 - Collars (clothing); Cuffs (clothing); Embroidery on clothing pockets; Pockets; Pockets, clothing with embroidery or stitching; Sleeves (clothing); Waistband (clothing); Stitching on clothing pockets
26.17.09 - Bands, curved; Curved line(s), band(s) or bar(s); Bars, curved; Lines, curved

Related Properties Information

International Registration Number: 0886866, 0878539

International Application(s) /Registration(s) Based on this Property: A0004224/0886866, A0003391/0878539

Claimed Ownership of US Registrations: 2626917

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: jeans; skirts, shorts; pants [; jackets]

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 01, 2001

Use in Commerce: Feb. 01, 2001

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Abercrombie & Fitch Trading Co.

Owner Address: 6301 Fitch Path
New Albany, OHIO 43054
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: OHIO

Attorney/Correspondence Information

Attorney of Record - None
Correspondent

Correspondent Name/Address: JACOB KRAMER
ABERCROMBIE & FITCH TRADING CO.
6301 FITCH PATH
NEW ALBANY, OHIO 43054
UNITED STATES

Phone: 614-283-6930

Fax: 614-283-8940

Correspondent e-mail: ipdocketingwest@abercrombie.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 19, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Sep. 19, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	76293
Sep. 19, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Aug. 27, 2012	TEAS SECTION 8 & 15 RECEIVED	
Aug. 27, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 06, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 06, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 28, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
May 28, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 05, 2009	NOTICE OF SUIT	
Oct. 01, 2008	NOTICE OF SUIT	
Aug. 29, 2006	REGISTERED-PRINCIPAL REGISTER	
Jun. 06, 2006	PUBLISHED FOR OPPOSITION	
May 17, 2006	NOTICE OF PUBLICATION	
Apr. 14, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	77075
Apr. 14, 2006	ASSIGNED TO LIE	77075
Mar. 27, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 27, 2006	ASSIGNED TO EXAMINER	69192
Sep. 27, 2005	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 112

Date in Location: Sep. 19, 2012

Proceedings

Summary

Number of Proceedings: 4

Type of Proceeding: Opposition

Proceeding Number: [91193275](#)

Filing Date: Jan 04, 2010

Status: Pending

Status Date: Jan 04, 2010

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Artemides Holdings Pty Ltd

Correspondent Address: J JOE SADLER
WARNER NORCROSS & JUDD LLP
900 FIFTH THIRD CENTER, 111 LYON STREET NW
GRAND RAPIDS MI , 49503-2487
UNITED STATES

Correspondent e-mail: jsadler@wnj.com , ltaffs@wnj.com , mazzi@wnj.com , jscott@wnj.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Opposition Pending	79064732	

Plaintiff(s)

Name: Abercrombie & Fitch Trading Co.

Correspondent Address: SUSAN M KAYSER
JONES DAY
51 LOUISIANA AVENUE NW
WASHINGTON DC , 20001-2113
UNITED STATES

Correspondent e-mail: skayser@jonesday.com , ibradley@jonesday.com , tcgreenleaf@jonesday.com , NYTEF@jonesday.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Renewed	76258313	2626917
	Section 8 and 15 - Accepted and Acknowledged	78716362	3135750
	Registered	77896032	3951879

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 04, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 06, 2010	Feb 15, 2010
3	PENDING, INSTITUTED	Jan 06, 2010	
4	D MOT FOR EXT W/ CONSENT	Feb 11, 2010	
5	EXTENSION OF TIME GRANTED	Feb 11, 2010	
6	D MOT FOR EXT W/ CONSENT	Apr 13, 2010	
7	EXTENSION OF TIME GRANTED	Apr 13, 2010	
8	D MOT FOR EXT W/ CONSENT	Jun 10, 2010	
9	EXTENSION OF TIME GRANTED	Jun 10, 2010	
10	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 06, 2010	
11	EXTENSION OF TIME GRANTED	Aug 06, 2010	
12	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Nov 12, 2010	
13	EXTENSION OF TIME GRANTED	Nov 12, 2010	
14	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 10, 2011	
15	EXTENSION OF TIME GRANTED	Feb 10, 2011	
16	ANSWER	Apr 08, 2011	

17	CHANGE OF CORRESPONDENCE ADDRESS	Jun 01, 2011	
18	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 12, 2011	
19	EXTENSION OF TIME GRANTED	Aug 15, 2011	
20	CHANGE OF CORRESPONDENCE ADDRESS	Aug 12, 2011	
21	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Nov 28, 2011	
22	EXTENSION OF TIME GRANTED	Nov 28, 2011	
23	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 21, 2012	
24	EXTENSION OF TIME GRANTED	Jan 21, 2012	
25	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 04, 2012	
26	EXTENSION OF TIME GRANTED	Jun 04, 2012	
27	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jun 13, 2012	
28	D MOT FOR EXT W/ CONSENT	Aug 01, 2012	
29	EXTENSION OF TIME GRANTED	Aug 01, 2012	
30	P MOT FOR EXT W/ CONSENT	Nov 30, 2012	
31	EXTENSION OF TIME GRANTED	Nov 30, 2012	
32	D MOT FOR SUMMARY JUDGMENT	Mar 29, 2013	
33	P MOT FOR EXT W/ CONSENT	Apr 25, 2013	
34	RESPONSE DUE; SUSPENDED FOR CONSIDERATION OF PENDING MTN	Apr 30, 2013	
35	D RESP TO BD ORDER; PROOF OF SERVICE	May 02, 2013	
36	RESPONSE DUE 30 DAYS (DUE DATE)	May 29, 2013	Jun 28, 2013

Type of Proceeding: Opposition

Proceeding Number: [91193159](#)

Filing Date: Dec 23, 2009

Status: Terminated

Status Date: Apr 13, 2010

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: Not-Not, Inc.

Correspondent Address: DANIEL R. FRIJOUF
FRIJOUF, RUST & PYLE, P.A.
201 E DAVIS BLVD
TAMPA FL , 33606-3728
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
LEVLUSION	Abandoned - After Inter-Partes Decision	77586350	

Plaintiff(s)

Name: Abercrombie & Fitch Trading Co.

Correspondent Address: JACOB KRAMER
ABERCROMBIE & FITCH TRADING CO.
6301 FITCH PATH
NEW ALBANY OH , 43054
UNITED STATES

Correspondent e-mail: ipdocketingwest@abercrombie.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Renewed	76258313	2626917
	Section 8 and 15 - Accepted and Acknowledged	78716362	3135750
	Registered	77896032	3951879

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 23, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 23, 2009	Feb 01, 2010
3	PENDING, INSTITUTED	Dec 23, 2009	

4	NOTICE OF DEFAULT	Feb 17, 2010
5	BOARD'S DECISION: SUSTAINED	Apr 13, 2010
6	TERMINATED	Apr 13, 2010

Type of Proceeding: Opposition

Proceeding Number: 91191735	Filing Date: Aug 31, 2009
Status: Terminated	Status Date: Feb 02, 2011
Interlocutory Attorney: CHERYL A BUTLER	

Defendant

Name: Kenneth Michael Cheney
Correspondent Address: KENNETH MICHAEL CHENEY
 1830 HOLLYVIEW DRIVE
 SAN RAMON CA , 94582
 UNITED STATES
Correspondent e-mail: michael@verumsports.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Abandoned - After Inter-Partes Decision	77117258	

Plaintiff(s)

Name: Abercrombie & Fitch Trading Co.
Correspondent Address: Susan M. Kayser and Kelly R. McCarty
 HOWREY LLP
 1299 PENNSYLVANIA AVENUE NW
 WASHINGTON DC , 20004
 UNITED STATES
Correspondent e-mail: IPDocketing@howrey.com , KayserS@howrey.com , McCartyK@howrey.com , RenneM@howrey.com , IPDocketingWest@abercrombie.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Renewed	76258313	2626917
	Section 8 and 15 - Accepted and Acknowledged	78716362	3135750

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 31, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 01, 2009	Oct 11, 2009
3	PENDING, INSTITUTED	Sep 01, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Sep 28, 2009	
5	EXTENSION OF TIME GRANTED	Sep 28, 2009	
6	STIPULATION FOR AN EXTENSION OF TIME	Nov 04, 2009	
7	EXTENSION OF TIME GRANTED	Nov 04, 2009	
8	D'S MOTION FOR AN EXTENSION OF TIME	Dec 04, 2009	
9	CHANGE OF CORRESPONDENCE ADDRESS	Dec 08, 2009	
10	ANSWER	Dec 10, 2009	
11	SIGNED COPY OF NO. 10	Dec 10, 2009	
12	TRIAL DATES REMAIN AS SET	Dec 28, 2009	
13	P'S MOTION TO COMPEL DISCOVERY	Sep 05, 2010	
14	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Sep 17, 2010	
15	Applicant's Pretrial Disclosures	Oct 08, 2010	
16	D'S OPPOSITION/RESPONSE TO MOTION	Oct 11, 2010	
17	CHANGE OF CORRESPONDENCE ADDRESS	Oct 26, 2010	
18	P'S REPLY IN SUPPORT OF MOTION	Oct 26, 2010	
19	D'S MOTION FOR SUMMARY JUDGMENT	Nov 09, 2010	
20	TRIAL DATES RESET	Nov 15, 2010	

21	P'S MOTION FOR SANCTIONS	Dec 23, 2010
22	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Jan 12, 2011
23	BOARD'S DECISION: SUSTAINED	Feb 02, 2011
24	TERMINATED	Feb 02, 2011

Type of Proceeding: Cancellation

Proceeding Number: [92051066](#) **Filing Date:** Jun 05, 2009
Status: Terminated **Status Date:** Oct 15, 2009
Interlocutory Attorney: GEORGE POLOGEORGIS

Defendant

Name: Pacific Sunwear of California, Inc.

Correspondent Address: Matthew D. Murphey
Gordon & Rees LLP
4675 MacArthur Court, Suite 800
Newport Beach CA , 92660
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Cancelled - Section 18	77104081	3610547

Plaintiff(s)

Name: Abercrombie & Fitch Trading Co.

Correspondent Address: Bobby A. Ghajar
Howrey LLP
550 South Hope Street, Suite 1100
Los Angeles CA , 90071
UNITED STATES

Correspondent e-mail: ghajarb@howrey.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Section 8 and 15 - Accepted and Acknowledged	78716362	3135750

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 05, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 08, 2009	Jul 18, 2009
3	PENDING, INSTITUTED	Jun 08, 2009	
4	D'S MOT TO SUSP PEND DISP CIV ACTION	Jun 25, 2009	
5	NOTICE OF NON-OPPOSITION	Jul 01, 2009	
6	SUSPENDED PENDING DISP OF CIVIL ACTION	Jul 02, 2009	
7	VOLUNTARY SURRENDER OF REGISTRATION	Sep 25, 2009	
8	BOARD'S DECISION: GRANTED	Sep 25, 2009	
9	COMMR'S ORDER CANCELLING REGISTRATION	Oct 15, 2009	
10	TERMINATED	Oct 15, 2009	

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

ABERCROMBIE & FITCH TRADING CO.,)	
	)	Opposition No. 91193275
)	
Opposer,)	
v.)	
)	
ARTEMIDES HOLDINGS PTY. LTD.,)	
)	
)	
Applicant.)	

EXHIBIT 3

TO

DECLARATION OF SUSAN M. KAYSER

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,626,917

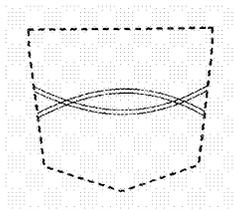
United States Patent and Trademark Office

Registered Sep. 24, 2002

Amended

OG Date June 20, 2006

**TRADEMARK
SUPPLEMENTAL REGISTER**



ABERCROMBIE & FITCH TRADING CO.
(OHIO CORPORATION)
6301 FITCH PATH
NEW ALBANY, OH 43054

THE MARK CONSISTS OF A PAIR OF DOUBLE-LINED STITCHES, EXTENDING CONTINUOUSLY ACROSS THE REAR POCKET OF THE GOODS. THE STITCHES ARE CURVED, INTERSECTING TWICE, FORMING AN OVAL SHAPE IN THE CENTER OF THE POCKET. THE DOTTED LINES ARE USED TO INDICATE THE POSITIONING OF THE MARK ON THE GOODS AND ARE NOT A FEATURE OF THE MARK.

FOR: CLOTHING, NAMELY, DENIM JEANS SOLD IN SPECIALTY RETAIL CLOTHING STORES, SPECIALTY MAIL ORDER CATALOG AND INTERNET WEBSITE, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 2-0-2001; IN COMMERCE 2-0-2001.

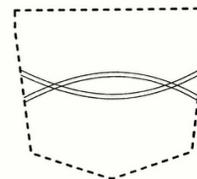
SER. NO. 76-258,313, FILED P.R. 5-17-2001; AM. S.R. 5-23-2002.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on June 20, 2006.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Generated on: This page was generated by TSDR on 2013-06-28 11:00:29 EDT

Mark:



US Serial Number: 76258313
US Registration Number: 2626917
Register: Supplemental
Mark Type: Trademark
Date Amended to Current Register: May 23, 2002
Status: The registration has been renewed.
Status Date: Sep. 12, 2012

Application Filing Date: May 17, 2001
Registration Date: Sep. 24, 2002

Mark Information

Mark Literal Elements: None
Standard Character Claim: No
Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of a pair of double-lined stitches, extending continuously across the rear pocket of the goods. The stitches are curved, intersecting twice, forming an oval shape in the center of the pocket. The dotted lines are used to indicate the positioning of the mark on the goods and are not a feature of the mark.
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 09.03.16 - Collars (clothing); Cuffs (clothing); Embroidery on clothing pockets; Waistband (clothing); Pockets, clothing with embroidery or stitching; Sleeves (clothing); Stitching on clothing pockets; Pockets

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *.* identify additional (new) wording in the goods/services.

For: clothing, namely, denim jeans sold in specialty retail clothing stores, [specialty mail order catalog] and Internet website

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 2001

Use in Commerce: Feb. 2001

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: ABERCROMBIE & FITCH TRADING CO.
Owner Address: 6301 FITCH PATH
NEW ALBANY, OHIO 43054
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: OHIO

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jacob Kramer

Attorney Primary Email Address: ipdocketingwest@abercrombie.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: ABERCROMBIE & FITCH TRADING CO.
6301 FITCH PATH
Attn: Jacob Kramer
NEW ALBANY, OHIO 43054
UNITED STATES

Phone: 614-283-6930

Fax: 614-283-8940

Correspondent e-mail: ipdocketingwest@abercrombie.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 12, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Sep. 12, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	76533
Sep. 12, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	76533
Sep. 12, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76533
Aug. 28, 2012	TEAS SECTION 8 & 9 RECEIVED	
Aug. 27, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 06, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 06, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 28, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
May 28, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 17, 2008	NOTICE OF SUIT	
Mar. 31, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED	60234
Mar. 31, 2008	ASSIGNED TO PARALEGAL	60234
Mar. 17, 2008	TEAS SECTION 8 RECEIVED	
Dec. 07, 2007	CASE FILE IN TICRS	
Jun. 14, 2006	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 11, 2006	AMENDMENT UNDER SECTION 7 - ISSUED	
May 11, 2006	ASSIGNED TO PARALEGAL	75461
Sep. 21, 2005	SEC 7 REQUEST FILED	
Feb. 02, 2006	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 02, 2006	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 27, 2006	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 21, 2005	PAPER RECEIVED	
Dec. 19, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 15, 2003	CERTIFICATE OF CORRECTION ISSUED	
Mar. 10, 2003	SEC 7 REQUEST FILED	
Mar. 10, 2003	PAPER RECEIVED	
Sep. 24, 2002	REGISTERED-SUPPLEMENTAL REGISTER	
May 23, 2002	APPROVED FOR REGISTRATION SUPPLEMENTAL REGISTER	
May 23, 2002	EXAMINERS AMENDMENT E-MAILED	
May 01, 2002	NON-FINAL ACTION MAILED	
Feb. 25, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Feb. 22, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	

Mar. 01, 2002 PAPER RECEIVED
 Feb. 28, 2002 PAPER RECEIVED
 Feb. 28, 2002 PAPER RECEIVED
 Feb. 27, 2002 PAPER RECEIVED
 Feb. 27, 2002 PAPER RECEIVED
 Aug. 23, 2001 NON-FINAL ACTION MAILED
 Aug. 15, 2001 ASSIGNED TO EXAMINER

76145

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Renewal Date: Sep. 24, 2012

Change in Registration: Yes

Amendment to a Registration/Renewal Certificate: THE DRAWING IS AMENDED TO APPEAR AS FOLLOWS: PUBLISH NEW CUT

Correction made to Registration: In the statement, Column 1, line 9, "First Use 6-0-2001; In Commerce 6-0-2001" should be deleted, and, First Use 2*0-2001; In Commerce 2-0-2001 should be inserted.

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: Not Found

Date in Location: Sep. 12, 2012

Assignment Abstract Of Title Information

Summary

Total Assignments: 2

Registrant: A & F Trademark, Inc.

Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3062/0294](#)

Pages: 12

Date Recorded: Oct. 14, 2004

Supporting Documents: [assignment-tm-3062-0294.pdf](#)

Assignor

Name: [A&F TRADEMARK, INC.](#)

Execution Date: Oct. 02, 2004

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [ABERCROMBIE & FITCH TRADING CO.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: OHIO

Address: 6301 FITCH PATH
NEW ALBANY, OHIO 43054

Correspondent

Correspondent Name: JOAN C. MAKLEY

Correspondent Address: 52 EAST GAY STREET
COLUMBUS, OH 43216-1008

Domestic Representative - Not Found

Assignment 2 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [3326/0023](#)

Pages: 12

Date Recorded: Apr. 14, 2006

Supporting Documents: [assignment-tm-3326-0023.pdf](#)

Assignor

Name: [A&F TRADEMARK, INC.](#)

Execution Date: Oct. 02, 2004

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: [ABERCROMBIE & FITCH TRADING CO.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: OHIO

Address: 6301 FITCH PATH
NEW ALBANY, OHIO 43054

Correspondent

Correspondent Name: JOAN C. MAKLEY

Correspondent Address: VORYS, SATER, SEYMOUR AND PEASE LLP
52 EAST GAY STREET
COLUMBUS, OHIO 43216-1008

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91193275](#)

Filing Date: Jan 04, 2010

Status: Pending

Status Date: Jan 04, 2010

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Artemides Holdings Pty Ltd

Correspondent Address: J JOE SADLER
WARNER NORCROSS & JUDD LLP
900 FIFTH THIRD CENTER, 111 LYON STREET NW
GRAND RAPIDS MI , 49503-2487
UNITED STATES

Correspondent e-mail: jsadler@wnj.com , ltaffs@wnj.com , mazzi@wnj.com , jscott@wnj.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Opposition Pending	79064732	

Plaintiff(s)

Name: Abercrombie & Fitch Trading Co.

Correspondent Address: SUSAN M KAYSER
JONES DAY
51 LOUISIANA AVENUE NW
WASHINGTON DC , 20001-2113
UNITED STATES

Correspondent e-mail: skayser@jonesday.com , ibradley@jonesday.com , tcgreenleaf@jonesday.com , NYTEF@jonesday.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Renewed	76258313	2626917
	Section 8 and 15 - Accepted and Acknowledged	78716362	3135750
	Registered	77896032	3951879

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 04, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 06, 2010	Feb 15, 2010
3	PENDING, INSTITUTED	Jan 06, 2010	
4	D MOT FOR EXT W/ CONSENT	Feb 11, 2010	
5	EXTENSION OF TIME GRANTED	Feb 11, 2010	
6	D MOT FOR EXT W/ CONSENT	Apr 13, 2010	
7	EXTENSION OF TIME GRANTED	Apr 13, 2010	
8	D MOT FOR EXT W/ CONSENT	Jun 10, 2010	
9	EXTENSION OF TIME GRANTED	Jun 10, 2010	
10	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 06, 2010	

11	EXTENSION OF TIME GRANTED	Aug 06, 2010	
12	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Nov 12, 2010	
13	EXTENSION OF TIME GRANTED	Nov 12, 2010	
14	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 10, 2011	
15	EXTENSION OF TIME GRANTED	Feb 10, 2011	
16	ANSWER	Apr 08, 2011	
17	CHANGE OF CORRESPONDENCE ADDRESS	Jun 01, 2011	
18	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 12, 2011	
19	EXTENSION OF TIME GRANTED	Aug 15, 2011	
20	CHANGE OF CORRESPONDENCE ADDRESS	Aug 12, 2011	
21	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Nov 28, 2011	
22	EXTENSION OF TIME GRANTED	Nov 28, 2011	
23	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 21, 2012	
24	EXTENSION OF TIME GRANTED	Jan 21, 2012	
25	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 04, 2012	
26	EXTENSION OF TIME GRANTED	Jun 04, 2012	
27	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jun 13, 2012	
28	D MOT FOR EXT W/ CONSENT	Aug 01, 2012	
29	EXTENSION OF TIME GRANTED	Aug 01, 2012	
30	P MOT FOR EXT W/ CONSENT	Nov 30, 2012	
31	EXTENSION OF TIME GRANTED	Nov 30, 2012	
32	D MOT FOR SUMMARY JUDGMENT	Mar 29, 2013	
33	P MOT FOR EXT W/ CONSENT	Apr 25, 2013	
34	RESPONSE DUE; SUSPENDED FOR CONSIDERATION OF PENDING MTN	Apr 30, 2013	
35	D RESP TO BD ORDER; PROOF OF SERVICE	May 02, 2013	
36	RESPONSE DUE 30 DAYS (DUE DATE)	May 29, 2013	Jun 28, 2013

Type of Proceeding: Opposition

Proceeding Number: [91193159](#)

Filing Date: Dec 23, 2009

Status: Terminated

Status Date: Apr 13, 2010

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: Not-Not, Inc.

Correspondent Address: DANIEL R. FRIJOUF
FRIJOUF, RUST & PYLE, P.A.
201 E DAVIS BLVD
TAMPA FL , 33606-3728
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
LEVOLUTION	Abandoned - After Inter-Partes Decision	77586350	

Plaintiff(s)

Name: Abercrombie & Fitch Trading Co.

Correspondent Address: JACOB KRAMER
ABERCROMBIE & FITCH TRADING CO.
6301 FITCH PATH
NEW ALBANY OH , 43054
UNITED STATES

Correspondent e-mail: ipdocketingwest@abercrombie.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Renewed	76258313	2626917
	Section 8 and 15 - Accepted and Acknowledged	78716362	3135750

Registered

[77896032](#) [3951879](#)

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 23, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 23, 2009	Feb 01, 2010
3	PENDING, INSTITUTED	Dec 23, 2009	
4	NOTICE OF DEFAULT	Feb 17, 2010	
5	BOARD'S DECISION: SUSTAINED	Apr 13, 2010	
6	TERMINATED	Apr 13, 2010	

Type of Proceeding: OppositionProceeding Number: [91191735](#)

Filing Date: Aug 31, 2009

Status: Terminated

Status Date: Feb 02, 2011

Interlocutory Attorney: CHERYL A BUTLER

Defendant

Name: Kenneth Michael Cheney

Correspondent Address: KENNETH MICHAEL CHENEY
1830 HOLLYVIEW DRIVE
SAN RAMON CA , 94582
UNITED STATESCorrespondent e-mail: michael@verumsports.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
	Abandoned - After Inter-Partes Decision	77117258	

Plaintiff(s)

Name: Abercrombie & Fitch Trading Co.

Correspondent Address: Susan M. Kayser and Kelly R. McCarty
HOWREY LLP
1299 PENNSYLVANIA AVENUE NW
WASHINGTON DC , 20004
UNITED STATESCorrespondent e-mail: IPDocketing@howrey.com , KayserS@howrey.com , McCartyK@howrey.com , RenneM@howrey.com , IPDocketingWest@abercrombie.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
	Renewed	76258313	2626917
	Section 8 and 15 - Accepted and Acknowledged	78716362	3135750

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 31, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 01, 2009	Oct 11, 2009
3	PENDING, INSTITUTED	Sep 01, 2009	
4	STIPULATION FOR AN EXTENSION OF TIME	Sep 28, 2009	
5	EXTENSION OF TIME GRANTED	Sep 28, 2009	
6	STIPULATION FOR AN EXTENSION OF TIME	Nov 04, 2009	
7	EXTENSION OF TIME GRANTED	Nov 04, 2009	
8	D'S MOTION FOR AN EXTENSION OF TIME	Dec 04, 2009	
9	CHANGE OF CORRESPONDENCE ADDRESS	Dec 08, 2009	
10	ANSWER	Dec 10, 2009	
11	SIGNED COPY OF NO. 10	Dec 10, 2009	
12	TRIAL DATES REMAIN AS SET	Dec 28, 2009	
13	P'S MOTION TO COMPEL DISCOVERY	Sep 05, 2010	
	SUSPENDED PENDING DISP OF OUTSTNDNG MOT		

14	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Sep 17, 2010
15	Applicant's Pretrial Disclosures	Oct 08, 2010
16	D'S OPPOSITION/RESPONSE TO MOTION	Oct 11, 2010
17	CHANGE OF CORRESPONDENCE ADDRESS	Oct 26, 2010
18	P'S REPLY IN SUPPORT OF MOTION	Oct 26, 2010
19	D'S MOTION FOR SUMMARY JUDGMENT	Nov 09, 2010
20	TRIAL DATES RESET	Nov 15, 2010
21	P'S MOTION FOR SANCTIONS	Dec 23, 2010
22	SUSPENDED PENDING DISP OF OUTSTNDNG MOT	Jan 12, 2011
23	BOARD'S DECISION: SUSTAINED	Feb 02, 2011
24	TERMINATED	Feb 02, 2011

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

ABERCROMBIE & FITCH TRADING CO.,)	
	)	Opposition No. 91193275
Opposer,)	
v.)	
)	
ARTEMIDES HOLDINGS PTY. LTD.,)	
)	
Applicant.)	

EXHIBIT 4

TO

DECLARATION OF SUSAN M. KAYSER

Generated on: This page was generated by TSDR on 2013-06-28 11:02:59 EDT

Mark:



US Serial Number: 79064732

Application Filing Date: Dec. 08, 2008

Register: Principal

Mark Type: Trademark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Jan. 06, 2010

Publication Date: Jul. 07, 2009

Mark Information

Mark Literal Elements: None

Standard Character Claim: No

Mark Drawing Type: 2 - AN ILLUSTRATION DRAWING WITHOUT ANY WORDS(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of two semi-circles that intersect to form an oval in the center.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Design Search Code(s): 26.17.09 - Bands, curved; Lines, curved; Curved line(s), band(s) or bar(s); Bars, curved

Related Properties Information

International Registration Number: 0991757

International Registration Date: Dec. 08, 2008

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Clothing, namely, dresses, skirts, jackets, vests, coats, blazers, jumpers, sweaters, caftans, ponchos, shirts, blouses, knit shirts, T-shirts, sweatshirts, tops, polo shirts, trousers, pants, overalls, jeans, and denim trousers, shorts, camisoles, lingerie, sleepwear, women's underwear, swimwear, gloves, ties, scarves, headscarves, shawls, leather belts, fabric belt, socks, hosiery

International Class(es): 025 - Primary Class

U.S Class(es): 022, 039

Class Status: ACTIVE

Basis: 66(a)

Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Artemides Holdings Pty Ltd

Owner Address: 63 Victoria Crescent
ABBOTSFORD VIC 3067
AUSTRALIA

Legal Entity Type: CORPORATION

State or Country Where Organized: AUSTRALIA

Attorney/Correspondence Information

Attorney of Record - None Correspondent

Correspondent Name/Address: J JOE SADLER
WARNER NORCROSS & JUDD LLP
900 FIFTH THIRD CENTER
111 LYON STREET NW
GRAND RAPIDS, MICHIGAN 49503-2487
UNITED STATES

Phone: 650-988-8500

Fax: 650-938-5200

Correspondent e-mail: trademark@fenwick.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Sally M. Abel

Phone: 650-988-8500

Fax: 650-938-5200

Domestic Representative e-mail: trademark@fenwick.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Jan. 29, 2010	REFUSAL PROCESSED BY IB	
Jan. 06, 2010	OPPOSITION INSTITUTED NO. 999999	193275
Jan. 05, 2010	OPPOSITION NOTICE (IB REFUSAL) SENT TO IB	
Jan. 05, 2010	OPPOSITION NOTICE (IB REFUSAL) CREATED	
Oct. 15, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 15, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 04, 2009	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 07, 2009	PUBLISHED FOR OPPOSITION	
Jun. 17, 2009	NOTICE OF PUBLICATION	
Jun. 04, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Jun. 04, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 03, 2009	AMENDMENT FROM APPLICANT ENTERED	66121
Jun. 03, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	66121
Jun. 01, 2009	PAPER RECEIVED	
May 08, 2009	REFUSAL PROCESSED BY IB	
Apr. 17, 2009	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Apr. 17, 2009	REFUSAL PROCESSED BY MPU	72589
Apr. 17, 2009	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Apr. 16, 2009	NON-FINAL ACTION WRITTEN	76487
Apr. 16, 2009	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Mar. 31, 2009	WITHDRAWN FROM PUB - TQR/NON-ATTY REQUEST	71359
Mar. 17, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Mar. 09, 2009	ASSIGNED TO LIE	66121
Mar. 06, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 06, 2009	ASSIGNED TO EXAMINER	76487
Feb. 27, 2009	APPLICATION FILING RECEIPT MAILED	
Feb. 23, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 20, 2009	LIMITATION OF GOODS/SERVICES FROM IB ENTERED	68359

International Registration Information (Section 66a)

International Registration Number: 0991757	International Registration Date: Dec. 08, 2008
Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status: Feb. 19, 2009
Notification of Designation Date: Feb. 19, 2009	Date of Automatic Protection: Aug. 19, 2010
International Registration Renewal Date: Dec. 08, 2018	
First Refusal Flag: Yes	

TM Staff and Location Information

TM Staff Information

TM Attorney: STIGLITZ, SUSAN R Law Office Assigned: LAW OFFICE 109

File Location

Current Location: PUBLICATION AND ISSUE SECTION Date in Location: Jun. 04, 2009

Proceedings

Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: 91193275	Filing Date: Jan 04, 2010
Status: Pending	Status Date: Jan 04, 2010
Interlocutory Attorney: ELIZABETH WINTER	

Defendant

Name: Artemides Holdings Pty Ltd

Correspondent Address: J JOE SADLER
WARNER NORCROSS & JUDD LLP
900 FIFTH THIRD CENTER, 111 LYON STREET NW
GRAND RAPIDS MI , 49503-2487
UNITED STATES

Correspondent e-mail: jsadler@wnj.com , ltaffs@wnj.com , mazzi@wnj.com , jscott@wnj.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Opposition Pending	79064732	
Plaintiff(s)			

Name: Abercrombie & Fitch Trading Co.

Correspondent Address: SUSAN M KAYSER
JONES DAY
51 LOUISIANA AVENUE NW
WASHINGTON DC , 20001-2113
UNITED STATES

Correspondent e-mail: skayser@jonesday.com , jbradley@jonesday.com , tcgreenleaf@jonesday.com , NYTEF@jonesday.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Renewed	76258313	2626917
	Section 8 and 15 - Accepted and Acknowledged	78716362	3135750
	Registered	77896032	3951879

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 04, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 06, 2010	Feb 15, 2010
3	PENDING, INSTITUTED	Jan 06, 2010	

4	D MOT FOR EXT W/ CONSENT	Feb 11, 2010	
5	EXTENSION OF TIME GRANTED	Feb 11, 2010	
6	D MOT FOR EXT W/ CONSENT	Apr 13, 2010	
7	EXTENSION OF TIME GRANTED	Apr 13, 2010	
8	D MOT FOR EXT W/ CONSENT	Jun 10, 2010	
9	EXTENSION OF TIME GRANTED	Jun 10, 2010	
10	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 06, 2010	
11	EXTENSION OF TIME GRANTED	Aug 06, 2010	
12	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Nov 12, 2010	
13	EXTENSION OF TIME GRANTED	Nov 12, 2010	
14	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 10, 2011	
15	EXTENSION OF TIME GRANTED	Feb 10, 2011	
16	ANSWER	Apr 08, 2011	
17	CHANGE OF CORRESPONDENCE ADDRESS	Jun 01, 2011	
18	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 12, 2011	
19	EXTENSION OF TIME GRANTED	Aug 15, 2011	
20	CHANGE OF CORRESPONDENCE ADDRESS	Aug 12, 2011	
21	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Nov 28, 2011	
22	EXTENSION OF TIME GRANTED	Nov 28, 2011	
23	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 21, 2012	
24	EXTENSION OF TIME GRANTED	Jan 21, 2012	
25	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jun 04, 2012	
26	EXTENSION OF TIME GRANTED	Jun 04, 2012	
27	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	Jun 13, 2012	
28	D MOT FOR EXT W/ CONSENT	Aug 01, 2012	
29	EXTENSION OF TIME GRANTED	Aug 01, 2012	
30	P MOT FOR EXT W/ CONSENT	Nov 30, 2012	
31	EXTENSION OF TIME GRANTED	Nov 30, 2012	
32	D MOT FOR SUMMARY JUDGMENT	Mar 29, 2013	
33	P MOT FOR EXT W/ CONSENT	Apr 25, 2013	
34	RESPONSE DUE; SUSPENDED FOR CONSIDERATION OF PENDING MTN	Apr 30, 2013	
35	D RESP TO BD ORDER; PROOF OF SERVICE	May 02, 2013	
36	RESPONSE DUE 30 DAYS (DUE DATE)	May 29, 2013	Jun 28, 2013

Type of Proceeding: Extension of Time

Proceeding Number: [79064732](#)

Filing Date: Sep 03, 2009

Status: Terminated

Status Date: Jan 06, 2010

Interlocutory Attorney:

Defendant

Name: Artemides Holdings Pty Ltd

Correspondent Address: Sally M. Abel
Fenwick & West LLP
Silicon Valley Center 801 California Street
Mountain View CA , 94041
AUSTRALIA

Associated marks

Mark	Application Status	Serial Number	Registration Number
	Opposition Pending	79064732	

Potential Opposer(s)

Name: Chanel, Inc.

Correspondent Address: Rachel Waranch
Chanel, Inc.
9 West 57th Street 44th Floor

New York NY , 10019
UNITED STATES

Correspondent e-mail: rachel.waranch@chanelusa.com

Name: Abercrombie & Fitch Trading Co.

Correspondent Address: Jacob Kramer
Abercrombie & Fitch Trading Co.
6301 Fitch Path
New Albany OH , 43016
UNITED STATES

Correspondent e-mail: ipdocketingwest@abercrombie.com , sabel@fenwick.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
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Prosecution History

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Aug 04, 2009	
2	EXTENSION OF TIME GRANTED	Aug 04, 2009	
3	INCOMING - EXT TIME TO OPPOSE FILED	Aug 06, 2009	
4	EXTENSION OF TIME GRANTED	Aug 07, 2009	
5	INCOMING - EXT TIME TO OPPOSE FILED	Sep 03, 2009	
6	EXTENSION OF TIME GRANTED	Sep 03, 2009	
7	INCOMING - EXT TIME TO OPPOSE FILED	Nov 03, 2009	
8	EXTENSION OF TIME GRANTED	Nov 03, 2009	

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

ABERCROMBIE & FITCH TRADING CO.,)	
	)	Opposition No. 91193275
)	
Opposer,)	
v.)	
)	
ARTEMIDES HOLDINGS PTY. LTD.,)	
)	
)	
Applicant.)	

EXHIBIT 5

TO

DECLARATION OF SUSAN M. KAYSER

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

Abercrombie & Fitch Trading Co.,

Opposer,

v.

Opposition No. 91193275

Artemides Holdings Pty Ltd.,

Applicant.

**APPLICANT'S ANSWERS TO OPPOSER'S FIRST SET
OF INTERROGATORIES TO APPLICANT**

Applicant Artemides Holdings Pty Ltd. answers Opposer's First Set of Interrogatories to Applicant as follows:

These General Objections are intended to apply to all discovery requests, and are in addition to, and not exclusive of, any additional objections set forth in response to specific requests.

1. Applicant objects to the "Introduction" and "Definitions" set forth in Opposer's requests to the extent that they seek to impose obligations upon Applicant that go beyond those required by the Trademark Rules of Practice of the Patent and Trademark Office and the Federal Rules of Civil Procedure. Applicant will respond in accordance with Rule 2.120 of the Trademark Rules of Practice of the Patent and Trademark Office, and Rules 26 and 33 of the Federal Rules of Civil Procedure.

2. Applicant objects to each and every discovery requests to the extent they seek information protected by the attorney-client and/or work product immunity.

3. Applicant objects to each and every discovery request to the extent that they are overly broad, unduly burdensome, vague, not specific, or properly limited as to time or otherwise seek information outside the scope of discovery permitted by Fed. R. Civ. P. 26.

4. Applicant objects to each and every discovery request to the extent that they require Applicant to speculate as to its future activities.

5. Applicant objects to each and every discovery request to the extent that they seek confidential information about Applicant's business practices, its vendors, and its business plans. Applicant will only produce such information subject to an appropriate protective order.

6. Applicant's responses to Opposer's discovery requests are not an admission or acknowledgement that the requests seek admissible, relevant or discoverable information. Applicant reserves the right to raise any and all objections to the admissibility and relevance of its responses to Opposer's discovery requests, and to object to any further discovery request relating to the subject matter of any information provided by Applicant in response to any of Opposer's requests.

7. Applicant specifically objects to each and every discovery request, to the extent they seek information related to business activities occurring outside the United States, specifically to the marketing and sales of goods bearing the marks at issue. Unless the responses specifically state, they are limited to information relevant to the Applicant's business in the United States.

INTERROGATORY NO. 1:

State all facts and describe the details regarding Artemides' first awareness of the A&F Mark, including the date of such first awareness, an identification of the persons most

objections, Basil Artemides and Stacey McWilliams have knowledge of these topics.

INTERROGATORY NO. 10:

State the annual dollar and unit volume of Applicant's sales in the United States of goods under the Artemides Mark from the first sale of each type of product to the present, indicating the sales for each type of product for each year (or for each month for periods of less than a year).

RESPONSE: Applicant states that approximately \$375 of goods were sold between February 2011 and June 2012. Documents relating to such sales are being produced in response to requests for production.

INTERROGATORY NO. 11:

State the annual dollar amount of Applicant's advertising and promotional expenditures in the United States for each product sold under the Artemides Mark from the first sale of each type of product to the present, indicating the advertising and promotional expenditures for each type of product for each year (or for each month for periods of less than a year).

RESPONSE: Applicant states that no more than \$100,000 has been spent on advertising or promotional activities in the United States. The majority of these expenses relate to Applicant's appearance at various trade shows discussed in answers to other interrogatories. Documents related to such expenditures are being produced in response to requests for production. In light of the modest amount of sales, Applicant objects to the remainder of this request as unduly burdensome.

INTERROGATORY NO. 12:

Identify all retail or wholesale stores, websites by URL, and any other outlets through which Artemides has marketed, promoted, offered for sale, or sold, or intends to market, promote, or sell, products bearing the Artemides Mark.

RESPONSE: Applicant objects to this request because it is overly broad, unduly burdensome, not properly limited in temporal or geographical scope and seeks information that is outside the scope of discovery permitted by Fed. R. Civ. P. 26. Without waiving these objections, Applicant states that it has not yet marketed or such products through retail locations in the United States. It has marketed its products through the website www.bardot.com.au.

INTERROGATORY NO. 13:

Identify all trade shows, professional shows, professional meetings, seminars, conferences, events, and/or conventions where Applicant or another on Applicant's behalf has promoted or offered goods identified by the Artemides Mark, including the name of the show, meeting, seminar, conference, event, or convention, where it was held, the dates when it was held, and the type of goods promoted or offered at each show, meeting, seminar, conference, event or convention by Applicant under the Artemides Mark.

RESPONSE: Applicant objects to this request because it is overly broad, unduly burdensome, vague, not properly limited in temporal scope and seeks information that is outside the scope of discovery permitted by Fed. R. Civ. P. 26. Without waiving these objections, Applicant answers as follows:

- Magic, a trade show, held in Las Vegas on August 16-18, 2010.
- Coterie, a trade show held in the Jovits Centre, New York, in February, 2011 and September 18, 19 and 20 2011 and February 21-23, 2012.
- ENK, a trade show held in Las Vegas on February 13-15, 2012.

INTERROGATORY NO. 14:

Identify the demographic group or groups (age, gender, income) of consumers who purchase or who are likely to purchase Artemides' products bearing the Artemides Mark.

RESPONSE: Applicant objects to this request because it is overly broad, unduly burdensome, vague, not properly limited in temporal or geographic scope and seeks information that is outside the scope of discovery permitted by Fed. R. Civ. P. 26. Without waiving these objections, Applicant states that a wide variety of demographic groups may potentially purchase the products

comment, inquiry, statement, or act, the person who made it, the date it was made, and all persons knowledgeable thereof.

RESPONSE: No such instances are known to Applicant.

INTERROGATORY NO. 18:

Identify and describe any and all ways, including all channels of trade, that Applicant markets and sells, or intends to market or sell, any goods bearing the Artemides Mark in the United States.

RESPONSE: Applicant does not currently market or sell such goods in the United States. In the future, Applicant intends to market and sell goods bearing the Artemides Mark in the United States via the internet, through distributors and directly through department stores. Applicant has no plans to open its own retail stores the United States.

INTERROGATORY NO. 19:

Identify and describe each type of product sold, offered for sale, intended to be sold, or intended to be offered for sale in the United States under the Artemides Mark.

RESPONSE: Applicant objects to this request because it is overly broad, vague, and calls for speculation. Without waiving these objections, Applicant states that it intends to sell denim shorts, denim pants, denim jackets and similar goods bearing the Artemides Mark in the United States.

INTERROGATORY NO. 20:

Identify and describe the facts relating to the date and manner in which the Artemides Mark, was first used in connection with the sale of each product required to be identified in response to Interrogatory No. 19.

RESPONSE: Applicant objects to this request because it is overly broad, unduly burdensome, and vague. Without waiving these objections, Applicant states that it first began marketing through the website www.bardot.com.au in February 2011.

Brooklyn Hipster	\$139.95
Simone Skinny Denim	\$139.95
Bella Jegging	\$139.95
Miranda Skinny Jean	\$139.95
Tahlia Denim Jean	\$139.95

INTERROGATORY NO. 22:

Describe Applicant's proposed or contemplated use in the United States of the Artemides Mark, including all proposed uses of the mark by Applicant and the geographic areas of the proposed uses.

RESPONSE: Applicant proposes to use the Artemides Mark throughout the United States on the back pocket of denim items. The mark will be used in print, on the internet and in advertising, including outdoor advertising.

INTERROGATORY NO. 23:

Describe any and all reasons why Artemides has not sold goods bearing the Artemides Mark in the United States, including any and all perceived or actual obstacles to entering the U.S. market with goods bearing the Artemides Mark.

RESPONSE: Applicant objects to this request because it is vague and overly broad. Without waiving these objections, Applicant has not yet sold goods bearing the Artemides Mark in the United States of America (other than via its website) due to the difficulty of breaking into the market for denim products in the United States and the cost and logistical constraints of selling a product produced in Australia in the United States.

INTERROGATORY NO. 24:

Describe all advertising and promotional measures taken or planned in advertising or promoting the sale of any products under the Artemides Mark in the United States, specifying

INTERROGATORY NO. 34:

Identify those persons who had more than a clerical role in the preparation of responses to the foregoing interrogatories or in any search for documents in connection with said interrogatories.

RESPONSE: Applicant objects to this request because it is overly broad, unduly burdensome, vague, and seeks information protected by the attorney-client privilege and/or work product privilege.

INTERROGATORY NO. 35:

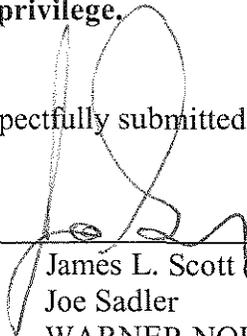
Identify those persons who assisted in the collection of documents responsive to Opposer's First Request for Production of Documents and Things.

RESPONSE: Applicant objects to this request because it is overly broad, unduly burdensome, vague, and seeks information protected by the attorney-client privilege and/or work product privilege.

Respectfully submitted,

Dated: July 12, 2012

By:

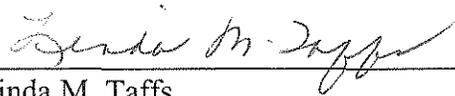


James L. Scott (P53863)
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616.752.2000
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jsadler@wnj.com

CERTIFICATE OF SERVICE

Linda M. Taffs states that she is a secretary at Warner Norcross & Judd LLP and that on the 12th day of July, 2012, she served a copy of **APPLICANT'S ANSWERS TO OPPOSER'S**

FIRST SET OF INTERROGATORIES TO APPLICANT upon Susan M. Kayser and Anna E. Raimer, Jones Day, 52 Louisiana Avenue, N.W., Washington, D.C. 20001-2113 via United States Mail, and via email at skayser@jonesday.com and aeraimer@jonesday.com, pursuant to the agreement of the parties.



Linda M. Taffs

8419283

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

ABERCROMBIE & FITCH TRADING CO.,)	
	)	Opposition No. 91193275
)	
Opposer,)	
v.)	
)	
ARTEMIDES HOLDINGS PTY. LTD.,)	
)	
)	
Applicant.)	

EXHIBIT 6

TO

DECLARATION OF SUSAN M. KAYSER

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

Abercrombie & Fitch Trading Co.,

Opposer,

v.

Opposition No. 91193275

Artemides Holdings Pty Ltd.,

Applicant.

**APPLICANT'S RESPONSES TO OPPOSER'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS AND THINGS TO APPLICANT**

Applicant Artemides Holdings Pty Ltd. states the following as its responses to Opposer's First Request for Production of Documents and Things to Applicant pursuant to Rule 2.120 of the Trademark Rules of Practice of the Patent and Trademark Office, and Rules 26 and 33 of the Federal Rules of Civil Procedure.

GENERAL OBJECTIONS

These General Objections are intended to apply to all discovery requests, and are in addition to, and not exclusive of, any additional objections set forth in response to specific requests.

1. Applicant objects to the "Introduction" and "Definitions" set forth in Opposer's requests to the extent that they seek to impose obligations upon Applicant that go beyond those required by the Trademark Rules of Practice of the Patent and Trademark Office and the Federal Rules of Civil Procedure. Applicant will respond in accordance with Rule 2.120 of the Trademark Rules of Practice of the Patent and Trademark Office, and Rules 26 and 33 of the Federal Rules of Civil Procedure.

2. Applicant objects to each and every discovery request to the extent they seek information protected by the attorney-client and/or work product immunity.

3. Applicant objects to each and every discovery request to the extent that they are overly broad, unduly burdensome, vague, not specific, or properly limited as to time or otherwise seek information outside the scope of discovery permitted by Fed. R. Civ. P. 26.

4. Applicant objects to each and every discovery request to the extent that they require Applicant to speculate as to its future activities.

5. Applicant objects to each and every discovery request to the extent that they seek confidential information about Applicant's business practices, its vendors, and its business plans. Applicant will only produce such information subject to an appropriate protective order.

6. Applicant's responses to Opposer's discovery requests are not an admission or acknowledgement that the requests seek admissible, relevant or discoverable information. Applicant reserves the right to raise any and all objections to the admissibility and relevance of its responses to Opposer's discovery requests, and to object to any further discovery request relating to the subject matter of any information provided by Applicant in response to any of Opposer's requests.

7. Applicant specifically objects to each and every discovery request, to the extent they seek information related to business activities occurring outside the United States, specifically to the marketing and sales of goods bearing the marks at issue. Unless the responses specifically state, they are limited to information relevant to the Applicant's business in the United States.

DOCUMENT REQUESTS

REQUEST NO. 1:

Documents sufficient to show information relating or referring to the conception, origination, consideration, commissioning, inspiration, selection, acquisition, creation, drafting, editing, or adoption of the Artemides Mark, including but not limited to draft designs or patterns leading up to the adoption of the Artemides Mark.

RESPONSE: Applicant objects to this request because it is overly broad, unduly burdensome, vague, not properly limited in temporal scope and seeks information that is outside the scope of discovery permitted by Fed. R. Civ. P. 26. Applicant further objects to this request to the extent it seeks information protected by the attorney-client privilege and/or work product privilege.

REQUEST NO. 2:

Any and all documents or things bearing, mentioning, referring or relating to the A&F Mark (other than documents filed in this Action or communications between Artemides and counsel for A&F), including but not limited to consideration, use of, or reference to the A&F Mark in developing and adopting the Artemides Mark.

RESPONSE: Applicant objects to this request because it seeks information protected by the attorney-client privilege and/or work product privilege. Without waiving these objections, Applicant states that it is unaware of any responsive documents other than attorney-client communications or work product related to this case.

REQUEST NO. 3:

Documents reflecting any and all communication with any Third Party referring in substance or effect to the A&F Mark or the Artemides Mark.

RESPONSE: Applicant objects to this request because it seeks information protected by the attorney-client privilege and/or work product privilege. Without waiving these objections, Applicant states that it is unaware of any responsive documents other than attorney-client communications related to this case.

REQUEST NO. 4:

Any and all documents (other than documents filed in this action or communications between Artemides and counsel for A&F), referring or relating to Opposer or its products or services.

RESPONSE: Applicant objects to this request because it seeks information protected by the attorney-client privilege and/or work product privilege. Without waiving these objections, Applicant states that it is unaware of any responsive documents other than attorney-client communications or work product related to this case.

REQUEST NO. 5:

Documents sufficient to show the dates of first use (in the United States) of the Artemides Mark for each good bearing the Artemides Mark.

RESPONSE: Applicant objects to this request because it is overly broad and unduly burdensome. Without waiving these objections, Applicant states that the Artemides Mark has only been used in the United States at the trade shows described in answers to interrogatories. Documents related to these trade shows are attached.

REQUEST NO. 6:

Any and all documents that support and/or rebut an allegation contained in the Notice of Opposition filed in this Action.

RESPONSE: Applicant objects to this request because it is overly broad, unduly burdensome, vague, not properly limited in temporal scope and seeks information that is outside the scope of discovery permitted by Fed. R. Civ. P. 26. Applicant further objects to this request because it seeks information protected by the attorney-client privilege and/or work product privilege.

REQUEST NO. 7:

Any and all documents reflecting any inquiry or statement by any Third Party about the Artemides Mark, about the A&F Mark, about A&F, or about any A&F pocket stitching design.

RESPONSE: None.

REQUEST NO. 60:

Documents sufficient to identify any proposed or contemplated use in the United States of the Artemides Mark, including any proposed or contemplated sales, advertising, marketing, and promotion of products in the United States bearing the Artemides Mark.

RESPONSE: Applicant objects to this request because it is overly broad, unduly burdensome, vague, not properly limited in temporal scope and seeks information that is outside the scope of discovery permitted by Fed. R. Civ. P. 26. Without waiving these objections, responsive documents are being produced in response to other requests.

REQUEST NO. 61:

With regard to each fact witness that Artemides expects to call during its testimony period, the documents that support each fact as to which the witness is expected to testify.

RESPONSE: In addition to the General Objections above, Applicant objects to this request because it is overly broad, unduly burdensome, vague, not properly limited in temporal scope and seeks information that is outside the scope of discovery permitted by Fed. R. Civ. P. 26. Applicant further objects to this request because it seeks information protected by the attorney-client privilege and/or work product privilege.

REQUEST NO. 62:

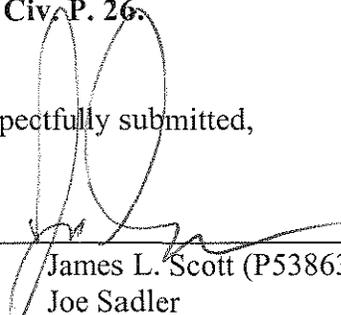
Any and all documents supporting or controverting the statements contained in Applicant's Answer.

RESPONSE: In addition to the General Objections above, Applicant objects to this request because it is overly broad, unduly burdensome, vague, not properly limited in temporal scope and seeks information that is outside the scope of discovery permitted by Fed. R. Civ. P. 26.

Respectfully submitted,

Dated: July 12, 2012

By:



James L. Scott (P53863)

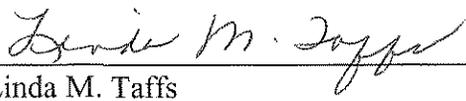
Joe Sadler

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jsadler@wnj.com

CERTIFICATE OF SERVICE

Linda M. Taffs states that she is a secretary at Warner Norcross & Judd LLP and that on the 12th day of July, 2012, she served a copy of **APPLICANT'S RESPONSES TO OPPOSER'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS AND THINGS TO APPLICANT** upon Susan M. Kayser and Anna E. Raimer, Jones Day, 52 Louisiana Avenue, N.W., Washington, D.C. 20001-2113 via United States Mail, and via email at skayser@jonesday.com and aeraimer@jonesday.com, pursuant to the agreement of the parties.



Linda M. Taffs

GR#8419174

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

ABERCROMBIE & FITCH TRADING CO.,)	
	)	Opposition No. 91193275
)	
Opposer,)	
v.)	
)	
ARTEMIDES HOLDINGS PTY. LTD.,)	
)	
)	
Applicant.)	

EXHIBIT 7

TO

DECLARATION OF SUSAN M. KAYSER

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

Abercrombie & Fitch Trading Co.,

Opposer,

Opposition No. 91193275

v.

Artemides Holdings Pty Ltd.,

Applicant.

**APPLICANT'S RESPONSE TO OPPOSER'S
FIRST REQUEST FOR ADMISSIONS TO APPLICANT**

Applicant Artemides Holdings Pty Ltd. hereby responds to Opposer Abercrombie & Fitch Trading Co.'s First Request for Admissions to Applicant as follows:

REQUESTS FOR ADMISSIONS

REQUEST NO. 1: Admit U.S. Trademark Registration No. 2,626,917, owned by A&F, is valid.

RESPONSE: After reasonable inquiry, the information known to Applicant or readily obtainable is not sufficient to allow it to either admit or deny this Request.

REQUEST NO. 2: Admit U.S. Trademark Registration No. 2,626,917, owned by A&F, claims a first use in commerce date of February 2001.

RESPONSE: Admit that A&F is the owner of record of the referenced registration and that it claims a first use in commerce of February 2001. Deny the remainder of the request.

REQUEST NO. 3: Admit U.S. Trademark Registration No. 3,135,750, owned by A&F, is valid.

RESPONSE: Admit that A&F is the owner of record for the referenced registration. Applicant objects to the remainder of the Request on the grounds of vagueness and ambiguity and therefore denies same.

REQUEST NO. 23: Admit that Artemides has applied to register the Artemides Mark in connection with dresses, skirts, jackets, vests, coats, blazers, jumpers, sweaters, caftans, ponchos, shirts, blouses, knit shirts, T-shirts, sweatshirts, tops, polo shirts, trousers, pants, overalls, jeans, and denim trousers, shorts, camisoles, lingerie, sleepwear, women's underwear, swimwear, gloves, ties, scarves, headscarves, shawls, leather belts, fabric belt, socks, and hosiery.

RESPONSE: Admit.

REQUEST NO. 24: Admit that jeans, skirts, shorts, pants, and jackets are goods identified in U.S. Trademark Application No. 79/064,732 and the U.S. Registration 3,135,750 for the A&F Mark.

RESPONSE: Admit.

REQUEST NO. 25: Admit that Artemides intends to use its Artemides Mark as a trademark on its apparel.

RESPONSE: Admit.

REQUEST NO. 26: Admit that, outside the U.S., Artemides sells jeans, skirts, shorts, pants, and jackets.

RESPONSE: Admit.

REQUEST NO. 27: Admit that you have no evidence that A&F knowingly delayed in pursuing this Action.

RESPONSE: Admit, subject to the caveat that discovery is ongoing and evidence of undue delay may be uncovered through the discovery process.

REQUEST NO. 34: Admit that the Artemides Mark consists of two curved lines that form an oval shape in the center.

RESPONSE: Admit that the Artemides Mark consists of two curved lines that form a semicircular shape. Applicant denies that such shape appears in the center of the two lines and denies that the shape formed is the same or similar to that appearing in the A&F Mark and denies the remainder of the request.

REQUEST NO. 35: Admit that the Artemides Mark contains an oval shape formed by the two intersecting lines in the mark.

RESPONSE: Admit that the Artemides Mark consists of two curved lines that form a semicircular shape. Applicant denies that such shape is the same or similar to that appearing in the A&F Mark and denies the remainder of the request.

REQUEST NO. 36: Admit that the Artemides Mark and A&F Mark are both used on back pockets on jeans.

RESPONSE: Admit.

REQUEST NO. 37: Admit that the Artemides Mark is not registered with the U.S. Patent and Trademark office.

RESPONSE: Admit.

REQUEST NO. 38: Admit that the filing date of the application for Artemides Mark is December 8, 2008.

RESPONSE: Admit.

REQUEST NO. 39: Admit that, when worn by consumers, the most visible trademark on Artemides' jeans is the Artemides Mark.

RESPONSE: Admit that the Artemides Mark is visible on jeans bearing that mark when worn by consumers, to the extent that it is not covered by other articles of clothing. The remainder of this request is denied, because the mark's relative visibility depends on other variables.

REQUEST NO. 40: Admit that, when worn by consumers, the most visible trademark on Artemides' skirts is the Artemides Mark.

RESPONSE: Admit that the Artemides Mark is visible on denim skirts bearing that mark when worn by consumers, to the extent it is not covered by other articles of clothing. The remainder of this request is denied, because the mark's relative visibility depends on other variables.

REQUEST NO. 41: Admit that, when worn by consumers, the most visible trademark on Artemides' pants is the Artemides Mark.

RESPONSE: Admit that the Artemides Mark is visible on denim pants bearing that mark when worn by consumers. The remainder of this request is denied, because the mark's relative visibility in relation to other marks depends on other variables.

REQUEST NO. 42: Admit that Artemides adopted the Artemides Mark to increase the sales of its apparel.

RESPONSE: Denied as phrased. However, Applicant admits that the Artemides Mark has a commercial purpose and is intended to differentiate its goods from competitors.

REQUEST NO. 43: Admit that Artemides and A&F are competitors in the apparel market.

RESPONSE: Admit that Applicant and A&F are both participants in the apparel markets in the countries in which their products are sold. The remainder is denied, on the grounds that "the apparel market" is not defined and Applicant does not necessarily compete against A&F with respect to all types of clothing, all types of consumers, and all geographic areas.

RESPONSE: Denied.

REQUEST NO. 57: Admit that Artemides was aware of A&F's Mark before Artemides designed the Artemides Mark.

RESPONSE: Denied.

REQUEST NO. 58: Admit that products bearing the Artemides Mark are sold in retail stores, including stores located in shopping centers.

RESPONSE: Applicant denies that such products are sold in retail stores in the United States, but admits that such products are sold in retail stores elsewhere.

REQUEST NO. 59: Admit that products bearing the A&F Mark are sold in retail stores, including stores located in shopping centers.

RESPONSE: Admit.

REQUEST NO. 60: Admit that products bearing the Artemides Mark and products bearing the A&F Mark are marketed and sold in some of the same channels of trade.

RESPONSE: After reasonable inquiry, the information known to Applicant or readily obtainable is not sufficient to allow it to either admit or deny this Request.

REQUEST NO. 61: Admit that there is no restriction on channels of trade in Artemides' application for the Artemides Mark.

RESPONSE: Admit.

REQUEST NO. 62: Admit that Artemides considers A&F to be a competitor.

RESPONSE: Denied.

REQUEST NO. 63: Admit that the demographic groups who are likely to purchase Artemides' products bearing the Artemides Mark are the same demographic groups that purchase A&F's products bearing the A&F Mark.

RESPONSE: After reasonable inquiry, the information known to Applicant or readily obtainable is not sufficient to allow it to either admit or deny this Request.

REQUEST NO. 64: Admit that Artemides has not used the Artemides Mark in commerce in the U.S.

RESPONSE: Denied.

REQUEST NO. 65: Admit that Artemides has not sold or offered for sale any products bearing the Artemides Mark in the U.S.

RESPONSE: Admit that Applicant has not sold any products bearing the Artemides Mark in the United States. Denied that it has not offered such products for sale. As explained in answers to Interrogatories, products bearing the Artemides Mark have been displayed at several trade shows in the United States.

REQUEST NO. 66: Admit that there are obstacles to Artemides entering the U.S. market with goods bearing the Artemides Mark.

RESPONSE: Admit that obstacles to entry into the U.S. market exist, but deny that such obstacles have anything to do with the Artemides Mark or the goods bearing the Artemides Mark.

REQUEST NO. 67: Admit that Artemides has not entered the U.S. market with goods bearing the Artemides Mark because of the likelihood of confusion with goods bearing the A&F Mark.

RESPONSE: Denied.

REQUEST NO. 68: Admit that you have no evidence that A&F acquiesced to your use of the Artemides Mark.

RESPONSE: Admit that, at the present time, Applicant has no evidence that A&F acquiesced to the use of the Artemides Mark in the United States, subject to the caveat that discovery is

ongoing and additional evidence may be uncovered through the discovery process. Applicant specifically denies that A&F had any right or authority to consent, or withhold consent, to Applicant's use of its mark.

REQUEST NO. 69: Admit that purchasers of clothing bearing the Artemides Mark make impulse purchases.

RESPONSE: Admit that clothing, as well as many other items, may sometimes be purchased "on impulse," as Applicant understands that term. Applicant denies that consumers only purchase clothing "on impulse."

REQUEST NO. 70: Admit that A&F has stated a claim for likelihood of confusion in the Notice of Opposition in this Action.

RESPONSE: Admit that A&F has "stated a claim" but deny that such claim is meritorious.

REQUEST NO. 71: Admit that A&F has stated a claim for dilution in the Notice of Opposition in this Action.

RESPONSE: Admit that A&F has "stated a claim" but deny that such claim is meritorious.

Respectfully submitted,

Dated: July __, 2012

By: _____

Joe Sadler
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Telephone: (616) 752-2271
Fax: (616) 222-2271
Email: jsadler@wnj.com

CERTIFICATE OF SERVICE

Joe Sadler states that on the 2nd day of August, 2012 he caused to be served the within **APPLICANT'S RESPONSE TO OPPOSER'S FIRST REQUEST FOR ADMISSIONS TO APPLICANT** upon Susan Kayser and Anna E. Raimer, Jones Day, 51 Louisiana Avenue, N.W., Washington, D.C. 20001-2113, by depositing same in the United States Mail with postage fully prepaid and via email.



Joe Sadler

8469016-1

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

Abercrombie and Fitch Trading Co.,

Opposer,

v.

Artemides Holdings Pty Ltd.,

Applicant.

§
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§

Opposition No. 91193275

DECLARATION OF REID M. WILSON

Reid M. Wilson declares as follows,

1. I am the Vice President and Associate General Counsel – Intellectual Property for Abercrombie & Fitch Trading Co. and its related companies (collectively “A&F”). I have firsthand knowledge of the facts set forth below, or by virtue of my position am aware of, or have been made aware of through review of company records and documents kept in the ordinary course of business, the following matters. If called upon to do so, I could and would testify competently thereto.

2. The parent company of Abercrombie & Fitch Trading Co., Abercrombie & Fitch Co., is one of the largest manufacturers, wholesalers and retailers of high quality, casual apparel and accessories for men, women, and children with an active, youthful lifestyle in the U.S.A. The parent company and its predecessors in interest have been engaged in the business of manufacturing and selling high-end apparel and related accessories in the United States since 1892, well over a century.

3. A&F first used the A&F Mark on jeans and other clothing items in February 2001.

4. A&F currently sells goods bearing the A&F Mark, through its retail stores and Internet websites at www.bercrombie.com and www.bercrombiekids.com.

5. From 2004-2012, A&F has sold over [REDACTED] [REDACTED] worth of products bearing the A&F Mark in its retail stores. The annual dollar volume of products bearing the A&F Mark sold in retail stores in the United States since 2004 is as follows:

[REDACTED]	[REDACTED]

Total: [REDACTED]

6. From 2002-2012, A&F also sold an additional [REDACTED] in products bearing the A&F Mark, representing sales of [REDACTED], through its e-commerce websites at www.bercrombie.com and www.bercrombiekids.com to customers in the United States.

7. A&F has invested substantial sums in marketing and promotion of products bearing the A&F Mark. The total monetary amounts spent for marketing and promotion of the Abercrombie & Fitch brand in the United States since 2001, which includes products bearing the A&F Mark, exceeded [REDACTED] [REDACTED].

8. A&F actively promotes its A&F Mark on its websites at www.bercrombie.com and www.bercrombiekids.com, on in-store photographs, hangtags, and through promotional e-mails.

9. A&F's website, which prominently displays and offers for sale jeans and other clothing bearing the A&F Mark, receives several million hits per month. True and correct copies

of sample pages from A&F's website showing how A&F highlights the A&F Mark are attached as **Exhibit A**.

10. Jeans and other clothing items bearing the A&F Mark are prominently displayed and offered for sale in A&F's 410 retail stores located throughout the United States. True and correct examples of photographic displays used in A&F's stores that feature the A&F Mark are attached as **Exhibit B**.

11. A&F periodically sends promotional e-mails regarding products to customers who have registered for A&F's e-mail distribution list. **Exhibit C** contains a sampling of true and correct copies of promotional e-mails that have featured goods bearing the A&F Mark.

12. Attached as **Exhibit D** are true and correct copies of sample hang tags using the A&F Mark.

13. From 2001-2007, A&F released and distributed catalogs prominently displaying and offering for sale jeans and/or other clothing bearing the A&F Mark, with a total U.S. circulation of over 16.6 million copies. True and correct copies of sample pages from A&F's catalogs featuring product bearing the A&F Mark are attached as **Exhibit E**.

14. The A&F Mark is instantly recognizable as one of A&F's trademarks, symbolizing and signifying A&F's high quality, image, style, and goodwill, and confirming the strong public recognition of the A&F Mark as an indicator of a single designer brand source, namely A&F. True and correct copies of examples of unsolicited third party recognition of the A&F Mark are attached as **Exhibit F**.

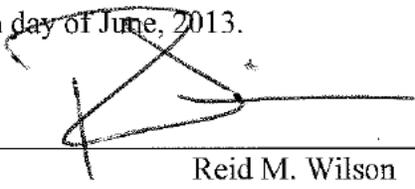
15. Given the popularity of A&F Mark, A&F is vigilant in policing third party uses that could lead to consumer confusion as to the source of particular products and services, or that could otherwise impair the trademark function of the A&F Mark. Representative enforcement

efforts that resulted in companies agreeing to cease use of similar marks or to abandon applications for similar marks include the following:

- **Exhibit G** [REDACTED]
[REDACTED]
[REDACTED]
- **Exhibit H** [REDACTED]
[REDACTED]
[REDACTED]
- **Exhibit I** [REDACTED]
[REDACTED]
[REDACTED]
- **Exhibit J** [REDACTED]
[REDACTED]
[REDACTED]
- **Exhibit K** [REDACTED]
[REDACTED]
[REDACTED]
- **Exhibit L** contains a true and correct copy of documents from Cancellation No. 92051066 in which Pacific Sunwear of California, Inc. voluntarily surrendered its trademark registration for a mark similar to the A&F Mark in response to A&F's cancellation action.
- **Exhibit M** contains a true and correct copy of the Final Judgment of Permanent Injunction and Other Relief entered by the U.S. District Court for

the Southern District of New York in which So Sweet LLC acknowledged A&F's rights in the A&F Mark and the Court enjoined So Sweet from using the A&F Mark and any colorable imitations.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 27th day of June, 2013.

By: 

Reid M. Wilson

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

ABERCROMBIE & FITCH TRADING CO.,)	Opposition No. 91193275
)	
Opposer,)	
v.)	
ARTEMIDES HOLDINGS PTY. LTD.,)	
Applicant.)	

EXHIBIT A

TO

DECLARATION OF REID M. WILSON

Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR

JEANS
▶ **JEGGING**
SUPER SKINNY
MID RISE
ANKLE
SKINNY
STRAIGHT
BOOT
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE
CLEARANCE



THE A&F JEGGING

FROM THE A&F JEANS COLLECTION

JEGGING



A&F JEGGINGS
~~\$68~~ \$49



A&F JEGGINGS
CORDUROY
~~\$68~~ \$59



A&F JEGGINGS
~~\$68~~ \$59



A&F JEGGINGS
~~\$68~~ \$59



A&F JEGGINGS
~~\$68~~ \$49



A&F JEGGINGS
CORDUROY
~~\$68~~ \$59

Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

38 OF 38

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR

JEANS
▶ **JEGGING**
SUPER SKINNY
MID RISE
ANKLE
SKINNY
STRAIGHT
BOOT
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE
CLEARANCE



VIEW LARGER

PRODUCT VIEW ● ● 360° VIEW

A&F JEGGINGS

DESTROYED DARK WASH
ONLINE ONLY

~~\$88~~ \$59

SHOWN IN MEDIUM WASH

Select Size [SIZE CHART](#)

Quantity: 1

[ADD TO WISH LIST](#)

RICH DARK COLOR, HAND-DONE DESTRUCTION WITH FADING AND WHISKERING THROUGH THIGHS, ICONIC BACK POCKET STITCHING, WEAR CUFFED, DARK WASH, IMPORTED

99% COTTON/1% SPANDEX
INSEAM (INCHES): 30

[SHIPPING & HANDLING](#)

Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

38 OF 38

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR

JEANS
▶ **JEGGING**
SUPER SKINNY
MID RISE
ANKLE
SKINNY
STRAIGHT
BOOT
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE
CLEARANCE



VIEW LARGER

PRODUCT VIEW 360° VIEW

A&F JEGGINGS

DESTROYED DARK WASH
ONLINE ONLY

~~\$88~~ \$59

SHOWN IN MEDIUM WASH

Select Size [SIZE CHART](#)

Quantity: 1

[ADD TO WISH LIST](#)

RICH DARK COLOR, HAND-DONE DESTRUCTION WITH FADING AND WHISKERING THROUGH THIGHS, ICONIC BACK POCKET STITCHING, WEAR CUFFED, DARK WASH, IMPORTED

99% COTTON/1% SPANDEX
INSEAM (INCHES): 30

[SHIPPING & HANDLING](#)



Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR

JEANS
JEGGING
▶ **SUPER SKINNY**
MID RISE
ANKLE
SKINNY
STRAIGHT
BOOT
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE
CLEARANCE

THE A&F SUPER SKINNY

FROM THE A&F JEANS COLLECTION



SUPER SKINNY



A&F SUPER SKINNY JEANS
DARK WASH
~~\$78~~ **\$59**



A&F SUPER SKINNY JEANS
DARK WASH
~~\$78~~ **\$59**



A&F SUPER SKINNY JEANS
DESTROYED MEDIUM WASH
~~\$88~~ **\$59**



A&F SUPER SKINNY JEANS
DESTROYED DARK WASH
~~\$78~~ **\$59**



A&F SUPER SKINNY JEANS
LIGHT WASH
~~\$88~~ **\$59**



A&F SUPER SKINNY JEANS
DARK WASH
~~\$78~~ **\$59**



Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR
JEANS

JEGGING
▶ **SUPER SKINNY**
MID RISE
ANKLE
SKINNY
STRAIGHT
BOOT
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE
CLEARANCE

◀ 8 OF 13 ▶



VIEW LARGER

PRODUCT VIEW ● ●

Tweet

A&F SUPER SKINNY JEANS

MEDIUM WASH

\$78 ~~\$49~~

SHOWN IN MEDIUM

Select Size [SIZE CHART](#)

Quantity: 1

ADD TO BAG

[ADD TO WISH LIST](#)

SUPER SKINNY LEG, HEAVY FADING AND WHISKERING THROUGH THIGHS, RIGHT COIN POCKET, ICONIC BACK POCKET STITCHING, MEDIUM WASH, IMPORTED

98% COTTON/1% SPANDEX
INSEAM (INCHES):
INSEAM (INCHES): S29, R31, L33

[SHIPPING & HANDLING](#)

Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

8 OF 13

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR
JEANS

JEGGING
▶ **SUPER SKINNY**
MID RISE
ANKLE
SKINNY
STRAIGHT
BOOT
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE
CLEARANCE



VIEW LARGER

PRODUCT VIEW

Tweet

A&F SUPER SKINNY JEANS

MEDIUM WASH

\$78 ~~\$49~~

SHOWN IN MEDIUM

Select Size [SIZE CHART](#)

Quantity: 1

ADD TO BAG

[ADD TO WISH LIST](#)

SUPER SKINNY LEG, HEAVY FADING AND WHISKERING THROUGH THIGHS, RIGHT COIN POCKET, ICONIC BACK POCKET STITCHING, MEDIUM WASH, IMPORTED

98% COTTON/1% SPANDEX
INSEAM (INCHES):
INSEAM (INCHES): S29, R31, L33

[SHIPPING & HANDLING](#)



Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR
JEANS

JEGGING
▶ **SUPER SKINNY**
MID RISE
ANKLE
SKINNY
STRAIGHT
BOOT
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE
CLEARANCE

◀ 4 OF 13 ▶



PRODUCT VIEW ● ● 360° VIEW

A&F SUPER SKINNY JEANS

DESTROYED DARK WASH

~~\$78~~ \$59

SHOWN IN DARK WASH

Select Size [SIZE CHART](#)

Quantity: 1

[ADD TO WISH LIST](#)

RICH DARK COLOR, SUBTLE DESTRUCTION WITH HEAVY FADING THROUGH THIGHS, RIGHT COIN POCKET, ICONIC BACK POCKET STITCHING, WEAR CUFFED, DARK WASH, IMPORTED

98% COTTON/2% SPANDEX
INSEAM (INCHES): S20, R31, L33

[SHIPPING & HANDLING](#)

Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR
JEANS

JEGGING
▶ **SUPER SKINNY**
MID RISE
ANKLE
SKINNY
STRAIGHT
BOOT
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE
CLEARANCE

◀ 4 OF 13 ▶



VIEW LARGER

PRODUCT VIEW 360° VIEW

Like

Tweet

A&F SUPER SKINNY JEANS

DESTROYED DARK WASH

\$78 ~~\$59~~

SHOWN IN DARK WASH

Select Size [SIZE CHART](#)

Quantity: 1

ADD TO BAG

[ADD TO WISH LIST](#)

RICH DARK COLOR, SUBTLE DESTRUCTION WITH HEAVY FADING THROUGH THIGHS, RIGHT COIN POCKET, ICONIC BACK POCKET STITCHING. WEAR CUFFED, DARK WASH, IMPORTED

98% COTTON/2% SPANDEX
INSEAM (INCHES): S20, R31, L33

[SHIPPING & HANDLING](#)



Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR
JEANS
JEGGING
SUPER SKINNY

▶ **MID RISE**
ANKLE
SKINNY
STRAIGHT
BOOT
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE
CLEARANCE



THE A&F MID RISE SUPER SKINNY

FROM THE A&F JEANS COLLECTION

MID RISE



A&F SUPER SKINNY JEANS
DARK WASH
FLAGSHIP EXCLUSIVE
~~\$88~~ **\$49**



A&F SUPER SKINNY JEANS
DARK WASH
FLAGSHIP EXCLUSIVE
~~\$88~~ **\$49**



A&F SUPER SKINNY JEANS
DESTROYED DARK WASH
FLAGSHIP EXCLUSIVE
~~\$88~~ **\$59**



A&F SUPER SKINNY JEANS
DESTROYED MEDIUM WASH
FLAGSHIP EXCLUSIVE
~~\$88~~ **\$59**

FIND A STORE

GIFT CARDS

A&F TEXTS

SIGN UP FOR A&F EMAILS

Like

Follow

HELP

FAQ
SIZE CHARTS
ORDER HELP
ORDERING ONLINE
SHIPPING & HANDLING
RETURNS & EXCHANGES
TRACK AN ORDER
GIFT CARD BALANCE
AFC CREDIT CARD
RY INFO

SITE INFO

PRIVACY
CA PRIVACY RIGHTS
SILE TERMS
TEXT'S TERMS
SITE USE
SITE MAP

ABOUT US

BRAND PROTECTION
MODELING
CASTING
CAREERS
A&F CARE 3
DIVERSITY
INVESTORS

OUR BRANDS

Abercrombie & Fitch

abercrombie kids

HOLLISTER

GILLY HICKS

Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR

JEANS
JEGGING
SUPER SKINNY
▶ **MID RISE**
ANKLE
SKINNY
STRAIGHT
BOOT
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE
CLEARANCE

4 OF 4



VIEW LARGER

PRODUCT VIEW ● ● 360° VIEW

A&F SUPER SKINNY JEANS

DESTROYED MEDIUM WASH
FLAGSHIP EXCLUSIVE

~~\$88~~ \$59

SHOWN IN DESTROYED MEDIUM WASH

Select Size [SIZE CHART](#)

Quantity: 1

[ADD TO WISH LIST](#)

MID RISE WAIST, SUBTLE DISTRESSING, HEAVY FADING AND WHISKERING THROUGH THIGHS, RIGHT COIN POCKET, ICONIC BACK POCKET STITCHING, WEAR CUFFED FOR AN UPDATED LOOK, DESTROYED MEDIUM WASH, IMPORTED

98% COTTON/1% SPANDEX
INSEAM (INCHES): S29, R31, L33

[SHIPPING & HANDLING](#)

Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR
JEANS

JEGGING
SUPER SKINNY
▶ MID RISE
ANKLE
SKINNY
STRAIGHT
BOOT
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE
CLEARANCE

4 OF 4



PRODUCT VIEW ● ● 360° VIEW

A&F SUPER SKINNY JEANS

DESTROYED MEDIUM WASH
FLAGSHIP EXCLUSIVE

~~\$88~~ \$59

SHOWN IN DESTROYED MEDIUM WASH

Select Size [SIZE CHART](#)

Quantity: 1

[ADD TO WISH LIST](#)

MID RISE WAIST, SUBTLE DISTRESSING, HEAVY FADING AND WHISKERING THROUGH THIGHS, RIGHT COIN POCKET, ICONIC BACK POCKET STITCHING, WEAR CUFFED FOR AN UPDATED LOOK, DESTROYED MEDIUM WASH, IMPORTED

98% COTTON/1% SPANDEX
INSEAM (INCHES): S29, R31, L33

[SHIPPING & HANDLING](#)



Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR
JEANS

JEGGING
SUPER SKINNY
MID RISE
▶ **ANKLE**
SKINNY
STRAIGHT
BOOT
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE
CLEARANCE

◀ 2 OF 14 ▶



Womens A&F Super Skinny Ankle Jeans

PRODUCT VIEW ● ● 360° VIEW

A&F SUPER SKINNY ANKLE JEANS

RINSE

~~\$78~~ \$59

SHOWN IN RINSE WASH

Select Size [SIZE CHART](#)

Quantity: 1

[ADD TO WISH LIST](#)

ANKLE CROP, RICH DARK COLOR, ICONIC BACK POCKET STITCHING, RINSE, IMPORTED

77% COTTON/22% POLYESTER/1% SPANDEX

[SHIPPING & HANDLING](#)

Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

2 OF 14

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR

JEANS
JEGGING
SUPER SKINNY
MID RISE
▶ **ANKLE**
SKINNY
STRAIGHT
BOOT
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE
CLEARANCE



Womens A&F Super Skinny Ankle Jeans

A&F SUPER SKINNY ANKLE JEANS

RINSE

~~\$78~~ \$59

SHOWN IN RINSE WASH

Select Size

[SIZE CHART](#)

Quantity: 1

[ADD TO BAG](#)

[ADD TO WISH LIST](#)

ANKLE CROP, RICH DARK COLOR, ICONIC BACK POCKET STITCHING, RINSE, IMPORTED

77% COTTON/22% POLYESTER/1% SPANDEX

[SHIPPING & HANDLING](#)

PRODUCT VIEW ● ● 360° VIEW



Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

14 OF 14

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR

JEANS
JEGGING
SUPER SKINNY
MID RISE
▶ ANKLE
SKINNY
STRAIGHT
BOOT
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE
CLEARANCE



VIEW LARGER

PRODUCT VIEW ● ● 360° VIEW

Like Tweet

A&F SUPER SKINNY ANKLE JEANS

~~\$78~~ \$49

SHOWN IN PINK FLORAL

Select Size [SIZE CHART](#)

Quantity: 1

ADD TO BAG

ADD TO WISH LIST

SUPERSOFT, RIGHT COIN POCKET, PRETTY FLORAL PATTERN, WEAR CUFFED, VINTAGE ABERCROMBIE WASH, PERFECT BUTT FIT, IMPORTED

98% COTTON/2% SPANDEX

INSEAM (INCHES): 28 1/2

[SHIPPING & HANDLING](#)

Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

14 OF 14

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR
JEANS

JEGGING
SUPER SKINNY
MID RISE
▶ ANKLE
SKINNY
STRAIGHT
BOOT
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE
CLEARANCE



VIEW LARGER

A&F SUPER SKINNY ANKLE JEANS

~~\$78~~ \$49

SHOWN IN PINK FLORAL

Select Size [SIZE CHART](#)

Quantity: 1

[ADD TO BAG](#)

[ADD TO WISH LIST](#)

SUPERSOFT, RIGHT COIN POCKET, PRETTY FLORAL PATTERN, WEAR CUFFED, VINTAGE ABERCROMBIE WASH, PERFECT BUTT FIT, IMPORTED

98% COTTON/2% SPANDEX

INSEAM (INCHES): 28 1/2

[SHIPPING & HANDLING](#)

PRODUCT VIEW ● ● 360° VIEW

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Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR
JEANS

JEGGING
SUPER SKINNY
MID RISE
ANKLE
▶ **SKINNY**
STRAIGHT
BOOT
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE
CLEARANCE



THE A&F SKINNY

FROM THE A&F JEANS COLLECTION

SKINNY



A&F SKINNY JEANS
RINSE
~~\$78~~ \$59



A&F SKINNY JEANS
DARK WASH
~~\$88~~ \$59



A&F SKINNY JEANS
DARK WASH
~~\$78~~ \$59



A&F SKINNY JEANS
LIGHT WASH
~~\$88~~ \$59



A&F SKINNY JEANS
DARK WASH
~~\$78~~ \$49



A&F SKINNY JEANS
MEDIUM WASH
~~\$78~~ \$59



Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR
JEANS

JEGGING
SUPER SKINNY
MID RISE
ANKLE
SKINNY
▶ **STRAIGHT**
BOOT
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE
CLEARANCE



STRAIGHT



A&F STRAIGHT JEANS
DARK WASH
ONLINE ONLY
\$79 **\$49**



A&F STRAIGHT JEANS
DARK WASH
FLAGSHIP EXCLUSIVE
\$79 **\$49**



A&F STRAIGHT JEANS
DARK WASH
FLAGSHIP EXCLUSIVE
\$79 **\$49**



A&F STRAIGHT JEANS
DESTROYED MEDIUM WASH
FLAGSHIP EXCLUSIVE
~~\$89~~ **\$49**

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OUR BRANDS

Abercrombie & Fitch

abercrombie kids

HOLLISTER

GILLY HICKS

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR
JEANS

JEGGING
SUPER SKINNY
MID RISE
ANKLE
SKINNY
▶ **STRAIGHT**
BOOT
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE



VIEW LARGER

PRODUCT VIEW ● ●

A&F STRAIGHT JEANS

DESTROYED MEDIUM WASH
FLAGSHIP EXCLUSIVE

~~\$88~~ \$49

SHOWN IN DESTROYED MEDIUM WASH

Select Size [SIZE CHART](#)

Quantity: 1

[ADD TO WISH LIST](#)

STRAIGHT LEG, HAND-DONE DESTRUCTION WITH BLOWN-OUT HOLES, FADING AND WHISKERING THROUGH THIGHS, RIGHT COIN POCKET, ICONIC BACK POCKET STITCHING, MEDIUM DESTRUCTION WASH, IMPORTED

88% COTTON/1% SPANDEX
INSEAM (INCHES): S30, R32, L34

[SHIPPING & HANDLING](#)

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR

JEANS
JEGGING
SUPER SKINNY
MID RISE
ANKLE
SKINNY
▶ **STRAIGHT**
BOOT
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE



A&F STRAIGHT JEANS

DESTROYED MEDIUM WASH
FLAGSHIP EXCLUSIVE

~~\$88~~ \$49

SHOWN IN DESTROYED MEDIUM WASH

Select Size

[SIZE CHART](#)

Quantity: 1

ADD TO BAG

[ADD TO WISH LIST](#)

STRAIGHT LEG, HAND-DONE DESTRUCTION WITH BLOWN-OUT HOLES, FADING AND WHISKERING THROUGH THIGHS, RIGHT COIN POCKET, ICONIC BACK POCKET STITCHING, MEDIUM DESTRUCTION WASH, IMPORTED

88% COTTON/1% SPANDEX
INSEAM (INCHES): S30, R32, L34

[SHIPPING & HANDLING](#)

PRODUCT VIEW ● ●



Abercrombie & Fitch

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SEARCH PRODUCTS

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
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OUTERWEAR

JEANS
JEGGING
SUPER SKINNY
MID RISE
ANKLE
SKINNY
STRAIGHT
▶ **BOOT**
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE
CLEARANCE



THE A&F BOOT

FROM THE A&F JEANS COLLECTION

BOOT



A&F BOOT JEANS
RINSE
~~\$78~~ \$59



A&F BOOT JEANS
DARK WASH
~~\$88~~ \$59



A&F BOOT JEANS
DESTROYED DARK WASH
~~\$88~~ \$59



A&F BOOT JEANS
DARK WASH
~~\$78~~ \$59



A&F BOOT JEANS
DARK WASH
~~\$78~~ \$59



A&F BOOT JEANS
DESTROYED MEDIUM WASH
~~\$88~~ \$59





A&F BOOT JEANS
DARK WASH
~~\$78~~ **\$59**



A&F BOOT JEANS
MEDIUM WASH
~~\$78~~ **\$59**

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Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

1 OF 8

- A&F LOOKS
- NEW ARRIVALS
- EASY FIT TOPS
- PERFECT A&F TEES
- COLOR
- PRIVILEGED PREP
- A&F PRETTY
- FLAGSHIP EXCLUSIVES
- TOPS
- HOODIES
- SWEATERS
- BLAZERS
- OUTERWEAR
- JEANS**
 - JEGGING
 - SUPER SKINNY
 - MID RISE
 - ANKLE
 - SKINNY
 - STRAIGHT
 - ▶ **BOOT**
 - FLARE
- SWEATPANTS
- SHORTS
- SKIRTS
- DRESSES



PRODUCT VIEW ● ●

A&F BOOT JEANS

RINSE

~~\$78~~ \$59

SHOWN IN RINSE

Select Size

Quantity: 1

RICH DARK COLOR, RIGHT COIN POCKET, ICONIC BACK POCKET STITCHING, RINSE, IMPORTED

98% COTTON/1% SPANDEX
INSEAM (INCHES): S31, R33, L33

[SHIPPING & HANDLING](#)

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR

JEANS
JEGGING
SUPER SKINNY
MID RISE
ANKLE
SKINNY
STRAIGHT
▶ **BOOT**
FLARE

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE



VIEW LARGER

A&F BOOT JEANS

RINSE

~~\$78~~ \$59

SHOWN IN RINSE

Select Size

[SIZE CHART](#)

Quantity: 1

ADD TO BAG

[ADD TO WISH LIST](#)

RICH DARK COLOR, RIGHT COIN POCKET, ICONIC BACK POCKET STITCHING, RINSE, IMPORTED

98% COTTON/1% SPANDEX
INSEAM (INCHES): S31, R33, L35

[SHIPPING & HANDLING](#)

PRODUCT VIEW ● ●

Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR

JEANS
JEGGING
SUPER SKINNY
MID RISE
ANKLE
SKINNY
STRAIGHT
BOOT

▶ **FLARE**

SWEATPANTS
SHORTS
SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE

SALE
CLEARANCE



THE A&F FLARE

FROM THE A&F JEANS COLLECTION

FLARE



A&F FLARE JEANS
RINSE
ONLINE ONLY
~~\$78~~ \$49



A&F FLARE JEANS
FLAGSHIP EXCLUSIVE
~~\$98~~ \$49



A&F FLARE JEANS
LIGHT WASH
ONLINE ONLY
~~\$68~~ \$49



A&F FLARE JEANS
DARK WASH
ONLINE ONLY
~~\$68~~ \$49



A&F FLARE JEANS
DESTROYED DARK WASH
ONLINE ONLY
~~\$68~~ \$49



A&F FLARE JEANS
DARK WASH
FLAGSHIP EXCLUSIVE
~~\$68~~ \$59

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GILLY HICKS

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MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR

JEANS
JEGGING
SUPER SKINNY
MID RISE
ANKLE
SKINNY
STRAIGHT
BOOT

▶ **FLARE**

SWEATPANTS
SHORTS
SKIRTS
DRESSES

6 OF 8



VIEW LARGER

A&F Flare Jeans

PRODUCT VIEW ● ●

A&F FLARE JEANS

DARK WASH
FLAGSHIP EXCLUSIVE

~~\$98~~ \$59

SHOWN IN DARK WASH

Select Size

Quantity: 1

RICH DARK COLOR, HEAVY FADING AND WHISKERING THROUGH THIGHS, RIGHT COIN POCKET, ICONIC BACK POCKET STITCHING, PREPPY STRIPED BELT WITH GENUINE LEATHER TRIM, DARK WASH, IMPORTED

98% COTTON/1% SPANDEX
INSEAM (INCHES): 33

Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR

JEANS
JEGGING
SUPER SKINNY
MID RISE
ANKLE
SKINNY
STRAIGHT
BOOT

▶ **FLARE**

SWEATPANTS
SHORTS
SKIRTS
DRESSES

6 OF 8



A&F FLARE JEANS

DARK WASH
FLAGSHIP EXCLUSIVE

~~\$98~~ \$59

SHOWN IN DARK WASH

Select Size [SIZE CHART](#)

Quantity: 1

ADD TO BAG

[ADD TO WISH LIST](#)

RICH DARK COLOR, HEAVY FADING AND WHISKERING THROUGH THIGHS, RIGHT COIN POCKET, ICONIC BACK POCKET STITCHING, PREPPY STRIPED BELT WITH GENUINE LEATHER TRIM, DARK WASH, IMPORTED

PRODUCT VIEW ● ●

98% COTTON/1% SPANDEX
INSEAM (INCHES): 33

Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

1 OF 3

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR
JEANS
SWEATPANTS
SHORTS

▶ **DENIM**
CLASSIC
LOUNGE

SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE



PRODUCT VIEW ● ● MODEL VIEW ● ●

MACEY SHORTS

MIDI SHORT

\$54

SHOWN IN DARK WASH

Select Size [SIZE CHART](#)

Quantity: 1

[ADD TO WISH LIST](#)

RICH DARK COLOR, WHISKERING AND FADING THROUGH THIGHS, CUFFED RAW EDGED HEMS FOR CUT-OFF LOOK, RIGHT COIN POCKET, ICONIC BACK POCKET STITCHING, DARK WASH, MIDI SHORT FIT, IMPORTED

98% COTTON/1% SPANDEX

INSEAM (INCHES): 3 1/2

SHIPPING & HANDLING

Abercrombie & Fitch

MENS | **WOMENS** | A&F LOOKS | EXPERIENCE A&F | shop abercrombie kids

SEARCH PRODUCTS

1 OF 3

A&F LOOKS
NEW ARRIVALS
EASY FIT TOPS
PERFECT A&F TEES
COLOR
PRIVILEGED PREP
A&F PRETTY
FLAGSHIP EXCLUSIVES

TOPS
HOODIES
SWEATERS
BLAZERS
OUTERWEAR
JEANS
SWEATPANTS
SHORTS

▶ **DENIM**
CLASSIC
LOUNGE

SKIRTS
DRESSES
FLIP FLOPS
ACCESSORIES
BRAS & UNDIES
FRAGRANCE



VIEW LARGER

MACEY SHORTS

MIDI SHORT

\$54

SHOWN IN DARK WASH

Select Size [SIZE CHART](#)

Quantity: 1

ADD TO BAG

[ADD TO WISH LIST](#)

RICH DARK COLOR, WHISKERING AND FADING THROUGH THIGHS, CUFFED RAW EDGED HEMS FOR CUT-OFF LOOK, RIGHT COIN POCKET, ICONIC BACK POCKET STITCHING, DARK WASH, MIDI SHORT FIT, IMPORTED

98% COTTON/1% SPANDEX

INSEAM (INCHES): 3 1/2

PRODUCT VIEW ● ● MODEL VIEW ● ●

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[VIEW FRONT/BACK](#)

Margaret

\$59.50

100% cotton, unique grinding, abrasion, and destruction details, raw cut hem, embroidered moose, Vintage Abercrombie Wash, Fitted, Imported

Blue

Select Size

Quantity: 1

ADD TO BAG

[ADD TO WISH LIST](#)

[EMAIL A FRIEND](#)

MORE STYLES



- Margaret
- Carolyn
- Mara
- Sydney
- Tracy
- Kim
- Cindy Rhinestone
- Vintage Heather
- Laura
- Heather







[VIEW FRONT/BACK](#)

Carolyn

\$98.00

100% cotton body, 72% polyester/28% cotton lining, unique grinding details, lurex embroidery, sequin embellishment, raw cut hem, embroidered logo in interior waistband, embroidered moose, Vintage Abercrombie Wash, Super Low Rise, Imported

Blue

Select Size

Quantity: 1

ADD TO BAG

ADD TO WISH LIST

EMAIL A FRIEND

MORE STYLES



- Margaret
- Carolyn
- Mara
- Sydney
- Tracy
- Kim
- Cindy Rhinestone
- Vintage Heather
- Laura
- Heather







Kim

\$59.50

100% cotton, unique grinding and abrasion details, leather trims, back waistband leather cinch, raw cut hem, Vintage Abercrombie Wash, Fitted, Imported

Dark Blue

Select Size

Quantity: 1

ADD TO BAG

ADD TO WISH LIST

EMAIL A FRIEND

[VIEW FRONT/BACK](#)

MORE STYLES



- Margaret
- Carolyn
- Mara
- Sydney
- Tracy
- Kim
- Cindy Rhinestone
- Vintage Heather
- Laura
- Heather







[VIEW FRONT/BACK](#)

Vintage Heather

\$49.50

100% cotton, unique grinding and abrasion details, let down hem, embroidered logo on interior waistband, leather logo patch on back waistband, embroidered moose, Vintage Abercrombie Wash, Mini Fit, Imported

Blue

Select Size

Quantity: 1

ADD TO BAG

ADD TO WISH LIST

EMAIL A FRIEND

MORE STYLES



- Margaret
- Carolyn
- Mara
- Sydney
- Tracy
- Kim
- Cindy Rhinestone
- Vintage Heather
- Laura
- Heather







[VIEW FRONT/BACK](#)

Laura

\$98.00

100% cotton, unique grinding details, handcrafted rhinestone, sequin, and stitching details, raw cut hem, embroidered logo on interior waistband, embroidered moose, Vintage Abercrombie Wash, Fitted, Imported

Blue

Select Size

Quantity: 1

ADD TO BAG

[ADD TO WISH LIST](#)

[EMAIL A FRIEND](#)

MORE STYLES



- Margaret
- Carolyn
- Mara
- Sydney
- Tracy
- Kim
- Cindy Rhinestone
- Vintage Heather
- Laura
- Heather





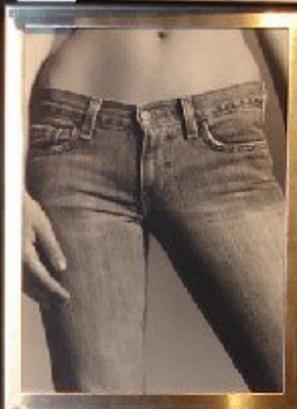
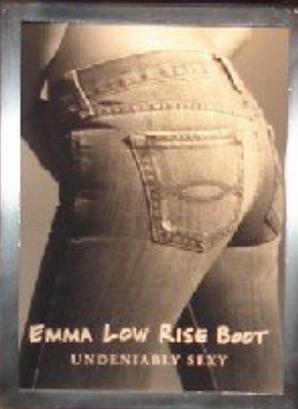
**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ABERCROMBIE & FITCH TRADING CO.,)	
	)	Opposition No. 91193275
)	
Opposer,)	
v.)	
)	
ARTEMIDES HOLDINGS PTY. LTD.,)	
)	
Applicant.)	

EXHIBIT B

TO

DECLARATION OF REID M. WILSON



LIGHT WASH

DESTROYED

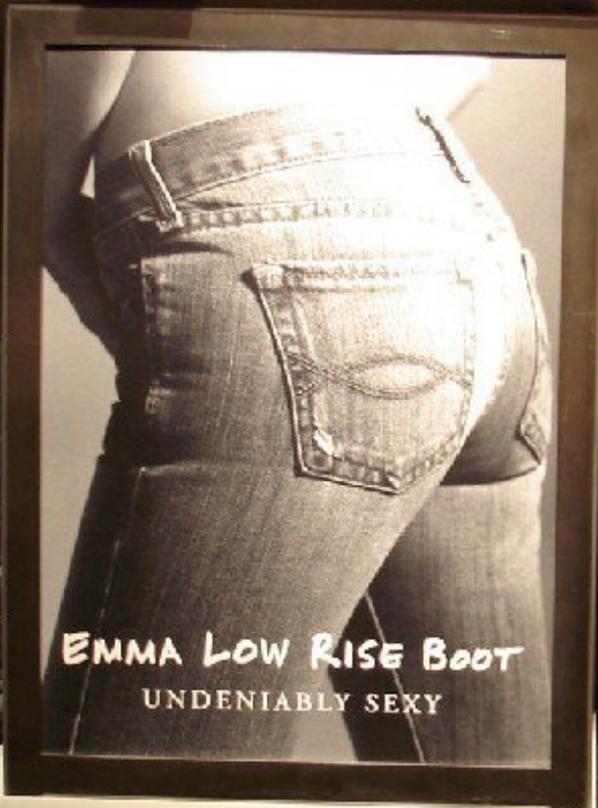
DESTROYED

DARK DIRTY

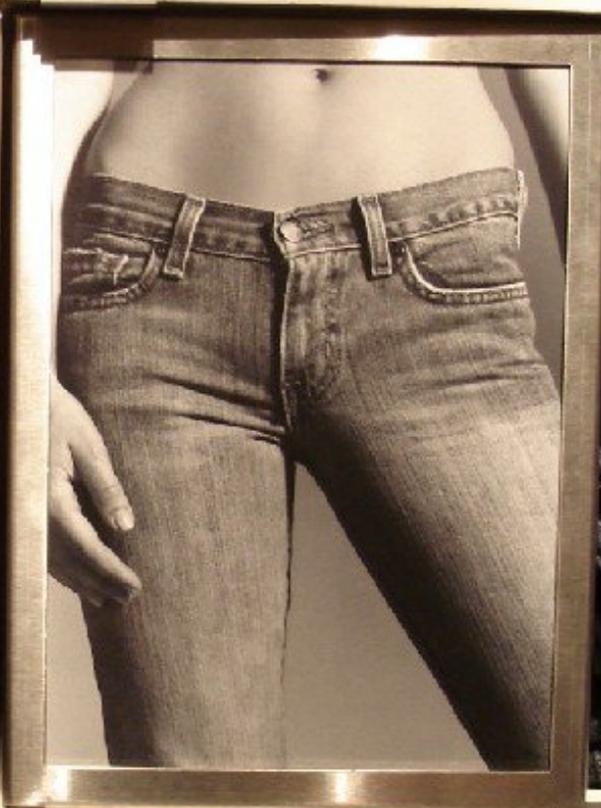
DARK DIRTY

MEDIUM TINT

AF001071



EMMA LOW RISE BOOT
UNDENIABLY SEXY



SIZE
6

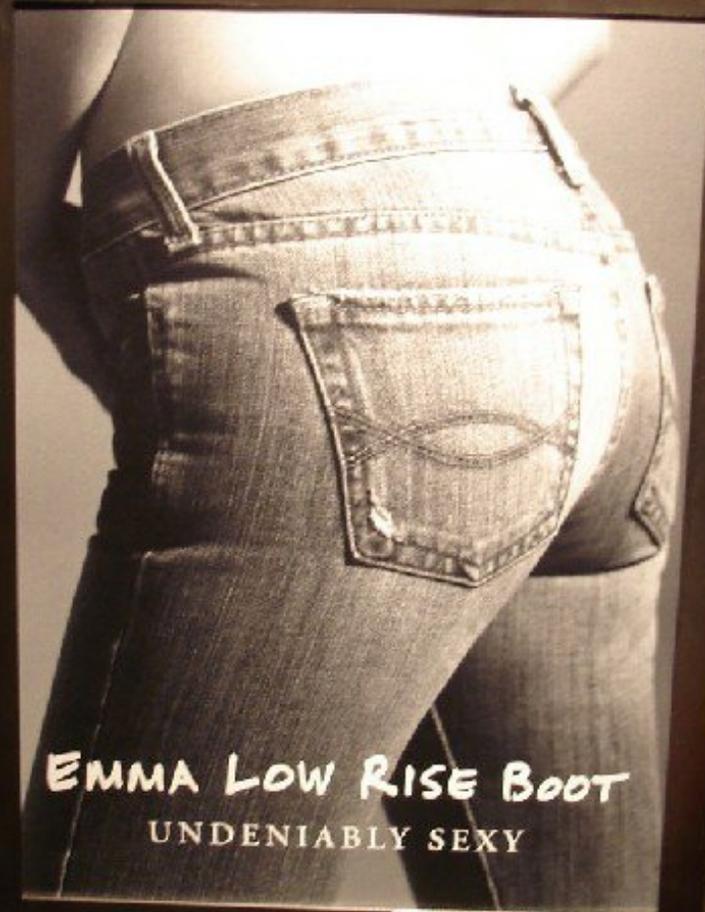
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SIZE
6

SIZE
4

SIZE
6

SIZE
6



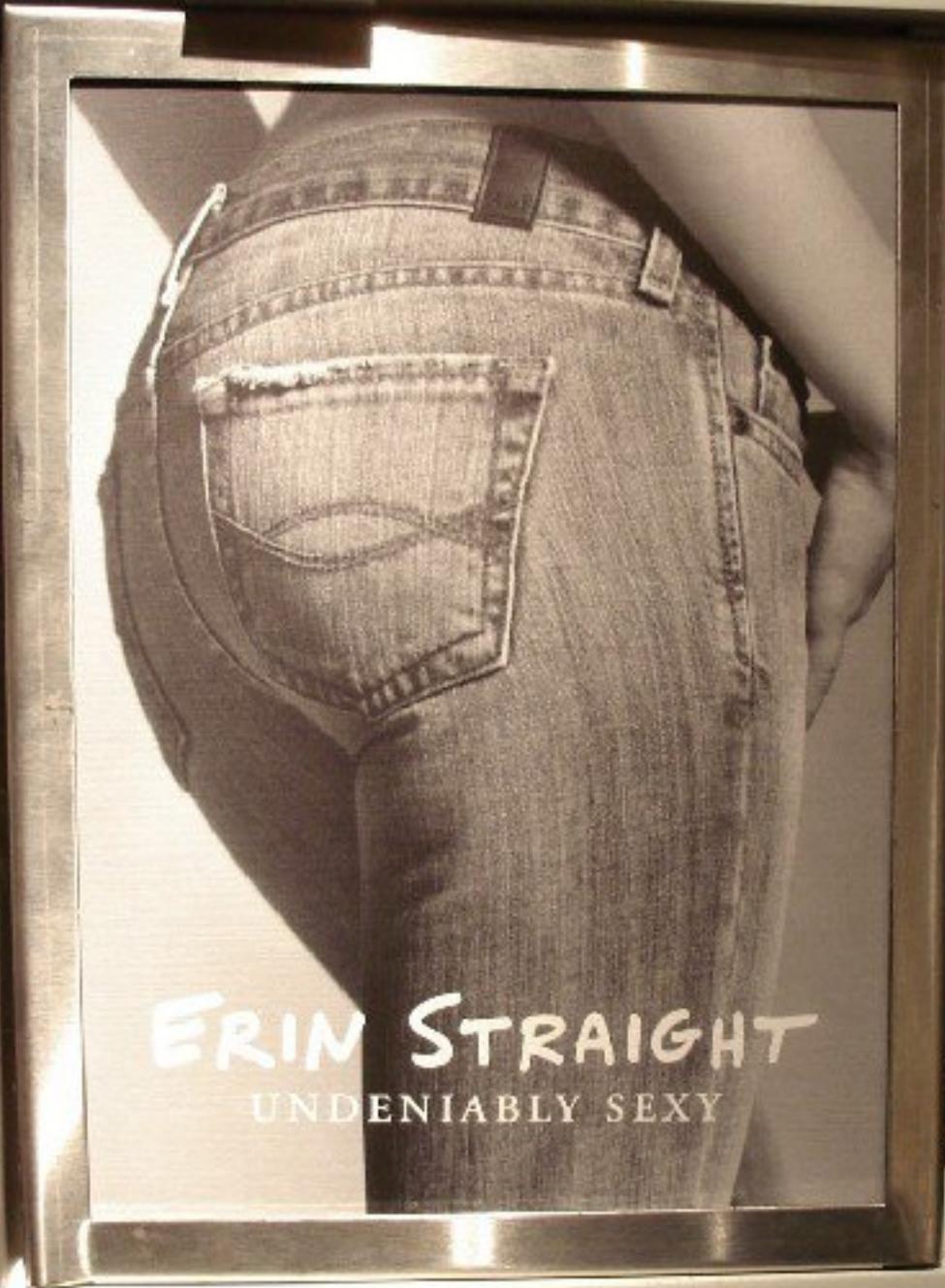
EMMA LOW RISE BOOT
UNDENIABLY SEXY



AF001073

SIZE
4/6

SIZE
6



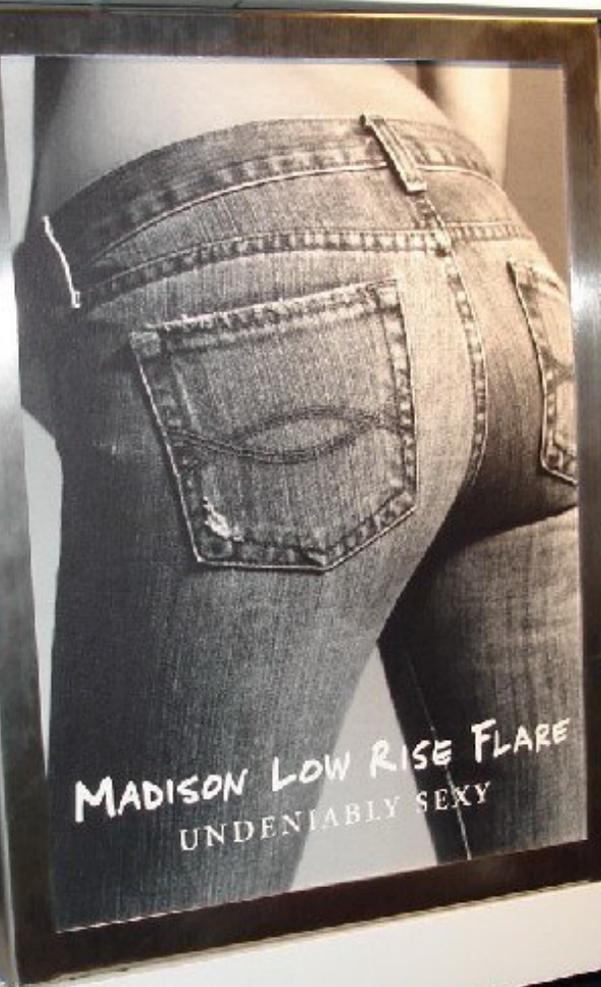
SIZE
4



AF001076

6

SIZE
6



MADISON LOW RISE FLARE
UNDENIABLY SEXY



AF001079



MADISON LOW RISE FLARE
INDENIMITY

DESTROYED

DARK WASH

AF001082



AF002197



AF002198



AF002200



AF002202



AF002203

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

ABERCROMBIE & FITCH TRADING CO.,)	
	)	Opposition No. 91193275
)	
Opposer,)	
v.)	
)	
ARTEMIDES HOLDINGS PTY. LTD.,)	
)	
)	
Applicant.)	

EXHIBIT C

TO

DECLARATION OF REID M. WILSON

From: Abercrombie & Fitch [abercrombie@abercrombie-email.com]
Sent: Thursday, April 12, 2007 10:53 AM
To: Renne, Michelle
Subject: Sexy Shorts at Abercrombie and Fitch.

ESTABLISHED 1892
**Abercrombie
& Fitch**
NEW YORK



EXCLUSIVELY ABERCROMBIE
SEXY DENIM SHORTS FOR WOMEN

From: abercrombie [abercrombiekids@abercrombiekids-email.com]
Sent: Thursday, September 13, 2007 10:15 AM
To: Renne, Michelle
Subject: come see why our jeans are the hottest

abercrombie

low rise jeans



vintage washes, great styles and fits

shop boys jeans

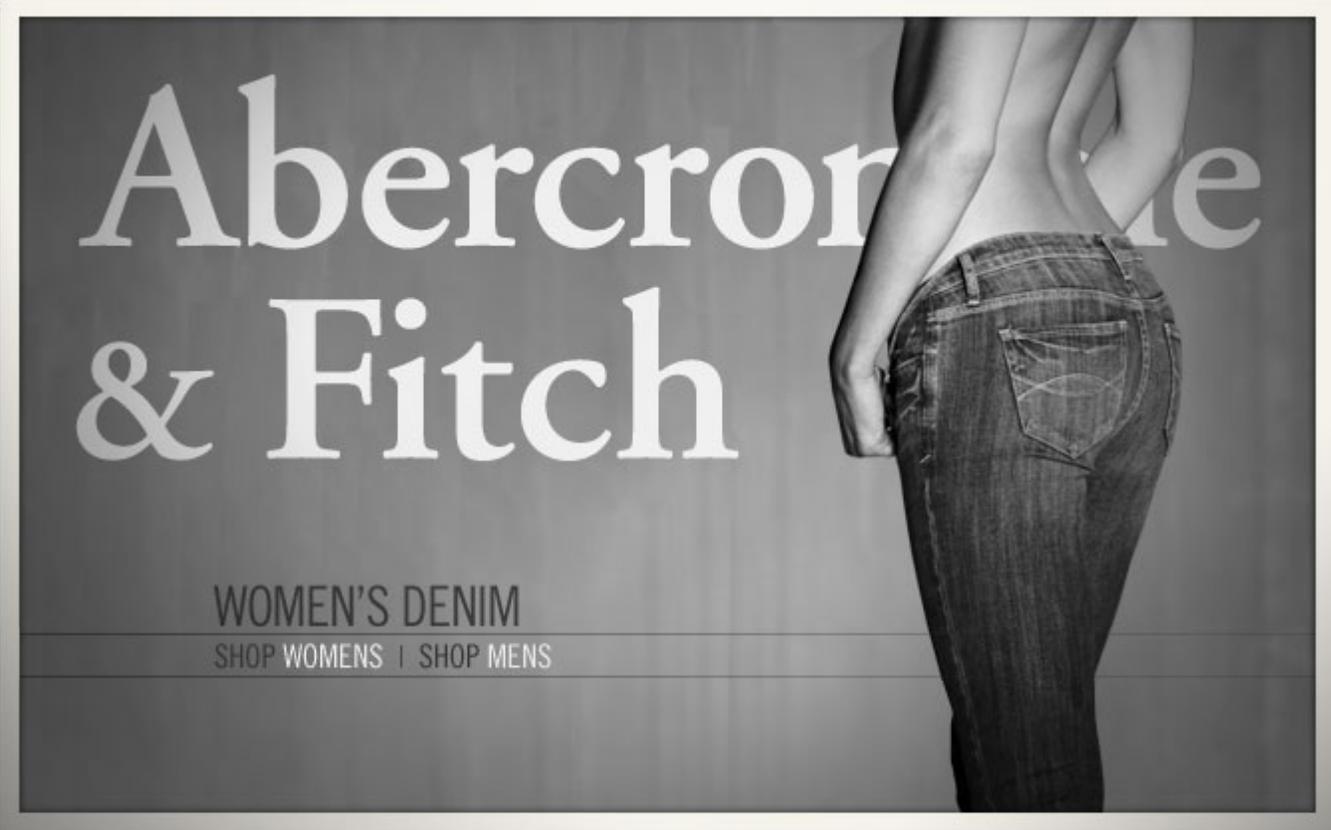


shop girls jeans

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www.abercrombiekids.com

From: Abercrombie & Fitch [abercrombie@abercrombie-email.com]
Sent: Thursday, February 07, 2008 10:27 AM
To: Renne, Michelle
Subject: Find Your Perfect Fit



Abercrombie & Fitch

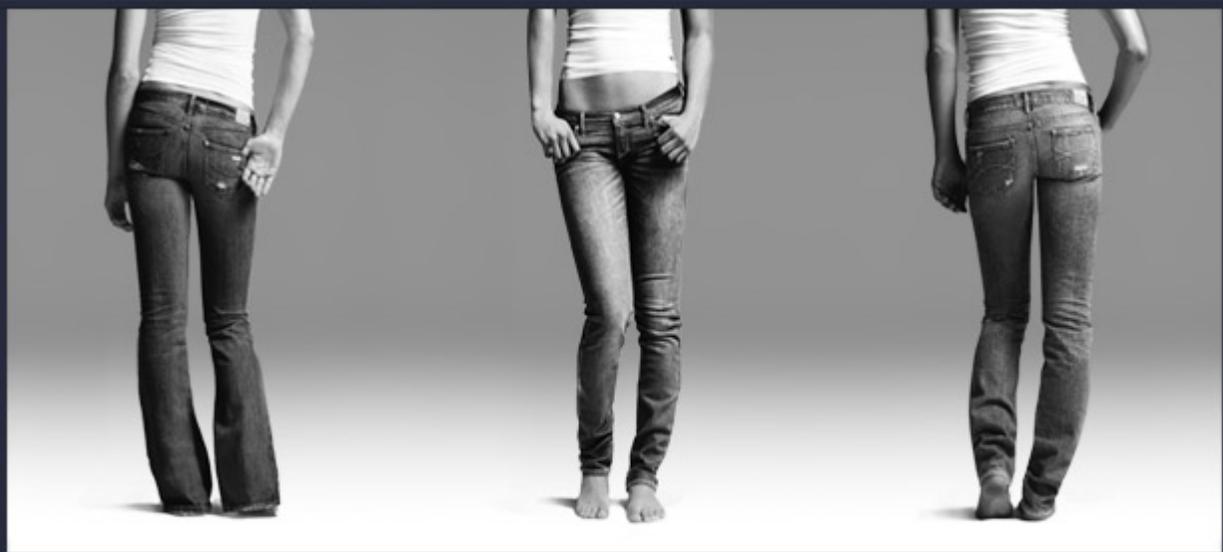
WOMEN'S DENIM
SHOP WOMENS | SHOP MENS

This is an email from Abercrombie & Fitch.
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www.Abercrombie.com

From: abercrombie [abercrombiekids@abercrombiekids-email.com]
Sent: Thursday, July 24, 2008 10:41 AM
To: Renne, Michelle
Subject: classic cool jeans in every style and wash.

EST. 1892
abercrombie
NEW YORK



jeans
sits low for the cutest fit.

shop girls | shop boys

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www.abercrombiekids.com

From: Abercrombie & Fitch [abercrombie@abercrombie-email.com]
Sent: Thursday, July 24, 2008 10:34 AM
To: Renne, Michelle
Subject: Sexy And Casual, The Perfect Pair Of Jeans.

EST. 1892
**Abercrombie
& Fitch**
NEW YORK



JEANS

SITS LOW FOR THE PERFECT FIT.

[SHOP WOMENS](#) | [SHOP MENS](#)

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www.Abercrombie.com

From: Abercrombie & Fitch [abercrombie@abercrombie-email.com]
Sent: Thursday, July 23, 2009 11:03 AM
To: Renne, Michelle
Subject: A&F Premium Jeans



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www.Abercrombie.com

From: Abercrombie & Fitch [abercrombie@abercrombie-email.com]
Sent: Sunday, August 02, 2009 10:25 AM
To: Renne, Michelle
Subject: The Erin Skinny

ERIN SKINNY

CHECK OUT HOW OUR PREMIUM JEANS
CAN ENHANCE ALL OF YOUR ASSETS.
GET YOUR BUTT IN STORES TO TRY-ON
THE PERFECT PAIR.

EST. 1892
**Abercrombie
& Fitch**
NEW YORK



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www.Abercrombie.com

From: Abercrombie & Fitch [abercrombie@abercrombie-email.com]
Sent: Thursday, August 13, 2009 10:24 AM
To: Renne, Michelle
Subject: The Madison Flare

MADISON FLARE

CHECK OUT HOW OUR PREMIUM JEANS
CAN ENHANCE ALL OF YOUR ASSETS.
GET YOUR BUTT IN STORES TO TRY-ON
THE PERFECT PAIR.

EST. 1892
**Abercrombie
& Fitch**
NEW YORK



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www.Abercrombie.com

From: Abercrombie & Fitch [abercrombie@abercrombie-email.com]
Sent: Tuesday, September 15, 2009 10:32 AM
To: Casavale, Christopher
Subject: Young and Sexy, Super Skinny Legging Jeans



YOUNG AND SEXY
BY ABERCROMBIE & FITCH

So what if your hot new study partner was too distracted to participate because he was staring at your butt, his loss.

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www.Abercrombie.com

From: Abercrombie & Fitch [abercrombie@abercrombie-email.com]
Sent: Sunday, September 20, 2009 10:16 AM
To: Casavale, Christopher
Subject: Young and Sexy, Super Skinny Legging Jeans

YOUNG AND SEXY

BY ABERCROMBIE AND FITCH

**SUPER
SKINNY
LEGGING
JEANS**

HIP HUGGING
WAIST

ICONIC
BACK POCKET
STITCHING

VINTAGE
WASH

FLIRTY
SILHOUETTE

FORM FITTING LEG

AF001165

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www.Abercrombie.com

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

ABERCROMBIE & FITCH TRADING CO.,)	
	)	Opposition No. 91193275
Opposer,)	
v.)	
ARTEMIDES HOLDINGS PTY. LTD.,)	
)	
Applicant.)	

EXHIBIT D

TO

DECLARATION OF REID M. WILSON



AF000235



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

ABERCROMBIE & FITCH TRADING CO.,)	
	)	Opposition No. 91193275
)	
Opposer,)	
v.)	
)	
ARTEMIDES HOLDINGS PTY. LTD.,)	
)	
)	
Applicant.)	

EXHIBIT E

TO

DECLARATION OF REID M. WILSON

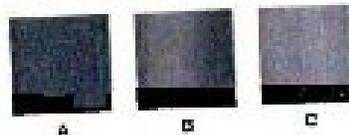
BACK TO SCHOOL 2001

Abercrombie & Fitch

AF000363



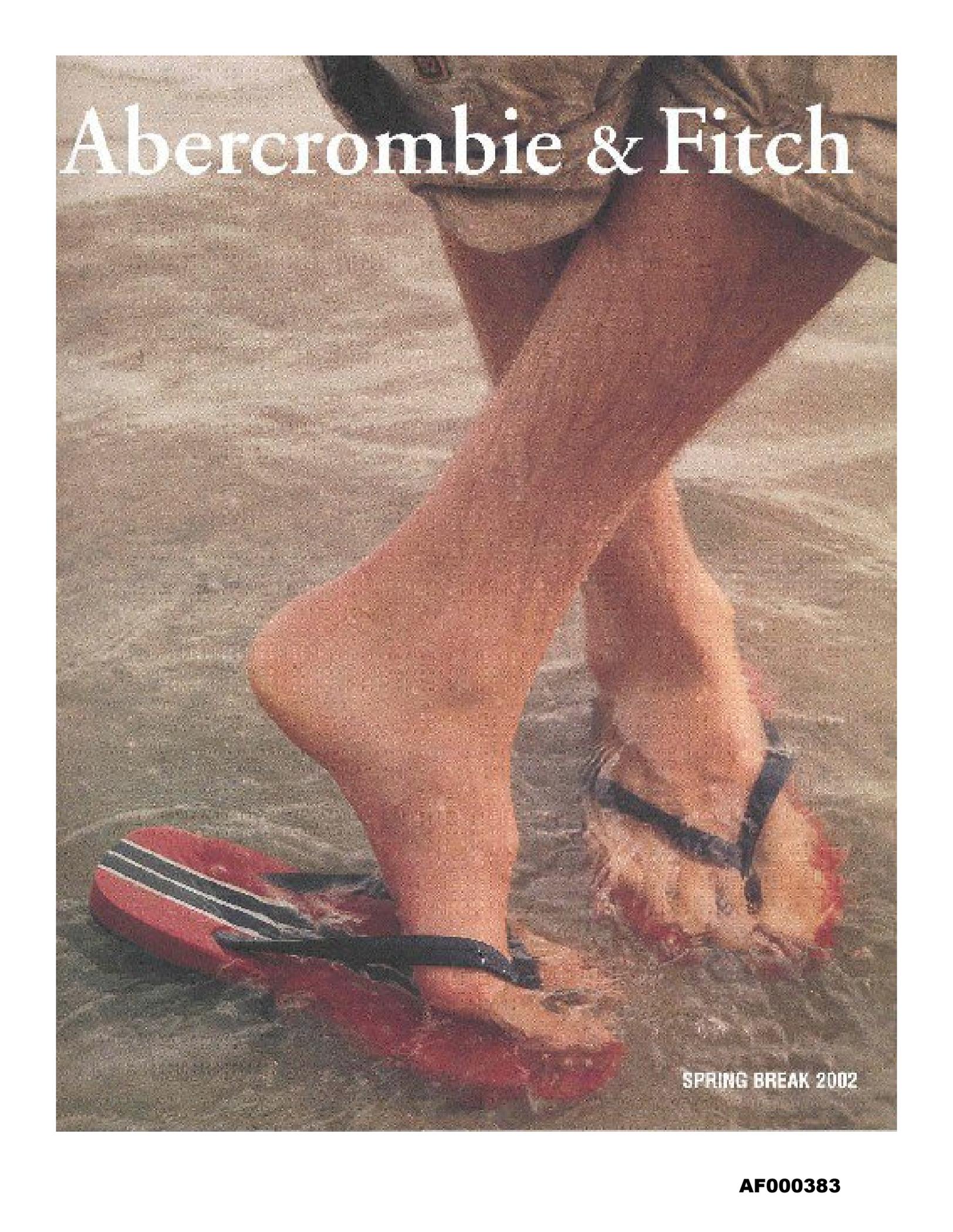
**PREMIUM
1892 DENIM**



LOW RISE LIGHTWEIGHT BOOT (back shown) A Dark Indigo-N321 B Dark Blue-N322 C Medium Dark-N323 100%
12 ounce lightweight denim. Vintage Abercrombie Wash. Hipster Bottom Fly.
Women's 00R, 02R, 04L, 2R, 2L, 4R, 4L, 6R, 6L, 8R, 8L, 10R, 10L, 12R, 12L, Imported. A, C \$49.50, B \$49.50
To order call 1-800-432-9889 or check out more gear at www.abercrombie.com

AF000364

Abercrombie & Fitch

A close-up photograph of a person's legs from the knees down, wearing red high-heeled sandals with black straps. The person is standing on a sandy beach. The background is a soft-focus view of the ocean waves. The overall aesthetic is classic and elegant, typical of Abercrombie & Fitch's branding.

SPRING BREAK 2002

AF000383



CLASSIC



FLUTED



INSET



INSET (BACK)

KNEE LENGTH SKIRTS



CLASSIC 1930 A Dark Indigo. 100% cotton, front welt pockets, Vintage Abercrombie Wash, Classic Fit, Women's 00-12. Imported, \$49.50

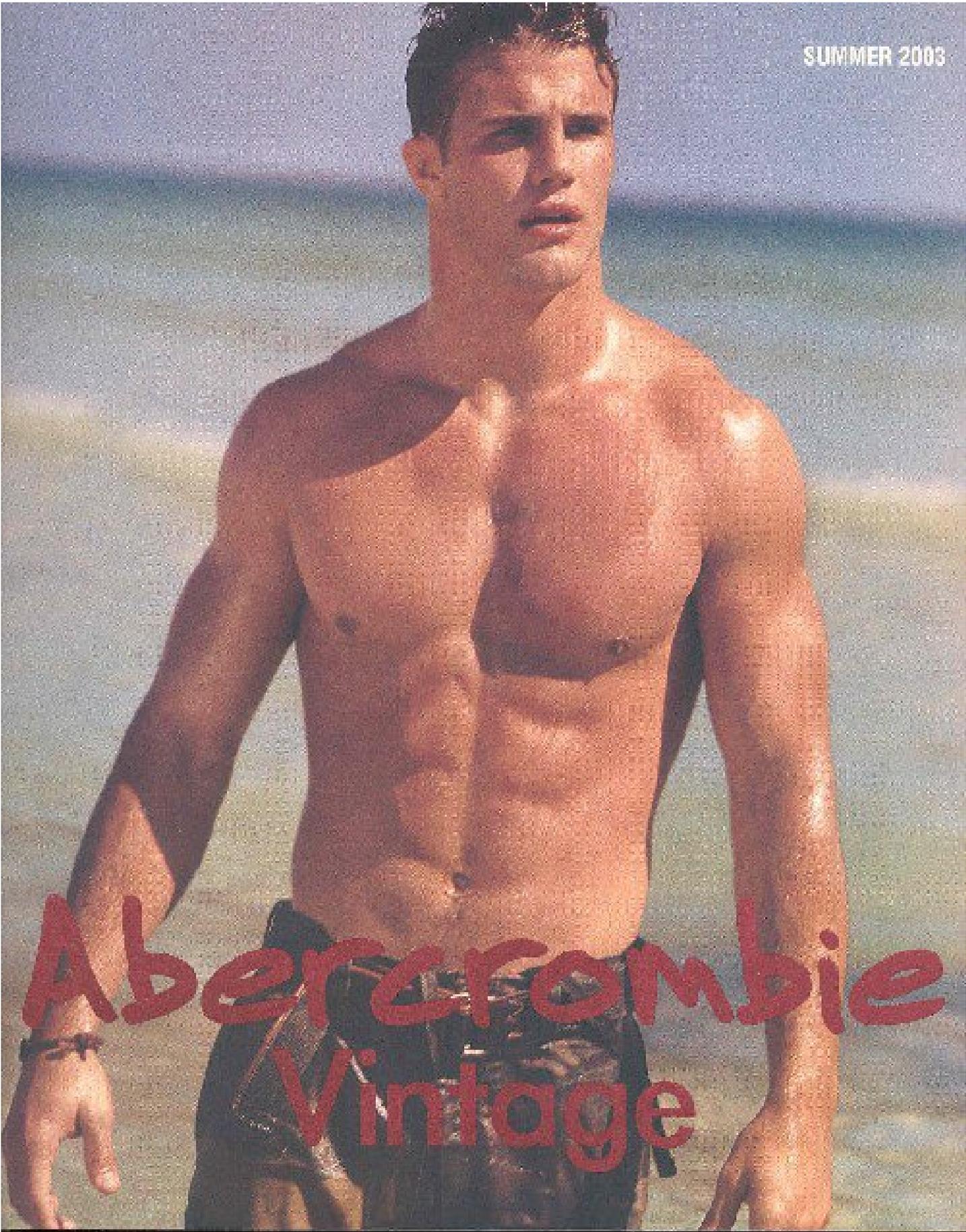
FLUTED 1931 B Vintage Blast D Olive (twill) 100% cotton, Vintage Abercrombie Wash, Classic Fit, Women's 00-14, Imported, \$49.50

INSET 1340 B Vintage Blast C Super Fade. 100% cotton, Vintage Abercrombie Wash, Classic Fit, Women's 00-14. Made in the USA. \$49.50

To order call 1 800 432 0868 or check out more gear at www.abercrombie.com

AF000936

SUMMER 2003



AF000385



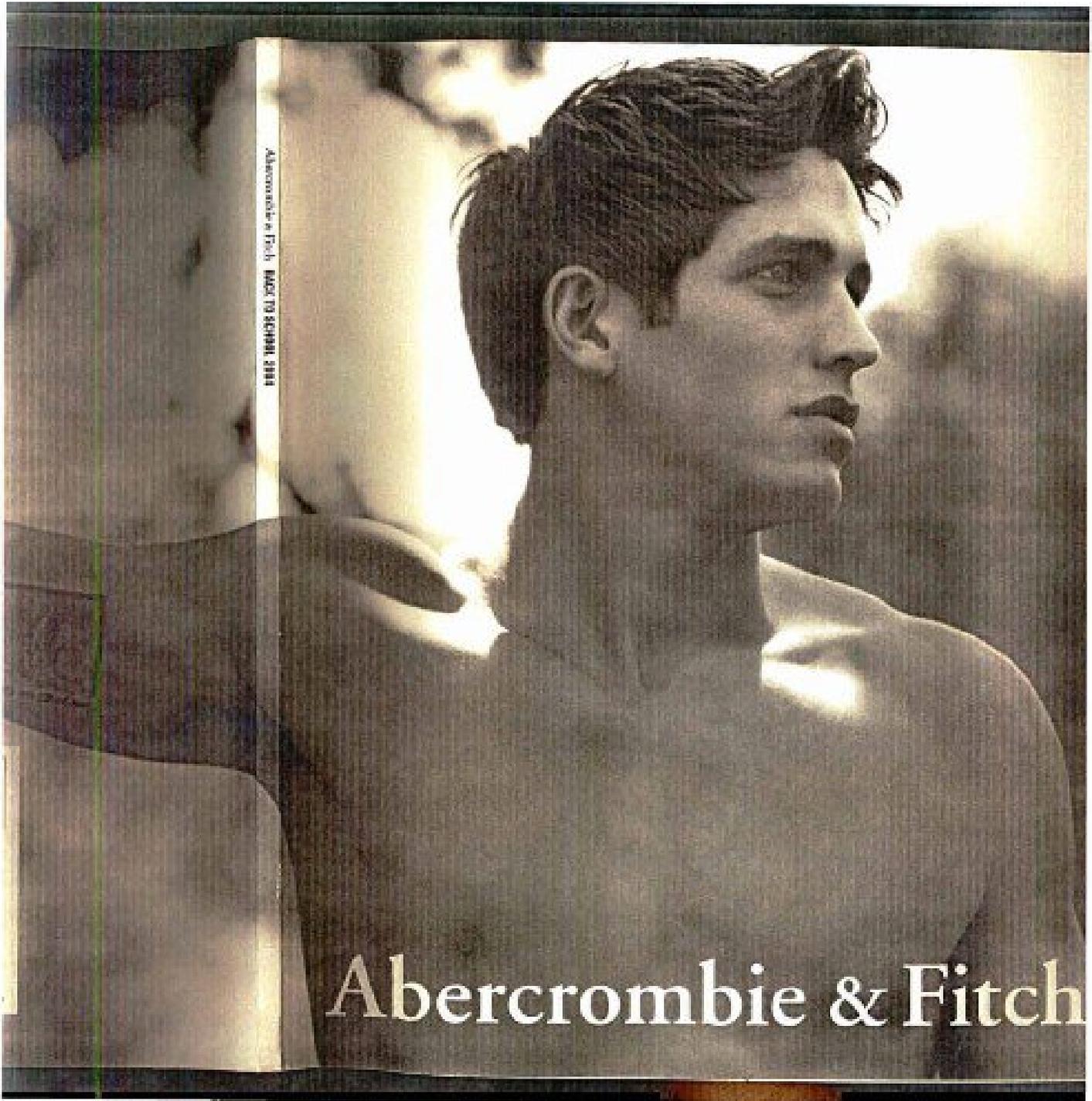
JADEN DESTROYED DENIM, MCCREA WIDE WAISTBAND SHORT AND NETTI PATCHED DENIM SHORT

JADEN DESTROYED DENIM D Light Blast-4536, 100% cotton, button fly, cut-off waistband, frayed hems, floral and denim patches, Destroyed Wash with heavy grinding, Super Low Rise, Women's 00-10, Imported, \$49.50

MCCREA WIDE WAISTBAND SHORT F Dark 70s Blast-4911 | White (not shown)-4911, 97% cotton/3% spandex (F), 100% cotton (I), 100% cotton belt with embroidery, Vintage Abercrombie Wash, Super Low Rise, Women's 00-10, Imported, \$44.50

NETTI PATCHED DENIM SHORT G Vintage Blast-5016, 100% cotton, denim patches, Vintage Abercrombie Wash, Super Low Rise, Women's 00-10, Imported, \$49.50

To order call 1 800 432 0888 or check out more gear at www.bercrombie.com



Abercrombie & Fitch MADE IN SPAIN 2004

Abercrombie & Fitch

AF000365



MADISON FLARE



A



B



C



D



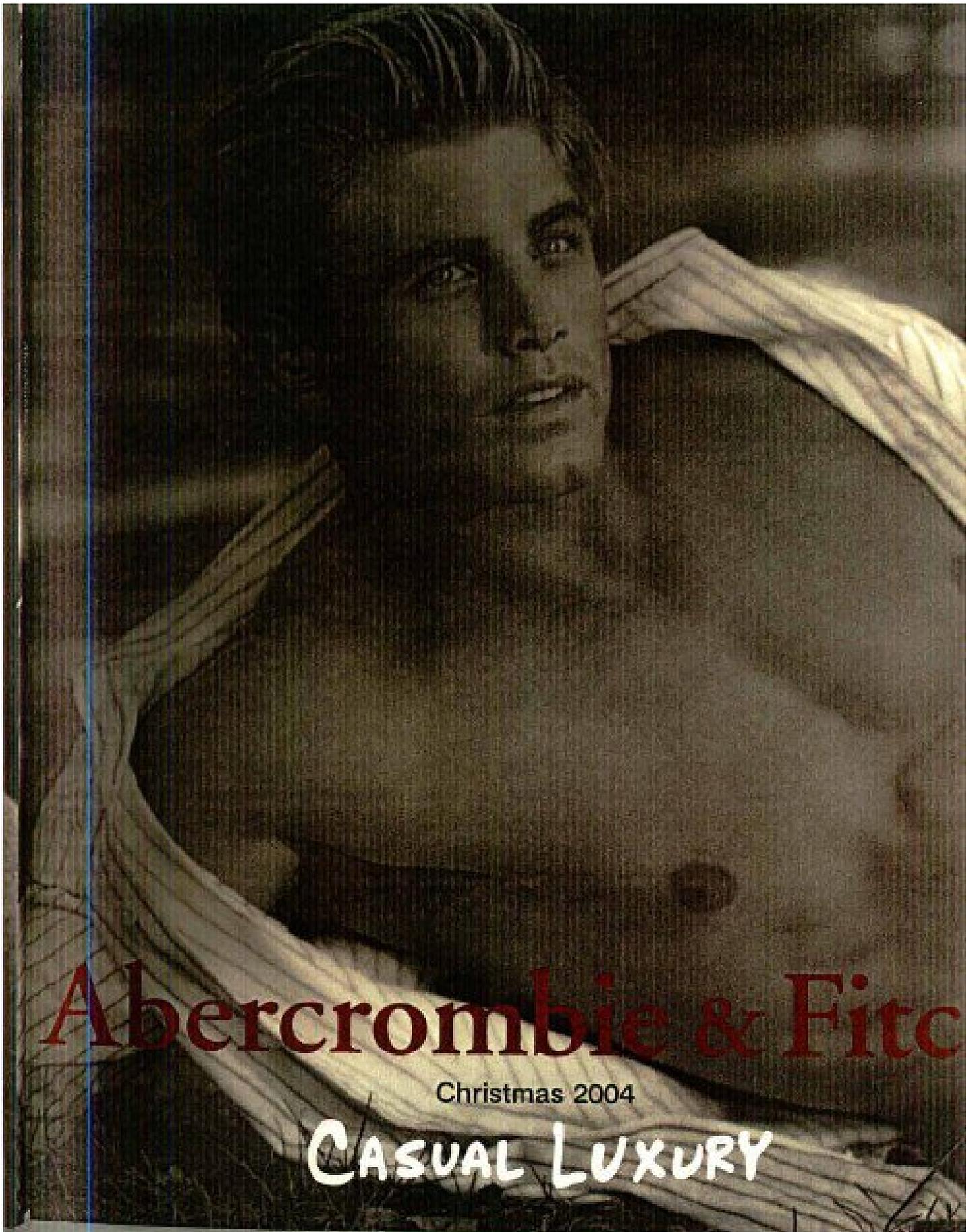
E

MADISON STRETCH FLARE A Aged Indigo 7102 B Real Indigo 7101 - 99% cotton/1% spandex, Vintage Abercrombie Wash, Super Low Rise Flare, 00S, 00R, 0S, 0L, 0L, 2S, 2R, 2L, 4S, 4R, 4L, 6S, 6R, 6L, 8S, 8R, 8L, 10S, 10R, 10L, 12R, 12L, Imported, \$69.50

MADISON FLARE C Pure Fade 7105 - 100% cotton, Vintage Abercrombie Wash, Super Low Rise Flare, 00S, 00R, 0S, 0R, 0L, 2S, 2R, 2L, 4S, 4R, 4L, 6S, 6R, 6L, 8S, 8R, 8L, 10S, 10R, 10L, 12R, 12L, Imported, \$69.50

MADISON DESTROYED FLARE 7106 D Pure Fade (may be left) E Aged Indigo (burgundy tie belt) - 100% cotton, 100% silk woven tie belt, Destroyed Wash, Super Low Rise Flare, Women's 00-10, Imported, \$79.00

To order call 1-800-432-0266 or check out more gear at www.abercrombie.com. For international orders call 1-814-219-5100.



Abercrombie & Fitch

Christmas 2004

CASUAL LUXURY

AF000367



Christmas 2004

CASUAL LUXURY

There's a reason you've got the best denim in the world. Plus, with prices we spend no expense creating the perfect fit and individual character on every pair.

Christmas 2004

CASUAL LUXURY

From our legendary Madson and across other denim lines, the legend lives on. A casual aspect of denim, it's not just a pair of jeans, it's a lifestyle. And when you're looking for the best denim in the world, you've found it.

AF000368



Christmas 2004

CASUAL LUXURY



MADISON DESTROYED FLARE 7764 A Paris Fade B Super Light 100% cotton. Hand-dyed destruction on every pair, authentic worn-in holes and abrasion details, Destroyed Wash, Super Low Rise Fit. Women's 00-10, Imported. \$73.50

To order call 1-800-432-0888 or check out online at www.abercrombie.com



Christmas 2004

CASUAL LUXURY



MADISON FLARE A Full Fade 7102. 100% cotton, Vintage Abercrombie Wash, Super Low Rise Flare, Women's 00G-10G, 01H-12H, 0L-12L, Imported, \$89.50

MADISON STRETCH FLARE B Aged Indigo 7102. **C** Real Indigo 7101. 100% cotton/1% spandex, Vintage Abercrombie Wash,

Super Low Rise Flare, Women's 00G-10G, 01H-12H, 0L-12L, Imported, \$91.50

EMMA BOOT D Pure Fade 7361. **E** Aged Indigo 7050. 100% cotton (A), 99% cotton/1% spandex (E), Vintage Abercrombie Wash,

Super Low Rise Boot, Women's 00-10H, 0-12L, Imported, \$89.50

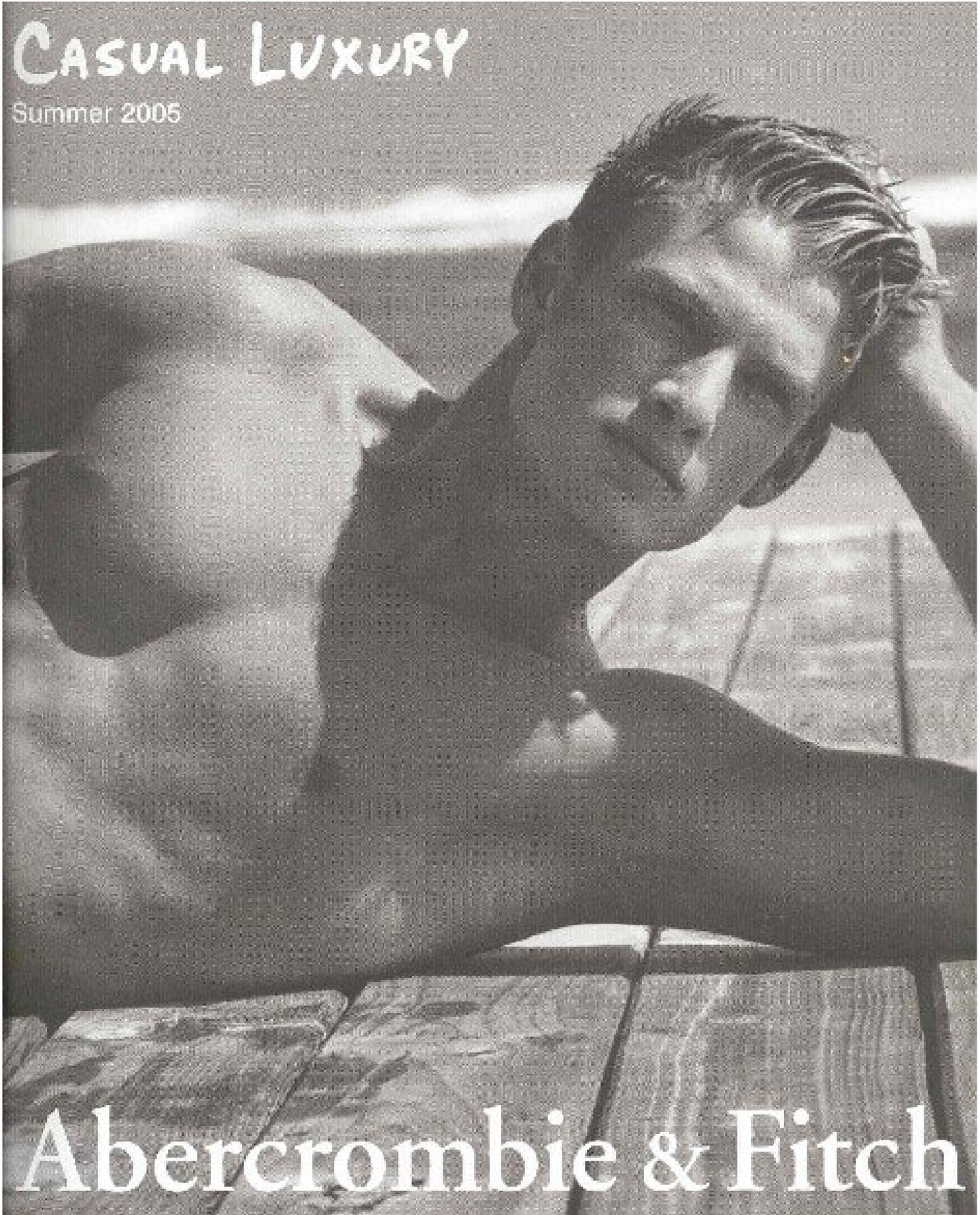
To order call 1-800-429-0360 or check out more gear at www.abcrombie.com

57

AF000370

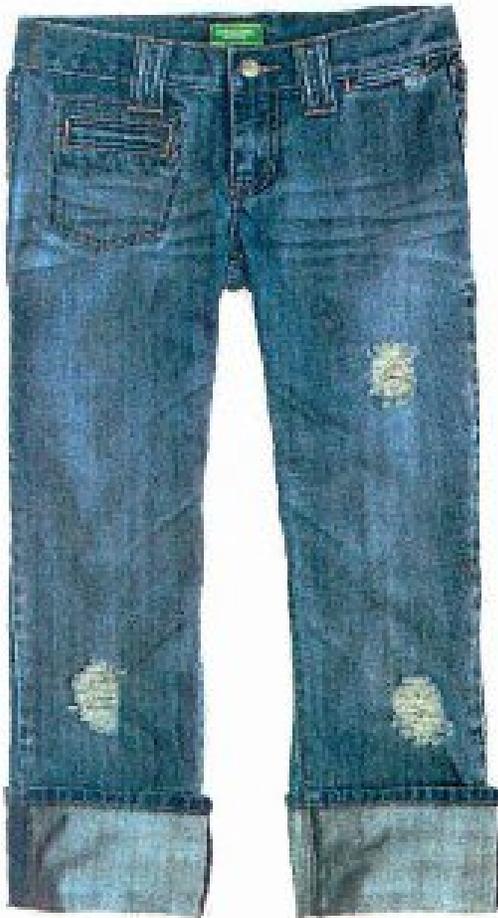
CASUAL LUXURY

Summer 2005



Abercrombie & Fitch

AF000376



CASUAL LUXURY



A



B

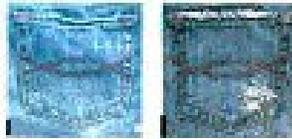
TRISHA WELTER CROP 11072 A Pure Fade - 100% cotton, handcrafted destruction on every pair, authentic worn-in holes and abrasion details, Vintage Abercrombie Wash, Low Rise, Women's 00-10, Imported, \$59.00

ELLA CUFFED CROP 10728 B Vintage Blue - 100% cotton, embroidered moose, Vintage Abercrombie Wash, Low Rise, Women's 00-10, Imported, \$59.90

To order call 1-800-432-0886 or check out more gear at www.abercrombie.com



CASUAL LUXURY



A

B

ANNA DESTROYED CROP 10722 A Superlight B Plus Fit. 100% cotton, handcrafted destruction on every pair, authentic worn-in holes and abrasion details, embroidered moose, Vintage Acid Wash, Low Rise, Women's 00-10, Imported, \$98.00

To order call 1-800-432-0088 or check out more gear at www.annacombi.com

89

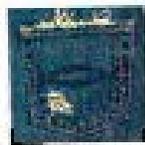
AF000378



CASUAL LUXURY



A



B



C



D



E



F



G



H

MARIA DESTROYED DENIM A Aged Indigo 10714 - 100% cotton, handcrafted destruction on every pair authentic worn-in look and abrasion details, unique set of spots, hand embellished details on back pockets, Destroyed Wash, Super Low Rise Flare, Women's 00-10, Imported, \$122.00

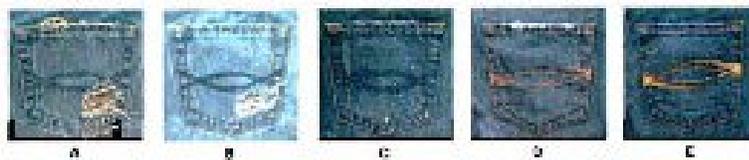
MADISON DESTROYED FLARE B Aged Indigo 10720 C Pure Flare 10730 D Stone/Ight 10730 - 100% cotton, handcrafted destruction on every pair, subtle worn-in look and abrasion details, unique pair of spots, Destroyed Wash, Super Low Rise Flare, Women's 00-10, Imported, \$73.50

MADISON FLARE E Superlight 10648 F Pure Flare 7100 G Aged Indigo 7102 H Real Indigo 7101 - 100% cotton (E, F), 50% cotton/5% spandex (G, H), Multiple Aberration Wash, Low Rise Flare, Women's 00S-10S, OR 10S, OL-12L, Imported, \$63.50

to order call 1-800-402-0300 or check out more info at www.alexandria.com



CASUAL LUXURY



EMMA BOOTS BY THE BOOT A Pure Fade-10714 B Superlight-10716 C Vintage Indigo-10715. 100% cotton, handcrafted construction on every inch, washed to warm holes and abrasion details, unique paint splatters, Vintage Abnormale Wash.

Low Rise Boot Fit, Women's 00-12R, \$131, Imported, \$79.00

EMMA BOOTS D Pure Fade-7351 E Aged Indigo-7363. 100% cotton, 3% LK, cotton/linen stretch (E), Vintage Abnormale Wash.

Super Low Rise Boot, Women's 00-10R, \$91.00, Imported, \$55.00

To shop, call 1-800-432-1884 or visit our online gear at www.abnormale.com

37

AF000380



CASUAL LUXURY

ALLYSA DENIM JACKET 10970 A White 100% cotton, unique destruction details, Vintage Abercrombie Wash, Fitted, Women's S, M, L, Imported, \$89.50

HILLARY DESTROYED DENIM JACKET 10971 B Superlight 100% cotton, unique destruction details,
Vintage Abercrombie Wash, Fitted, Women's S, M, L, Imported, \$89.50

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com

AF000938

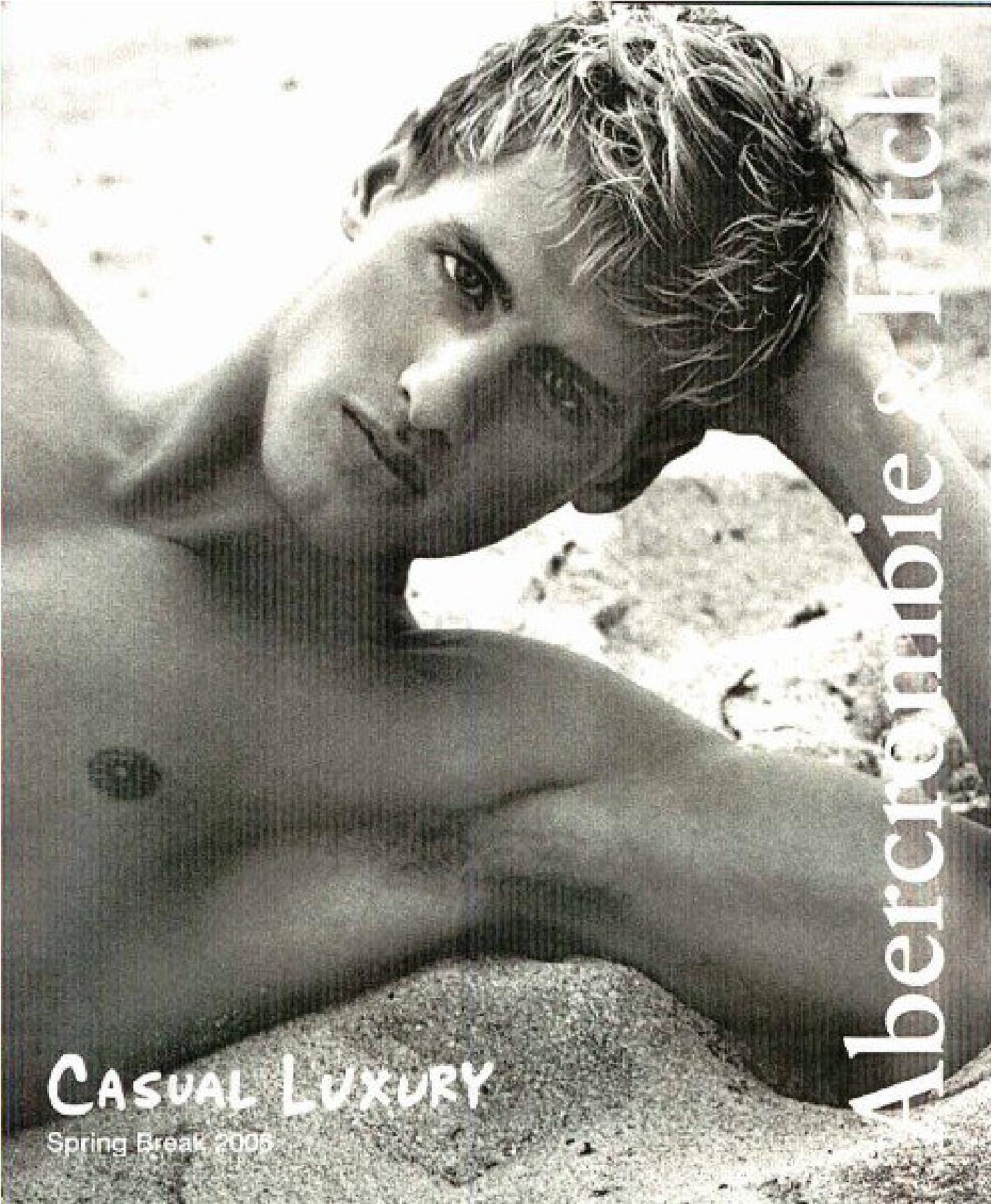


CASUAL LUXURY

STELLA DENIM JACKET 8065 C Light D Medium E Dark. 99% cotton/1% spandex, unique destruction details,
Vintage Abercrombie Wash, Fitted, Women's S, M, L, Imported, \$79.50

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com

AF000939



Abercrombie & Fitch

CASUAL LUXURY

Spring Break 2006



CASUAL LUXURY



A



B



C



D



E



F

MADISON DESTROYED FLARE 10790 A Superlight, B Pure Fade, C Aged Indigo. 100% cotton, handcrafted destruction on every pair authentic worn in holes and abrasion details, unique paint splatter, Destroyed Wash, Silver Low Rise Flare, Women's 00-13. Imported. \$79.00

EMMA DESTROYED BOOT 10710 D Pure Fade, E Superlight, F Vintage Indigo. 100% cotton, handcrafted destruction on every pair.

authentic worn in holes and abrasion details, unique paint splatter, Destroyed Wash.

Size: Low Rise Boot, Women's 00-120, 0-120. Imported. \$79.50

To order call 1 800 432 0000 or check out more gear at www.stanbrown.com



CASUAL LUXURY



A

B

C

D

E

EMMA DESTROYED BOOT A Superlight-10715 B Pure Face-10716 C Vintage Indigo-10716 100% cotton, hand-dyed denimation on every pair, with hand-worn-in feel and abrasion details, unique point-to-point Destroyed Wash. Super Low Rise Boot, Women's 00-12R, 1-12L, Imported, \$79.99

EMMA BOOT D Pure Face-1281 E Aged Indigo-1283 100% cotton (D), 99% cotton/1% spandex (E), Vintage Abrasion-style Wash, Super Low Rise Boot, Women's 00-12R, 00-12L, Imported, \$69.99

To order call 1-800-432-0288 or check out more gear at www.sabotageonline.com

51

AF000373



CASUAL LUXURY

ALLYSA DENIM JACKET 10970 A White. 100% cotton, unique destruction details.

Vintage Abercrombie Wash, Fitted, Women's S, M, L, Imported, \$89.50

HILLARY DESTROYED DENIM JACKET 10971 B Superlight, 100% cotton, Destroyed Wash,

unique destruction details, Fitted, Women's S, M, L, Imported, \$89.50

To order call 1 800 432 0888 or check out more gear at www.bercrombie.com

AF000934



CASUAL LUXURY

STELLA DENIM JACKET 8065 C Light D Medium E Dark. 99% cotton/1% spandex, unique destruction details,
Vintage Abercrombie Wash, Fitted, Women's S, M, L, Imported, \$79.50

To order call 1 800 432 0888 or check out more gear at www.abercrombie.com

AF000939

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

ABERCROMBIE & FITCH TRADING CO.,)	
	)	Opposition No. 91193275
Opposer,)	
v.)	
ARTEMIDES HOLDINGS PTY. LTD.,)	
)	
Applicant.)	

EXHIBIT F

TO

DECLARATION OF REID M. WILSON

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MONDAY, JUNE 8, 2009

Victoria Beckham's Abercrombie & Fitch 'Karen' Shorts



After looking through the photos I posted yesterday of Victoria leaving LA and those today of her in Heathrow, I immediately recognized the stitching on the back of her denim cut offs. I would know those pockets anywhere because they are by my fave denim brand.. Abercrombie and Fitch. Victoria, David, and the boys all love the store and she even mentions their denim in her *That Extra Half an Inch* style book. These shorts looked awfully familiar to me because I was in the store just last week and tried them on. I loved them! You can find them in A&F stores now as well as [on the website](#) for \$50.

POSTED BY J M C AT 11:40 AM
 LABELS: CLOSET, GET THE LOOK

NOTE: Please maximize your screen for better viewing

VICTORIA BECKHAM



ABOUT VICTORIA

Victoria Caroline Adams was born on April 17, 1974. She is most notoriously known as Posh Spice from the female pop phenomenon, the Spice Girls. She became a Beckham when she married her soccer legend husband, David. Not only is she a mother to her three beautiful sons: Brooklyn Joseph, Romeo James, and Cruz David Beckham, she is also the creative director for dVb - her fashion line. Victoria is also iconic for her sense of fashion and style.

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AF001267

Peebles TAKE 2
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\$400 DENIM GIVEAWAY BY BLACK LABEL BOUTIQUE



\$400 DENIM GIVEAWAY BY DENIM DESIGN LAB



CELEB TREND: ABERCROMBIE & FITCH JEAN SHORTS



As I posted the photo shoot of 'Burn Notice' actress **Gabrielle Anwar** in her Abercrombie & Fitch Jean Shorts for TV Guide, it brought to my attention to how many celebrity damsels have worn the brand's denim shorts in the last couple months. Regardless of it's premium price and average quality, the sightings have still occurred. Are you still rocking your A&F denim... even after college?

*I will say "you're welcome" in advance for finding an excuse to use Gisele's close up and pre-pregnant derriere in jean shorts picture once more. ;)

click on thumbnail to view full-size image

- Acid/Ripped Denim (578)
- Ad Campaigns (345)
- Boyfriend Jeans (235)
- Catwalk Shows (226)
- Celebrity Denim (3353)
- Coloured Jeans (145)
- Competitions (78)
- Denim Advice (52)
- Denim Jackets (184)
- Denim Lookbook (143)
- Denim Shorts (430)
- Designer Q&A (79)
- Double Denim (43)
- Faded Denim (78)
- High-Waisted Jeans (98)
- Japanese Denim (151)
- Jeggings / Leggings (158)
- Men's Denim (1121)
- Military / Combat / Cargo (28)
- Product Reviews (12)
- Retailers (14)
- Sales (80)
- Skinny Jeans (970)
- Street Style (51)
- Uncategorisable (205)
- Videos (40)
- Vintage Denim (66)
- Women's Denim (3931)

Elizabeth and James
Women's Apparel



Saks Fifth Avenue
GlamStyle

WEEKLY DENIM NEWSLETTER

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CAMERON DIAZ IN ABERCROMBIE & FITCH JEANS



Here is Cameron Diaz wearing a pair of **Abercrombie & Fitch** jeans on the set of My Sister's Keeper. The lucky guy in the photo below is one time Lost Boys star **Jason Patric**.

- Acid/Ripped Denim (578)
- Ad Campaigns (345)
- Boyfriend Jeans (235)
- Catwalk Shows (226)
- Celebrity Denim (3353)
- Coloured Jeans (145)
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- Product Reviews (12)
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- Skinny Jeans (970)
- Street Style (51)
- Uncategorisable (205)
- Videos (40)
- Vintage Denim (66)
- Women's Denim (3931)

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GlamStyle

- 7 For All Mankind
- Cheap Monday
- Citizens Of Humanity
- Current/Elliott
- Hudson Jeans
- J Brand
- Paige Premium Denim
- True Religion

WEEKLY DENIM NEWSLETTER



AF001203



1921 Jeans	Alessandra Ambrosio
7 For All Mankind	Alexa Chung
Acne Jeans	AnnaLynne McCord
AG Jeans	Ashley Greene
Akademiks	Ashley Tisdale
Anlo Jeans	Audrina Patridge
Antik Denim	Bar Rafaeli
April 77	Blake Lively
Balmain	Cameron Diaz
Black Orchid	Elle Macpherson
Blank Jeans	Eva Longoria
Blue Blood	Gisele Bundchen
Buffalo David Bitton	Gwen Stefani
Charley 5.0	Hayden Panettiere
Cheap Monday	Heidi Klum
Chip & Pepper	Heidi Montag
Citizens Of Humanity	Jennifer Aniston
C.R.A.F.T.	Jessica Alba
Crate	Jessica Biel
Current/Elliott	Jessica Simpson
Degaine	Kate Beckinsale
Del Forte Denim	Kate Bosworth
Denim & Thread	Kate Moss
Denim of Virtue	Katherine Heigl
Diesel	Katie Holmes
Dittos	Keira Knightley
DL1961 Premium Denim	Kim Kardashian
Domino	Kristen Stewart
Dylan George	Lauren Conrad
Energie	Lindsay Lohan
Earl Jean	Mariah Carey
Earnest Sewn	Megan Fox
Edwin	Miley Cyrus
Evisu	Mischa Barton
Fidelity Denim	Nicole Richie
Found Denim	Mary Kate & Ashley Olsen
Frankie B	Rachel Bilson
Gap Jeans	Rihanna
Genetic Denim	Sarah Jessica Parker
Goldsign	Shenae Grimes
G Star	Sienna Miller
Habitual	Vanessa Hudgens
Hellz Bellz	Victoria Beckham
Hudson Jeans	
Ijin Material	
J Brand	
James Jeans	
Jet	Brad Pitt
Joe's Jeans	David Beckham
Juicy Couture	Jude Law
Karmel & Alden	Justin Timberlake
Kasil	Orlando Bloom
Kicking Mule	Zac Efron
Ksubi	
Lee Jeans	
Level 99	
Levis	
Loomstate	AfricanWardrobeDiary
MiH Jeans	Angelina's Cafe
Miss Sixty	Annabu
Monarchy	A Touch of Blusher
Naked & Famous	BagBliss
Nobody	Beattrend
Notify	BeautyHobby
Not Your Daughters Jeans	BeBeautiful
Nudie	BecauseImAddicted
Oak Jeans	Blicious
Onvis	BumpShack
Paige Premium Denim	Bump 'n Sites
Paper Denim	California Style
People's Liberation	Call me Stylista
	Carina100

AF001204

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Celebs in Denim: Cameron Diaz in Abercrombie & Fitch

Celebs in Denim: Cameron Diaz in Abercrombie & Fitch

Published by Liane July 28th, 2008 in Celebrities in Designer Jeans and distressed denim. 1 Comment



AF001207

Maybe **Cameron Diaz** could have used our **guide on destroyed denim**. She went a little crazy with the knee tears there – those are what I call “majorly air-conditioned jeans”. The jeans are actually by **Abercrombie & Fitch** but it does look like she ripped through the knees a bit more than intended. But overall I like her casual look!

Story & photos courtesy **JustJared.com & Celebutopia.net**:

Cameron Diaz leaves a psychic in Hollywood on Friday with a spring in her step and a smile.

According to US Weekly, the 35-year-old actress visited Mrs. Grace at West Hollywood’s Psychic Tea Leaf Readings. She reportedly has gone to her with buddy **Lake Bell**.

Her supposed reading saw “marriage and kids” and a “beautiful future” for Cam and her current boytoy, model **Paul Sculfor**.



AF001208



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LINDSAY LOHAN IN ABERCROMBIE JEAN SHORTS



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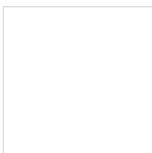
AF001232

Model, singer, designer and, oh yeah-- actress, Lindsay Lohan wears her Abercrombie & Fitch Cassandra Dark Wash Denim Shorts to girlfriend ex-girlfriend Samantha Ronson's house.

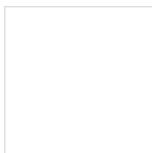
click on thumbnail to view full-size image



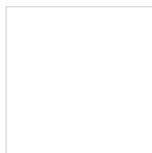
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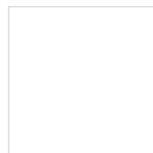
ID These Jeans: Kellan Lutz in ???



Roberto Cavalli Menswear Fall 2010



Maison Martin Margiela Menswear Fall 2010



Prps Unveils Heirloom Collection

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Posted by Jessie on 10/06/09

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- Alexa Chung
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- Audrina Patridge
- Bar Rafaeli
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CIARA IN ABERCOMBIE & FITCH RIPPED JEANS

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- Coloured Jeans
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- High-Waisted
- Japanese Denim
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- Men's Denim
- Military / Combat
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- Retailers (14)
- Sales (80)
- Skinny Jeans

AF001217



Ciara was in New York at the weekend appearing on some show or other performing some song or other, none of which is really important. But what is important was that she was wearing just about the most ripped pair of [Abercrombie & Fitch](#) jeans ever.

[click on thumbnail to view full-size image](#)



Street Style (5)
Uncategorisat
Videos (40)
Vintage Denim
Women's Den

7 For All Man
Cheap Monda
Citizens Of Hu
Current/Elliott
Hudson Jeans
J Brand
Paige Premiur
True Religion

1921 Jeans
7 For All Man
Acne Jeans
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Cheap Monda
Chip & Peppe
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Crate
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Del Forte Den
Denim & Thre
Denim of Virtu
Diesel
Dittos
DL1961 Prem
Domino
Dylan George
Energie
Earl Jean
Earnest Sewn

AF001218



AF001223

NICOLLETTE SHERIDAN IN ABERCROMBIE JEANS

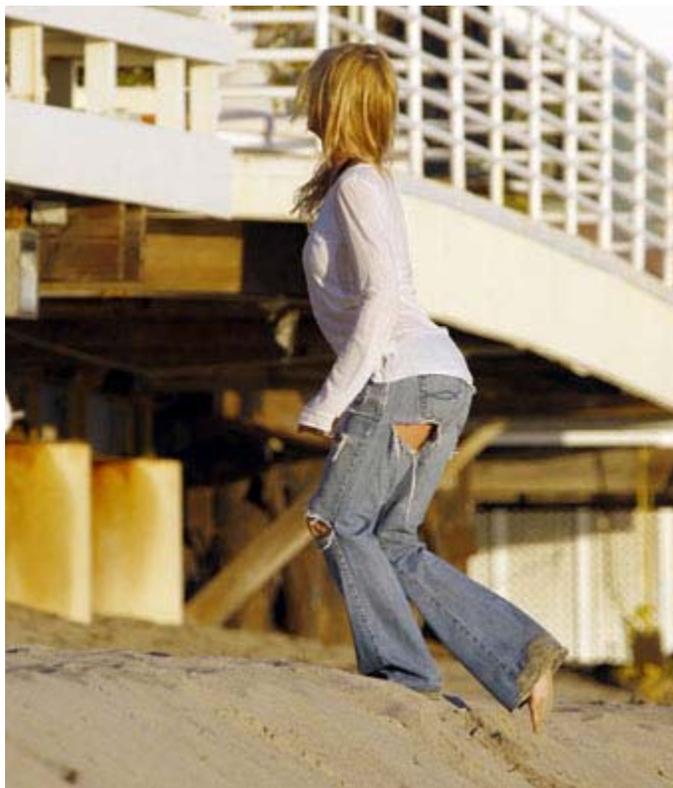


There is no denying that Nicollette Sheridan (of Desperate Housewives) has a rocking body for someone of 45 and from the front she could pass as someone 15 years younger in this pair of **Abercrombie** jeans. However the story from behind is another story - no matter what your age the artfully placed rips in your jeans should never be exposing this much flesh, especially when there are photographers around.

Street Style (5)
 Uncategorisat
 Videos (40)
 Vintage Denim
 Women's Den

7 For All Manf
 Cheap Monda
 Citizens Of Hu
 Current/Elliott
 Hudson Jeans
 J Brand
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1921 Jeans
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- Edwin
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- Fidelity Denim
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- Paige Premiur
- Paper Denim
- People's Liber
- Pierce Jeans
- PRVCY Jeans
- PRPS
- Radcliffe Deni
- Rag & Bone
- Raven
- Real Real Ger
- Red Engine Je
- Red Monkey C
- Rich & Skinny
- Rivet De Cru
- Rock & Reput
- Rockstar Sust
- Sass & Bide

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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ABERCROMBIE & FITCH TRADING CO.,)	
)	Opposition No. 91193275
Opposer,)	
v.)	
ARTEMIDES HOLDINGS PTY. LTD.,)	
)	
Applicant.)	

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TO

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ABERCROMBIE & FITCH TRADING CO.,)	
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Applicant.)	

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ABERCROMBIE & FITCH TRADING CO.,)	Opposition No. 91193275
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BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ABERCROMBIE & FITCH TRADING CO.,)	
)	Opposition No. 91193275
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TO

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Cancellation**Number:** 92051066**Filing Date:** 06/05/2009**Status:** Terminated**Status Date:** 10/15/2009**Interlocutory Attorney:** [GEORGE POLOGEORGIS](#)**Defendant****Name:** [Pacific Sunwear of California, Inc.](#)**Correspondence:** [Matthew D. Murphey](#)Gordon & Rees LLP
4675 MacArthur Court, Suite 800
Newport Beach, CA 92660
UNITED STATES**Serial #:** [77104081](#) [Application File](#)**Registration #:** [3610547](#)**Application Status:** Cancelled - Section 18**Plaintiff****Name:** [Abercrombie & Fitch Trading Co.](#)**Correspondence:** [Bobby A. Ghajar](#)Howrey LLP
550 South Hope Street, Suite 1100
Los Angeles, CA 90071
UNITED STATES
ghajarb@howrey.com**Serial #:** [78716362](#) [Application File](#)**Registration #:** [3135750](#)**Application Status:** Registered**Prosecution History**

#	Date	History Text	Due Date
10	10/15/2009	TERMINATED	
9	10/15/2009	COMMR'S ORDER CANCELLING REGISTRATION	
8	09/25/2009	BOARD'S DECISION: GRANTED	
7	09/25/2009	VOLUNTARY SURRENDER OF REGISTRATION	
6	07/02/2009	SUSPENDED PENDING DISP OF CIVIL ACTION	
5	07/01/2009	NOTICE OF NON-OPPOSITION	
4	06/25/2009	D'S MOT TO SUSP PEND DISP CIV ACTION	
3	06/08/2009	PENDING, INSTITUTED	
2	06/08/2009	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	07/18/2009
1	06/05/2009	FILED AND FEE	

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ESTTA Tracking number: **ESTTA308227**

Filing date: **09/25/2009**

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

Proceeding	92051066
Party	Defendant Pacific Sunwear of California, Inc.
Correspondence Address	Pacific Sunwear of California, Inc. 3450 East Miraloma Avenue Anaheim, CA 92806-2101 UNITED STATES
Submission	Voluntary Surrender Of Registration
Filer's Name	Lindsay J. Hulley
Filer's e-mail	lhulley@gordonrees.com
Signature	/Lindsay J. Hulley/
Date	09/25/2009
Attachments	Pac Sun - Surrender of Registration.pdf (2 pages)(160264 bytes)

ATTENTION: POST REGISTRATION DIVISION

Docket No. 00863.0837.000000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Registration of)
PACIFIC SUNWEAR OF CALIFORNIA, INC.)
Reg. No. 3,610,547)
Reg. Date: April 21, 2009)
Mark: BULLHEAD POCKET DESIGN)
Class: 25)

SURRENDER OF REGISTRATION FOR CANCELLATION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Madam:

Registrant, Pacific Sunwear of California, Inc., in accordance with § 7(e) of the Trademark Act and Rule 2.172 of the Trademark Rules of Practice, hereby voluntarily surrenders the above-captioned registration for cancellation.

PACIFIC SUNWEAR OF CALIFORNIA, INC.

Date: 9/23/09

By: 

Matthew D. Murphey
Attorney for Registrant
GORDON & REES LLP
4675 MacArthur Court, Suite 800
Newport Beach, CA 92660
949-255-6950
949-474-2060 (Fax)

CERTIFICATE OF MAILING

I hereby certify that this SURRENDER OF REGISTRATION FOR CANCELLATION 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, Virginia 22313-1451 on the date shown below:

Date: 9.25.09

Sandra A. Chubb

**UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451**

Pologeorgis

Mailed: September 25, 2009

Cancellation No. 92051066

Abercrombie & Fitch Trading
Co.

v.

Pacific Sunwear of
California, Inc.

On September 25, 2009, respondent filed a voluntary surrender under Section 7(e) of the Trademark Act of its Registration No. 3610547.

Trademark Rule 2.134(a) provides that if the respondent in a cancellation proceeding applies to cancel its involved registration under Section 7(e) without the written consent of every adverse party to the proceeding, judgment shall be entered against respondent.

In view thereof, and because petitioner's written consent to the voluntary surrender is not of record, judgment is hereby entered against respondent, the petition to cancel is granted, and Registration No. 3610547 will be cancelled in due course.

***By the Trademark Trial
and Appeal Board***

AF000488

dmd

U. S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

Abercrombie & Fitch Trading Co.

v.

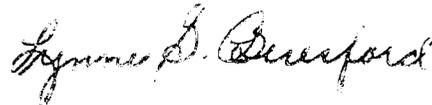
Pacific Sunwear of California, Inc.

Cancellation No. 92051066

Bobby A. Ghajar of Howrey, LLP for Abercrombie & Fitch
Trading Co.

Matthew D. Murphey of Gordon & Rees, LLP for Pacific Sunwear
of California, Inc.

The petition of Abercrombie & Fitch Trading Co. having
been granted on September 25, 2009, Registration No. 3610547
is hereby cancelled.



Lynne G. Beresford
Commissioner for Trademarks

OCT 15 2009

AF000489

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

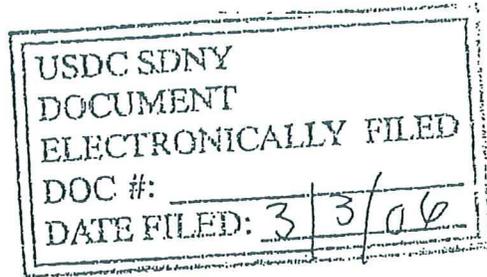
ABERCROMBIE & FITCH TRADING CO.,)	
)	Opposition No. 91193275
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v.)	
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Applicant.)	

EXHIBIT M

TO

DECLARATION OF REID M. WILSON

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



ABERCROMBIE & FITCH CO. and
ABERCROMBIE & FITCH TRADING CO.,

Plaintiffs,

v.

SO SWEET LLC,

Defendant.

No: 06 CV 1205 (JGK)

**FINAL JUDGMENT
OF PERMANENT INJUNCTION
AND OTHER RELIEF**

Plaintiffs Abercrombie & Fitch Co. and Abercrombie & Fitch Trading Co. (hereinafter collectively, "A & F"), having filed a Complaint on February 15, 2006 against Defendant So Sweet LLC claiming trademark infringement, unfair competition and misappropriation;

A & F, having alleged that it has extensively used and advertised "fish" pocket stitching design marks on apparel (see Exhibit A hereto), that it is the exclusive owner of valid, subsisting and enforceable nationwide common-law rights thereto and federal Supplemental Registration No. 2626917 (see paragraph 8 of the Complaint and Exhibit B hereto) (Exhibits A and B hereto collectively representing the "Fish Marks"), and that its Fish Marks have secondary meaning; and Defendant having acknowledged same;

Defendant, having sold certain apparel bearing pocket stitching designs that might be confused with A & F's Fish Marks, including the apparel depicted in paragraph 18 of the Complaint and on Exhibit C hereto (the "Disputed Fish Designs");

Defendant, without admitting any liability, expressly denying same, solely to avoid the expense and distraction of protracted litigation, and wishing to settle its dispute with A & F amicably;

Defendant, acknowledging the jurisdiction of this Court over it and the subject matter hereof; having waived the entry of findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure; without admitting any of the specific allegations of the Complaint except admitting jurisdiction; and having waived any objections with regard to and the right to appeal this Final Judgment;

It further appearing that this Court has jurisdiction over the subject matter hereof;

I.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendant, its subsidiaries, affiliates, directors, officers, agents, servants, employees, representatives, successors, assigns, attorneys-in-fact, and all those persons in active concert or participation with it who receive actual notice of this Final Judgment by personal service or otherwise, and each of them, be and hereby is permanently enjoined and restrained from:

a) manufacturing, designing, importing, ordering, advertising, displaying, marketing, promoting, offering to sell, selling, or otherwise distributing or conveying any apparel bearing A & F's Fish Marks or any colorable imitation thereof, including but not limited to apparel bearing the Disputed Fish Designs; and

b) passing off, promoting or selling any product as though it were authorized by or under the supervision or control of A & F when such is not in fact the case.

The sole exception to the above provision I.a. is that Defendant shall have until March 31, 2006 to dispose of any remaining inventory of product bearing Disputed Fish Designs in its possession, custody or control manufactured or produced prior to February 17, 2006. Defendant shall not re-order any apparel bearing Disputed Fish Designs after February 17, 2006. Any remaining inventory of such goods bearing Fish Marks or any colorable imitation thereof after the respective dates above shall be destroyed, and such destruction shall be certified in a sworn written statement by an officer of Defendant.

II.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant, within three (3) days of the date hereof shall pay \$ 10,000 to the order of plaintiff Abercrombie & Fitch Trading Co. by mail to Reid Wilson, Esq., Abercrombie & Fitch Trading Co., 6301 Fitch Path, New Albany, Ohio 43054, under cover of a letter that identifies Defendant and the name and case number of this proceeding. Each side shall otherwise bear its own fees and costs.

III.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction of this matter for the purpose of enforcing the terms of this Final Judgment. The parties acknowledge that a material breach of this Final Judgment would result in irreparable injury, and that it would be difficult or impossible to establish the full monetary value of such damage.

IV.

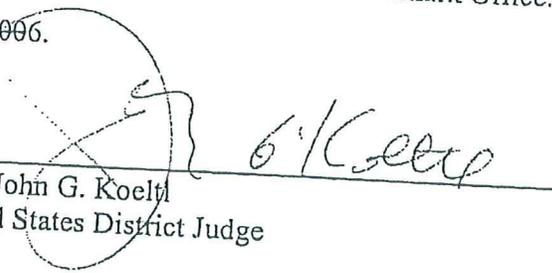
There being no just reason for delay, the Clerk of this Court is hereby directed, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, to enter this Final Judgment forthwith.

V.

In accordance with § 34 of the Federal Trademark Act, 15 U.S.C. § 1116, the Clerk of the Court shall notify the Commissioner of Patents and Trademarks of the entry of this Final Judgment who shall enter it upon the records of the United States Patent and Trademark Office.

SO ORDERED, this 2 day of February, 2006.

March 2, 2006


Hon. John G. Koeltl
United States District Judge