

ESTTA Tracking number: **ESTTA341810**

Filing date: **04/12/2010**

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

**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Victoria's Secret Stores Brand Management, Inc.
Granted to Date of previous extension	04/11/2010
Address	Four Limited Parkway Reynoldsburg, OH 43068 UNITED STATES
Attorney information	Olga M. Nedeltscheff Limited Brands 666 Fifth Avenue 4th Floor New York, NY 10103 UNITED STATES ONedeltscheff@limitedbrands.com

**Applicant Information**

Application No	77594631	Publication date	10/13/2009
Opposition Filing Date	04/12/2010	Opposition Period Ends	04/11/2010
International Registration No.	NONE	International Registration Date	NONE
Applicants	Evans, Rachel 58 Sophia Street SURREY HILLS, 2010 AUSTRALIA  Li, Wang Elaine Qi 58 Sophia Street SURREY HILLS, 2010 AUSTRALIA		

**Goods/Services Affected by Opposition**

Class 025. All goods and services in the class are opposed, namely: Clothing, namely, shirts, t-shirts, singlets, tank tops, tops, blouses, vests, jackets, coats, sweaters, jerseys, sweatshirts, hooded sweatshirts, sweatpants, pants, trousers, shorts, skirts, dresses, jeans, overalls, leggings, stockings, pantyhose, underwear, nightwear, lingerie, swimwear, scarves and belts
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2820380	Application Date	01/25/2001
Registration Date	03/02/2004	Foreign Priority Date	NONE
Word Mark	VICTORIA'S SECRET PINK		
Design Mark	<p style="text-align: center;">VICTORIA'S SECRET PINK</p>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2001/12/00 First Use In Commerce: 2001/12/00 Clothing, namely, bras, panties, camisoles, pajamas, sleep shirts, robes and T-shirts		

U.S. Registration No.	2992758	Application Date	01/25/2001
Registration Date	09/06/2005	Foreign Priority Date	NONE
Word Mark	VICTORIA'S SECRET PINK		
Design Mark	<p style="text-align: center;">VICTORIA'S SECRET PINK</p>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2004/07/00 First Use In Commerce: 2004/07/00 Clothing, namely, slips, teddies, nightgowns, shirts, swimwear, bodysuits, tap pants, pants, sarongs, garter belts, stockings, hosiery, pantyhose, socks, tights and teddies with garters		

U.S. Registration No.	3386282	Application Date	03/08/2005
Registration Date	02/19/2008	Foreign Priority Date	NONE
Word Mark	PHI BETA PINK		

Design Mark	<b>PHI BETA PINK</b>
Description of Mark	NONE
Goods/Services	Class 024. First use: First Use: 2005/10/12 First Use In Commerce: 2005/10/12 pillows Class 025. First use: First Use: 2005/10/12 First Use In Commerce: 2005/10/12 clothing, namely, boxer shorts, panties, shirts, sleepwear and t-shirts

Attachments	76976203#TMSN.gif ( 1 page )( bytes ) 76200191#TMSN.gif ( 1 page )( bytes ) 78582428#TMSN.jpeg ( 1 page )( bytes ) MINKPINK notice of oppn.pdf ( 12 pages )(323798 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/O M Nedeltscheff/
Name	Olga M. Nedeltscheff
Date	04/12/2010

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

In the Matter of Application Serial No 77594631  
Published in the Official Gazette on October 13, 2009

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:  
VICTORIA'S SECRET STORES BRAND  
MANAGEMENT, INC. : Opposition  
No.  
:  
Opposer, :  
v. :  
Rachel Evans and Wang Elaine Qi Li., :  
:  
Applicant :  
-----X

NOTICE OF OPPOSITION

Opposer, Victoria's Secret Stores Brand Management, Inc., a Delaware Corporation, having its principal place of business at Four Limited Parkway, Reynoldsburg, Ohio 43068 (herein "Opposer") believes that it will be damaged by registration of trademark MINKPINK Serial No. 77594631 in the name of Rachel Evans and Wang Elaine Qi Li, covering goods in International Class 25 filed on October 16, 2008, and published on October 13, 2009 in the Official Gazette, and hereby opposes the same.

As grounds of opposition, opposer alleges:

1. Rachel Evans and Wang Elaine Qi Li, (herein "Applicant") is not entitled to use or register MINKPINK as a trademark which is the subject of Serial No. 77594631 covering goods in Class 25 as the mark is confusingly similar to Opposer's VICTORIA'S SECRET PINK (hereafter "VS PINK") trademarks.

2. Opposer is the owner of numerous VS PINK formative marks, which are applied to the goods and used in connection with sales of clothing geared toward high school and college aged women in VICTORIA'S SECRET stores, through the internet, and catalog mail order since at least as early as 2001.

Opposer owns all right, title and interest in and to trademark registrations and applications incorporating the term "PINK," including the following:

<b>Mark / No.</b>	<b>Status / Date</b>	<b>Goods / Services</b>
DRENCHED IN PINK RN:3,544,100	Registered December 9, 2008	(Int'l Class: 3) Personal care products, namely, body lotions
PHI BETA PINK RN:3,386,282	Registered February 19, 2008	(Int'l Class: 24) Pillows (Int'l Class: 25) Clothing, namely, boxer shorts, panties, shirts, sleepwear and t-shirts
PINK DOG RN:3,234,287	Registered April 24, 2007	(Int'l Class: 25) Shirts, belts, hats
PINK IS LIFE RN:3,565,927	Registered January 20, 2009	(Int'l Class: 35) Retail store, catalog and on-line ordering services in the field of personal care products and accessories, room fragrance products, jewelry, audio tapes, bedding, clothing and accessories, toys and candy
PINK ME UP RN:3,726,618	Registered December 15, 2009	(Int'l Class: 3) Cosmetic pencils; cosmetic rouges; eye liner; eye make-up; eye pencils; eye shadows; face powder; lip balm; lip gloss; nail polish
PINK NATION RN:3,729,795	Registered December 22, 2009	(Int'l Class: 35) Retail store services in the field of clothing and accessories, personal care products and jewelry featuring a bonus incentive program for customers
PINK U RN:3,750,738	Registered February 16, 2010	(Int'l Class: 25) Panties, t-shirts
PINK UNIVERSITY RN:3,665,102	Registered August 4, 2009	(Int'l Class: 16) Blank writing journals (Int'l Class: 18) Tote bags, travel bags, purses, clutches, cosmetic bags sold empty, all purpose carrying bags, beach bags (Int'l Class: 25) Pants, robes, socks, vests, jackets, bras, panties, t-shirts, tank tops, sweat pants, sleepwear, shirts, boxers, scarves, hats, bathrobes, beach cover-ups,...
SQUEAKY PINK RN:3,631,914	Registered June 2, 2009	(Int'l Class: 3) Shower gels
VICTORIA'S SECRET	Registered	(Int'l Class: 3) Personal care products, namely,

<b>Mark / No.</b>	<b>Status / Date</b>	<b>Goods / Services</b>
PINK RN:3,520,974	October 21, 2008	bath oil, bath beads, blush, cologne, cream for the body, cream for the face, cream for the hands, face mist, fragrant body splash, lotion for the body, lotion for the hands, lotion for the face, lip...
VICTORIA'S SECRET PINK RN:2,992,758	Registered September 6, 2005	(Int'l Class: 25) Clothing, namely, slips, teddies, nightgowns, shirts, swimwear, bodysuits, tap pants, pants, sarongs, garter belts, stockings, hosiery, pantyhose, socks, tights and teddies with garters
VICTORIA'S SECRET PINK RN:2,820,380	Registered 8 & 15 February 25, 2010	(Int'l Class: 25) Clothing, namely, bras, panties, camisoles, pajamas, sleep shirts, robes and t-shirts
VICTORIA'S SECRET PINK RN:3,226,760	Registered April 10, 2007	(Int'l Class: 24) Bedding, namely, bed skirts, bed blankets, comforters and bed sheets (Int'l Class: 20) Pillows
VICTORIA'S SECRET PINK RN:3,502,263	Registered September 16, 2008	(Int'l Class: 35) Retail store services, mail order catalog services and on-line retail store services all featuring clothing, personal care products, bags, jewelry and accessories, bedding and footwear
PINK COLLEGIATE COLLECTION SN:77-575883	Published	(Int'l Class: 18) Luggage; all purpose sport bags; all purpose carrying bags; athletic bags; backpacks; beach handbags; wallets, handbags and purses; tote bags;... (Int'l Class: 25) Panties; pants; shorts; sweat pants; sweat shirts; sweat shorts; sleepwear; jackets; t-shirts; tank tops; yoga pants; dresses; footwear; hooded sweat... (Int'l Class: 35) Retail stores services, mail order catalog services, and on-line retail store services all in the field of clothing and accessories
GIVE LOVE . GET PINK 19 86 PINK NATION VICTORIA'S SECRET and Design SN:77-848776	Pending	(Int'l Class: 35) Retail store services in the field of clothing and accessories, personal care products, jewelry and various gifts featuring a bonus incentive program for customers
HOPE PINK SN:77-774655	Published	(Int'l Class: 3) Personal care products, namely, eau de parfum, body lotion and fragrance mist
LIFE IS PINK SN:77-941087	Pending	(Int'l Class: 3) Body lotion; eau de parfum; fragrances for personal use
LIFE IS PINK IS LIFE SN:77-769884	Pending	(Int'l Class: 35) Retail store, catalog and on-line ordering services in the field of personal care products and accessories, room fragrance

Mark / No.	Status / Date	Goods / Services
		products, jewelry, bedding, clothing and accessories, plush toys and candy
LIVE PINK SN:77-671442	Allowed - Intent to Use 1st Extension of Time Granted	(Int'l Class: 3) Body butter; body creams; body washes; perfumed powders (Int'l Class: 4) Candles
LIVE PINK SN:77-979022	Allowed - Registration Review Complete	(Int'l Class: 3) Body lotions; eau de parfum; scented body spray
LOVE PINK VICTORIA'S SECRET and Design SN:77-583183	Published	(Int'l Class: 25) Bras; jackets; panties; sleepwear; sweat pants; t-shirts
PINK NATION VICTORIA'S SECRET and Design SN:77-796835	Pending	(Int'l Class: 35) Retail store services in the field of clothing and accessories, personal care products, jewelry and various gifts featuring a bonus incentive program for customers
PINK ON PINK SN:77-634727	Allowed - Intent to Use 1st Extension of Time Granted	(Int'l Class: 18) Cosmetic bags sold empty

True and accurate copies of the following trademark registrations owned by  
Opposer are attached as Exhibit A:

VICTORIA'S SECRET PINK    Reg. No. 2992758  
VICTORIA'S SECRET PINK    Reg. No. 2820380  
PHI BETA PINK                Reg. No. 3386282

Opposer's registrations are valid, subsisting, and Registration No. 2820380 is  
incontestable.

3. Since long prior to Applicant's adoption and intended use of the mark  
MINKPINK, Opposer and its licensees have been and are now engaged in the  
operation of over 1,000 (one thousand) VICTORIA'S SECRET retail stores in  
locations throughout the United States, as well as the well-known VICTORIA'S

SECRET catalog, and internet website at [www.victoriasssecret.com](http://www.victoriasssecret.com), through which Opposer and its licensees sell VICTORIA'S SECRET PINK merchandise.

4. Since long prior to Applicant's adoption and use of the designation MINKPINK, Opposer has been continuously and is now advertising and promoting in interstate commerce throughout the United States its clothing, handbags, accessories, key chains, stationary items, and stuffed toy animals, among other merchandise, under the VS PINK trademarks. As a result, Opposer's VS PINK marks have become widely known and recognized by the public and the trade as the means by which Opposer's products are distinguished and their source of origin identified.
5. Upon information and belief, Applicant is intending or has commenced use of its MINKPINK mark on goods that are similar and/or identical to those marketed by Opposer under its VS PINK marks. However, Opposer's use of its VS PINK trademarks began in 2001 and continues to this day. As a result, Opposer's VS PINK marks have priority over Applicant's claim to the designation MINKPINK as described in its application.
6. Applicant's adoption and intended use of the designation MINKPINK is with full knowledge of the success and popularity for the Opposer's VS PINK marks and the intention of trading the Applicant's reputation and goodwill. Applicant's adoption is without license or permission of the Opposer.

Count I – Likelihood of Confusion

7. Opposer re-alleges the allegations set forth in paragraphs 1 through 7 inclusive as set forth in this notice of opposition.
8. Applicant's goods overlap directly with Opposer's registration and use of its VS PINK marks. For example, in its identification of goods in Class 25 recited in Serial No. 77594631, Applicant lists:

Clothing, namely, shirts, t-shirts, tank tops, tops, blouses, vests, jackets, coats, sweaters, jerseys, sweatshirts, hooded sweatshirts, sweatpants, pants, trousers, shorts, skirts, dresses, jeans, overalls, leggings, stockings, pantyhose, underwear, nightwear, lingerie, swimwear, scarves and belts

of which goods the underlined items are identical to items covered by opposer's existing reputation relied upon in this Notice of Opposition and upon which Opposer uses its VS PINK trademarks. The remaining items are articles of clothing are identical or similar to items upon which Opposer uses its VS PINK marks.

9. The designation Applicant seeks to register resembles Opposer's VS PINK trademark as to be likely when applied to the goods of Applicant to cause confusion or mistake or to deceive persons by creating the erroneous impression that Applicant's goods originate with or come from the same source as Opposer's goods, or are endorsed by, or sponsored by, or are connected in some way with Opposer, and the registration thereof would be injurious to Opposer.

Count II – Dilution

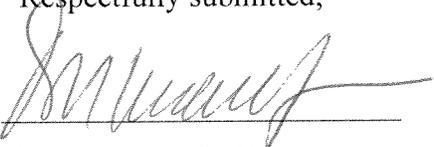
10. Opposer re-alleges the allegations set forth in paragraphs 1 through 8 inclusive as set forth in this notice of opposition.
11. As a result of Opposer's long and continuous use and registration of its VS PINK marks, extensive advertising and promotion of the VS PINK merchandise, and because of the superior level of quality of such products, the VICTORIA'S SECRET PINK trademarks have become well-known and famous, representing significant goodwill to Opposer.
12. Applicant's intended use and registration of the mark MINKPINK is likely to and will dilute, blur, and erode the distinctiveness of Opposer's famous VS PINK marks and/or damage the goodwill associated with the VS PINK trademarks.
13. This notice of Opposition is accompanied by the required fee of \$300 [37 C.F.R. 2.6(a)(17)].

WHEREFORE Opposer, Victoria's Secret Stores Brand Management, Inc., prays that said Application No. 77594631 be rejected and registration of the designation MINKPINK as a trademark to Applicant be denied.

Dated: New York, New York

April 12, 2010

Respectfully submitted,

By: 

Olga M. Nedeltscheff

Attorney for Opposer

Limited Brands

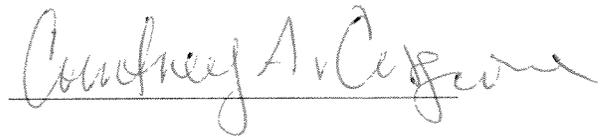
666 Fifth Avenue

New York, N.Y. 10103

(212) 884 3448

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing "Notice of Opposition" has been served via first class mail, postage prepaid, on Applicant's Correspondent of Record M. Scott Alprin, Alprin Law Offices, 1260 21<sup>st</sup> St NW, Suite 702, Washington, D.C. 20036-7316 and by email to [trademarks@alprinlaw.com](mailto:trademarks@alprinlaw.com) this 12<sup>th</sup> day of April 2010.

  
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**EXHIBIT A**

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

**United States Patent and Trademark Office**

**Reg. No. 2,992,758**

Registered Sep. 6, 2005

**TRADEMARK  
PRINCIPAL REGISTER**

**VICTORIA'S SECRET PINK**

V SECRET CATALOGUE, INC. (DELAWARE  
CORPORATION)  
1105 NORTH MARKET STREET  
WILMINGTON, DE 19801

OWNER OF U.S. REG. NOS. 1,146,199, 2,455,260,  
AND OTHERS.

FOR: CLOTHING, NAMELY, SLIPS, TEDDIES,  
NIGHTGOWNS, SHIRTS, SWIMWEAR, BODY-  
SUITS, TAP PANTS, PANTS, SARONGS, GARTER  
BELTS, STOCKINGS, HOSIERY, PANTYHOSE,  
SOCKS, TIGHTS AND TEDDIES WITH GARTERS,  
IN CLASS 25 (U.S. CLS. 22 AND 39).

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

SN 76-200,191, FILED 1-25-2001.

FIRST USE 7-0-2004; IN COMMERCE 7-0-2004.

GENE MACIOL, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

**United States Patent and Trademark Office**

**Reg. No. 2,820,380**

Registered Mar. 2, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**VICTORIA'S SECRET PINK**

V SECRET CATALOGUE, INC. (DELAWARE  
CORPORATION)  
1105 NORTH MARKET STREET  
WILMINGTON, DE 19801

FOR: CLOTHING, NAMELY, BRAS, PANTIES,  
CAMISOLES, PAJAMAS, SLEEP SHIRTS, ROBES  
AND T-SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 12-0-2001; IN COMMERCE 12-0-2001.

OWNER OF U.S. REG. NOS. 1,146,199, 2,455,260,  
AND OTHERS.

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

SN 76-976,203, FILED 1-25-2001.

GENE MACIOL, EXAMINING ATTORNEY

Int. Cls.: 24 and 25

Prior U.S. Cls.: 22, 39, 42, and 50

**United States Patent and Trademark Office**

**Reg. No. 3,386,282**

Registered Feb. 19, 2008

**TRADEMARK  
PRINCIPAL REGISTER**

**PHI BETA PINK**

VICTORIA'S SECRET STORES BRAND MAN-  
AGEMENT, INC. (DELAWARE CORPORA-  
TION)

FOUR LIMITED PARKWAY  
REYNOLDSBURG, OH 43068

FOR: PILLOWS, IN CLASS 24 (U.S. CLS. 42 AND  
50).

FIRST USE 10-12-2005; IN COMMERCE 10-12-2005.

FOR: CLOTHING, NAMELY, BOXER SHORTS,  
PANTIES, SHIRTS, SLEEPWEAR AND T-SHIRTS, IN  
CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 10-12-2005; IN COMMERCE 10-12-2005.

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

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

SN 78-582,428, FILED 3-8-2005.

ARETHA SOMERVILLE, EXAMINING ATTORNEY