

ESTTA Tracking number: **ESTTA435923**

Filing date: **10/14/2011**

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

Proceeding	91194864
Party	Plaintiff H&M Hennes & Mauritz AB
Correspondence Address	Mark I. Peroff Hiscock & Barclay LLP Seven Times Square New York, NY 10036 UNITED STATES mperoff@hblaw.com, apatel@hblaw.com, jbernard@hblaw.com, trademarks@hblaw.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Mark I. Peroff
Filer's e-mail	mperoff@hblaw.com, apatel@hblaw.com, bsmith@hblaw.com, trademarks@hblaw.com
Signature	/Mark I. Peroff/
Date	10/14/2011
Attachments	Notice of Reliance.pdf (5 pages)(1547298 bytes) Exhibit A - 1.pdf (30 pages)(8309844 bytes) Exhibit A - 2.pdf (31 pages)(9016207 bytes) Exhibit A - 3.pdf (31 pages)(9586829 bytes) Exhibit A - 4.pdf (21 pages)(5721927 bytes) Exhibit B.pdf (2 pages)(24342 bytes) Exhibit C - 1.pdf (30 pages)(8105065 bytes) Exhibit C - 2.pdf (31 pages)(8667279 bytes) Exhibit D.pdf (5 pages)(104255 bytes) Exhibit E.pdf (2 pages)(42275 bytes) Exhibit F.pdf (8 pages)(159063 bytes) Exhibit G.pdf (3 pages)(55907 bytes) Exhibit H.pdf (4 pages)(1421953 bytes) Exhibit I.pdf (4 pages)(1061977 bytes) Exhibit J.pdf (4 pages)(1076670 bytes) Exhibit K.pdf (3 pages)(491843 bytes) Exhibit L.pdf (5 pages)(1227356 bytes) Exhibit M.pdf (4 pages)(812716 bytes) Exhibit N.pdf (5 pages)(1029401 bytes) Exhibit O.pdf (15 pages)(3027264 bytes) Exhibit P.pdf (10 pages)(1859021 bytes)

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

Atty. Ref. No.: 313148.3050014

In re: Application Ser. No. 77/888,150
Published: April 27, 2010
Applicant: Undivided Design, LLC
Mark: **UNDIVIDED**

-----X
)
H&M HENNES & MAURITZ AB,)
)
Opposer,)
v.)
) Opposition No. 91194864
UNDIVIDED DESIGN, LLC,)
)
Applicant.)
)
-----X

OPPOSER’S NOTICE OF RELIANCE

Pursuant to Trademark Rule 2.122, Opposer, H&M Hennes & Mauritz AB

(“Opposer”) hereby gives notice and introduces into evidence the following items:

1. Pursuant to Trademark Rule 2.122(e), Opposer hereby introduces into evidence a copy of the certificate of registration, prosecution file history, and status pages from the Trademark Applications and Registrations Retrieval system (“TARR”) for U.S. Trademark Registration No. 2,766,051 for the mark “DIVIDED”, which is relevant to the issue of ownership, priority of rights, and validity of rights in Opposer’s mark. A copy of the certificate of registration, TARR status pages, and prosecution file history from the Trademark Document Retrieval system (“TDR”) are attached as Exhibit A.

2. Pursuant to Trademark Rule 2.122(e), Opposer hereby introduces into evidence a copy of assignment data for U.S. Trademark Registration No. 2,766,051 for the mark “DIVIDED”, showing that the mark has not been

assigned, which is relevant to the ownership status of Opposer's mark. A copy of the assignment data from the Trademark Assignment Query system is attached as Exhibit B.

3. Pursuant to Trademark Rule 2.122(e), Opposer hereby introduces into evidence a copy of the certificate of registration, prosecution file history, and TARR status pages for U.S. Trademark Registration No. 3,476,969 for the mark "DIVIDED & Design", which is relevant to the issue of ownership, priority of rights, and validity of rights in Opposer's mark. A copy of the certificate of registration, TARR status pages, and prosecution file history from TDR are attached as Exhibit C.
4. Pursuant to Trademark Rule 2.122(e), Opposer hereby introduces into evidence a copy of assignment data for U.S. Trademark Registration No. 3,476,969 for the mark "DIVIDED & Design", showing that the mark is owned by H&M Hennes & Mauritz AB, which is relevant to the ownership status of Opposer's mark. A copy of the assignment data from the Trademark Assignment Query system is attached as Exhibit D.
5. Pursuant to Trademark Rule 2.122(e), Opposer hereby introduces into evidence a copy of the Trademark Trial and Appeal Board file history for U.S. Trademark Registration Nos. 2,766,051 and 3,476,969 in opposition to U.S. Trademark Application No. 85/241,339, which is relevant to the issue of strength of Opposer's marks. A copy of the file history from the Trademark Trial and Appeal Board Inquiry System is attached as Exhibit E.
6. Pursuant to Trademark Rule 2.122(e), Opposer hereby introduces into evidence a copy of the Trademark Trial and Appeal Board file history for U.S. Trademark Registration Nos. 2,766,051 and 3,476,969 in Opposition Proceeding No. 91173512, which is relevant to the issue of strength of Opposer's marks. A copy of the file history from the Trademark Trial and Appeal Board Inquiry System, including any Board decisions, is attached as Exhibit F.
7. Pursuant to Trademark Rule 2.122(e), Opposer hereby introduces into evidence a copy of the Trademark Trial and Appeal Board file history for U.S. Trademark Registration Nos. 2,766,051 and 3,476,969 in Opposition Proceeding No. 91171639, which is relevant to the issue of strength of Opposer's marks. A copy of the file history from the Trademark Trial and Appeal Board Inquiry System, including any Board decisions, is attached as Exhibit G.
8. Pursuant to Trademark Rule 2.122(e), Opposer hereby introduces into evidence a copy of an August 20, 2010 article from Women's Wear Daily regarding Opposer's "DIVIDED" clothing line, which is relevant to the issue of strength and recognition of Opposer's marks. The article is available

through Women's Wear Daily's website at <http://www.wwd.com/retail-news/department-stores/profiling-the-value-retailers-3225455>. A copy of the article, printed and accessed on October 13, 2011, is attached as Exhibit H.

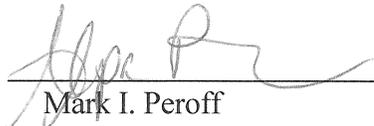
9. Pursuant to Trademark Rule 2.122(e), Opposer hereby introduces into evidence a copy of a January 16, 2008 article from Women's Wear Daily regarding Opposer's "DIVIDED" clothing line and the previous designer, which is relevant to the issue of strength and recognition of Opposer's marks. The article is available through Women's Wear Daily's website at <http://www.wwd.com/fashion-news/fashion-features/ann-sofie-johansson-to-lead-design-at-h-m-1026430>. A copy of the article, printed and accessed on October 13, 2011, is attached as Exhibit I.
10. Pursuant to Trademark Rule 2.122(e), Opposer hereby introduces into evidence a copy of a March 31, 2011 article from the New York Post regarding Opposer's "DIVIDED" clothing line, which is relevant to the issue of strength and recognition of Opposer's marks. The article is available through the New York Post's website at http://www.nypost.com/p/blogs/popwrap/penn_badgley_model_behavior_VETyPcUBg2WgWM5FIIfsDM. A copy of the article, printed and accessed on October 13, 2011, is attached as Exhibit J.
11. Pursuant to Trademark Rule 2.122(e), Opposer hereby introduces into evidence a copy of an article from the website www.944.com regarding Opposer's "DIVIDED" clothing line, which is relevant to the issue of strength and recognition of Opposer's marks. The article is available at: <http://www.944.com/articles/what-s-new-h-m-fashion-against-aids/>. A copy of the article, printed and accessed on October 13, 2011, is attached as Exhibit K.
12. Pursuant to Trademark Rule 2.122(e), Opposer hereby introduces into evidence a copy of an April 28, 2008 article from the blog website www.whowhatwear.com regarding Opposer's "DIVIDED" clothing line, which is relevant to the issue of strength and recognition of Opposer's marks. The article is available at: www.whowhatwear.com/website/full-article/look-we-love-punk-under-200/. A copy of the article, printed and accessed on October 6, 2011, is attached as Exhibit L.
13. Pursuant to Trademark Rule 2.122(e), Opposer hereby introduces into evidence a copy of an August 19, 2009 article from the blog website www.newclothing.com regarding Opposer's "DIVIDED" clothing line, which is relevant to the issue of strength and recognition of Opposer's marks. The article is available at: www.newclothing.co/hm-divided-autumn-winter-20092010-fasihon-collection/. A copy of the article, printed and accessed on October 6, 2011, is attached as Exhibit M.

14. Pursuant to Trademark Rule 2.122(e), Opposer hereby introduces into evidence a copy of an article from the blog website www.cbamd.com regarding Opposer's "DIVIDED" clothing line, which is relevant to the issue of strength and recognition of Opposer's marks. The article is available at: www.cbamd.com/e_brand/show.asp?bid=1200. A copy of the article, printed and accessed on October 6, 2011, is attached as Exhibit N.
15. Pursuant to Trademark Rule 2.122(e), Opposer hereby introduces into evidence a copy of a January 20, 2010 article from the blog website www.hotbeautyhealth.com regarding Opposer's "DIVIDED" clothing line, which is relevant to the issue of strength and recognition of Opposer's marks. The article is available at: www.hotbeautyhealth.com/rendsetters/hm-divided-collection-for-spring-2010/. A copy of the article, printed and accessed on October 6, 2011, is attached as Exhibit O.
16. Pursuant to Trademark Rule 2.122(e), Opposer hereby introduces into evidence a copy of a July 23, 2010 article from the blog website www.hotbeautyhealth.com regarding Opposer's "DIVIDED" clothing line, which is relevant to the issue of strength and recognition of Opposer's marks. The article is available at: www.hotbeautyhealth.com/trendsetters/hm-divided-fall-2010-ad-campaign/. A copy of the article, printed and accessed on October 6, 2011, is attached as Exhibit P.
17. Opposer is attaching Exhibits A – P with Opposer's Notice of Reliance.

Respectfully submitted,

HISCOCK & BARCLAY, LLP

DATED: October 14, 2011

By: 

Mark I. Peroff
Alpa V. Patel
Seven Times Square
44th Floor
New York, NY 10036
P: 212.784.5800
F: 212.784.5777
E: mperoff@hblaw.com,
apatel@hblaw.com,
trademarks@hblaw.com

Attorneys for Opposer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the
OPPOSER'S NOTICE OF RELIANCE was served on the following counsel by first
class mail, this 14th day of October, 2011:

Matthew W. Boley, Esq.
PARSONS KINGHORN HARRIS
111 East Broadway, 11th Floor
Salt Lake City, UT 84101

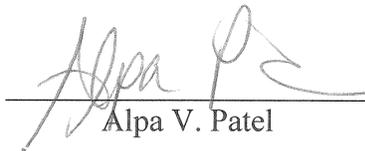

Alpa V. Patel

EXHIBIT A

Int. Cls.: 3, 14, 18 and 25

Prior U.S. Cls.: 1, 2, 3, 4, 6, 22, 27, 28, 39, 41, 50, 51
and 52

United States Patent and Trademark Office

Reg. No. 2,766,051

Registered Sep. 23, 2003

TRADEMARK
PRINCIPAL REGISTER

DIVIDED

H & M HENNES & MAURITZ AB (SWEDEN
PUBLIC JOINT STOCK COMPANY)
BOX 1421
SE-111 84 STOCKHOLM, SWEDEN

FOR: SOAPS, PERFUME, ESSENTIAL OILS FOR PERSONAL USE, HAIR LOTIONS, SKIN CLARIFIERS, FACIAL CLEANSERS, HAND CREAM, FOOT CREAM, FACE CREAMS, BODY CREAMS, SKIN EMOLLIENTS, SKIN LIGHTENERS, HAIR LIGHTENERS, SKIN LOTIONS, SKIN CLEANSING LOTIONS, LOTIONS FOR CELLULITE REDUCTION, SKIN MASKS, SKIN MOISTURIZER, SKIN SCRUBS AND TONERS; NON-MEDICATED LIP BALM; SHOWER GEL; BODY FIRING GELS AND LOTIONS, BODY CREAM, OIL, EMULSIONS, MASKS AND SCRUBS; MAKEUP; LIPSTICK; LIP GLOSS; LIP PENCILS; NAIL POLISH; EYE MAKEUP; EYE PENCILS; EYEBROW PENCILS; BLUSH; MASCARA; EXFOLIATING BODY SCRUBS; SELF-TANNING SKIN PREPARATIONS; FACIAL EMULSIONS; COLOGNE; TOILET WATER; EAU DE PARFUM; SHAVING LOTIONS; SCENTED BODY SPRAY; PERSONAL DEODORANT; ANTIPERSPIRANT; MAKEUP REMOVER; TOILET SOAP; BATH BEADS, CRYSTALS, FOAM AND GEL; NAIL CARE PREPARATIONS; HAIR CARE PREPARATIONS; HAIR CLEANING PREPARATIONS; HAIR SHAMPOO; HAIR WAVING LOTIONS; HAIR STYLING LOTIONS; AROMATHERAPY OILS; POTPOURRI; ROOM FRAGRANCES; ADHESIVES FOR COSMETIC USE; DEPILATORIES; COTTON AND COTTON SWABS, STICKS AND PUFFS FOR COSMETIC PURPOSES, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FOR: IMITATION JEWELRY AND JEWELRY OF PRECIOUS METAL AND STONES; CUFF LINKS; TIE PINS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FOR: HANDBAGS; TOILETRY BAGS SOLD EMPTY; ALL-PURPOSE SPORTS BAGS, ATHLETIC

BAGS, BEACH BAGS, BOOK BAGS, CARRY-ON BAGS, CLUTCH BAGS, DUFFEL BAGS, TRAVELING BAGS; TRUNKS; BACKPACKS; WALLETS; UMBRELLAS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FOR: HEADWEAR; FOOTWEAR; AND CLOTHING, NAMELY T-SHIRTS, SHIRTS, CARDIGANS, BLOUSES, BODY SUITS, COATS, JACKETS, PANTS, SKIRTS, DRESSES, BELTS, HATS, SCARF, GLOVES, KIMONOS, MUFFS, SUITS, TUNICS, WAISTCOATS, DENIM WEAR, NAMELY, JEANS, SKIRTS, SHIRTS, HATS, SHORTS, DRESSES, TROUSERS, JACKETS AND COATS; SUEDE AND LEATHER CLOTHING, NAMELY, GLOVES, TROUSERS, SKIRTS, JACKETS, COATS, HATS, BELTS, SHIRTS, DRESSES; LINEN CLOTHING, NAMELY, DRESSES, TROUSERS, JACKETS, SHIRTS, BLOUSES; KNIT WEAR, NAMELY, JERSEY AND HEAVY KNITWEAR; JUMPSUITS, SHORTS, SWEATSHIRTS, UNDERWEAR, LINGERIE, BRAS, BUSTIERS, HOT PANTS, CAMISOLES, SUSPENDERS, CHEMISES, PANTYHOSE, LEGGINGS, TIGHTS, SOCKS, STOCKINGS, LONG JOHNS, SINGLET, SWIMWEAR, BIKINIS, SARONGS, PONCHOS, PULLOVERS, BANDANAS, POLO SHIRTS, FAKE FUR JACKETS AND COATS, SWEATERS, HOODS, ANORAKS, WIND RESISTANT JACKETS, TANK TOPS, SLIPPERS, FOOTWEAR, NECKWEAR, MITTENS, RAINWEAR, PARKAS, OVERALLS, JOGGING SUITS; SKIWEAR, MASQUERADE COSTUMES, IN CLASS 25 (U.S. CLS. 22 AND 39).

OWNER OF SWEDEN REG. NO. 342235, DATED 11-10-2000, EXPIRES 11-10-2010.

SER. NO. 76-049,274, FILED 5-16-2000.

MICHAEL KEATING, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-10-13 14:43:48 ET

Serial Number: 76049274 Assignment Information Trademark Document Retrieval

Registration Number: 2766051

Mark (words only): DIVIDED

Standard Character claim: No

Current Status: A Section 8 declaration has been accepted.

Date of Status: 2009-10-01

Filing Date: 2000-05-16

Transformed into a National Application: No

Registration Date: 2003-09-23

Register: Principal

Law Office Assigned: LAW OFFICE 113

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: M40 -TMO Law Office 113

Date In Location: 2009-10-01

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. H & M Hennes & Mauritz AB

Address:

H & M Hennes & Mauritz AB
Box 1421
SE-111 84 Stockholm
Sweden

Legal Entity Type: PUBLIC JOINT STOCK COMPANY

State or Country Where Organized: Sweden

GOODS AND/OR SERVICES

International Class: 003

Class Status: Active

non-medicated lip balm; lip gloss; eye makeup; blush;

Basis: 44(e)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 014

Class Status: Active

Imitation jewelry and jewelry of precious metal and stones; cuff links; tie pins

Basis: 44(e)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 018

Class Status: Active

handbags; toiletry bags sold empty; beach bags, book bags, carry-on bags, clutch bags, traveling bags; backpacks; wallets; umbrellas

Basis: 44(e)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 025

Class Status: Active

headwear; footwear; and clothing, namely, t-shirts, shirts, cardigans, blouses, jackets, pants, skirts, dresses, belts, hats, scarf, gloves, tunics, knit wear, namely, heavy knitwear; shorts, sweatshirts, underwear, lingerie, bras, hot pants, suspenders, leggings, tights, socks, swimwear, bikinis, bandanas, tank tops, slippers, mittens

Basis: 44(e)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

Foreign Registration Number: 342235

Foreign Registration Date: 2000-11-10

Country: Sweden

Foreign Expiration Date: 2010-11-10

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-02-14 - Attorney Revoked And/Or Appointed

2011-02-14 - TEAS Revoke/Appoint Attorney Received

2009-10-01 - Section 8 (6-year) accepted

2009-10-01 - Case Assigned To Post Registration Paralegal

2009-09-17 - TEAS Section 8 Received
2009-09-17 - TEAS Section 8 Received
2007-12-28 - Case File In TICRS
2003-09-23 - Registered - Principal Register
2003-07-01 - Published for opposition
2003-06-11 - Notice of publication
2003-04-17 - Sec. 44(E) Claim Added
2003-04-14 - Approved for Pub - Principal Register (Initial exam)
2003-04-14 - Assigned To Examiner
2002-12-11 - Sec. 1(B) Claim Deleted
2002-11-12 - Communication received from applicant
2002-11-12 - PAPER RECEIVED
2002-08-29 - Letter of suspension mailed
2002-08-29 - Assigned To Examiner
2002-08-29 - Previous Allowance Count Withdrawn
2002-08-29 - Assigned To Examiner
2002-08-28 - Assigned To Examiner
2002-08-06 - Assigned To Examiner
2002-06-04 - Notice Of Allowance Cancelled
2002-07-12 - Petition To Director - Granted
2002-06-04 - Petition To Director Received
2001-12-04 - NOA Mailed - SOU Required From Applicant
2001-09-11 - Published for opposition
2001-08-22 - Notice of publication
2001-06-18 - Approved For Pub - Principal Register
2001-06-13 - Examiner's amendment mailed
2001-06-12 - Assigned To Examiner

2001-04-23 - Communication received from applicant

2000-10-26 - Non-final action mailed

2000-10-23 - Assigned To Examiner

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Mark I. Peroff

Correspondent

Mark I. Peroff

Hiscock & Barclay LLP

Seven Times Square, 44th Floor

New York NY 10036

Phone Number: 212-784-5800

Fax Number: 212-784-5777

Domestic Representative

Mark I. Peroff

Phone Number: 212-784-5800

Fax Number: 212-784-5777

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	76049274
REGISTRATION NUMBER	2766051
LAW OFFICE ASSIGNED	LAW OFFICE 113
ATTORNEY DOCKET NUMBER	313148.
MARK SECTION	
MARK	DIVIDED
ATTORNEY SECTION	
ORIGINAL ADDRESS	DAVID EHRLICH, ESQ. FROSS ZELNICK LEHRMAN & ZISSU, P.C. HMH USA TA-0 866 UNITED NATIONS PLAZA NEW YORK NY 10017
DOMESTIC REPRESENTATIVE SECTION	
ORIGINAL ADDRESS	FROSS ZELNICK LEHRMAN & ZISSU, P.C.
NEW OTHER APPOINTED ATTORNEYS	Keith E. Danish, Darren W. Saunders, Ronald S. Kareken, and Alpa V. Patel
NEW ATTORNEY ADDRESS	
STATEMENT TEXT	By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:
NAME	Mark I. Peroff
FIRM NAME	Hiscock & Barclay LLP

STREET	Seven Times Square, 44th Floor
CITY	New York
STATE	New York
COUNTRY	United States
POSTAL/ZIP CODE	10036
PHONE	212-784-5800
FAX	212-784-5777
EMAIL	trademarks@hblaw.com
ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
ATTORNEY DOCKET NUMBER	313148.

NEW DOMESTIC REPRESENTATIVE ADDRESS

STATEMENT TEXT	By submission of this request, the undersigned REVOKES the power of domestic representative currently of record, as listed above, and hereby APPOINTS the following new domestic representative:
NAME	Mark I. Peroff
FIRM NAME	Hiscock & Barclay LLP
STREET	Seven Times Square, 44th Floor
CITY	New York
STATE	New York
COUNTRY	United States
POSTAL/ZIP CODE	10036
PHONE	212-784-5800
FAX	212-784-5777
EMAIL	trademarks@hblaw.com
REPRESENTATIVE AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
OTHER APPOINTED ATTORNEY	Keith E. Danish, Darren W. Saunders, Ronald S. Kareken, and Alpa V. Patel

NEW CORRESPONDENCE ADDRESS

NAME	Mark I. Peroff
FIRM NAME	Hiscock & Barclay LLP
STREET	Seven Times Square, 44th Floor
CITY	New York
STATE	New York
COUNTRY	United States
POSTAL/ZIP CODE	10036
PHONE	212-784-5800
FAX	212-784-5777
EMAIL	trademarks@hblaw.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
OTHER APPOINTED ATTORNEY	Keith E. Danish, Darren W. Saunders, Ronald S. Kareken, and Alpa V. Patel
SIGNATURE SECTION	
SIGNATORY FILE	
ORIGINAL PDF FILE	hw_381046862-164850638 . General POA.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT11\IMAGEOUT11\760\492\76049274\xml1\RAA0002.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\760\492\76049274\xml1\RAA0003.JPG
SIGNATORY NAME	Fredrik Bjorkstedt & Bjorn Norberg
SIGNATORY POSITION	General Counsel and Legal Counsel
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Feb 14 17:18:22 EST 2011
TEAS STAMP	USPTO/RAA-38.104.68.62-20 110214171822417486-737241 31-480248cc84d7242c6ae13b 97be8f668cf7-N/A-N/A-2011 0214164850638241

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

To the Commissioner for Trademarks:

MARK: DIVIDED

SERIAL NUMBER: 76049274

REGISTRATION NUMBER: 2766051

ATTORNEY DOCKET NUMBER 313148.

The original attorney

DAVID EHRLICH, ESQ.
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
HMH USA TA-0
866 UNITED NATIONS PLAZA
NEW YORK NY 10017

The original domestic representative

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

Original Correspondence Address :

DAVID EHRLICH, ESQ.
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLAZA
NEW YORK NY 10017

By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney: In addition, any additional previously-appointed attorneys that are currently listed in the application are replaced with the new "Other Appointed Attorneys" listed below.

Newly Appointed Attorney:

Mark I. Peroff
Hiscock & Barclay LLP
Seven Times Square, 44th Floor
New York, New York 10036
United States
212-784-5800
212-784-5777
trademarks@hblaw.com
313148.

Other Appointed Attorneys:

Keith E. Danish, Darren W. Saunders, Ronald S. Kareken, and Alpa V. Patel

By submission of this request, the undersigned REVOKES the power of domestic representative currently of record, as listed above, and hereby APPOINTS the following new domestic representative:

Newly Appointed Representative:

Mark I. Peroff
Hiscock & Barclay LLP
Seven Times Square, 44th Floor
New York, New York 10036
United States
212-784-5800
212-784-5777
trademarks@hblaw.com

The following is to be used as the correspondence address:

Mark I. Peroff
Hiscock & Barclay LLP
Seven Times Square, 44th Floor
New York, New York 10036
United States

212-784-5800
212-784-5777

trademarks@hblaw.com The attorney docket/reference number is 313148..

Original PDF file:

[hw_381046862-164850638 . General POA.pdf](#)

Converted PDF file(s) (2 pages)

[Signature File1](#)

[Signature File2](#)

Signatory's Name: Fredrik Bjorkstedt & Bjorn Norberg

Signatory's Position: General Counsel and Legal Counsel

Serial Number: 76049274

Internet Transmission Date: Mon Feb 14 17:18:22 EST 2011

TEAS Stamp: USPTO/RAA-38.104.68.62-20110214171822417

486-73724131-480248cc84d7242c6ae13b97be8

f668cf7-N/A-N/A-20110214164850638241

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**GENERAL POWER OF ATTORNEY
AND APPOINTMENT OF DOMESTIC REPRESENTATIVE**

H&M HENNES & MAURITZ AB, a public joint stock company organized under the laws of Sweden, with a business address of SE-106 38 Stockholm, Sweden, hereby revokes all previously-granted Powers of Attorney and appoint Mark I. Peroff, Keith E. Danish, Ronald S. Kareken and Alpa V. Patel, each a member of the Bar of the State of New York; and Darren Saunders, a member of the Bar of the States of Connecticut and New York; and all other members of the Bar of the State of New York in the firm of HISCOCK & BARCLAY, LLP, Seven Times Square, New York, New York 10036, Telephone No. (212) 784-5800, Facsimile No. (212) 784-5777, E-mail: trademarks@hbllaw.com, its attorneys with full powers of substitution and revocation to transact all business in the Patent & Trademark Office in connection with all existing and future United States trademark registrations and applications of our company.

HISCOCK & BARCLAY, LLP is also hereby designated as the aforementioned corporation's representative upon whom notices or process in proceedings affecting the mark may be served, in connection with all of our existing and future United States trademark registrations and applications.

Please address all correspondence to the attention of:

Mark I. Peroff, Esq.
HISCOCK & BARCLAY, LLP
Seven Times Square
New York, New York 10036
Telephone: (212) 784-5800
Facsimile: (212) 784-5777

H&M HENNES & MAURITZ AB

Date: February 10, 2011

By: [Signature] [Signature]
Print Name: FREDRIK BJÖRKSJÖ / BJÖRN NYBERG
Title: GENERAL COUNSEL / LEGAL COUNSEL

Side - 1



**NOTICE OF ACCEPTANCE OF §8
DECLARATION
MAILING DATE: Oct 1, 2009**

The declaration filed in connection with the registration identified below meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. The declaration is accepted and the registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

REG NUMBER: 2766051
MARK: DIVIDED
OWNER: H & M Hennes & Mauritz AB

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

DAVID EHRLICH, ESQ.
FROSS ZELNICK LEHRMAN & ZISSU, P.C.
866 UNITED NATIONS PLAZA
NEW YORK, NY 10017

Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8

The table below presents the data as entered.

Input Field	Entered
REGISTRATION NUMBER	2766051
REGISTRATION DATE	09/23/2003
SERIAL NUMBER	76049274
MARK SECTION	
MARK	DIVIDED
OWNER SECTION (current)	
NAME	H & M Hennes & Mauritz AB
STREET	Box 1421
CITY	SE-111 84 Stockholm
STATE	SEX
COUNTRY	SE
ATTORNEY SECTION (current)	
NAME	DAVID EHRLICH, ESQ.
FIRM NAME	FROSS ZELNICK LEHRMAN & ZISSU, PC
STREET	866 UNITED NATIONS PLAZA
CITY	NEW YORK
STATE	New York
POSTAL CODE	10017
COUNTRY	United States
ATTORNEY SECTION (proposed)	
NAME	DAVID EHRLICH, ESQ.

FIRM NAME	FROSS ZELNICK LEHRMAN & ZISSU, P.C.
STREET	866 UNITED NATIONS PLAZA
CITY	NEW YORK
STATE	New York
POSTAL CODE	10017
COUNTRY	United States
DOMESTIC REPRESENTATIVE SECTION (new)	
NAME	FROSS ZELNICK LEHRMAN & ZISSU, P.C.
STREET	866 UNITED NATIONS PLAZA
CITY	NEW YORK
STATE	New York
POSTAL CODE	10017
COUNTRY	United States
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	003
GOODS OR SERVICES TO BE DELETED	Soaps, perfume, essential oils for personal use, hair lotions, skin clarifiers, facial cleansers, hand cream, foot cream, face creams, body creams, skin emollients, skin lighteners, hair lighteners, skin lotions, skin cleansing lotions, lotions for cellulite reduction, skin masks, skin moisturizer, skin scrubs and toners; shower gel; body firming gels and lotions, body cream, oil, emulsions, masks and scrubs; makeup; lipstick; lip pencils; nail polish; eye pencils; eyebrow pencils; mascara; exfoliating body scrubs; self-tanning skin preparations; facial emulsions; cologne; toilet water; eau de parfum; shaving lotions; scented body spray; personal deodorant; antiperspirant; makeup remover; toilet soap; bath beads, crystals, foam and gel; nail care preparations; hair care preparations; hair cleaning preparations; hair shampoo; hair waving lotions; hair styling lotions; aromatherapy oils; potpourri; room fragrances; adhesives for cosmetic use; depilatories; cotton and cotton swabs, sticks and puffs for cosmetic purposes
GOODS OR SERVICES IN USE IN COMMERCE OR FOR WHICH OWNER CLAIMS EXCUSABLE NONUSE	non-medicated lip balm; lip gloss; eye makeup; blush;
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT8\IMAGEOUT8\760\492\76049274\xml1\S080002.JPG

SPECIMEN DESCRIPTION	Photo of the mark on packaging for the goods.
INTERNATIONAL CLASS	014
GOODS OR SERVICES	KEEP ALL LISTED
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT8\IMAGEOUT8\760\492\76049274\xml1\S080003.JPG
SPECIMEN DESCRIPTION	Photo of the mark on label for the goods.
INTERNATIONAL CLASS	018
GOODS OR SERVICES TO BE DELETED	all-purpose sports bags, athletic bags, duffel bags, trunks;
GOODS OR SERVICES IN USE IN COMMERCE OR FOR WHICH OWNER CLAIMS EXCUSABLE NONUSE	handbags; toiletry bags sold empty; beach bags, book bags, carry-on bags, clutch bags, traveling bags; backpacks; wallets; umbrellas
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT8\IMAGEOUT8\760\492\76049274\xml1\S080004.JPG
SPECIMEN DESCRIPTION	Photo of the mark on label for the goods.
INTERNATIONAL CLASS	025
GOODS OR SERVICES TO BE DELETED	body suits, coats, kimonos, muffs, suits, waistcoats, denim wear, namely, jeans, skirts, shirts, hats, shorts, dresses, trousers, jackets and coats; suede and leather clothing, namely, gloves, trousers, skirts, jackets, coats, hats, belts, shirts, dresses; linen clothing, namely, dresses, trousers, jackets, shirts, blouses; jersey and jumpsuits, bustiers, camisoles, chemises, pantyhose, stockings, long johns, singlets, sarongs, ponchos, pullovers, polo shirts, fake fur jackets and coats, sweaters, hoods, anoraks, wind resistant jackets, footwear, neckwear, rainwear, parkas, overalls, jogging suits; skiwear, masquerade costumes
GOODS OR SERVICES IN USE IN COMMERCE OR FOR WHICH OWNER CLAIMS EXCUSABLE NONUSE	headwear; footwear; and clothing, namely t-shirts, shirts, cardigans, blouses, jackets, pants, skirts, dresses, belts, hats, scarf, gloves, tunics, knit wear, namely, heavy knitwear; shorts, sweatshirts, underwear, lingerie, bras, hot pants, suspenders, leggings, tights, socks, swimwear, bikinis, bandanas, tank tops, slippers, mittens

SPECIMEN FILE NAME(S)	\\TICRS\EXPORT8\IMAGEOUT8\760\492\76049274\xml1\S080005.JPG
SPECIMEN DESCRIPTION	Photo of the mark on label for the goods.
PAYMENT SECTION	
NUMBER OF CLASSES	4
NUMBER OF CLASSES PAID	4
SUBTOTAL AMOUNT	400
TOTAL FEE PAID	400
SIGNATURE SECTION	
ORIGINAL PDF FILE	hw_631381729-104530975_Signed Section 8 Declaration Divided_F0513753.PDF
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT8\IMAGEOUT8\760\492\76049274\xml1\S080006.JPG
	\\TICRS\EXPORT8\IMAGEOUT8\760\492\76049274\xml1\S080007.JPG
	\\TICRS\EXPORT8\IMAGEOUT8\760\492\76049274\xml1\S080008.JPG
SIGNATORY'S NAME	Bjorn Norberg
SIGNATORY'S POSITION	Inhouse Counsel
SIGNATORY'S NAME	Hakan Bjorkstedt
SIGNATORY'S POSITION	Inhouse Counsel
PAYMENT METHOD	DA
FILING INFORMATION	
SUBMIT DATE	Thu Sep 17 10:48:55 EDT 2009
TEAS STAMP	USPTO/SECT08-63.138.172.9 -20090917104855240640-276 6051-460393972f7e9f99fcc3 8c93b153ec7cbd0-DA-9875-2 0090917104530975437

Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8 To the Commissioner for Trademarks:

REGISTRATION NUMBER: 2766051

REGISTRATION DATE: 09/23/2003

MARK: DIVIDED

The owner, H & M Hennes & Mauritz AB, having an address of
Box 1421
SE-111 84 Stockholm,
SE

is filing a Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8.

For International Class 003, this filing does **NOT** cover the following goods or services for this specific class listed in the registration, and these goods or services are to be permanently **deleted** from the registration: Soaps, perfume, essential oils for personal use, hair lotions, skin clarifiers, facial cleansers, hand cream, foot cream, face creams, body creams, skin emollients, skin lighteners, hair lighteners, skin lotions, skin cleansing lotions, lotions for cellulite reduction, skin masks, skin moisturizer, skin scrubs and toners; shower gel; body firming gels and lotions, body cream, oil, emulsions, masks and scrubs; makeup; lipstick; lip pencils; nail polish; eye pencils; eyebrow pencils; mascara; exfoliating body scrubs; self-tanning skin preparations; facial emulsions; cologne; toilet water; eau de parfum; shaving lotions; scented body spray; personal deodorant; antiperspirant; makeup remover; toilet soap; bath beads, crystals, foam and gel; nail care preparations; hair care preparations; hair cleaning preparations; hair shampoo; hair waving lotions; hair styling lotions; aromatherapy oils; potpourri; room fragrances; adhesives for cosmetic use; depilatories; cotton and cotton swabs, sticks and puffs for cosmetic purposes

The mark is in use in commerce on or in connection with the following goods or services listed in the existing registration for this specific class; or, the owner is making the listed excusable nonuse claim: non-medicated lip balm; lip gloss; eye makeup; blush;

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Photo of the mark on packaging for the goods..

[Specimen File1](#)

For International Class 014, the mark is in use in commerce on or in connection with **all** goods or services listed in the existing registration for this specific class; or, the owner is making the listed excusable nonuse claim.

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Photo of the mark on label for the goods..

[Specimen File1](#)

For International Class 018, this filing does **NOT** cover the following goods or services for this specific

class listed in the registration, and these goods or services are to be permanently **deleted** from the registration: all-purpose sports bags, athletic bags, duffel bags, trunks;

The mark is in use in commerce on or in connection with the following goods or services listed in the existing registration for this specific class; or, the owner is making the listed excusable nonuse claim: handbags; toiletry bags sold empty; beach bags, book bags, carry-on bags, clutch bags, traveling bags; backpacks; wallets; umbrellas

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Photo of the mark on label for the goods..

[Specimen File1](#)

For International Class 025, this filing does **NOT** cover the following goods or services for this specific class listed in the registration, and these goods or services are to be permanently **deleted** from the registration: body suits, coats, kimonos, muffs, suits, waistcoats, denim wear, namely, jeans, skirts, shirts, hats, shorts, dresses, trousers, jackets and coats; suede and leather clothing, namely, gloves, trousers, skirts, jackets, coats, hats, belts, shirts, dresses; linen clothing, namely, dresses, trousers, jackets, shirts, blouses; jersey and jumpsuits, bustiers, camisoles, chemises, pantyhose, stockings, long johns, singlets, sarongs, ponchos, pullovers, polo shirts, fake fur jackets and coats, sweaters, hoods, anoraks, wind resistant jackets, footwear, neckwear, rainwear, parkas, overalls, jogging suits; skiwear, masquerade costumes

The mark is in use in commerce on or in connection with the following goods or services listed in the existing registration for this specific class; or, the owner is making the listed excusable nonuse claim: headwear; footwear; and clothing, namely t-shirts, shirts, cardigans, blouses, jackets, pants, skirts, dresses, belts, hats, scarf, gloves, tunics, knit wear, namely, heavy knitwear; shorts, sweatshirts, underwear, lingerie, bras, hot pants, suspenders, leggings, tights, socks, swimwear, bikinis, bandanas, tank tops, slippers, mittens

The owner is submitting one specimen showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Photo of the mark on label for the goods..

[Specimen File1](#)

The registrant hereby appoints DAVID EHRLICH, ESQ. of FROSS ZELNICK LEHRMAN & ZISSU, P.C.

866 UNITED NATIONS PLAZA

NEW YORK, New York 10017

United States

to file this Declaration of Use and/or Excusable Nonuse of Mark in Commerce under Section 8 on behalf of the registrant.

The registrant hereby appoints FROSS ZELNICK LEHRMAN & ZISSU, P.C., having an address of

866 UNITED NATIONS PLAZA

NEW YORK, New York 10017

United States

as registrant's representative upon whom notice or process in the proceedings affecting the mark may be served.

A fee payment in the amount of \$400 will be submitted with the form, representing payment for 4 class(es), plus any additional grace period fee, if necessary.

Declaration

Original PDF file:

[hw_631381729-104530975_Signed_Section_8_Declaration_Divided_F0513753_PDF](#)

Converted PDF file(s) (3 pages)

[Signature File1](#)

[Signature File2](#)

[Signature File3](#)

Signatory's Name: Bjorn Norberg

Signatory's Position: Inhouse Counsel

Signatory's Name: Hakan Bjorkstedt

Signatory's Position: Inhouse Counsel

Mailing Address (current):

FROSS ZELNICK LEHRMAN & ZISSU, PC

866 UNITED NATIONS PLAZA

NEW YORK, New York 10017

Mailing Address (proposed):

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

866 UNITED NATIONS PLAZA

NEW YORK, New York 10017

Serial Number: 76049274

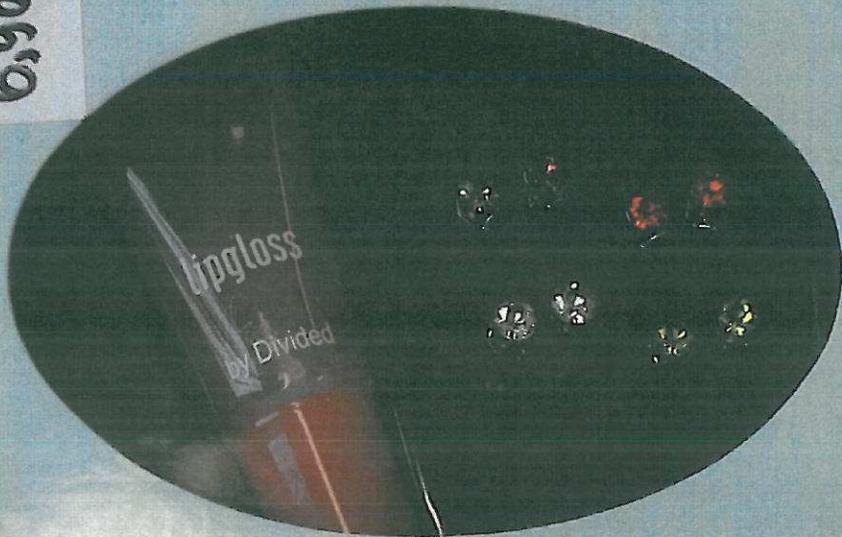
Internet Transmission Date: Thu Sep 17 10:48:55 EDT 2009

TEAS Stamp: USPTO/SECT08-63.138.172.9-20090917104855

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153ec7cbd0-DA-9875-20090917104530975437

6,90.-

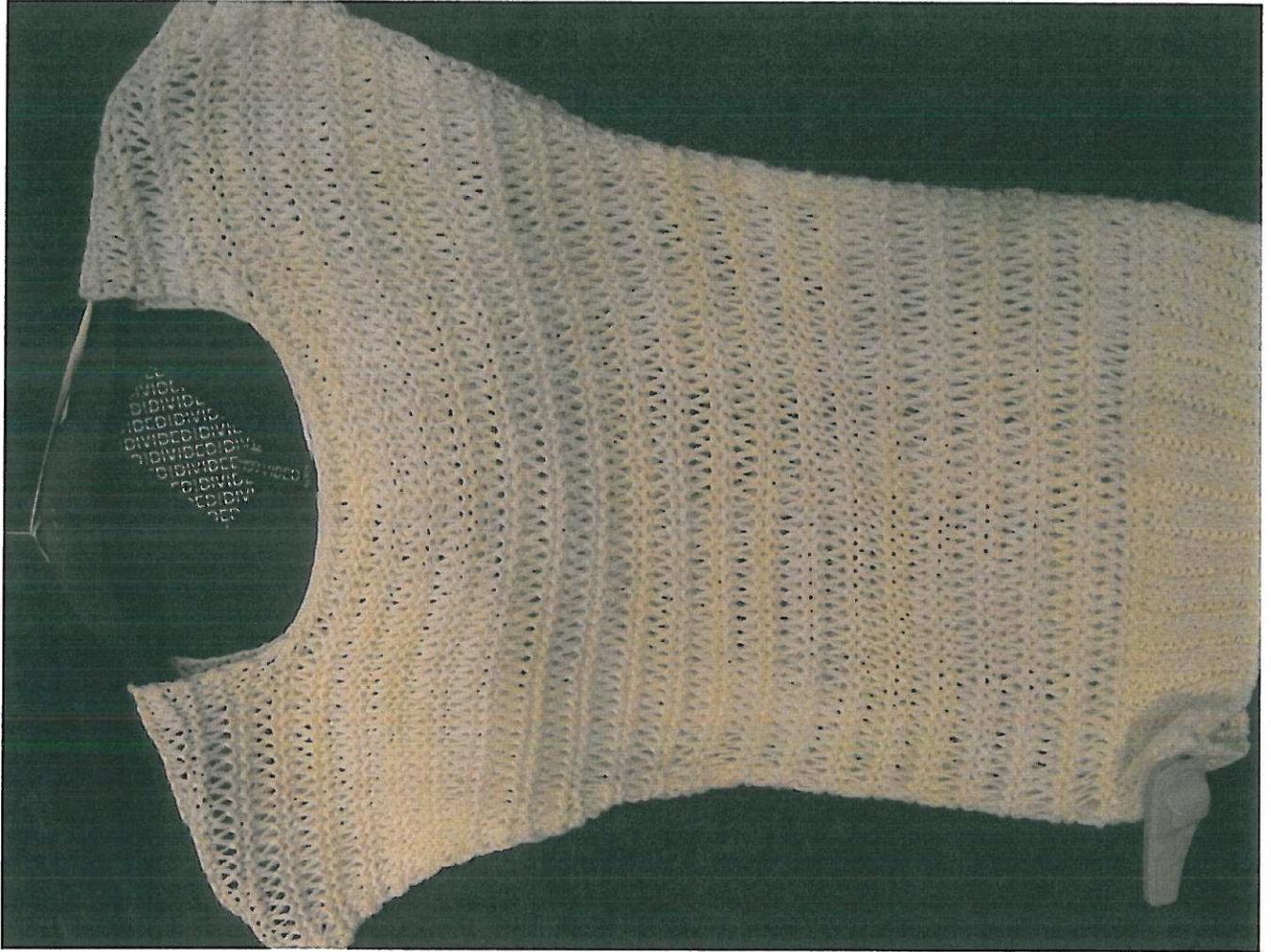


DIVIDED









**SECTION 8 DECLARATION
AND APPOINTMENT
OF DOMESTIC REPRESENTATIVE**

MARK : DIVIDED
REG. NO. : 2,766,051
REG. DATE : September 23, 2003
CLASSES : 3, 14, 18 and 25

OUR REF : HMH 0102210

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

The undersigned declares that: H & M Hennes & Mauritz AB, a public joint stock company organized and existing under the laws of Sweden, located at Box 1421, SE-111 84 Stockholm, Sweden, is the owner of the above-identified registration as shown by the records of the United States Patent and Trademark Office; and that the mark shown therein is in use in commerce on or in connection with each of the following goods recited in the registration.

Class 3: Soaps, perfume, essential oils for personal use, hair lotions, skin clarifiers, facial cleansers, hand cream, foot cream, face creams, body creams, skin emollients, skin lighteners, hair lighteners, skin lotions, skin cleansing lotions, lotions for cellulite reduction, skin masks, skin moisturizer, skin scrubs and toners; non-medicated lip balm; shower gel; body firming gels and lotions, body cream, oil, emulsions, masks and scrubs; makeup; lipstick; lip gloss; lip pencils; nail polish; eye makeup; eye pencils; eyebrow pencils; blush; mascara; exfoliating body scrubs; self tanning skin preparations; facial emulsions; cologne; toilet water; eau de parfum; shaving lotions; scented body spray; personal deodorant; antiperspirant; makeup remover; toilet soap; bath beads, crystals, foam and gel; nail care preparations; hair care preparations; hair cleaning preparations; hair shampoo; hair waving lotions; hair styling lotions; aromatherapy oils; potpourri; room fragrances; adhesives for cosmetic use; depilatories; cotton and cotton swabs; sticks and puffs for cosmetic purposes

Class 14: Imitation jewelry and jewelry of precious metal and stones; cuff links; tie pins

Class 18: handbags; toiletry bags sold empty; ~~all-purpose sports bags; athletic bags;~~
beach bags, book bags, carry-on bags, clutch bags, ~~duffel bags;~~ traveling bags;
~~trunks;~~ backpacks; wallets; umbrellas

Class 25: headwear; footwear; and clothing, namely t-shirts, shirts, cardigans,
blouses, ~~body suits, coats,~~ jackets, pants, skirts, dresses, belts, hats, scarf, gloves,
kimonos, muffs, ~~suits, tunics, waistcoats, denim wear, namely, jeans, skirts, shirts,~~
hats, shorts, dresses, trousers, jackets and coats; suede and leather clothing, namely,
gloves, trousers, skirts, jackets, coats, hats, belts, shirts, dresses; ~~linen clothing,~~
namely, dresses, trousers, jackets, shirts, blouses; knit wear, namely, jersey and
heavy knitwear; jumpsuits; shorts, sweatshirts, underwear, lingerie, bras, ~~bustiers,~~
hot pants, ~~camisoles,~~ suspenders, ~~chemises, pantyhose,~~ leggings, tights, socks,
stockings, long johns, singlets, swimwear, bikinis, sarongs, ponchos, pullovers,
bandanas, polo shirts, ~~fake fur jackets and coats, sweaters, hoods, unoraks, wind~~
resistant jackets, tank tops, slippers, footwear, neckwear, mittens, rainwear, parkas,
overalls, jogging suits; skiwear, masquerade costumes

as evidenced by the attached specimen for each class named above showing the mark as
currently used.

ADDRESS FOR CORRESPONDENCE

The owner requests that all correspondence in connection with this declaration be directed to the law firm of Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations Plaza, New York, New York 10017, (212) 813-5900; Attn: David Ehrlich

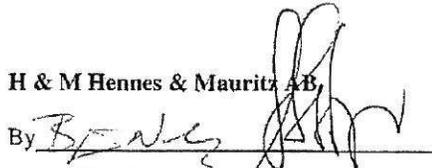
APPOINTMENT OF DOMESTIC REPRESENTATIVE

The firm of Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations Plaza, New York, New York 10017, is hereby designated owner's representative upon whom notices or process in proceedings affecting the mark may be served.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is authorized to execute this document on behalf of the owner; that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

H & M Hennes & Mauritz AB,

By  _____

Name: BJÖRN NORBERG and HÅKAN BJÖRKESTEDT

Title: INHOUSE COUNSELS

Date of Signature: 2009-04-03

ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 2766051



Serial Number: 76049274



RAM Sale Number: 9875

RAM Accounting Date: 20090917

Total Fees: \$400

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20090917	\$100	4	4	\$400

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

Transaction Date: 20090917



6,90.-

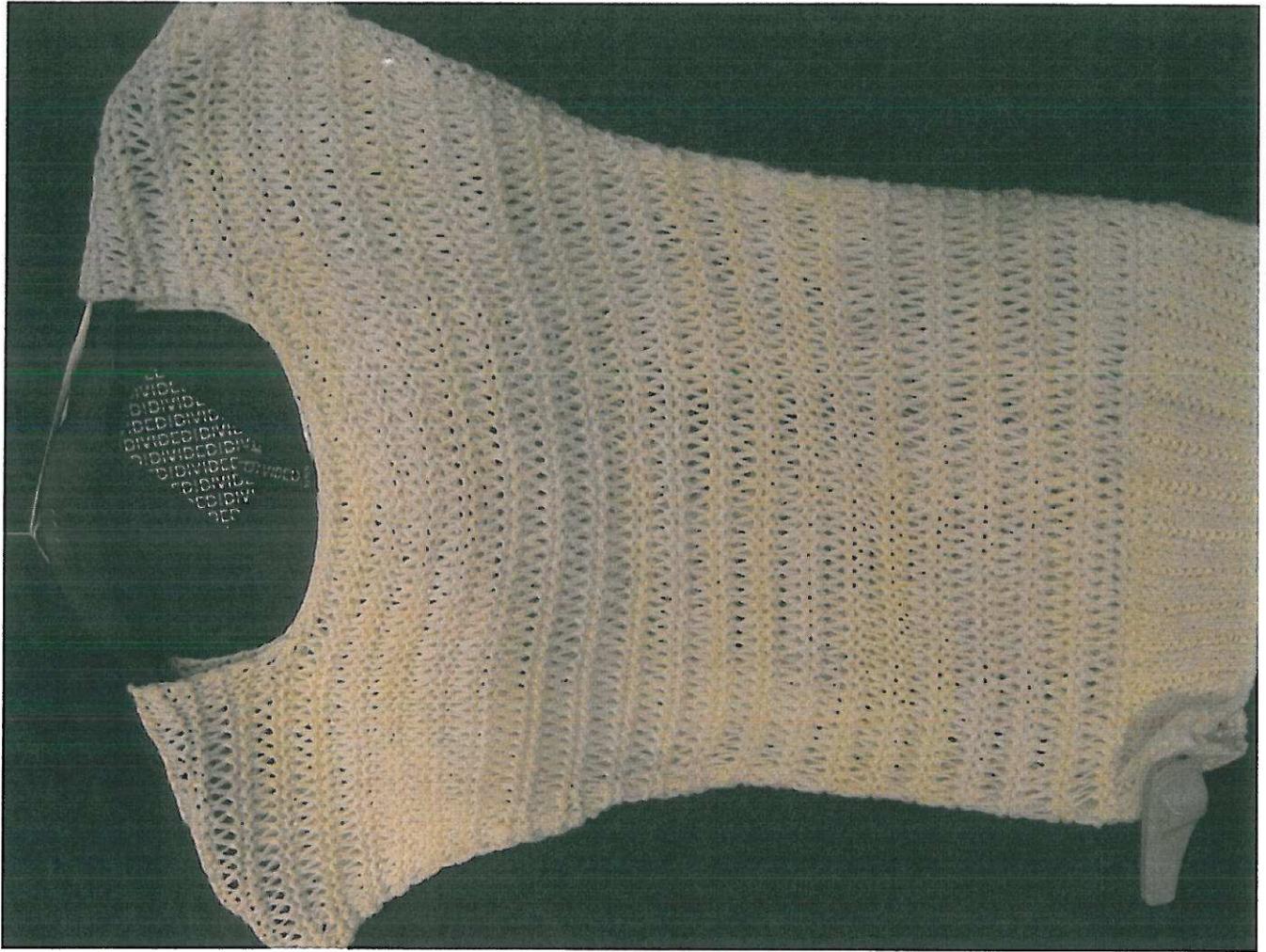


DIVIDED









**SECTION 8 DECLARATION
AND APPOINTMENT
OF DOMESTIC REPRESENTATIVE**

MARK : DIVIDED
REG. NO. : 2,766,051
REG. DATE : September 23, 2003
CLASSES : 3, 14, 18 and 25

OUR REF : HMH 0102210

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

The undersigned declares that: H & M Hennes & Mauritz AB, a public joint stock company organized and existing under the laws of Sweden, located at Box 1421, SE-111 84 Stockholm, Sweden, is the owner of the above-identified registration as shown by the records of the United States Patent and Trademark Office; and that the mark shown therein is in use in commerce on or in connection with each of the following goods recited in the registration

Class 3: Soaps, perfume, essential oils for personal use, hair lotions, skin clarifiers, facial cleansers, hand cream, foot cream, face creams, body creams, skin emollients, skin lighteners, hair lighteners, skin lotions, skin cleansing lotions, lotions for cellulite reduction, skin masks, skin moisturizer, skin scrubs and toners; non-medicated lip balm; shower gel; body firming gels and lotions, body cream, oil, emulsions, masks and scrubs; makeup; lipstick; lip gloss; lip pencils; nail polish; eye makeup; eye pencils; eyebrow pencils; blush; mascara; exfoliating body scrubs; self tanning skin preparations; facial emulsions; cologne; toilet water; eau de parfum; shaving lotions; scented body spray; personal deodorant; antiperspirant; makeup remover; toilet soap; bath beads, crystals, foam and gel; nail care preparations; hair care preparations; hair cleaning preparations; hair shampoo; hair waving lotions; hair styling lotions; aromatherapy oils; potpourri; room fragrances; adhesives for cosmetic use; depilatories; cotton and cotton swabs, sticks and puffs, for cosmetic purposes

Class 14: Imitation jewelry and jewelry of precious metal and stones; cuff links; tie pins

Class 18: handbags; toiletry bags sold empty; ~~all-purpose sports bags; athletic bags;~~
beach bags, book bags, carry-on bags, clutch bags, ~~duffel bags;~~ traveling bags;
~~trunks;~~ backpacks; wallets; umbrellas

Class 25: headwear; footwear; and clothing, namely t-shirts, shirts, cardigans,
blouses, ~~body suits, coats,~~ jackets, pants, skirts, dresses, belts, hats, scarf, gloves,
kimonos, muffs, ~~suits, tunics, waistcoats, denim wear, namely, jeans, skirts, shirts,~~
hats, shorts, dresses, trousers, jackets and coats; suede and leather clothing, namely,
gloves, trousers, skirts, jackets, coats, hats, belts, shirts, dresses; ~~linen clothing,~~
namely, dresses, trousers, jackets, shirts, blouses; knit wear, namely, jersey and
heavy knitwear; jumpsuits, shorts, sweatshirts, underwear, lingerie, bras, bustiers,
hot pants, ~~camisoles,~~ suspenders, ~~chemises, pantyhose,~~ leggings, tights, socks,
stockings, long johns, singlets, swimwear, bikinis, sarongs, ponchos, pullovers,
bandanas, polo shirts, ~~fake fur jackets and coats, sweaters, hoods, unoraks, wind~~
resistant jackets, tank tops, slippers, footwear, neckwear, mittens, rainwear, parkas,
overalls, jogging suits; skiwear, masquerade costumes

as evidenced by the attached specimen for each class named above showing the mark as
currently used.

ADDRESS FOR CORRESPONDENCE

The owner requests that all correspondence in connection with this declaration be directed to the law firm of Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations Plaza, New York, New York 10017, (212) 813-5900; Attn: David Ehrlich

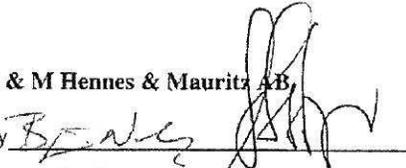
APPOINTMENT OF DOMESTIC REPRESENTATIVE

The firm of Fross Zelnick Lehrman & Zissu, P.C., 866 United Nations Plaza, New York, New York 10017, is hereby designated owner's representative upon whom notices or process in proceedings affecting the mark may be served.

DECLARATION

The undersigned being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is authorized to execute this document on behalf of the owner; that all statements made herein of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

H & M Hennes & Mauritz AB,

By 

Name: BJÖRN NORBERG and HÅKAN BJÖRKESTEDT

Title: INHOUSE COUNSELS

Date of Signature: 2009-04-03

Trademark

76049274

TRADEMARK



76049274

FEB

PROSECUTION HISTORY

Entry	Date	Initials
	OCT 26 2000	JH
1. <i>Amplitude, Top of Head, Power</i>	4-23-01	
2. <i>Ex. multiple</i>	JUN 15 2001	Art.
3.		
4.		
5.		
6. NOP		
7. 9/11/01		
8.		
9.		
10. NOA		
11. 12/04/01		
12.		
13. <i>Repe to Admin</i>	6-4-02	JH
14. <i>Pat Granted</i>	7-12-02	JH
15. CANCELLED NOA	8/6/02	Art.
16. <i>delete 1/6/02</i>	2/6/02	Art.
17.	AUG 29 2002	
18. <i>Amplitude</i>	11-12-02	JLC 16
19.		
20.		
21. NOP		
22. 7/1/03		
23.		
24.		
25.		
26.		
27.		
28.		
29.		
30.		

See inside of file for additional entries.

Trademark

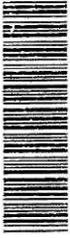
REG NUM: 2766051

REG DT: 09/23/2003

S/N 76/049274

MERCE
Office

76-0-274
FEB



DIVIDED

FILING DATE
May 16, 2000

ORIGINAL APPLICANT
H & M Hennes & Mauritz, AB

GOODS/SERVICES (CLASS 003)
soaps, perfumery, essential oils, cosmet (ETC)

GOODS/SERVICES (CLASS 014)
imitation jewelry and jewelry of precious (ETC)

GOODS/SERVICES (CLASS 018)
bags; trunks; travelling bags; backpacks (ETC)

SEE APPLICATION FOR OTHER CLASS(ES)

FILING BASIS
~~PPU~~

ORIGINAL CORRESPONDENT
LAUREL V. DINEFF

PUBLISHED
9/11/01

DIVIDED

PRINCIPAL

LAW OFFICE 107

76-049274 +

Michael Keating

ATTORNEY ADVISOR: ~~Jeff Satterson~~

Approved for Publication (Principal Register) (Signature/Date)

Approved for Registration (Section 1(d)) (Signature/Date)

Approved for Registration (Supplemental Register) (Signature/Date)

PUB
07/01/03

NOA

Abandoned

(Date)



Jun 11, 2003

Commissioner for Trademarks
2800 Crystal Drive
Arlington, VA 22202-3513
www.uspto.gov

NOTICE OF PUBLICATION UNDER 12(a)

- | | |
|--|--|
| 1. Serial No.:
76/049,274 | 2. Mark:
DIVIDED |
| 3. International Class(es):
3, 14, 18, 25 | |
| 4. Publication Date:
Jul 1, 2003 | 5. Applicant:
H & M Hennes & Mauritz AB |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: (202)512-1800

By direction of the Commissioner.

DAVID EHRLICH, ESQ.
FROSS ZELNICK LEHRMAN & ZISSU, PC
866 UNITED NATIONS PLAZA
NEW YORK NY 10017

TMP&I



Need to be proofed

OFFICE OF THE COMMISSIONER FOR
TRADEMARKS

PROCESSING 44(e) PETITIONS

Please check one of the boxes below:

Petitioner wants to delete the 1(b):

1. Send file to ITU to cancel the NOA and delete the 1(b) basis. *8/6/09 CFB*

ITU will TRAM the file to Law Office 107 and forward the file to Examining Attorney, Michael Kreating

2. Examining Attorney will examine the foreign registration information.

If foreign registration ok, the L.I.E. enters the 44(e) information in TRAM, adds "Section 44(e) claim added" to the prosecution history and forwards the file to Vistrionix, TRAM location code 657.

3. Vistrionix schedules a new pub date.

OR

Petitioner wants to add §44(e) and have the foreign information examined before deleting the 1(b):

1. TRAM the file to Law Office _____ and forward the file to Examining Attorney, _____.

2. Examining Attorney examines the foreign registration.

If foreign registration ok, the L.I.E. enters the 44(e) information in TRAM, adds, "Section 44(e) claim added" to the prosecution history and forwards the file to ITU, TRAM location code 700.

If foreign registration is not O.K. and an Office action must be issued, the NOA must be cancelled. Take file to ITU. (3 and 4 below will not yet occur—see attached)

3. ITU cancels the NOA and deletes the 1(b) and forwards the file to Vistrionix. TRAM location code 657.

4. Vistrionix schedules a new pub date.

*OK
MPK*

TO.

**If 44(e) foreign registration info is not O.K. and
an Office action must issue:**

1. You must take the file to ITU to have the NOA canceled; otherwise you will not be able to TRAM the Office action to mail it. For any other TRAM problems, talk to Kathy Dixon in Program Control.
2. Any extension requests that are filed by the Applicant are placed in the file and not acted on. If the Section 1(b) basis is not deleted then ITU will ultimately have to act upon the extensions.
3. Once the Applicant responds to the Office action, if the foreign registration information is acceptable then you can follow items 3 and 4 listed above on the processing sheet and the NOA can remain cancelled. The application will be republished.
4. If the Section 44(e) basis remains unacceptable and a final action must be issued, the Applicant must receive an option of deleting the Section 44(e) basis for registration and proceeding solely on the Section 1(b) basis, so long as they have continued to file their extension requests and the 36 month period to file a SOU has not expired. If the Applicant chooses the latter option, the NOA must be reinstated and the extension requests processed as normal by ITU. If the Applicant chooses to appeal the refusal, the final outcome of the case will depend on the result of the appeal.

TRADEMARK EXAMINATION WORKSHEET

AMENDMENT STAGE

NO CHANGE

PUBLICATION/REGISTRATION STAGE

APR 17 2003

Name: PAUL PHAN L.O. 113 Date _____ Serial No 761049274

INSTRUCTIONS: Place a check mark in the appropriate column and/or box to indicate which data elements have been amended/coded.

Legal Instrument Examiner (LIE)		
	Amended	Data Element
Class Data	<input type="checkbox"/>	<input type="checkbox"/> Prime/International Class
	<input type="checkbox"/>	<input type="checkbox"/> Goods and Services
	<input type="checkbox"/>	<input type="checkbox"/> First Use Date
	<input type="checkbox"/>	<input type="checkbox"/> First Use in Commerce Date
Mark Data	<input type="checkbox"/>	<input type="checkbox"/> In Another Form
	<input checked="" type="checkbox"/>	<input type="checkbox"/> Certification
	<input type="checkbox"/>	<input type="checkbox"/> Word Mark
	<input type="checkbox"/>	<input type="checkbox"/> Pseudo Mark
Misc. Mark Data	<input type="checkbox"/>	<input type="checkbox"/> Mark Drawing Code
	<input type="checkbox"/>	<input type="checkbox"/> Design Search Code
	<input type="checkbox"/>	<input type="checkbox"/> Scan Sub Drawing / Delete Image
Section 2(f)	<input type="checkbox"/>	<input type="checkbox"/> Mark Description
	<input type="checkbox"/>	<input type="checkbox"/> Disclaimer
	<input type="checkbox"/>	<input type="checkbox"/> Lining/Stippling
Foreign Reg. Data	<input type="checkbox"/>	<input type="checkbox"/> Translation
	<input type="checkbox"/>	<input type="checkbox"/> Section 2(f) Entire Mark
	<input type="checkbox"/>	<input type="checkbox"/> Section 2(f) Limitation Statement
	<input type="checkbox"/>	<input type="checkbox"/> Section 2(f) in Part
	<input type="checkbox"/>	<input type="checkbox"/> Amended Register
Owner Data	<input type="checkbox"/>	<input type="checkbox"/> Amended Register Date
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Country
	<input type="checkbox"/>	<input type="checkbox"/> 44(d)
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Application Number
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Application Filing Date
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Registration Number
Amd/Corr Restr.	<input type="checkbox"/>	<input type="checkbox"/> Foreign Registration Date
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Registration Expiration Date
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Renewal Reg. Number
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Renewal Reg. Date
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Reg. Renewal Expiration Date
	<input type="checkbox"/>	<input type="checkbox"/> Owner Name
	<input type="checkbox"/>	<input type="checkbox"/> DBA/AKA/TA
Prior U.S. Reg.	<input type="checkbox"/>	<input type="checkbox"/> Address 1
	<input type="checkbox"/>	<input type="checkbox"/> Address 2
	<input type="checkbox"/>	<input type="checkbox"/> City
Correspondence	<input type="checkbox"/>	<input type="checkbox"/> State
	<input type="checkbox"/>	<input type="checkbox"/> Zip Code
	<input type="checkbox"/>	<input type="checkbox"/> Citizenship
	<input type="checkbox"/>	<input type="checkbox"/> Entity
Correspondence	<input type="checkbox"/>	<input type="checkbox"/> Entity Statement
	<input type="checkbox"/>	<input type="checkbox"/> Composed of
	<input type="checkbox"/>	<input type="checkbox"/> Assignment(s)/Name Change
Correspondence	<input type="checkbox"/>	<input type="checkbox"/> Concurrent Use
Correspondence	<input type="checkbox"/>	<input type="checkbox"/> Prior Registration
Correspondence	<input type="checkbox"/>	<input type="checkbox"/> Attorney
Correspondence	<input type="checkbox"/>	<input type="checkbox"/> Domestic Representative
Correspondence	<input type="checkbox"/>	<input type="checkbox"/> Attorney Docket Number
Correspondence	<input type="checkbox"/>	<input type="checkbox"/> Correspondence Firm Name/Address

I certify that all corrections have been entered in accordance with text editing guidelines.

Paul Phan

LIE

APR 17 2003

DATE

Other: _____

TRADEMARK EXAMINATION WORKSHEET

 AMENDMENT STAGE

 NO CHANGE

 PUBLICATION/REGISTRATION STAGE

 Name: **JULIE MONTGOMERY**

 L.O. **107**

 DATE **12/1/02**

SERIAL

76549271

INSTRUCTIONS: Place a check mark in the appropriate column and/or box to indicate which data elements have been amended/coded.		
Legal Instrument Examiner (LIE)		
	Amended	Data Element
Class Data	<input checked="" type="checkbox"/>	<input type="checkbox"/> Prime/International Class <input checked="" type="checkbox"/> Goods and Services
	<input type="checkbox"/>	<input type="checkbox"/> First Use Date <input type="checkbox"/> First Use in Commerce Date
	<input type="checkbox"/>	<input type="checkbox"/> In Another Form <input type="checkbox"/> Certification
	<input checked="" type="checkbox"/>	<input type="checkbox"/> 1b or <input type="checkbox"/> 1a <input type="checkbox"/>
Mark Data	<input type="checkbox"/>	<input type="checkbox"/> Word Mark <input type="checkbox"/> Pseudo Mark
	<input type="checkbox"/>	<input type="checkbox"/> Mark Drawing Code <input type="checkbox"/> Design Search Code
	<input type="checkbox"/>	<input type="checkbox"/> Scan drawing/sub dwg
Misc. Mark Data	<input type="checkbox"/>	<input type="checkbox"/> Mark Description <input type="checkbox"/> Disclaimer
	<input type="checkbox"/>	<input type="checkbox"/> Lining/Stippling <input type="checkbox"/> Name/Portrait/Consent
	<input type="checkbox"/>	<input type="checkbox"/> Translation
Section 2(f)	<input type="checkbox"/>	<input type="checkbox"/> Section 2(f) Entire Mark
	<input type="checkbox"/>	<input type="checkbox"/> Section 2(f) Limitation Statement <input type="checkbox"/> Section 2(f) in Part
	<input type="checkbox"/>	<input type="checkbox"/> Amended Register <input type="checkbox"/> Amended Register Date
Foreign Reg. Data	<input type="checkbox"/>	<input type="checkbox"/> Foreign Country <input type="checkbox"/> 44(d)
	<input checked="" type="checkbox"/>	<input type="checkbox"/> Foreign Application Number <input type="checkbox"/> Foreign Application Filing Date
	<input checked="" type="checkbox"/>	<input type="checkbox"/> Foreign Registration Number <input checked="" type="checkbox"/> Foreign Registration Date
	<input checked="" type="checkbox"/>	<input type="checkbox"/> Foreign Registration Expiration Date <input type="checkbox"/> Foreign Renewal Reg. Number
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Reg. Renewal Expiration Date <input type="checkbox"/> Foreign Renewal Reg. Date
Owner Data	<input type="checkbox"/>	<input type="checkbox"/> Owner Name <input type="checkbox"/> DBA/AKA/TA
	<input type="checkbox"/>	<input type="checkbox"/> Address 1 <input type="checkbox"/> Address 2
	<input type="checkbox"/>	<input type="checkbox"/> City <input type="checkbox"/> State
	<input type="checkbox"/>	<input type="checkbox"/> Zip Code
	<input type="checkbox"/>	<input type="checkbox"/> Citizenship <input type="checkbox"/> Entity
	<input type="checkbox"/>	<input type="checkbox"/> Entity Statement <input type="checkbox"/> Composed of
	<input type="checkbox"/>	<input type="checkbox"/> Assignment(s)/Name Change
Amd/Corr Restr.	<input type="checkbox"/>	<input type="checkbox"/> Concurrent Use
Prior U.S. Reg.	<input type="checkbox"/>	<input type="checkbox"/> Prior Registration
Correspondence	<input type="checkbox"/>	<input type="checkbox"/> Attorney <input type="checkbox"/> Domestic Representative
	<input type="checkbox"/>	<input type="checkbox"/> Attorney Docket Number
	<input type="checkbox"/>	<input type="checkbox"/> Correspondence Firm Name/Address
I certify that all corrections have been entered in accordance with text editing guidelines.		
<u>Julie M.</u>	<u>12/1/02</u>	
LIE	DATE	
Other: _____		

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/049274

AUG 29 2002

APPLICANT: H & M Hennes & Mauritz AB

CORRESPONDENT ADDRESS:

DAVID EHRLICH, ESQ.
FROSS ZELNICK LEHRMAN & ZISSU, PC
866 UNITED NATIONS PLAZA
NEW YORK NY 10017

RETURN ADDRESS:

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513
ecom107@uspto.gov

MARK: DIVIDED

CORRESPONDENT'S REFERENCE/DOCKET NO: HMH USA TA-0

CORRESPONDENT EMAIL ADDRESS:

N/A

If no fees are enclosed, the address should include the words "Box Responses - No Fee"

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

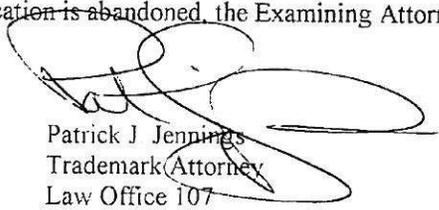
RE: Serial Number 76/049274

NOTICE OF SUSPENSION

An application under Trademark Act Section 44(e), 15 U.S.C. Section 1126(e), must include a certification or certified copy of a foreign registration from the applicant's country of origin. The applicant's country of origin must either be a party to a convention or treaty relating to trademarks to which the United States is also a party or extend reciprocal registration rights to nationals of the United States by law. See TMEP Section 1002.

The application does not contain the certified copy. Therefore, the applicant must submit a certification or certified copy of the foreign registration. If the foreign certificate of registration is not written in English, the applicant must provide an English translation. The translator should sign the translation.

Action on this application is suspended pending receipt of a certification or certified copy of the registration in the country of origin of applicant. If the registration is in a foreign language, an English translation must be submitted. The certification or certified copy of the registration should be forwarded to the Examining Attorney as soon as possible. If the foreign application is abandoned, the Examining Attorney should be advised.



Patrick J. Jennings
Trademark Attorney
Law Office 107
Phone: 703-308-9107 x284
Fax: 703-746-8107



Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513
www.uspto.gov

July 10, 2002

Re: Trademark Application of :
H & M Hennes & Mauritz AB :
Serial No. 76/049274 :
Filing Date: May 16, 2000 : On Petition
For: DIVIDED :
Petition Filed: June 4, 2002 :

H & M Hennes & Mauritz AB, has petitioned the Commissioner, now the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, to accept an amendment changing the basis for registration of the above identified trademark. The petition is granted pursuant to 37 C.F.R. §2.146(a)(3).

FACTS

The application was filed on May 16, 2000, based upon Applicant's bona fide intention to use the mark in commerce. 15 U.S.C. §1051(b). The mark was published for opposition on September 11, 2001, and a Notice of Allowance issued on December 4, 2001. Petitioner has filed no Request(s) for Extension of Time to file a Statement of Use. This petition was filed June 4, 2002. Petitioner requests that the application be amended to seek registration pursuant to 15 U.S.C. §1126(e) (Section 44(e)).

DECISION

An applicant may request post publication amendments adding or substituting new statutory bases for registration by filing a petition pursuant to 37 C.F.R. §2.146(a)(3). 37 C.F.R. §2.35(b). After consideration of the petition, the application is returned to the Examining Attorney to accept or deny the new basis for registration. *In re Monte Dei Maschi Di Siena*, 34 USPQ2d 1415, 1416. If the new basis is accepted republication for opposition is always required. *Id.*

The Petition is granted. The Section 1(b) basis will be deleted and the file forwarded to the Examining Attorney. The Examining Attorney will then examine the Section 44(e). If accepted, the mark will be republished for opposition with the foreign registration information.¹



Carol P. Smith
Paralegal Specialist
Office of the Commissioner
For Trademarks

Date: JUL 11 2002

Attorney for Petitioner:

Dana Breitman, Esq.
Fross Zelnick Lehrman & Zissu
866 United Nations Plaza
New York, NY 10017

¹ Although Petitioner has requested that the 1(b) basis be deleted after acceptance of the 44(e) basis for registration, no extension requests have been filed to extend the 1(b) basis; therefore, the 1(b) basis is being deleted now.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Tracee

Applicant: H & M Hennes & Mauritz AB

Serial No.: 76/049,274

Mark: DIVIDED



Classes: 3,14,18,25

06-04-2002

U.S. Patent & TMO/TM Mail Rpt/Dt #76

Allowed: December 4, 2001

Our Ref: HMH 0102210

PETITION TO THE COMMISSIONER

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

BOX: COMMISSIONER
FEE

Sir/Madam:

ASST. COMM. FOR
TRADEMARKS
2002 JUN 12 A 11:47
U.S. PATENT
AND
TRADEMARK OFFICE

This is a petition to the Commissioner, pursuant to Trademark Rules of Practice 2.146(a)(3) and 2.35(b), to change the basis of the above intent-to-use application after publication.

Attached in support of this requested amendment is the copy of the home country (Swedish) registration (with a translation), together with the necessary \$100 check for the official petition fee. If the amount of that check is insufficient, please charge any deficiency to our deposit account no. 23-0825-0576900. The certified copy with signed English translation will follow shortly. The home country identification of goods includes all the goods in the U.S. application.

06/10/2002 TSHITH 00000014 76049274

01 FC:375

100.00 OP

"Express Mail" mailing label No. _____	EL 906201521	U.S. Date of Deposit _____	June 4, 2002
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.			
_____ Harisha Malepati (Printed name of person mailing paper or fee)		_____ <i>Harisha Malepati</i> (Signature)	

Inasmuch as applicant had a continuing basis for registration throughout the entire application process, and has met all requirements for filing under Section 44, including the allegation of a bona fide intention to use, the filing basis may be amended. Such petitions are specifically authorized by 37 CFR 2.35(b).

It is respectfully requested that:

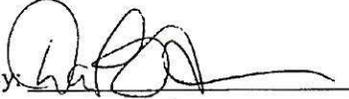
- 1) Section 44(e) be added as the basis of the application;
- 2) upon acceptance of the home country registration as the basis for the registration, Section 1(b) be deleted;
- 3) the Notice of Allowance then be cancelled; and
- 4) the application be re-published as a Section 44(e) application.

Please telephone the undersigned if there are any questions or any further documents or information are needed to process the petition.

Date: New York, New York
June 4, 2002

Respectfully submitted,

FROSS ZELNICK LEHRMAN &
ZISSU, P.C.

By: 

Dana Breitman
Attorneys for Applicant
866 United Nations Plaza
New York, New York 10017
(212) 813-5900



KONUNGARIKET SVERIGE

VARUMÄRKE NUMMER 342 235

DIVIDED

Varumärkesansökan nummer 00-03868 ingavs 2000-05-16 och registrerades
2000-11-10 under nummer 342 235.
Publiceringsdag 2000-11-10.

Patent- och Registreringsverket intygar härmed att ovan avbildade
varumärke är infört i varumärkesregistret med omstående uppgifter.

Söderhamn den 10 november 2000

A handwritten signature in cursive script that reads "Pernilla Andersson".

Pernilla Andersson

Varuslag / Tjänster:

3 : Tvål, parfymcr, eteriska oljor, kosmetika, hårlotioner, inkluderande hudrengörande tonic, rengöringsmedel, krämer, uppmjukande medel, lighteners, lotioner, fuktighetsbevarande crämer, toner, läppbalsam (ej medicinskt), duschgeler, kroppsförmande geler och lotioner, kroppskrämer, oljor, emulsioner, masker och peelingpreparat, nagellack, smink inkluderande läppstift, läppglans, läppennor, ögonpennor, ögonbrynsennor, rouge och maskara, handkräm, fotkräm, kroppspeelingpreparat, emulsioner, eau-de-cologne, eau de toilette, eau de parfym, parfymerade kroppssprayer, toalettvål, badkylor, kristaller, lödder och geler, nagelvårdspreparat, hårvårdspreparat, hårtengöringspreparat, hårschampo, väldoftande oljor, rumsdofter, bindemedel för kosmetisk användning, hårborttagningsmedel, bomullspinnar och bomullssuddar för kosmetiska ändamål.

14: Bijoutener och juvelerarvaror av ädelmetall och ädelstenar; manchettknappar; slipsnålar.

18: Väskor; koffertar; resväskor; ryggsäckar, plånböcker; armväskor (ampouches); paraplyer.

24: Vävnader som fäster genom värmebehandling; standard; badlinne (med undantag för kläder); sängfiltar; sängkläder; sängöverdrag; sänglinne; sängöverkast; biljarddukar; rullgardiner av textil; sildukar; brokad; buckram; bomullstyger (grova lösvävda); kalikå; tryckta kalikåtyger; stramalj för tapissen eller broderi; tunna bomullstyger; chenilleväv; cheviot (tyger); tyger; underlägg för glas och dylikt (bordslinne); bomullstyger; kräpptyger; krepong (grov kräpp); överdrag för dynor; damast; dimity; dörrförhängen; drogett; duntäcken (dunöverkast); elastiska vävnader; espartoväv; vävnader; tyger för fotbeklådnader; tyger av skinnimitation; tyger för textil användning; ansiktsservetter av tyg; filt; glasfiberväv för textila ändamål; filtrerande material av textil; flaggor, ej av papper; flanell; tvättlappar för hygieniskt bruk; fris (tyger); lösa överdrag för möbler; överdrag av plast för möbler; möbelöverdrag av textil; kypert; gas (väv); glasväv; gummerad väv, ej för kontorsändamål; tageltyg (säckväv); näsdukar av textil; hampvävnader; hamptyger; jersey (tyger); jutevävar; tråkvävar; tygetiketter; linnedräll; hushållslinne; linneväv; tyg för damunderkläder; foder för fotbeklådnader; foder (textil); hattfoder av textil (motervaror); marabout (sidentyg); textilmaterial; bordsunderlägg av textil; madrassöverdrag; tvättvantar; mollskinn (tyg); tygservetter för avsminkning; non-woven textilväv; vaxdukar (för användning som bordsdukar); kuddöverdrag; örngott; plastmaterial (ersättning för tyger); tryckdukar av textil; sängtäcken; ramityger; røyontyger; resplädar; servetter av textil; lakan (textil); svepningar; sidentyger, silkscreen för tryckning; påslakan; bordsdukar (ej av papper); bordstabletter (ej av papper); bordsservetter av textil; taft; madrassöverdrag; madrassvar; textilväv för avsminkning; textilhanddukar; förtjade tyger för broderi; dräll (tyger); tyll; möbeltyger; sammet; väggbeklädnader av textil; yllevävnader; ylletyger; sefir (tyg).

25: Kläder, fotbeklådnader, huvudbonader.

Innehavare: H & M HENNES & MAURITZ AB, BOX 1421, 111 84 STOCKHOLM, SVERIGE.

Ombud: AB Stockholms Patentbyrå, Zacco & Bruhn, Box 23101, 104 35 STOCKHOLM, SVERIGE.

Invärdning: Om någon invänder mot registreringsbeslutet kan registreringen komma att upphävas helt eller delvis. Sista dagen för invändning är 2001-01-10.

Förnyelse: En registrering gäller under en period av tio år, räknat från registreringsdagen, med möjlighet att mot avgift förnya registreringen ytterligare tioårsperioder. Ansökan om förnyelse görs tidigast ett år före periodens utgång. Försummas detta, kan ansökan göras mot förhöjd avgift under en frist av sex månader efter utgången av tioårsperioden.

AB Stockholms Patentbyrå,
Zacco & Bruhn,
Box 23101,
104 35 STOCKHOLM,
SVERIGE.

PRV

PATENT- OCH REGISTRERINGSVERKET
Varumärkesavdelningen

BEKRÄFTELSE ANGÅENDE ÄNDRING

Datum: 2001-10-22

Reg. nummer: 342.235
Reg. datum: 2000-11-10
Antecknat: 2001-10-18

Adressat:

Albihns Stockholm AB
Box 5581
114 85 STOCKHOLM

Efter begäran har nedan angivna uppgifter införts i
varumärkesregistret.

Innehavare: H & M Hennes & Mauritz AB, Box 1421, 111 84
STOCKHOLM, Sverige.

Ombud (nytt): Albihns Stockholm AB, Box 5581, 114 85 STOCKHOLM.

VARUMÄRKESENHETEN

63340

115

U.S. Patent and Trademark Office (PTO)
NOTICE OF ALLOWANCE

(NOTE: If any data on this notice is incorrect, please submit a written request for correction of the NOA to: Assistant Commissioner for Trademarks, Box ITU, 2900 Crystal Drive, Arlington, VA 22202-3513. Please include the serial number of your application on ALL correspondence with the PTO. 15 U.S.C. 1063(b)(2))

ISSUE DATE OF NOA: Dec 4, 2001

DAVID EHRLICH, ESQ.
 FROSS ZELNICK LEHRMAN & ZISSU, PC
 866 UNITED NATIONS PLAZA
 NEW YORK NY 10017

ATTORNEY
 REFERENCE NUMBER
 HMH USA TA-0

**** IMPORTANT INFORMATION: 6 MONTH DEADLINE ****

To avoid ABANDONMENT of this application, either a "Statement of Use" (a.k.a. "Allegation of Use") or a "Request for Extension of Time to File a Statement of Use" (a.k.a. "Extension Request") and the appropriate fee(s) must be received in the PTO within six months of the issue date of this Notice Of Allowance (NOA) for those goods and/or services based on intent to use. Failure to do so will result in the ABANDONMENT of this application.

Please note that both the "Statement of Use" and "Extension Request" have many legal requirements, including fees. These requirements are explained in the PTO booklet "Basic Facts About Trademarks", which can be obtained upon request at (703)308-9000. In addition, there are printed forms contained in this booklet (for "Statements of Use" and "Extension Requests") for your use.

The following information should be reviewed for accuracy:

SERIAL NUMBER: 76/049274
 MARK: DIVIDED
 OWNER: H & M Hennes & Mauritz AB
 Box 1421
 SE-111 84 Stockholm, SWEDEN

This application has the following bases, but not necessarily for all listed goods/services:
 Section 1(a): NO Section 1(b): YES Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

003-Soaps, perfume, essential oils for personal use, hair lotions, skin clarifiers, facial cleansers, hand cream, foot cream, face creams, body creams, skin emollients, skin lighteners, hair lighteners, skin lotions, skin cleansing lotions, lotions for cellulite reduction, skin masks, skin moisturizer, skin scrubs and toners; non-medicated lip balm; shower gel; body firming gels and lotions, body cream, oil, emulsions, masks and scrubs; makeup; lipstick; lip gloss; lip pencils; nail polish; eye makeup; eye pencils; eyebrow pencils; blush; mascara; exfoliating body scrubs; self-tanning skin preparations; facial emulsions; cologne; toilet water; eau de parfum; shaving lotions; scented body spray; personal deodorant; antiperspirant; makeup remover; toilet soap; bath beads, crystals, foam and gel; nail care preparations; hair care preparations; hair cleaning preparations; hair shampoo; hair waving lotions; hair styling lotions; aromatherapy oils; potpourri; room fragrances; adhesives for cosmetic use; depilatories; cotton and cotton swabs, sticks and puffs for cosmetic purposes

014-Imitation jewelry and jewelry of precious metal and stones; cuff links; tie pins

018-Handbags; toiletry bags sold empty; all-purpose sports bags, athletic bags, beach bags, book bags, carry on bags, clutch bags, duffel bags, traveling bags; trunks; backpacks; wallets; umbrellas

025-Headwear; footwear; and clothing, namely t-shirts, shirts, cardigans, blouses, body suits, coats, jackets, pants, skirts, dresses, belts, hats, scarf, gloves, kimonos, muffs, suits, tunics, waistcoats, denim wear, namely jeans, skirts, shirts, hats, shorts, dresses, trousers, jackets and coats; suede and leather clothing, namely, gloves, trousers, skirts, jackets, coats, hats, belts, shirts, dresses; linen clothing, namely, dresses, trousers, jackets, shirts, blouses; knit wear, namely, jersey and heavy knitwear; jumpsuits, shorts, sweatshirts, underwear, lingerie, bras, bustiers, hot pants, camisoles, suspenders, chemises, pantyhose, leggings, tights, socks, stockings, long johns, singlets, swimwear, bikinis, sarongs, ponchos, pullovers, bandanas, polo shirts, fake fur jackets and coats, sweaters, hoods, anoraks, wind resistant jackets, tank tops, slippers, footwear, neckwear, mittens, rainwear, parkas, overalls, jogging suits; skiwear, masquerade costumes

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513

Aug 22, 2001

NOTICE OF PUBLICATION UNDER 12(a)

- | | |
|--|--|
| 1. Serial No.:
76/049,274 | 2. Mark:
DIVIDED |
| 3. International Class(es):
3, 14, 18, 25 | |
| 4. Publication Date:
Sep 11, 2001 | 5. Applicant:
H & M Hennes & Mauritz AB |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: (202)512-1800

By direction of the Commissioner.

DAVID EHRlich, ESQ.
FROSS ZELNICK LEHRMAN & ZISSU, PC
866 UNITED NATIONS PLAZA
NEW YORK NY 10017

TMP&I

TT * DEMARK EXAMINATION WORKSHEET

AMENDMENT STAGE NO CHANGE PUBLICATION/REGISTRATION STAGE

Name: ROSALIND HOWARD L.O. 107 Date 06/13/01 Serial No. 761049574

INSTRUCTIONS: Place a check mark in the appropriate column and/or box to indicate which data elements have been amended/coded.	
Legal Instrument Examiner (LIE)	
	Amended <input checked="" type="checkbox"/>
Class Data	<input type="checkbox"/> Prime/International Class <input checked="" type="checkbox"/> Goods and Services
	<input type="checkbox"/> First Use Date <input type="checkbox"/> First Use in Commerce Date
	<input type="checkbox"/> In Another Form <input type="checkbox"/> Certification
	<input type="checkbox"/> 1b
Mark Data	<input type="checkbox"/> Word Mark <input type="checkbox"/> Pseudo Mark
	<input type="checkbox"/> Mark Drawing Code <input type="checkbox"/> Design Search Code
	<input type="checkbox"/> Sizing/Lining Code
Misc. Mark Data	<input type="checkbox"/> Mark Description <input type="checkbox"/> Disclaimer
	<input type="checkbox"/> Lining/Stippling <input type="checkbox"/> Name/Portrait/Consent
	<input type="checkbox"/> Translation
Section 2(f)	<input type="checkbox"/> Section 2(f) Entire Mark <input type="checkbox"/> Section 2(f) in Part
	<input type="checkbox"/> Section 2(f) Limitation Statement <input type="checkbox"/> Amended Register Date
	<input type="checkbox"/> Amended Register
Foreign Reg. Data	<input type="checkbox"/> Foreign Country <input type="checkbox"/> 44(d)
	<input type="checkbox"/> Foreign Application Number <input type="checkbox"/> Foreign Application Filing Date
	<input type="checkbox"/> Foreign Registration Number <input type="checkbox"/> Foreign Registration Date
	<input type="checkbox"/> Foreign Registration Expiration Date <input type="checkbox"/> Foreign Renewal Reg. Number
	<input type="checkbox"/> Foreign Reg. Renewal Expiration Date <input type="checkbox"/> Foreign Renewal Reg. Date
Owner Data	<input type="checkbox"/> Owner Name <input type="checkbox"/> DBA/AKA/TA
	<input type="checkbox"/> Address 1 <input type="checkbox"/> Address 2
	<input type="checkbox"/> City <input type="checkbox"/> State
	<input type="checkbox"/> Zip Code
	<input type="checkbox"/> Citizenship <input type="checkbox"/> Entity
	<input type="checkbox"/> Entity Statement <input type="checkbox"/> Composed of
	<input type="checkbox"/> Assignment(s)/Name Change
Amd/Corr Restr.	<input type="checkbox"/> Concurrent Use
Prior U.S. Reg.	<input type="checkbox"/> Prior Registration
Correspondence	<input type="checkbox"/> Attorney <input type="checkbox"/> Domestic Representative
	<input type="checkbox"/> Attorney Docket Number
	<input type="checkbox"/> Correspondence Firm Name/Address
I certify that all corrections have been entered in accordance with text editing guidelines.	
<u>ROSALIND HOWARD</u> LIE	<u>06/13/01</u> DATE
Other: _____	

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO. 76/049274 H & M Hannas & Mauritz AB		APPLICANT		PAPER NO. 3B
MARK DIVIDED				ADDRESS: Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513 www.uspto.gov
ADDRESS DAVID EHRLICH, ESQ. FROSS ZELNICK LEHRMAN & ZISBU, PC 866 UNITED NATIONS PLAZA NEW YORK NY 10017		ACTION NO. 02	If no fees are enclosed, the address should include the words "Box Responses - No Fee."	
		MAILING DATE 06/13/01	Please provide in all correspondence:	
FORM PTO-1525 (5-90)		REF. NO. HMH USA TA-0	1. Filing Date, serial number, mark and Applicant's name. 2. Mailing date of this action. 3. Examining Attorney's name and Law Office number. 4. Your telephone number and ZIP code.	
U.S. DEPT. OF COMM. PAT. & TM OFFICE				

EXAMINER'S AMENDMENT

EXAMINING ATTORNEY		PERSON CALLED/INTERVIEWED		TELEPHONE NUMBER	
Michael P. Keating		David Ehrlich		212-813-5900	
X	TELEPHONE CALL	INTERVIEW DATE		X	ATTORNEY
	PERSONAL INTERVIEW	June 12, 2001			APPLICANT

CALL RECORD/NOTES

OFFICE SEARCH: The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

RE: Serial Number 76/049274 DIVIDED

In accordance with the authorization granted by the above Applicant or attorney, the application has been AMENDED as indicated below. No response is necessary unless there is an objection to the amendment.

Identification of Goods

The identification of goods is amended to read as follows:

"soaps, perfume, essential oils for personal use, hair lotions, skin clarifiers, facial cleansers, hand cream, foot cream, face creams, body creams, skin emollients, skin lighteners, hair lighteners, skin lotions, skin cleansing lotions, lotions for cellulite reduction, skin masks, skin moisturizer, skin scrubs and toners; non-medicated lip balm; shower gel; body firming gels and lotions, body cream, oil, emulsions, masks and scrubs; makeup; lipstick; lip gloss; lip pencils; nail polish; eye makeup; eye pencils; eyebrow pencils; blush; mascara; exfoliating body scrubs; self-tanning skin preparations; facial emulsions; cologne; toilet water; eau de parfum; shaving lotions; scented body spray; personal deodorant; antiperspirant; makeup remover; toilet soap; bath beads, crystals, foam and gel; nail care preparations; hair care preparations; hair cleaning preparations; hair shampoo; hair waving lotions; hair styling lotions; aromatherapy oils; potpourri; room fragrances; adhesives for cosmetic use; depilatories; cotton and cotton swabs, sticks and puffs for cosmetic purposes," in International Class 003;

"Headwear; footwear; and clothing, namely t-shirts, shirts, cardigans, blouses, body suits, coats, jackets, pants, skirts, dresses, belts, hats, scarf, gloves, kimonos,

muffs, suits, tunics, waistcoats, denim wear, namely, jeans, skirts, shirts, hats, shorts, dresses, trousers, jackets and coats; suede and leather clothing, namely, gloves, trousers, skirts, jackets, coats, hats, belts, shirts, dresses; linen clothing, namely, dresses, trousers, jackets, shirts, blouses; knit wear, namely, jersey and heavy knitwear; jumpsuits, shorts, sweatshirts, underwear, lingerie, bras, bustiers, hot pants, camisoles, suspenders, chemises, pantyhose, leggings, tights, socks, stockings, long johns, singlets, swimwear, bikinis, sarongs, ponchos, pullovers, bandanas, polo shirts, fake fur jackets and coats, sweaters, hoods, anoraks, wind resistant jackets, tank tops, slippers, footwear, neckwear, mittens, rainwear, parkas, overalls, jogging suits; skiwear, masquerade costumes," in International Class 025.

The identifications in International Classes **014** and **018** are unchanged.



Michael P. Keating
Trademark Attorney
Law Office 107
(703) 308-9107 ext. 232
(703) 308-7191 fax

TRADemark EXAMINATION WORKSHEET

AMENDMENT STAGE NO CHANGE PUBLICATION/REGISTRATION STAGE

Name: ANA ROY L.O. 107 Date 6/6/01 Serial No. 1049274

INSTRUCTIONS: Place a check mark in the appropriate column and/or box to indicate which data elements have been amended/coded.		
Legal Instrument Examiner (LIE)		
	Amended	Data Element
Class Data	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Prime/International Class
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	<input type="checkbox"/>	<input type="checkbox"/> First Use Date
	<input type="checkbox"/>	<input type="checkbox"/> First Use in Commerce Date
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Mark Data	<input type="checkbox"/>	<input type="checkbox"/> Word Mark
	<input type="checkbox"/>	<input type="checkbox"/> Pseudo Mark
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	<input type="checkbox"/>	<input type="checkbox"/> Design Search Code
	<input type="checkbox"/>	<input type="checkbox"/> Sizing/Lining Code
Misc. Mark Data	<input type="checkbox"/>	<input type="checkbox"/> Mark Description
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	<input type="checkbox"/>	<input type="checkbox"/> Lining/Stippling
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	<input type="checkbox"/>	<input type="checkbox"/> Translation
Section 2(f)	<input type="checkbox"/>	<input type="checkbox"/> Section 2(f) Entire Mark
	<input type="checkbox"/>	<input type="checkbox"/> Section 2(f) Limitation Statement
	<input type="checkbox"/>	<input type="checkbox"/> Section 2(f) in Part
	<input type="checkbox"/>	<input type="checkbox"/> Amended Register
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Foreign Reg. Data	<input type="checkbox"/>	<input type="checkbox"/> Foreign Country
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	<input type="checkbox"/>	<input type="checkbox"/> Foreign Application Number
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Owner Data	<input type="checkbox"/>	<input type="checkbox"/> Owner Name
	<input type="checkbox"/>	<input type="checkbox"/> DBA/AKA/TA
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	<input type="checkbox"/>	<input type="checkbox"/> Address 2
	<input type="checkbox"/>	<input type="checkbox"/> City
	<input type="checkbox"/>	<input type="checkbox"/> State
	<input type="checkbox"/>	<input type="checkbox"/> Zip Code
	<input type="checkbox"/>	<input type="checkbox"/> Citizenship
	<input type="checkbox"/>	<input type="checkbox"/> Entity
	<input type="checkbox"/>	<input type="checkbox"/> Entity Statement
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	<input type="checkbox"/>	<input type="checkbox"/> Assignment(s)/Name Change
Amd/Corr Restr.	<input type="checkbox"/>	<input type="checkbox"/> Concurrent Use
Prior U.S. Reg.	<input type="checkbox"/>	<input type="checkbox"/> Prior Registration
Correspondence	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Attorney
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Domestic Representative
	<input checked="" type="checkbox"/>	<input type="checkbox"/> Attorney Docket Number
	<input checked="" type="checkbox"/>	<input type="checkbox"/> Correspondence Firm Name/Address

I certify that all corrections have been entered in accordance with text editing guidelines.

AR
 LIE

6/6/01
 DATE

Other: _____

C-107

2A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H & M Hennes & Maurtiz AB :
 Serial No: 76/049,274 :
 Filed: May 16, 2000 : Jodi Lauterbach
 : Examining Attorney
 Mark: DIVIDED : Law Office 107
 Our Ref: HMH USA TA-01/02210 ✓



RESPONSE TO OFFICE ACTION

04-23-2001
U.S. Patent & TMO/TM Mail Rpt Dt. #10

Box RESPONSES
 NO FEE
 Assistant Commissioner for Trademarks
 2900 Crystal Drive
 Arlington, Virginia 22202-3513

This is in response to the Office action mailed on October 26, 2000.

NEW ADDRESS FOR CORRESPONDENCE

Please direct all correspondence to Applicant's new Attorney:

✓ David Ehrlich, Esq.
 Fross Zelnick Lehrman & Zissu, P.C.
 866 United Nations Plaza
 New York, New York 10017
 Telephone: (212) 813-5900

RECEIVED
 APR 25 12 31 29
 TMO,
 LAW OFFICE 107

An Appointment of Domestic Representative is attached.

"Express Mail" mailing label No. EL781529418US Date of Deposit April 23, 2001
 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

 Katie Kirby (Printed name of person mailing paper or fee)

 (Signature)

LP

AMENDMENTS

Please delete Class 24. Please delete the identification of goods in Classes 3, 18 and 25 and substitute the following:

Class 3: Soaps, perfume, essential oils for personal use, hair lotions, skin clarifiers, facial cleansers, skin cleansers, hand cream, foot cream, face creams, body creams, skin emollients, skin lighteners, hair lighteners, skin lotions, skin cleansing lotions, lotions for cellulite reduction, masks, moisturizer, scrubs and toners; non-medicated lip balm; shower gel; body firming gels and lotions, body cream, oil, emulsions, masks and scrubs; makeup; lipstick; lip gloss; lip pencils; nail polish; eye makeup; eye pencils; eyebrow pencils; blush; mascara; exfoliating body scrubs; self-tanning skin preparations; creams; emulsions; cologne; toilet water; eau de parfum; shaving lotions; scented body spray; personal deodorant; antiperspirant; makeup remover; toilet soap; bath beads, crystals, foam and gel; nail care preparations; hair care preparations; hair cleaning preparations; hair shampoo; hair waving lotions; hair styling lotions; aromatherapy oils; potpourri; room fragrances; adhesives for cosmetic use; depilatories; cotton and cotton swabs, sticks and puffs for cosmetic purposes.

Class 18: Handbags; toiletry bags sold empty; all-purpose sports bags, athletic bags, beach bags, book bags, carry on bags, clutch bags, duffel bags, traveling bags; trunks; backpacks; wallets; umbrellas.

Class 25: Headwear; footwear; and clothing, namely, t-shirts, shirts, cardigans, blouses, body suits, coats, jackets, pants, skirts, dresses, belts, hats, scarves, gloves, kimonos, muffs, suits, tunics, waistcoats; denim wear, namely, jeans, skirts, shirts, hats, shorts, dresses, trousers, jackets and coats; suede and leather clothing, namely, gloves, trousers, skirts, jackets, coats, hats, belts, shirts, dresses; linen clothing, namely, dresses, trousers, jackets, shirts, blouses; knit wear, namely, jersey and heavy knitwear; jumpsuits, shorts, sweatshirts, underwear, lingerie, bras, bustiers, hot pants, camisoles, suspenders, chemises, pantyhose, leggings, tights, socks, stockings, long johns, singlets, swimwear, bikinis, sarongs, ponchos, pullovers, bandanas, polo shirts, knit wear, fake fur jackets and coats, sweaters, hoods, anoraks, wind resistant jackets, tank tops, slippers, footwear, neckwear, mittens, rainwear, parkas, overalls, jogging suits; skiwear, masquerade costumes.

Class 14 is unchanged.

REMARKS

The identification of goods has been amended in accordance with the suggestions in the Office action, or with terms of comparable specificity, and is now sufficiently specific.

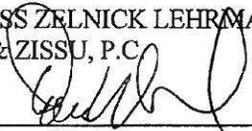
CONCLUSION

With the above, Applicant submits that all questions are now answered and respectfully submits that this application be published for opposition.

Dated: New York, New York
April 23, 2001

Respectfully submitted,

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 

Dana Wrubel
Attorneys for Applicant
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

V 63491

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 76/049,274

Mark: DIVIDED

Jodi Lauterbach
Examining Attorney
Law Office 107

Filing Date: May 16, 2000

Classes: 3, 14, 18, 24, & 25.

Our Ref: FMH 0102210

APPOINTMENT OF DOMESTIC REPRESENTATIVE

Assistant Commissioner for
Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

Sir:

H & M Hennes & Mauritz AB, a corporation (public joint stock company) organized and existing under the laws of Sweden, doing business at Box 1421, 111 84 Stockholm, Sweden, the owner of the above-identified trademark application, hereby appoints the firm Fross Zelnick & Lehrman & Zissu P.C., attorneys at law, of 866 United Nations Plaza, New York, New York 10017 (telephone 212-813-5900), its attorneys and representative upon whom notices or process in proceedings affecting the above-identified mark may be served.

H & M HENNES & MAURITZ AB

By:	Rolf Brissen
Name:	<i>[Signature]</i>
Title:	Managing Director
Date of Signature:	2001 04 05

FB

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO. 76/049274 H & M Hennes & Mauritz AB		APPLICANT		PAPER NO.
MARK DIVIDED				
ADDRESS LAUREL V. DINEFF HOFFMANN & DINEFF, LTD. 820 WEST JACKSON BOULEVARD SUITE 370 CHICAGO, ILLINOIS 60607		ACTION NO. 01	ADDRESS: Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513 www.uspto.gov	
		MAILING DATE 10/26/00		
		REF. NO.	If no fees are enclosed, the address should include the words "Box Responses - No Fee."	
FORM PTO-1525 (5-90)		U.S. DEPT. OF COMM. PAT. & TM OFFICE		Please provide in all correspondence:
<ol style="list-style-type: none"> 1. Filing Date, serial number, mark and Applicant's name. 2. Mailing date of this Office action. 3. Examining Attorney's name and Law Office number. 4. Your telephone number and ZIP code. 				

A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT. For your convenience and to ensure proper handling of your response, a label has been enclosed. Please attach it to the upper right corner of your response. If the label is not enclosed, print or type the Trademark Law Office No., Serial No., and Mark in the upper right corner of your response.

First Office Action

RE: Serial Number: 76/049274

The assigned examining attorney has reviewed the referenced application and determined the following.

Search Results

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 1105.01.

The applicant must address the following issue.

Identification of Goods

The identification of goods is unacceptable because it is indefinite and it identifies goods in other classes. TMEP section 804. The Trademark Act requires that the applicant "specify" the goods in an explicit manner. TMEP 804.01. Additionally, the identification of goods should be clear, accurate, definite and as concise as possible. TMEP 804.01. The applicant must make the following clarifications.

International Class 3:

- (1) The applicant must list each specific type of perfumery; e.g. cologne in International Class 3, toilet water in International Class 3, eau de parfum in International Class 3, eau de toilette in International Class 3 and perfume in International Class 3.
- (2) The applicant must indicate the specific type of essential oils, e.g. essential oils for personal use in International Class 3, essential oils for food flavorings in International Class 3, essential oils for industrial use [specify products or field of use if possible] in International Class 3, essential oils for use in manufacturing [specify products or field of use if possible] in International Class 3 and essential oils for use in the manufacture of scented products in International Class 3.
- (3) The applicant must list each specific type of cosmetic, e.g. lipstick in International Class 3, blush in International Class 3, eye liner in International Class 3 and foundation makeup in International Class 3.
- (4) The applicant must amend the identification to delete the indefinite word "including." The applicant may replace this word with "namely" and list only items that are within the scope of goods set forth in the identification. 37 C.F.R. Section 2.71(b); TMEP sections 804 and 804.08(c).
- (5) The applicant must indicate the specific type of "cleansers," e.g., facial cleansers in International Class 3 and skin cleansers in International Class 3.
- (6) The applicant must indicate the specific type of "creams," e.g., anti-aging cream in International Class 3, body cream in International Class 3, body mask creams in International Class 3, boot cream in International Class 3, cold cream in International Class 3, anti-itch cream in International Class 5 and antibiotic creams in International Class 5.
- (7) The applicant must indicate the specific type of "emollients," e.g., skin emollients in International Class 3, skin moisturizers in International Class 3 and skin lotions in International Class 3.
- (8) The applicant must indicate the specific type of "lighteners," e.g., hair lighteners in International Class 3 and skin lighteners in International Class 3.
- (9) The applicant must indicate the specific type of "lotions," e.g., after-shave lotions in International Class 3, after-sun lotions in International Class 3, baby lotion in International Class 3, body mask lotions in International Class 3, hair lotions in International Class 3, hair waving lotion in International Class 3, skin lotion in International Class 3, lotions for cellulite reduction in International Class 3, self-tanning lotions in International Class 3, shaving lotion in International Class 3, skin cleansing lotion in International Class 3 and styling lotions in International Class 3.
- (10) The applicant must indicate the specific type of "masks," e.g., beauty masks in International Class 3, body mask creams in International Class 3, body mask lotions in International Class 3, body mask powders in International Class 3, body masks in International Class 3, facial masks in International Class 3, skin masks in International Class 3 and skin moisturizer masks in International Class 3.

- (11) The applicant must indicate the specific type of "moisturizers," e.g., skin moisturizer masks in International Class 3, skin moisturizer in International Class 3 and moisturizing hand cream in International Class 3.
- (12) The applicant must indicate the specific type of "scrubs," e.g., body scrubs in International Class 3 and facial scrubs in International Class 3.
- (13) As stated above, the applicant must amend the identification to delete the indefinite word "including." The applicant may replace this word with "namely" and list only items that are within the scope of goods set forth in the identification, e.g., "makeup, namely, lipsticks, lip gloss, lip pencils, eye pencils, eyebrow pencils, blush and mascara in International Class 3." 37 C.F.R. Section 2.71(b); TMEP sections 804 and 804.08(c).
- (14) The applicant must indicate the specific type of "emulsions," e.g., body emulsions in International Class 3 and facial emulsions in International Class 3.

International Class 18:

- (15) The applicant must indicate the specific type of bags, e.g., athletic bags in International Class 18, all purpose sport bags in International Class 18, garment bags for travel in International Class 18, shoe bags for travel in International Class 18, barrel bags in International Class 18, beach bags in International Class 18, book bags in International Class 18, Boston bags in International Class 18, carry-on bags in International Class 18, clutch bags in International Class 18, diaper bags in International Class 18 and duffel bags in International Class 18.
- (16) The applicant must indicate the specific type of "arm pouches," e.g., arm pouches in the nature of fanny packs for use on arms in International Class 18 and drawstring pouches for use on arms in International Class 18.

International Class 24:

- (17) The applicant must indicate the material composition of the "adhesive fabric for application by heat," e.g., adhesive cotton fabric for application by heat in International Class 24 and adhesive nylon fabric for application by heat in International Class 24.
- (18) The applicant must indicate the material composition of the banners and classify them in the appropriate class of goods; e.g., paper banners in International Class 16; plastic banners in International Class 20; cloth banners in International Class 24 and exercise and gymnastic banner in International Class 28.
- (19) Parentheses are only used by the Office to explain ambiguous or unknown words or phrases, such as foreign terminology that might not be understood by most English-speaking people. The wording "except clothing" enclosed in the parentheses in the phrase "bath linen (except clothing)" is merely explanatory and unnecessary; and as such, should be deleted, e.g., bath linens in International Class 24.

- (20) The applicant must indicate the specific type of "bed clothes," and classify these goods in the appropriate class, e.g., pajamas in International Class 25 and night shirts in International Class 25.
- (21) The applicant must indicate the specific type of "bed covers," e.g., bed pads in International Class 24, bed sheets in International Class 24 and bed spreads in International Class 24.
- (22) The applicant must indicate the specific type of "blinds of textile" and classify these goods in the appropriate class, e.g., venetian blinds of textile in International Class 20 and window blinds of textile in International Class 20.
- (23) The applicant must indicate the specific type of "bunting," e.g., paper bunting in International Class 16, plastic bunting in International Class 20 and baby bunting in International Class 25.
- (24) The applicant must delete the parentheses from the identification, because matter that is enclosed in parentheses is not considered part of the identification, merely an explanation. Parentheses are only used by the Office to explain ambiguous or unknown words or phrases, such as foreign terminology that might not be understood by most English-speaking people. The wording in the phrase "cheviots (cloth)" enclosed in the parenthesis should be a part of the identification itself, because without the language the identification would be unacceptable as indefinite. Therefore, the applicant must reword the identification to incorporate the wording in the parentheses without the use of the parentheses, e.g., cheviots cloth in International Class 24.
- (25) The applicant must indicate the specific type of "cloth," e.g., bolting cloth in International Class 24, crepe cloth in International Class 24, felt cloth in International Class 24, flax cloth in International Class 24, hemp cloth in International Class 24, jute cloth in International Class 24 and silk cloth in International Class 24.
- (26) The applicant must delete the parentheses from the identification, because matter that is enclosed in parentheses is not considered part of the identification, merely an explanation. Parentheses are only used by the Office to explain ambiguous or unknown words or phrases, such as foreign terminology that might not be understood by most English-speaking people. The wording in the phrase "coasters (table linen)" enclosed in the parenthesis should be a part of the identification itself, because without the language the identification would be unacceptable as indefinite. Therefore, the applicant must reword the identification to incorporate the wording in the parentheses without the use of the parentheses, e.g., table linen, namely, coasters in International Class 24.
- (27) Parentheses are only used by the Office to explain ambiguous or unknown words or phrases, such as foreign terminology that might not be understood by most English-speaking people. The wording enclosed in the parentheses in the phrase "coverlets (bedspreads)" is merely explanatory and unnecessary; and as such, should be deleted, e.g., coverlets in International Class 24.
- (28) The applicant must delete the parentheses from the identification, because matter that is enclosed in parentheses is not considered part of the identification, merely an explanation. Parentheses are only used by the Office to explain ambiguous or unknown words or phrases,

such as foreign terminology that might not be understood by most English-speaking people. The wording in the phrase "crepe (fabric)" enclosed in the parenthesis should be a part of the identification itself, because without the language the identification would be unacceptable as indefinite. Therefore, the applicant must reword the identification to incorporate the wording in the parentheses without the use of the parentheses, e.g., crepe fabric in International Class 24.

- (29) The applicant must identify the "crepon" as "crepon fabric" in International Class 24.
- (30) The applicant must identify the "drugget" as "drugget fabric" in International Class 24.
- (31) Parentheses are only used by the Office to explain ambiguous or unknown words or phrases, such as foreign terminology that might not be understood by most English-speaking people. The wording enclosed in the parentheses in the phrase "eiderdowns (down coverlets)" is merely explanatory and unnecessary; and as such, should be deleted, e.g., eiderdowns in International Class 24.
- (32) The applicant must indicate the specific type of "fabric," e.g., polyester fabric in International Class 24, ramie fabric in International Class 24, rayon fabric in International Class 24, woolen fabric in International Class 24 and zephyr fabric in International Class 24.
- (33) The applicant must indicate the specific type of "fabrics for textile use," e.g., fiberglass fabric for textile use in International Class 24.
- (34) The applicant must identify "felt" as "felt cloth" in International Class 24.
- (35) The applicant must identify "fiberglass fabrics, for textile use" as "fiberglass fabric for textile use" in International Class 24.
- (36) The applicant must indicate the specific type of "filtering materials of textile" and classify these goods in the appropriate class, e.g., camera filters of textile in International Class 9, laboratory filters of textile in International Class 9 and air filters of textile for air conditioning units in International Class 11.
- (1) The applicant must indicate the material composition of the flags and classify them in the appropriate class of goods, e.g., paper flags in International Class 16, plastic flags in International Class 20, cloth flags in International Class 24 and golf flags in International Class 28.
- (37) Parentheses are only used by the Office to explain ambiguous or unknown words or phrases, such as foreign terminology that might not be understood by most English-speaking people. The wording enclosed in the parentheses in the phrase "flannel (fabric)" is merely explanatory and unnecessary; and as such, should be deleted, e.g., flannel in International Class 24.
- (38) Parentheses are only used by the Office to explain ambiguous or unknown words or phrases, such as foreign terminology that might not be understood by most English-speaking people. The wording enclosed in the parentheses in the phrase "frieze (cloth)" is merely

- explanatory and unnecessary; and as such, should be deleted, e.g., frieze in International Class 24.
- (39) The applicant must identify the "loose covers for furniture" as "unfitted fabric furniture covers" in International Class 24.
- (40) The applicant must indicate the specific type of "furniture coverings of plastic" and classify these goods in the appropriate class, e.g., plastic materials used as insulated linings or coverings for furniture in International Class 17 and plastic sheeting for use as drop cloths for furniture in International Class 17.
- (41) The applicant must indicate the specific type of "furniture coverings of textile" and classify these goods in the appropriate class, e.g., fitted fabric furniture covers in International Class 20 and unfitted fabric furniture covers in International Class 24.
- (42) The applicant must identify "gauze (cloth)" as "gauze fabric" in International Class 24.
- (43) The applicant must identify "haircloth (sackcloth)" as "sackcloth" in International Class 24.
- (44) The applicant must identify "jersey (fabric)" as "jersey material" in International Class 24.
- (45) The applicant must indicate the specific type of "knitted fabric," e.g., knitted fabrics for making clothing in International Class 24.
- (46) The applicant must identify "labels (cloth)" as "cloth labels" in International Class 24.
- (47) The applicant must indicate the specific type of "lingerie fabric," e.g., silk and rayon cloth for making lingerie in International Class 24.
- (48) The applicant must indicate the specific type of "linings (textile)" and delete the parentheses, e.g., textile used as lining for clothing in International Class 24, linen lining fabric for shoes in International Class 24 and textile linings for garments in International Class 24.
- (49) The applicant must clarify the wording "hat linings, of textile, in the piece," e.g., fabrics used in the making of hat lining in International Class 24.
- (50) The applicant must identify "marabouts (cloth)" as "marabouts cloth" in International Class 24.
- (51) The applicant must indicate the specific type of "textile material" and classify these goods in the appropriate class, e.g., raw fibrous textile materials in International Class 22 and textile linings for garments in International Class 24.
- (52) The applicant must identify "moleskin (fabric)" as "moleskin fabric" in International Class 24.
- (53) The applicant should identify "napkins, of cloth, for removing make-up" as "cloth napkins for removing makeup" in International Class 24.

- (54) The applicant must indicate the specific type of "non-woven textile fabrics," e.g., non-woven nylon textile fabrics in International Class 24.
- (55) The applicant must identify "oilcloth (for use as tablecloths)" as "oilcloth for use as tablecloths" in International Class 24.
- (56) The applicant must indicate the specific type of "plastic material (substitute for fabrics)" and delete the parentheses, e.g., plastic fabric for use in manufacture of clothing in International Class 24.
- (57) The applicant must identify "travelling rugs (lap robes)" as "travelling rugs, namely, lap robes" in International Class 24.
- (58) The applicant must indicate the specific type of "sheets (textile)" and delete the parentheses, e.g., bed sheets in International Class 24.
- (59) The applicant must identify "silk (cloth)" as "silk cloth" in International Class 24.
- (60) The applicant must identify "sleeping bags (sheeting)" as "sleeping bags" and classify these goods in International Class 20.
- (61) The applicant must identify "tablecloths (not of paper)" as "tablecloths not of paper" in International Class 24.
- (62) The applicant must identify "table mats (not of paper)" as "table mats not of paper" in International Class 24.
- (63) The applicant must identify "taffeta (cloth)" as "taffeta" in International Class 24.
- (64) The applicant must identify "tapestry (wall hangings), of textile" as "tapestry wall hangings of textile" in International Class 24.
- (65) The applicant must amend the identification to specify the common commercial name of the "tick (linen)" and "ticks (mattress covers)" and delete the parentheses, e.g., pillow cases in International Class 24, mattress covers in International Class 24 and mattress pads in International Class 24. If there is no common commercial name, the applicant must describe the product and its intended uses. TMEP section 804.
- (66) The applicant must amend the identification to specify the common commercial name of the "trellis (cloth)" and delete the parentheses. If there is no common commercial name, the applicant must describe the product and its intended uses, e.g., silk cloth with a trellis pattern in International Class 24. TMEP section 804.
- (67) The applicant must identify "zephyr" as "zephyr fabric" in International Class 24.

International Class 25:

- (68) The applicant must amend the identification to specify the common commercial name of the "bodies," e.g., body shapers in International Class 25 and body suits in International Class 25. If there is no common commercial name, the applicant must describe the product and its intended uses. TMEP section 804.
- (69) The applicant must indicate the specific type of "denim wear," e.g., jeans in International Class 25 and denim skirts in International Class 25.
- (70) The applicant must amend the identification to specify the common commercial name of the "nighdresses," e.g., night gowns in International Class 25. If there is no common commercial name, the applicant must describe the product and its intended uses. TMEP section 804.
- (71) The applicant must amend the identification to specify the common commercial name of the "morning gowns," e.g., night gowns in International Class 25. If there is no common commercial name, the applicant must describe the product and its intended uses. TMEP section 804.
- (72) The applicant must identify "leggings" as "leggings" in International Class 25.
- (73) The applicant must indicate the specific type of "suede and leather clothing," e.g., suede and leather coats in International Class 25, suede and leather jackets in International Class 25 and suede and leather pants in International Class 25.
- (74) The applicant must indicate the specific type of "linen clothing," e.g., linen shirts in International Class 25 and linen pants in International Class 25.
- (75) The applicant must indicate the specific type of "polos," e.g., polo shirts in International Class 25.
- (76) The applicant must indicate the specific type of "knitwear," e.g., knit shirts in International Class 25 and knit pants in International Class 25.
- (77) The wording "windbreakers" in the identification of goods is a registered mark. The applicant may not use registered marks in the identification of goods. TMEP section 804.07. Therefore, the applicant must amend the identification by substituting the common commercial name of the goods, e.g., wind resistant jackets in International Class 25.
- (78) The applicant must amend the identification to specify the common commercial name of the "bussarongs." If there is no common commercial name, the applicant must describe the product and its intended uses. TMEP section 804.

The identification of goods in International Class 14 is acceptable and does not need amending.

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. Section 2.71(a); TMEP section 804.09.

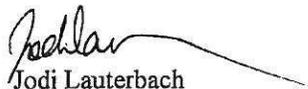
Therefore, the applicant may not amend to include any goods that are not within the scope of goods set forth in the present identification.

Multiple Class Application

If the applicant adds another class to this single class application when clarifying the identification, the applicant must prosecute this application as a combined, or multiple-class, application. The applicant must comply with each of the following:

- (1) The applicant must list the goods by international class with the classes listed in ascending numerical order. TMEP section 1113.01.
- (2) The applicant must submit a filing fee for each international class of goods not covered by the fee already paid. 37 C.F.R. Sections 2.6(a)(1) and 2.86(b); TMEP sections 810.01 and 1113.01. Effective January 10, 2000, the fee for filing a trademark application is \$325 for each class. This applies to classes added to pending applications as well as to new applications filed on or after that date.

If the applicant has any questions or needs assistance in responding to this Office action, please telephone the assigned examining attorney.


Jodi Lauterbach
Trademark Attorney
Law Office 107
(703) 308-9107 ext. 293

TRADEMARK/SERVICE MARK APPLICATION Principal register, with declaration

Mark: DIVIDED

Class number: 3, 14, 18, 24 & 25

To: The Assistant Secretary and Commissioner of Patents and Trademarks.

Applicant's name:

H & M Hennes & Mauritz AB

Applicant's business address:

Box 1421
SE-111 84 Stockholm
Sweden

Applicant's entity type:

A Swedish public joint stock company

Applicant requests registration of the trademark/service mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended.) for the following goods/services:

Class 3: Soaps, perfumery, essential oils, cosmetics, hair lotions, including skin clarifiers, cleansers, creams, emollients, lighteners, lotions, masks, moisturizers, scrubs, toners, non-medicated lip balm, shower gels, body firming gels and lotions, body creams, oil, emulsions, masks and scrubs, nail polish, makeup including lipsticks, lip gloss, lip pencils, eye pencils, eyebrow pencils, blush and mascara, hand creams, foot creams, exfoliating body scrubs, emulsions, colognes, toilet water eau de perfumes, scented body spray, toilet soaps, bath beads, crystals, foam and gels, nail care preparations, hair care preparations, hair cleaning preparations, hair shampoo, aromatherapy oils; room fragrances; adhesives for cosmetic use; depilatories; cotton and cotton swabs, sticks and puffs for cosmetic purposes.

Class 14: Imitation jewelry and jewelry of precious metal and stones; cuff links; tie pins.

Class 18: Bags; trunks; travelling bags; backpacks; wallets; arm pouches; umbrellas.

Class 24: Adhesive fabric for application by heat; banners; bath linen (except clothing); bed blankets; bed clothes; bed covers; bed linen; bedspreads; billiard cloth; blinds of textile; bolting cloth; brocades; buckram; bunting; calico; printed calico cloth; canvas for tapestry or embroidery; cheese cloth; chenille fabric; cheviots (cloth); cloth; coasters (table linen); cotton fabrics; coverlets (bedspreads); crepe (fabric); crepon; covers for cushions; damask; dimity; door curtains; drugget; eiderdowns (down coverlets); elastic woven material; esparto fabric; fabric; fabric for boots and

shoes; fabric of imitation animal skins; fabrics for textile use; face towels of textile; felt; fiberglass fabrics, for textile use; filtering materials of textile; flags (not of paper); flannel (fabric); sanitary flannel; frieze (cloth); loose covers for furniture; furniture coverings of plastic; furniture coverings of textile; fustian; gauze (cloth); glass-cloth; gummed cloth, other than for stationery; haircloth (sackcloth); handkerchiefs of textile; hemp cloth; hemp fabric; jersey (fabric); jute fabric; knitted fabric; labels (cloth); diapered linen; household linen; linen cloth; lingerie fabric; lining fabric for shoes; linings (textile); hat linings, of textile, in the piece; marabouts (cloth); textile material; place mats of textile; mattress covers; washing mitts; moleskin (fabric); napkins, of cloth, for removing make-up; non-woven textile fabrics; oilcloth (for use as tablecloths); pillow shams; pillowcases; plastic material (substitute for fabrics); printers' blankets of textile; quilts; ramie fabric; rayon fabric; travelling rugs (lap robes); serviettes of textile; sheets (textile); shrouds; silk (cloth); silk fabrics for printing patterns; sleeping bags (sheeting); tablecloths (not of paper); table mats (not of paper); table napkins of textile; taffeta (cloth); tapestry (wall hangings), of textile; tick (linen); ticks (mattress covers); tissues of textile for removing make-up; towels of textile; traced cloths for embroidery; trellis (cloth); tulle; upholstery fabrics; velvet; wall hangings of textile; woolen cloth; woolen fabrics; zephyr (cloth).

Class 25: Ladies, mens and childrens clothing, namely t-shirts, tops, cardigans, shirts, blouses, blazers, boas, boleros, bodies, capes, coats, jackets, pants, skirts, dresses, belts, hats, scarfs, gloves, kimonos, muffs, suits, tunics, waistcoats, denim wear, jumpsuits, shorts, sweat shirts, nightdresses, nightshirts, pajamas, morning gowns, underwear, lingerie, bras, bustier, hotpants, underpants, camisoles, suspenders, chemises, short nylon pantyhoses, knee nylon pantyhoses, long leg nylon pantyhoses, stay-up nylon pantyhoses, leggings, tights, socks, stockings, long johns, singlets, swimwear, swimsuits, bikinis, sarongs, ponchos, suede and leather clothing, pullovers, linen clothing, bandanas, polos, knitwear, fake fur jackets and coats, sweaters, hoods, anoraks, windbreakers, bussarongs, tanktops; slippers, footwear.

BASIS FOR APPLICATION:

Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(b), as amended.)

Goods And/Or Services:

Class 3: Soaps, perfumery, essential oils, cosmetics, hair lotions, including skin clarifiers, cleansers, creams, emollients, lighteners, lotions, masks, moisturizers, scrubs, toners, non-medicated lip balm, shower gels, body firming gels and lotions, body creams, oil, emulsions, masks and scrubs, nail polish, makeup including lipsticks, lip gloss, lip pencils, eye pencils, eyebrow pencils, blush and mascara, hand creams, foot creams, exfoliating body scrubs, emulsions, colognes, toilet water eau de perfumes, scented body spray, toilet soaps, bath beads, crystals, foam and gels, nail care preparations, hair care preparations, hair cleaning preparations, hair shampoo, aromatherapy oils; room fragrances; adhesives for cosmetic use; depilatories; cotton and cotton swabs, sticks and puffs for cosmetic purposes.

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Class 25: Ladies, mens and childrens clothing, namely t-shirts, tops, cardigans, shirts, blouses, blazers, boas, boleros, bodies, capes, coats, jackets, pants, skirts, dresses, belts, hats, scarfs, gloves, kimonos, muffs, suits, tunics, waistcoats, denim wear, jumpsuits, shorts, sweat shirts, nightdresses, nightshirts, pajamas, morning gowns, underwear, lingerie, bras, bustier, hotpants, underpants, camisoles, suspenders, chemises, short nylon pantyhoses, knee nylon pantyhoses, long leg nylon pantyhoses, stay-up nylon pantyhoses, leggings, tights, socks, stockings, long johns, singlets, swimwear, swimsuits, bikinis, sarongs, ponchos, suede and leather clothing, pullovers, linen clothing, bandanas, polos, knitwear, fake fur jackets and coats, sweaters, hoods, anoraks, windbreakers, bussarongs, tanktops; slippers, footwear.

Applicant hereby appoints:

Laurel V. Dineff, Linda J. Nowlin and Thomas J. Hoffmann of the firm of Hoffmann & Dineff, Ltd., with the power to appoint associate attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected with this application and any registration issuing therefrom.

Please address all correspondence and registration to:

Hoffmann & Dineff, Ltd.
820 West Jackson Boulevard
Suite 370
Chicago, Illinois 60607
Phone: 312-831-9800
Fax: 312-831-0343

Applicant hereby designates:

Hoffmann & Dineff, Ltd.,

as domestic representative upon whom may be served notices of process in proceedings affecting this mark.

DECLARATION

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051 (b), he/she believes the applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her knowledge are true and all statements made of information and belief are believed to be true.

May 15, 2000

Date



Signature

Rolf Eriksen, Managing Director

Print or Type Name and Position

Telephone number

HOFFMANN & DINEFF, LTD.

A PROFESSIONAL CORPORATION
PRACTICING INTELLECTUAL PROPERTY LAW



820 West Jackson Blvd • Chicago, Illinois 60607
Telephone (312) 831-9800 • Fax (312) 831-0343
e-mail: tmlaw@hoffmanns.com

May 16, 2000

The Assistant Commissioner
For Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

RE: H & M Hennes & Mauritz AB
Trademark DIVIDED
New Application
In Class 3, 14, 18, 24 & 25
In the United States

Dear Sir/Madam:

Enclosed please find one Trademark application for registration of Trademarks on the Principal Register for the aforementioned.

Also enclosed is a check in the amount of \$1,625.00 to cover your fee of \$325.00 per class.

Kindly acknowledge receipt of these items by stamping "received" and mailing back the self-addressed stamped postcard.

We thank you for your assistance in these matters.

Very truly yours,

HOFFMANN & DINEFF, LTD.

Deborah Craig
Legal Assistant

Encl.

W. Craig
do hereby certify that the foregoing documents
are being deposited with the United States
Postal Service as Express Mail, postage
prepaid, in an envelope addressed to the
Assistant Commissioner for Trademarks,
2900 Crystal Drive, Arlington, Virginia
5-16-00
EL634743295US

W. Craig
Express Mail Label Number
5-16-00
Date of Deposit

TRADEMARK APPLICATION SERIAL NC **76049274**

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

05/19/2000 CEPPS1 00000226 76049274
01 FC:361 1625.00 DP



05-16-2000

U.S. Patent & TMO/™/TM Mail Rpt Dt. #70

DRAWING

Applicant's Name:

H & M Hennes & Mauritz AB

Applicant's Business Address:

Box 1421
SE-111 84 Stockholm
Sweden

Goods And/Or Services:

see attached list of goods

Drawing of the Mark:

DIVIDED

PUBLISHED
9/11/01

PUB
07/01/03

TRADEMARK



76049274

*** User: jlauterbac ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	14	6	8	8	0:01	d{"yi"}v{"iy"}ded[bi,ti]
02	217	N/A	0	0	0:01	*d{"yi"}v{"iy"}de*[bi,ti] not 1
03	2	2	0	0	0:01	2 and "003"[ic]
04	1	0	1	1	0:01	(2 and "014"[ic]) not 3
05	2	2	0	0	0:02	(2 and "018"[ic]) not (3 or 4)
06	3	2	1	1	0:01	(2 and "024"[ic]) not (3 or 4 or 5)
07	0	0	0	0	0:01	(2 and "024"[ic]) not (3 or 4 or 5 or 6)
08	8	6	2	2	0:02	(2 and "025"[ic]) not (3 or 4 or 5 or 6)
09	201	105	96	96	0:01	2 not (3 or 4 or 5 or 6 or 8)
10	73	30	1	43	0:02	"241709"[dc] not (3 or 4 or 5 or 6 or 8 or 9)
11	1	1	0	0	0:02	*dev{"iy"}de*[bi,ti] not (3 or 4 or 5 or 6 or 8 or 9 or 10)
12	0	0	0	0	0:02	*d{"yi"}v{"iy"}ed*[bi,ti]
13	22	11	11	11	0:02	(d or de or de{"ea"})[bi,ti] and v{"yi"}de*[bi,ti]
14	0	0	0	0	0:02	(d or de or de{"ea"})[bi,ti] and v{"yi"}ed*[bi,ti]

Session started 10/25/00 11:03:53 AM
Session finished 10/25/00 11:13:53 AM
Total search duration 0:21 minutes
Session Duration 10:00 minutes

Default NEAR limit= 1 ADJ limit= 1

Int. Cls.: 3, 14, 18 and 25

Prior U.S. Cls.: 1, 2, 3, 4, 6, 22, 27, 28, 39, 41, 50, 51
and 52

Reg. No. 2,766,051

United States Patent and Trademark Office

Registered Sep. 23, 2003

**TRADEMARK
PRINCIPAL REGISTER**

DIVIDED

H & M HENNES & MAURITZ AB (SWEDEN)
PUBLIC JOINT STOCK COMPANY)
BOX 1421
SE-111 84 STOCKHOLM, SWEDEN

FOR: SOAPS, PERFUME, ESSENTIAL OILS FOR PERSONAL USE, HAIR LOTIONS, SKIN CLARIFIERS, FACIAL CLEANSERS, HAND CREAM, FOOT CREAM, FACE CREAMS, BODY CREAMS, SKIN EMOLLIENTS, SKIN LIGHTENERS, HAIR LIGHTENERS, SKIN LOTIONS, SKIN CLEANSING LOTIONS, LOTIONS FOR CELLULITE REDUCTION, SKIN MASKS, SKIN MOISTURIZER, SKIN SCRUBS AND TONERS; NON-MEDICATED LIP BALM; SHOWER GEL; BODY FIRING GELS AND LOTIONS, BODY CREAM, OIL, EMULSIONS, MASKS AND SCRUBS; MAKEUP; LIPSTICK; LIP GLOSS; LIP PENCILS; NAIL POLISH; EYE MAKEUP; EYE PENCILS; EYEBROW PENCILS; BLUSH; MASCARA; EXFOLIATING BODY SCRUBS; SELF-TANNING SKIN PREPARATIONS; FACIAL EMULSIONS; COLOGNE; TOILET WATER; EAU DE PARFUM; SHAVING LOTIONS; SCENTED BODY SPRAY; PERSONAL DEODORANT; ANTIPERSPIRANT; MAKEUP REMOVER; TOILET SOAP; BATH BEADS, CRYSTALS, FOAM AND GEL; NAIL CARE PREPARATIONS; HAIR CARE PREPARATIONS; HAIR CLEANING PREPARATIONS; HAIR SHAMPOO; HAIR WAVING LOTIONS; HAIR STYLING LOTIONS; AROMATHERAPY OILS; POTPOURRI; ROOM FRAGRANCES; ADHESIVES FOR COSMETIC USE; DEPILATORIES; COTTON AND COTTON SWABS, STICKS AND PUFFS FOR COSMETIC PURPOSES, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FOR: IMITATION JEWELRY AND JEWELRY OF PRECIOUS METAL AND STONES; CUFF LINKS; TIE PINS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FOR: HANDBAGS; TOILETRY BAGS SOLD EMP-
TY; ALL-PURPOSE SPORTS BAGS, ATHLETIC

BAGS, BEACH BAGS, BOOK BAGS, CARRY-ON BAGS, CLUTCH BAGS, DUFFEL BAGS, TRAVELING BAGS; TRUNKS; BACKPACKS; WALLETS; UMBRELLAS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FOR: HEADWEAR; FOOTWEAR; AND CLOTHING, NAMELY T-SHIRTS, SHIRTS, CARDIGANS, BLOUSES, BODY SUITS, COATS, JACKETS, PANTS, SKIRTS, DRESSES, BELTS, HATS, SCARF, GLOVES, KIMONOS, MUFFS, SUITS, TUNICS, WAISTCOATS, DENIM WEAR, NAMELY, JEANS, SKIRTS, SHIRTS, HATS, SHORTS, DRESSES, TROUSERS, JACKETS AND COATS; SUEDE AND LEATHER CLOTHING, NAMELY, GLOVES, TROUSERS, SKIRTS, JACKETS, COATS, HATS, BELTS, SHIRTS, DRESSES; LINEN CLOTHING, NAMELY, DRESSES, TROUSERS, JACKETS, SHIRTS, BLOUSES; KNIT WEAR, NAMELY, JERSEY AND HEAVY KNITWEAR; JUMPSUITS, SHORTS, SWEATSHIRTS, UNDERWEAR, LINGERIE, BRAS, BUSTIERS, HOT PANTS, CAMISOLES, SUSPENDERS, CHEMISES, PANTY-HOSE, LEGGINGS, TIGHTS, SOCKS, STOCKINGS, LONG JOHNS, SINGLETS, SWIMWEAR, BIKINIS, SARONGS, PONCHOS, PULLOVERS, BANDANAS, POLO SHIRTS, FAKE FUR JACKETS AND COATS, SWEATERS, HOODS, ANORAKS, WIND RESISTANT JACKETS, TANK TOPS, SLIPPERS, FOOTWEAR, NECKWEAR, MITTENS, RAINWEAR, PARKAS, OVERALLS, JOGGING SUITS; SKIWEAR, MASQUERADE COSTUMES, IN CLASS 25 (U.S. CLS. 22 AND 39).

OWNER OF SWEDEN REG. NO. 342235, DATED 11-10-2000, EXPIRES 11-10-2010.

SER. NO. 76-049,274, FILED 5-16-2000.

MICHAEL KEATING, EXAMINING ATTORNEY

Int. Cls.: 3, 14, 18 and 25

Prior U.S. Cls.: 1, 2, 3, 4, 6, 22, 27, 28, 39, 41, 50, 51
and 52

Reg. No. 2,766,051

United States Patent and Trademark Office

Registered Sep. 23, 2003

**TRADEMARK
PRINCIPAL REGISTER**

DIVIDED

H & M HENNES & MAURITZ AB (SWEDEN
PUBLIC JOINT STOCK COMPANY)
BOX 1421
SE-111 84 STOCKHOLM, SWEDEN

FOR: SOAPS, PERFUME, ESSENTIAL OILS FOR PERSONAL USE, HAIR LOTIONS, SKIN CLARIFIERS, FACIAL CLEANSERS, HAND CREAM, FOOT CREAM, FACE CREAMS, BODY CREAMS, SKIN EMOLLIENTS, SKIN LIGHTENERS, HAIR LIGHTENERS, SKIN LOTIONS, SKIN CLEANSING LOTIONS, LOTIONS FOR CELLULITE REDUCTION, SKIN MASKS, SKIN MOISTURIZER, SKIN SCRUBS AND TONERS; NON-MEDICATED LIP BALM; SHOWER GEL; BODY FIRING GELS AND LOTIONS, BODY CREAM, OIL, EMULSIONS, MASKS AND SCRUBS; MAKEUP; LIPSTICK; LIP GLOSS; LIP PENCILS; NAIL POLISH; EYE MAKEUP; EYE PENCILS; EYEBROW PENCILS; BLUSH; MASCARA; EXFOLIATING BODY SCRUBS; SELF-TANNING SKIN PREPARATIONS; FACIAL EMULSIONS; COLOGNE; TOILET WATER; EAU DE PARFUM; SHAVING LOTIONS; SCENTED BODY SPRAY; PERSONAL DEODORANT; ANTIPERSPIRANT; MAKEUP REMOVER; TOILET SOAP; BATH BEADS, CRYSTALS, FOAM AND GEL; NAIL CARE PREPARATIONS; HAIR CARE PREPARATIONS; HAIR CLEANING PREPARATIONS; HAIR SHAMPOO; HAIR WAVING LOTIONS; HAIR STYLING LOTIONS; AROMATHERAPY OILS; POTPOURRI; ROOM FRAGRANCES; ADHESIVES FOR COSMETIC USE; DEPILATORIES; COTTON AND COTTON SWABS, STICKS AND PUFFS FOR COSMETIC PURPOSES, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FOR: IMITATION JEWELRY AND JEWELRY OF PRECIOUS METAL AND STONES; CUFF LINKS; TIE PINS, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FOR: HANDBAGS; TOILETRY BAGS SOLD EMP-
TY; ALL-PURPOSE SPORTS BAGS, ATHLETIC

BAGS, BEACH BAGS, BOOK BAGS, CARRY-ON BAGS, CLUTCH BAGS, DUFFEL BAGS, TRAVELING BAGS; TRUNKS; BACKPACKS; WALLETS; UMBRELLAS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FOR: HEADWEAR; FOOTWEAR; AND CLOTH-
ING, NAMELY T-SHIRTS, SHIRTS, CARDIGANS,
BLOUSES, BODY SUITS, COATS, JACKETS, PANTS,
SKIRTS, DRESSES, BELTS, HATS, SCARF, GLOVES,
KIMONOS, MUFFS, SUITS, TUNICS, WAISTCOATS,
DENIM WEAR, NAMELY, JEANS, SKIRTS, SHIRTS,
HATS, SHORTS, DRESSES, TROUSERS, JACKETS
AND COATS; SUEDE AND LEATHER CLOTHING,
NAMELY, GLOVES, TROUSERS, SKIRTS, JACK-
ETS, COATS, HATS, BELTS, SHIRTS, DRESSES;
LINEN CLOTHING, NAMELY, DRESSES, TROU-
SERS, JACKETS, SHIRTS, BLOUSES; KNIT WEAR,
NAMELY, JERSEY AND HEAVY KNITWEAR;
JUMPSUITS, SHORTS, SWEATSHIRTS, UNDER-
WEAR, LINGERIE, BRAS, BUSTIERS, HOT PANTS,
CAMISOLES, SUSPENDERS, CHEMISES, PANTY-
HOSE, LEGGINGS, TIGHTS, SOCKS, STOCKINGS,
LONG JOHNS, SINGLETS, SWIMWEAR, BIKINIS,
SARONGS, PONCHOS, PULLOVERS, BANDANAS,
POLO SHIRTS, FAKE FUR JACKETS AND COATS,
SWEATERS, HOODS, ANORAKS, WIND RESIS-
TANT JACKETS, TANK TOPS, SLIPPERS, FOOT-
WEAR, NECKWEAR, MITTENS, RAINWEAR,
PARKAS, OVERALLS, JOGGING SUITS; SKIWEAR,
MASQUERADE COSTUMES, IN CLASS 25 (U.S. CLS.
22 AND 39).

OWNER OF SWEDEN REG. NO. 342235, DATED
11-10-2000, EXPIRES 11-10-2010.

SER. NO. 76-049,274, FILED 5-16-2000.

MICHAEL KEATING, EXAMINING ATTORNEY

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513
www.uspto.gov

Jun 11, 2003

NOTICE OF PUBLICATION UNDER 12(a)

- | | |
|--|--|
| 1. Serial No.:
76/049,274 | 2. Mark:
DIVIDED |
| 3. International Class(es):
3, 14, 18, 25 | |
| 4. Publication Date:
Jul 1, 2003 | 5. Applicant:
H & M Hennes & Mauritz AB |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: (202) 512-1800

By direction of the Commissioner.

Correspondence Address:

DAVID EHRLICH, ESQ.
FROSS ZELNICK LEHRMAN & ZISSU, PC
866 UNITED NATIONS PLAZA
NEW YORK NY 10017

TMP&I

180

✓ Incoming Correspondence Routing Sheet

To: TMEG LAW OFFICE 107 - CENTRALIZED SUSPENDED DOC

Word Mark: DIVIDED

Serial No: 76049274



Mail Date: 11122002



Doc. Type: Responses to Office Actions



11/12/02
107
180

No Fee

RAM Mail Date: 111202



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H & M Hennes & Mauritz AB :
Serial No.: 76/049,274 :
Mark: DIVIDED : Patrick J. Jennings
Classes: 3,14,18,25 : Examining Attorney
Our Ref: HMH 0102210 : Law Office 107

REQUEST FOR REMOVAL FROM SUSPENSION

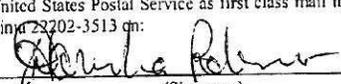
Box RESPONSES
NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

This is in response to the Suspension Notice mailed on August 29, 2002.

REMARKS

A certified copy of the Applicant's corresponding Swedish Registration, No. 342 235, is enclosed, with the English translation.

This application is based on Section 44 only, although the official PTO database refers erroneously to Section 1(b). Please correct the record, so that the PTO does not erroneously issue a second Notice of Allowance.

Certificate of Mailing Under 37 CFR 1.8(a)	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on:	
November 7, 2002 (Date of Deposit)	 (Signature)
Harisha Robinson (Printed name of person mailing paper or fee)	November 7, 2002 (Date of Signature)

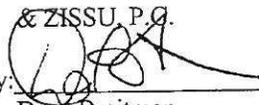
Accordingly, Applicant requests that the petition to change the registration basis (filed on June 4, 2002, be approved) and that this application be republished with its new Section 44(e) basis.

In the past, after filing a petition to change the basis, we received a request for a certified copy of the home registration from the petitions paralegal in the Assistant Commissioner's office. If the suspension notice from the examining operation was an error, and the petition needs to be approved in another office, would you please send the file and this paper to the correct person for quick handling.

Dated: New York, New York
November 7, 2002

Respectfully submitted,

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 

Dana Breitman
Attorneys for Applicant
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

Reg. No. 342 235

Registered 10 November 2000

Appln. No. 00-03868

Filed 16 May 2000

DIVIDED

Class 3: soaps, perfumery, essential oils, cosmetics, hair lotions, including skin clarifiers, cleansers, creams, emollients, lighteners, lotions, moisturizers, toners, non-medicated lip balm, shower gels, body gels and lotions, body creams, oil, emulsions, masks and scrubs, nail polish, makeup including lipsticks, lip gloss, lip pencils, eye pencils, eyebrow pencils, blush and mascara; hand creams, foot creams, exfoliating body scrubs, emulsions, colognes, toilet water, eau de perfumes, scented body spray, toilet soaps, bath beads, crystals, foam and gels, nail care preparations, hair care preparations, hair cleaning preparations, hair shampoo, aromatherapy oils; room fragrances; adhesives for cosmetic use; depilatories; cotton swabs, sticks and puffs for cosmetic purposes

Class 14: imitation jewellery and jewellery of precious metal and stones; cuff links; tie pins

Class 18: bags; trunks; travelling bags; backpacks; wallets; arm-pouches; umbrellas

Class 24: adhesive fabric for application by heat; banners; bath linen (except clothing); bed blankets; bed clothes; bed covers; bed linen; bedspreads; billiard cloth; blinds of textile; bolting cloth; brocades; buckram; bunting; calico; printed calico cloth; canvas for tapestry or embroidery; cheese cloth; chenille fabric; cheviots (cloth); cloth; coasters (table linen); cotton fabrics; crepe (fabric); crepon; covers for cushions; damask; dimity; door curtains; drugget; eiderdowns (down coverlets); elastic woven material; esparto fabric; fabric; fabric for boots

and shoes; fabric of imitation animal skins; fabric for textile use; face towels of textile; felt; fiberglass fabrics, for textile use; filtering materials of textile; flags (not of paper); flannel (fabric); wash cloths for hygienic use; frieze (cloth); loose covers for furniture; furniture coverings of plastic; furniture coverings of textile; fustian; gauze (cloth); glass-cloth; gummed cloth, other than for stationery; haircloth (sackcloth); handkerchiefs of textile; hemp cloth; hemp fabric; jersey (fabric); jute fabric; knitted fabric; labels (cloth); diapered linen; household linen; linen cloth; lingerie fabric; lining fabric for shoes; linings (textile); hat linings, of textile, in the piece; marabouts (silk cloth); textile material; place mats of textile; mattress covers; washing mitts; moleskin (fabric); napkins, of cloth, for removing make-up; non-woven textile fabrics; oilcloth (for use as tablecloths); pillow shams; pillowcases; plastic material (substitute for fabrics); printers' blankets of textile; quilts; ramie fabric; rayon fabric; travelling rugs (lap robes); serviettes of textile; sheets (textile); shrouds; silk (cloth); silk fabrics for printing patterns; sleeping bags (sheeting); table cloths (not of paper); table mats (not of paper); table napkins of textile; taffeta (cloth); tick (linen); ticks (mattress covers); tissues of textile for removing make-up; towels of textile; traced cloths for embroidery; trellis (cloth); tulle; upholstery fabrics; velvet; wall hangings of textile; woollen cloth; woollen fabric; zephyr (cloth)

Class 25: clothing, footwear, headgear

Owners: H & M HENNES & MAURITZ AB, Box 1421, 111 84 STOCKHOLM, SWEDEN.

Agent: AB Stockholms Patentbyrå, Zacco & Bruhn, Box 23101, 104 35 STOCKHOLM, SWEDEN

Reg. No: 342 235

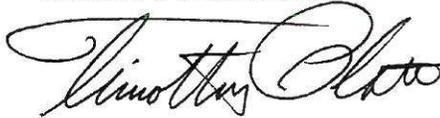
Registered 10 November 2000

Recorded 18 October 2001

Owners: H & M Hennes & Mauritz AB, Box 1421, 111 84 STOCKHOLM,
SWEDEN.

Agents (new): Albihns Stockholm AB, Box 5581, 114 85 STOCKHOLM,
SWEDEN.

Certified true translation



Timothy Platt

Authorized Translator





REGISTRERINGSINTYG CERTIFICATE OF REGISTRATION

Varumärken / Trademarks

Svenska varumärkesregistreringen nr
Swedish Trademark registration No.

342235

Innehavare
Owner

***H & M Hennes & Mauritz AB
STOCKHOLM***

Registreringsdatum
Date of registration

10 november 2000

Sista giltighetsdag
Date of expiry

10 november 2010

Härmed intygas att bifogade handling utgör trogen kopia av varumärkesregistreringen vid nedanstående datum.

This is to certify that the attached document is a true copy of the trademark registration as of the date below.

Söderhamn 28 maj 2002

I tjänsten/Ex officio

Karin Eklund

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: H & M Hennes & Mauritz AB :
Serial No.: 76/049,274 :
Mark: DIVIDED : Patrick J. Jennings
Classes: 3,14,18,25 : Examining Attorney
Our Ref: HMH 0102210 : Law Office 107

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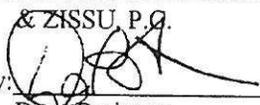
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Dated: New York, New York
November 7, 2002

Respectfully submitted,

FROSS ZELNICK LEHRMAN
& ZISSU, P.C.

By: 

Dana Breitman
Attorneys for Applicant
866 United Nations Plaza
New York, New York 10017
(212) 813-5900

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Registered 10 November 2000

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Agent: AB Stockholms Patentbyrå, Zacco & Bruhn, Box 23101, 104 35 STOCKHOLM, SWEDEN

Reg. No: 342 235

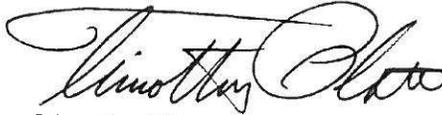
Registered 10 November 2000

Recorded 18 October 2001

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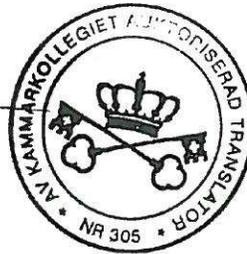
Agents (new): Albihns Stockholm AB, Box 5581, 114 85 STOCKHOLM,
SWEDEN.

Certified true translation



Timothy Platt

Authorized Translator





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CERTIFICATE OF REGISTRATION

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This is to certify that the attached document is a true copy of the trademark registration as of the date below.

Söderhamn 28 maj 2002

I tjänsten/Ex officio

Karin Eklund



05-16-2000

U.S. Patent & TMO/TM Mail Rep't Dt. #70

DRAWING

Applicant's Name:

H & M Hennes & Mauritz AB

Applicant's Business Address:

Box 1421
SE-111 84 Stockholm
Sweden

Goods And/Or Services:

see attached list of goods

Drawing of the Mark:

DIVIDED

TRADEMARK



76049274

Goods And/Or Services:

Class 3: Soaps, perfumery, essential oils, cosmetics, hair lotions, including skin clarifiers, cleansers, creams, emollients, lighteners, lotions, masks, moisturizers, scrubs, toners, non-medicated lip balm, shower gels, body firming gels and lotions, body creams, oil, emulsions, masks and scrubs, nail polish, makeup including lipsticks, lip gloss, lip pencils, eye pencils, eyebrow pencils, blush and mascara, hand creams, foot creams, exfoliating body scrubs, emulsions, colognes, toilet water eau de perfumes, scented body spray, toilet soaps, bath beads, crystals, foam and gels, nail care preparations, hair care preparations, hair cleaning preparations, hair shampoo, aromatherapy oils; room fragrances; adhesives for cosmetic use; depilatories; cotton and cotton swabs, sticks and puffs for cosmetic purposes.

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Class 18: Bags; trunks; travelling bags; backpacks; wallets; arm pouches; umbrellas.

Class 24: Adhesive fabric for application by heat; banners; bath linen (except clothing); bed blankets; bed clothes; bed covers; bed linen; bedspreads; billiard cloth; blinds of textile; bolting cloth; brocades; buckram; bunting; calico; printed calico cloth; canvas for tapestry or embroidery; cheese cloth; chenille fabric; cheviots (cloth); cloth; coasters (table linen); cotton fabrics; coverlets (bedspreads); crepe (fabric); crepon; covers for cushions; damask; dimity; door curtains; drugget; eiderdowns (down coverlets); elastic woven material; esparto fabric; fabric; fabric for boots and shoes; fabric of imitation animal skins; fabrics for textile use; face towels of textile; felt; fiberglass fabrics, for textile use; filtering materials of textile; flags (not of paper); flannel (fabric); sanitary flannel; frieze (cloth); loose covers for furniture; furniture coverings of plastic; furniture coverings of textile; fustian; gauze (cloth); glass-cloth; gummed cloth, other than for stationery; haircloth (sackcloth); handkerchiefs of textile; hemp cloth; hemp fabric; jersey (fabric); jute fabric; knitted fabric; labels (cloth); diapered linen; household linen; linen cloth; lingerie fabric; lining fabric for shoes; linings (textile); hat linings, of textile, in the piece; marabouts (cloth); textile material; place mats of textile; mattress covers; washing mitts; moleskin (fabric); napkins, of cloth, for removing make-up; non-woven textile fabrics; oilcloth (for use as tablecloths); pillow shams; pillowcases; plastic material (substitute for fabrics); printers' blankets of textile; quilts; ramie fabric; rayon fabric; travelling rugs (lap robes); serviettes of textile; sheets (textile); shrouds; silk (cloth); silk fabrics for printing patterns; sleeping bags (sheeting); tablecloths (not of paper); table mats (not of paper); table napkins of textile; taffeta (cloth); tapestry (wall hangings), of textile; tick (linen); ticks (mattress covers); tissues of textile for removing make-up; towels of textile; traced cloths for embroidery; trellis (cloth); tulle; upholstery fabrics; velvet; wall hangings of textile; woolen cloth; woolen fabrics; zephyr (cloth).

Class 25: Ladies, mens and childrens clothing, namely t-shirts, tops, cardigans, shirts, blouses, blazers, boas, boleros, bodies, capes, coats, jackets, pants, skirts, dresses, belts, hats, scarfs, gloves, kimonos, muffs, suits, tunics, waistcoats, denim wear, jumpsuits, shorts, sweat shirts, nightdresses, nightshirts, pajamas, morning gowns, underwear, lingerie, bras, bustier, hotpants, underpants, camisoles, suspenders, chemises, short nylon pantyhoses, knee nylon pantyhoses, long leg nylon pantyhoses, stay-up nylon pantyhoses, leggings, tights, socks, stockings, long johns, singlets, swimwear, swimsuits, bikinis, sarongs, ponchos, suede and leather clothing, pullovers, linen clothing, bandanas, polos, knitwear, fake fur jackets and coats, sweaters, hoods, anoraks, windbreakers, bussarongs, tanktops; slippers, footwear.

TRADEMARK APPLICATION SERIAL NO **76049274**

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

05/19/2000 CEPP61 00000226 76049274
01 FC:361 1625.00 DP

HOFFMANN & DINEFF, LTD.

A PROFESSIONAL CORPORATION
PRACTICING INTELLECTUAL PROPERTY LAW



820 West Jackson Blvd • Chicago, Illinois 60607
Telephone: (312) 831-9800 • Fax: (312) 831-0343
e-mail: tmlaw@hoffmanns.com

May 16, 2000

The Assistant Commissioner
For Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

RE: H & M Hennes & Mauritz AB
Trademark DIVIDED
New Application
In Class 3, 14, 18, 24 & 25
In the United States

Dear Sir/Madam:

Enclosed please find one Trademark application for registration of Trademarks on the Principal Register for the aforementioned.

Also enclosed is a check in the amount of \$1,625.00 to cover your fee of \$325.00 per class.

Kindly acknowledge receipt of these items by stamping "received" and mailing back the self-addressed stamped postcard.

We thank you for your assistance in these matters.

Very truly yours,

HOFFMANN & DINEFF, LTD.

Deborah Craig
Legal Assistant

Encl.

M. CR-110
do hereby certify that the foregoing documents
are being deposited with the United States
Postal Service as Express Mail, postage
prepaid, in an envelope addressed to the
Assistant Commissioner for Trademarks,
2900 Crystal Drive, Arlington, Virginia
5-16-00
EL634743295US
M. Craig
Express Mail Label Number
5-16-00
Date of Deposit

TRADEMARK/SERVICE MARK APPLICATION Principal register, with declaration

Mark: DIVIDED

Class number: 3, 14, 18, 24 & 25

To: The Assistant Secretary and Commissioner of Patents and Trademarks.

Applicant's name:

H & M Hennes & Mauritz AB

Applicant's business address:

Box 1421
SE-111 84 Stockholm
Sweden

Applicant's entity type:

A Swedish public joint stock company

Applicant requests registration of the trademark/service mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended.) for the following goods/services:

Class 3: Soaps, perfumery, essential oils, cosmetics, hair lotions, including skin clarifiers, cleansers, creams, emollients, lighteners, lotions, masks, moisturizers, scrubs, toners, non-medicated lip balm, shower gels, body firming gels and lotions, body creams, oil, emulsions, masks and scrubs, nail polish, makeup including lipsticks, lip gloss, lip pencils, eye pencils, eyebrow pencils, blush and mascara, hand creams, foot creams, exfoliating body scrubs, emulsions, colognes, toilet water eau de perfumes, scented body spray, toilet soaps, bath beads, crystals, foam and gels, nail care preparations, hair care preparations, hair cleaning preparations, hair shampoo, aromatherapy oils; room fragrances; adhesives for cosmetic use; depilatories; cotton and cotton swabs, sticks and puffs for cosmetic purposes.

Class 14: Imitation jewelry and jewelry of precious metal and stones; cuff links; tie pins.

Class 18: Bags; trunks; travelling bags; backpacks; wallets; arm pouches; umbrellas.

Class 24: Adhesive fabric for application by heat; banners; bath linen (except clothing); bed blankets; bed clothes; bed covers; bed linen; bedspreads; billiard cloth; blinds of textile; bolting cloth; brocades; buckram; bunting; calico; printed calico cloth; canvas for tapestry or embroidery; cheese cloth; chenille fabric; cheviots (cloth); cloth; coasters (table linen); cotton fabrics; coverlets (bedspreads); crepe (fabric); crepon; covers for cushions; damask; dimity; door curtains; drugget; eiderdowns (down coverlets); elastic woven material; esparto fabric; fabric; fabric for boots and

shoes; fabric of imitation animal skins; fabrics for textile use; face towels of textile; felt; fiberglass fabrics, for textile use; filtering materials of textile; flags (not of paper); flannel (fabric); sanitary flannel; frieze (cloth); loose covers for furniture; furniture coverings of plastic; furniture coverings of textile; fustian; gauze (cloth); glass-cloth; gummed cloth, other than for stationery; haircloth (sackcloth); handkerchiefs of textile; hemp cloth; hemp fabric; jersey (fabric); jute fabric; knitted fabric; labels (cloth); diapered linen; household linen; linen cloth; lingerie fabric; lining fabric for shoes; linings (textile); hat linings, of textile, in the piece; marabouts (cloth); textile material; place mats of textile; mattress covers; washing mitts; moleskin (fabric); napkins, of cloth, for removing make-up; non-woven textile fabrics; oilcloth (for use as tablecloths); pillow shams; pillowcases; plastic material (substitute for fabrics); printers' blankets of textile; quilts; ramie fabric; rayon fabric; travelling rugs (lap robes); serviettes of textile; sheets (textile); shrouds; silk (cloth); silk fabrics for printing patterns; sleeping bags (sheeting); tablecloths (not of paper); table mats (not of paper); table napkins of textile; taffeta (cloth); tapestry (wall hangings), of textile; tick (linen); ticks (mattress covers); tissues of textile for removing make-up; towels of textile; traced cloths for embroidery; trellis (cloth); tulle; upholstery fabrics; velvet; wall hangings of textile; woolen cloth; woolen fabrics; zephyr (cloth).

Class 25: Ladies, mens and childrens clothing, namely t-shirts, tops, cardigans, shirts, blouses, blazers, boas, boleros, bodies, capes, coats, jackets, pants, skirts, dresses, belts, hats, scarfs, gloves, kimonos, muffs, suits, tunics, waistcoats, denim wear, jumpsuits, shorts, sweat shirts, nightdresses, nightshirts, pajamas, morning gowns, underwear, lingerie, bras, bustier, hotpants, underpants, camisoles, suspenders, chemises, short nylon pantyhoses, knee nylon pantyhoses, long leg nylon pantyhoses, stay-up nylon pantyhoses, leggings, tights, socks, stockings, long johns, singlets, swimwear, swimsuits, bikinis, sarongs, ponchos, suede and leather clothing, pullovers, linen clothing, bandanas, polos, knitwear, fake fur jackets and coats, sweaters, hoods, anoraks, windbreakers, bussarongs, tanktops; slippers, footwear.

BASIS FOR APPLICATION:

Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(b), as amended.)

Applicant hereby appoints:

Laurel V. Dineff, Linda J. Nowlin and Thomas J. Hoffmann of the firm of Hoffmann & Dineff, Ltd., with the power to appoint associate attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected with this application and any registration issuing therefrom.

Please address all correspondence and registration to:

Hoffmann & Dineff, Ltd.
820 West Jackson Boulevard
Suite 370
Chicago, Illinois 60607
Phone: 312-831-9800
Fax: 312-831-0343

Applicant hereby designates:

Hoffmann & Dineff, Ltd.,

as domestic representative upon whom may be served notices of process in proceedings affecting this mark.

DECLARATION

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. 1051 (b), he/she believes the applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the above identified mark in commerce, either in identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her knowledge are true and all statements made on information and belief are believed to be true.

May 15, 2000
Date


Signature

Telephone number:

Rolf Eriksen, Managing Director
Print or Type Name and Position



05-16-2000

U.S. Patent & TMO/TM Mail Rpt Dt. #70

DRAWING

Applicant's Name:

H & M Hennes & Mauritz AB

Applicant's Business Address:

Box 1421
SE-111 84 Stockholm
Sweden

Goods And/Or Services:

see attached list of goods

Drawing of the Mark:

DIVIDED

TRADEMARK



76049274

Goods And/Or Services:

Class 3: Soaps, perfumery, essential oils, cosmetics, hair lotions, including skin clarifiers, cleansers, creams, emollients, lighteners, lotions, masks, moisturizers, scrubs, toners, non-medicated lip balm, shower gels, body firming gels and lotions, body creams, oil, emulsions, masks and scrubs, nail polish, makeup including lipsticks, lip gloss, lip pencils, eye pencils, eyebrow pencils, blush and mascara, hand creams, foot creams, exfoliating body scrubs, emulsions, colognes, toilet water eau de perfumes, scented body spray, toilet soaps, bath beads, crystals, foam and gels, nail care preparations, hair care preparations, hair cleaning preparations, hair shampoo, aromatherapy oils; room fragrances; adhesives for cosmetic use; depilatories; cotton and cotton swabs, sticks and puffs for cosmetic purposes.

Class 14: Imitation jewelry and jewelry of precious metal and stones; cuff links; tie pins.

Class 18: Bags; trunks; travelling bags; backpacks; wallets; arm pouches; umbrellas.

Class 24: Adhesive fabric for application by heat; banners; bath linen (except clothing); bed blankets; bed clothes; bed covers; bed linen; bedspreads; billiard cloth; blinds of textile; bolting cloth; brocades; buckram; bunting; calico; printed calico cloth; canvas for tapestry or embroidery; cheese cloth; chenille fabric; cheviots (cloth); cloth; coasters (table linen); cotton fabrics; coverlets (bedspreads); crepe (fabric); crepon; covers for cushions; damask; dimity; door curtains; drugget; eiderdowns (down coverlets); elastic woven material; esparto fabric; fabric; fabric for boots and shoes; fabric of imitation animal skins; fabrics for textile use; face towels of textile; felt; fiberglass fabrics, for textile use; filtering materials of textile; flags (not of paper); flannel (fabric); sanitary flannel; frieze (cloth); loose covers for furniture; furniture coverings of plastic; furniture coverings of textile; fustian; gauze (cloth); glass-cloth; gummed cloth, other than for stationery; haircloth (sackcloth); handkerchiefs of textile; hemp cloth; hemp fabric; jersey (fabric); jute fabric; knitted fabric; labels (cloth); diapered linen; household linen; linen cloth; lingerie fabric; lining fabric for shoes; linings (textile); hat linings, of textile, in the piece; marabouts (cloth); textile material; place mats of textile; mattress covers; washing mitts; moleskin (fabric); napkins, of cloth, for removing make-up; non-woven textile fabrics; oilcloth (for use as tablecloths); pillow shams; pillowcases; plastic material (substitute for fabrics); printers' blankets of textile; quilts; ramie fabric; rayon fabric; travelling rugs (lap robes); serviettes of textile; sheets (textile); shrouds; silk (cloth); silk fabrics for printing patterns; sleeping bags (sheeting); tablecloths (not of paper); table mats (not of paper); table napkins of textile; taffeta (cloth); tapestry (wall hangings), of textile; tick (linen); ticks (mattress covers); tissues of textile for removing make-up; towels of textile; traced cloths for embroidery; trellis (cloth); tulle; upholstery fabrics; velvet; wall hangings of textile; woolen cloth; woolen fabrics; zephyr (cloth).

Class 25: Ladies, mens and childrens clothing, namely t-shirts, tops, cardigans, shirts, blouses, blazers, boas, boleros, bodies, capes, coats, jackets, pants, skirts, dresses, belts, hats, scarfs, gloves, kimonos, muffs, suits, tunics, waistcoats, denim wear, jumpsuits, shorts, sweat shirts, nightdresses, nightshirts, pajamas, morning gowns, underwear, lingerie, bras, bustier, hotpants, underpants, camisoles, suspenders, chemises, short nylon pantyhoses, knee nylon pantyhoses, long leg nylon pantyhoses, stay-up nylon pantyhoses, leggings, tights, socks, stockings, long johns, singlets, swimwear, swimsuits, bikinis, sarongs, ponchos, suede and leather clothing, pullovers, linen clothing, bandanas, polos, knitwear, fake fur jackets and coats, sweaters, hoods, anoraks, windbreakers, bussarongs, tanktops; slippers, footwear.

EXHIBIT B



United States Patent and Trademark Office

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Assignments on the Web > [Trademark Query](#)

No assignment has been recorded at the USPTO

For Serial Number: 76049274

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.2
Web interface last modified: July 25, 2011 v.2.2

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EXHIBIT C

Int. Cls.: 25 and 35

Prior U.S. Cls.: 22, 39, 100, 101 and 102

Reg. No. 3,476,969

United States Patent and Trademark Office

Registered July 29, 2008

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER



H&M HENNES & MAURITZ AB (SWEDEN CORPORATION)
SALEN-H/O,
REGERINGSGATAN 48; SE-106 38 STOCKHOLM
SWEDEN

FOR: CLOTHING, NAMELY TROUSERS, T-SHIRTS, COATS, JACKETS, CARDIGANS, SKIRTS, DRESSES, BLOUSES, OVERALLS, UNDERWEAR, JUMPERS, VESTS, FUR COATS AND JACKETS, PANTS, HOODS, SHORTS, BLAZERS, MEN'S SUITS, WOMEN'S SUITS, EVENING GOWNS, TOPS, JEANS, BELTS, SHOULDER WRAPS, GLOVES, MITTENS, SCARVES, TIES, WRAPS, DRESSING GOWNS, NIGHT GOWNS, PAJAMAS, SLEEPWEAR, BATHING SUITS, SWIMWEAR, BIKINIS, SOCKS, STOCKINGS, HATS, CAPS, SHAWLS, BERETS, AND VEILS; HEADWEAR; FOOTWEAR. IN CLASS 25 (U.S. CLS. 22 AND 39).

FOR: RETAIL STORE SERVICES AND ONLINE RETAIL STORE SERVICES FEATURING SOAPS,

PERFUMERY, ESSENTIAL OILS, COSMETICS, HAIR LOTIONS, DENTIFRICES, COSTUME JEWELRY, LEATHER AND IMITATION LEATHER GOODS, CLOCKS AND WATCHES, BAGS AND LUGGAGE, UMBRELLAS, CLOTHING, FOOTWEAR AND HEADWEAR, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

PRIORITY DATE OF 6-8-2007 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION
0938711 DATED 8-29-2007, EXPIRES 8-29-2017.

OWNER OF U.S. REG. NO. 2,766,051.

SER. NO. 79-044,294, FILED 8-29-2007.

MYRIAH HABEEB, EXAMINING ATTORNEY

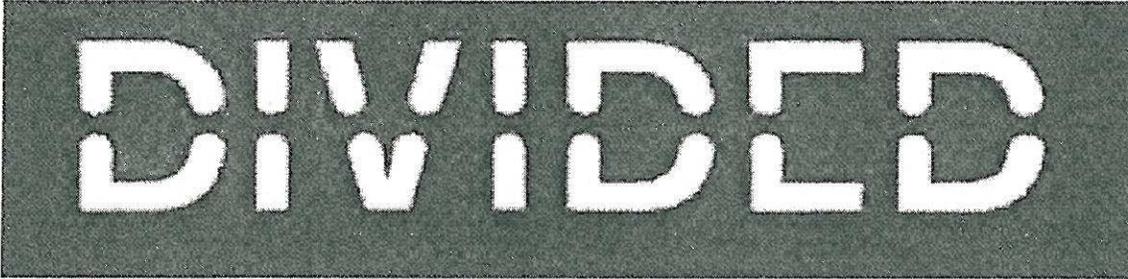
Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2011-10-13 14:44:04 ET

Serial Number: 79044294 Assignment Information Trademark Document Retrieval

Registration Number: 3476969

Mark



(words only): DIVIDED

Standard Character claim: No

Current Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Date of Status: 2008-07-29

Filing Date: 2007-08-29

Transformed into a National Application: No

Registration Date: 2008-07-29

Register: Principal

Law Office Assigned: LAW OFFICE 105

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 650 -Publication And Issue Section

Date In Location: 2008-07-29

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. H&M Hennes & Mauritz AB

Address:

H&M Hennes & Mauritz AB
SE-106 38 Stockholm

Sweden

Legal Entity Type: Unknown

State or Country Where Organized: (NOT AVAILABLE)

GOODS AND/OR SERVICES

International Class: 025

Class Status: Active

Clothing, namely trousers, T-shirts, coats, jackets, cardigans, skirts, dresses, blouses, overalls, underwear, jumpers, vests, fur coats and jackets, pants, hoods, shorts, blazers, men's suits, women's suits, evening gowns, tops, jeans, belts, shoulder wraps, gloves, mittens, scarves, ties, wraps, dressing gowns, night gowns, pajamas, sleepwear, bathing suits, swimwear, bikinis, socks, stockings, hats, caps, shawls, berets, and veils; headwear; footwear

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

International Class: 035

Class Status: Active

Retail store services and online retail store services featuring soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, costume jewelry, leather and imitation leather goods, clocks and watches, bags and luggage, umbrellas, clothing, footwear and headwear

Basis: 66(a)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

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

Design Search Code(s):

26.11.21 - Rectangles that are completely or partially shaded

Prior Registration Number(s):

2766051

MADRID PROTOCOL INFORMATION

International Registration Number: 0938711

International Registration Date: 2007-08-29

Priority Claimed: Yes

Date of Section 67 Priority Claim: 2007-06-08

International Registration Status: Request For Extension Of Protection Processed

Date of International Registration Status: 2007-10-25

International Registration Renewal Date: 2017-08-29

Notification of Designation Date: 2007-10-25

Date of Automatic Protection: 2009-04-25

Date International Registration Cancelled: (DATE NOT AVAILABLE)

First Refusal: Yes

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2011-02-14 - Attorney Revoked And/Or Appointed

2011-02-14 - TEAS Revoke/Appoint Attorney Received

2009-01-22 - Change Of Name/Address Rec'D From IB

2008-11-21 - Final Disposition Notice Sent To IB

2008-11-20 - Final Disposition Processed

2008-10-30 - Final Disposition Notice Created, To Be Sent To IB

2008-07-29 - Registered - Principal Register

2008-05-13 - Published for opposition

2008-04-23 - Notice of publication

2008-04-08 - Law Office Publication Review Completed

2008-04-08 - Assigned To LIE

2008-03-28 - Approved for Pub - Principal Register (Initial exam)

2008-03-24 - Teas/Email Correspondence Entered

2008-03-24 - Communication received from applicant

2008-03-24 - TEAS Response to Office Action Received

2008-01-10 - Refusal Processed By IB

2007-12-18 - Non-Final Action Mailed - Refusal Sent To IB

2007-12-18 - Refusal Processed By MPU

2007-12-18 - Non-Final Action (Ib Refusal) Prepared For Review

2007-12-17 - Non-Final Action Written

2007-12-06 - Assigned To Examiner

2007-10-26 - New Application Entered In Tram

2007-10-25 - Sn Assigned For Sect 66a Appl From IB

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

Mark I. Peroff

Correspondent

Mark I. Peroff

Hiscock & Barclay LLP

Seven Times Square, 44th Floor

New York NY 10036

Phone Number: 212-784-5800

Fax Number: 212-784-5777

Domestic Representative

Mark I. Peroff

Phone Number: 212-784-5800

Fax Number: 212-784-5777

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79044294
REGISTRATION NUMBER	3476969
LAW OFFICE ASSIGNED	LAW OFFICE 105
ATTORNEY DOCKET NUMBER	313148.
MARK SECTION	
MARK	DIVIDED (stylized and/or with design)
NEW OTHER APPOINTED ATTORNEYS	Keith E. Danish, Darren W. Saunders, Ronald S. Kareken, and Alpa V. Patel
NEW ATTORNEY ADDRESS	
STATEMENT TEXT	By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:
NAME	Mark I. Peroff
FIRM NAME	Hiscock & Barclay LLP
STREET	Seven Times Square, 44th Floor
CITY	New York
STATE	New York
COUNTRY	United States
POSTAL/ZIP CODE	10036
PHONE	212-784-5800
FAX	212-784-5777

EMAIL	trademarks@hblaw.com
ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
ATTORNEY DOCKET NUMBER	313148.

NEW DOMESTIC REPRESENTATIVE ADDRESS

STATEMENT TEXT	By submission of this request, the undersigned REVOKES the power of domestic representative currently of record, as listed above, and hereby APPOINTS the following new domestic representative:
NAME	Mark I. Peroff
FIRM NAME	Hiscock & Barclay LLP
STREET	Seven Times Square, 44th Floor
CITY	New York
STATE	New York
COUNTRY	United States
POSTAL/ZIP CODE	10036
PHONE	212-784-5800
FAX	212-784-5777
EMAIL	trademarks@hblaw.com
REPRESENTATIVE AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
OTHER APPOINTED ATTORNEY	Keith E. Danish, Darren W. Saunders, Ronald S. Kareken, and Alpa V. Patel

NEW CORRESPONDENCE ADDRESS

NAME	Mark I. Peroff
FIRM NAME	Hiscock & Barclay LLP
STREET	Seven Times Square, 44th Floor
CITY	New York
STATE	New York
COUNTRY	United States
POSTAL/ZIP CODE	10036

PHONE	212-784-5800
FAX	212-784-5777
EMAIL	trademarks@hblaw.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	YES
OTHER APPOINTED ATTORNEY	Keith E. Danish, Darren W. Saunders, Ronald S. Kareken, and Alpa V. Patel
SIGNATURE SECTION	
SIGNATORY FILE	
ORIGINAL PDF FILE	hw_381046862-164850638 . General POA.pdf
CONVERTED PDF FILE(S) (2 pages)	\\TICRS\EXPORT11\IMAGEOUT11\790\442\79044294\xml1\RAA0002.JPG
	\\TICRS\EXPORT11\IMAGEOUT11\790\442\79044294\xml1\RAA0003.JPG
SIGNATORY NAME	Fredrik Bjorkstedt & Bjorn Norberg
SIGNATORY POSITION	General Counsel and Legal Counsel
FILING INFORMATION SECTION	
SUBMIT DATE	Mon Feb 14 17:18:22 EST 2011
TEAS STAMP	USPTO/RAA-38.104.68.62-20 110214171822417486-737241 31-480248cc84d7242c6ae13b 97be8f668cf7-N/A-N/A-2011 0214164850638241

Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

To the Commissioner for Trademarks:

MARK: DIVIDED (stylized and/or with design)

SERIAL NUMBER: 79044294

REGISTRATION NUMBER: 3476969

ATTORNEY DOCKET NUMBER 313148.

Original Correspondence Address :

RydinCarlsten Advokatbyrå AB

P.O. Box 1766

SE-111 87 Stockholm, Sweden

By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney: In addition, any additional previously-appointed attorneys that are currently listed in the application are replaced with the new "Other Appointed Attorneys" listed below.

Newly Appointed Attorney:

Mark I. Peroff

Hiscock & Barclay LLP

Seven Times Square, 44th Floor

New York, New York 10036

United States

212-784-5800

212-784-5777

trademarks@hblaw.com

313148.

Other Appointed Attorneys:

Keith E. Danish, Darren W. Saunders, Ronald S. Kareken, and Alpa V. Patel

By submission of this request, the undersigned REVOKES the power of domestic representative currently of record, as listed above, and hereby APPOINTS the following new domestic representative:

Newly Appointed Representative:

Mark I. Peroff

Hiscock & Barclay LLP

Seven Times Square, 44th Floor
New York, New York 10036
United States
212-784-5800
212-784-5777
trademarks@hblaw.com

The following is to be used as the correspondence address:

Mark I. Peroff
Hiscock & Barclay LLP
Seven Times Square, 44th Floor
New York, New York 10036
United States

212-784-5800

212-784-5777

trademarks@hblaw.com The attorney docket/reference number is 313148..

Original PDF file:

[hw_381046862-164850638 . General POA.pdf](#)

Converted PDF file(s) (2 pages)

[Signature File1](#)

[Signature File2](#)

Signatory's Name: Fredrik Bjorkstedt & Bjorn Norberg

Signatory's Position: General Counsel and Legal Counsel

Serial Number: 79044294

Internet Transmission Date: Mon Feb 14 17:18:22 EST 2011

TEAS Stamp: USPTO/RAA-38.104.68.62-20110214171822417

486-73724131-480248cc84d7242c6ae13b97be8

f668cf7-N/A-N/A-20110214164850638241

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**GENERAL POWER OF ATTORNEY
AND APPOINTMENT OF DOMESTIC REPRESENTATIVE**

H&M HENNES & MAURITZ AB, a public joint stock company organized under the laws of Sweden, with a business address of SE-106 38 Stockholm, Sweden, hereby revokes all previously-granted Powers of Attorney and appoint Mark I. Peroff, Keith E. Danish, Ronald S. Kareken and Alpa V. Patel, each a member of the Bar of the State of New York; and Darren Saunders, a member of the Bar of the States of Connecticut and New York; and all other members of the Bar of the State of New York in the firm of HISCOCK & BARCLAY, LLP, Seven Times Square, New York, New York 10036, Telephone No. (212) 784-5800, Facsimile No. (212) 784-5777, E-mail: trademarks@hbllaw.com, its attorneys with full powers of substitution and revocation to transact all business in the Patent & Trademark Office in connection with all existing and future United States trademark registrations and applications of our company.

HISCOCK & BARCLAY, LLP is also hereby designated as the aforementioned corporation's representative upon whom notices or process in proceedings affecting the mark may be served, in connection with all of our existing and future United States trademark registrations and applications.

Please address all correspondence to the attention of:

Mark I. Peroff, Esq.
HISCOCK & BARCLAY, LLP
Seven Times Square
New York, New York 10036
Telephone: (212) 784-5800
Facsimile: (212) 784-5777

H&M HENNES & MAURITZ AB

Date: FEBRUARY 10, 2011

By:  Björn
Print Name: FREDRIK PARKSTEDT / BJÖRN NYBERG
Title: GENERAL COUNSEL / LEGAL COUNSEL

NEW HOLDER/REPRESENTATIVE OF AN INTERNATIONAL REGISTRATION

SERIAL NUMBER: 79044294

The table below presents the data as entered.

Input Field	Entered
OVERVIEW	
INTERNATIONAL REGISTRATION NUMBER	0938711
EFFECTIVE DATE OF MODIFICATION	12/22/2008
NOTIFICATION DATE	01/22/2009
HOLDER DETAILS	
CLIENT IDENTIFIER	685093
NOTIFICATION LANGUAGE	ENGLISH
NAME	H&M Hennes & Mauritz AB
ADDRESS	SE-106 38 Stockholm
COUNTRY	Sweden
ENTITLEMENT NATIONALITY OF APPLICANT/TRANSFEREE/HOLDER	Sweden
LEGAL NATURE	Not provided
LEGAL NATURE: PLACE INCORPORATED	Not provided
CORRESPONDENCE INDICATOR	YES
REPRESENTATIVE GROUP	
CLIENT IDENTIFIER	603548
NAME	RydinCarlsten Advokatbyrå AB
ADDRESS	P.O. Box 1766 SE-111 87 Stockholm
COUNTRY	Sweden
PREVIOUS HOLDER DETAILS	
CLIENT IDENTIFIER	631688
NAME	H&M Hennes & Mauritz AB
ADDRESS	Salén-H/O, Regeringsgatan 48 Stockholm
COUNTRY	Sweden
MISCELLANEOUS INFORMATION	
IB DOCUMENT ID	474607901
OFFICE REFERENCE	79044294
TRANSACTION TYPE	MTN - CHANGE OF HOLDER NAME OR ADDRESS

FINAL DISPOSITION ON EXTENSION OF PROTECTION

The table below presents the data as entered.

Input Field	Entered
IDENTIFICATION SECTION	
INTERNATIONAL REGISTRATION NUMBER	0938711
OFFICE REFERENCE	79044294
ORIGINAL LANGUAGE CODE	ENGLISH
FILE SECTION	
FILE SPECIFICATION OF THE DOCUMENT	The legal letter below is sent to IB
GOODS AND SERVICES SECTION	
NICE CLASS NUMBER	25
LIMITED LIST	List limited to Clothing, namely trousers, T-shirts, coats, jackets, cardigans, skirts, dresses, blouses, overalls, underwear, jumpers, vests, fur coats and jackets, pants, hoods, shorts, blazers, men's suits, women's suits, evening gowns, tops, jeans, belts, shoulder wraps, gloves, mittens, scarves, ties, wraps, dressing gowns, night gowns, pajamas, sleepwear, bathing suits, swimwear, bikinis, socks, stockings, hats, caps, shawls, berets, and veils; headwear; footwear
GOODS AND SERVICE TERMS IN ORIGINAL LANGUAGE	
NICE CLASS NUMBER	35
LIMITED LIST	List limited to Retail store services and online retail store services featuring soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, costume jewelry, leather and imitation leather goods, clocks and watches, bags and luggage, umbrellas, clothing, footwear and headwear
GOODS AND SERVICE TERMS IN ORIGINAL LANGUAGE	
INSTRUCTIONS SECTION	
FREE TEXT PROCESSING INSTRUCTIONS	Registration of REP Application



Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

**Statement of Partial Grant of Protection Following a Provisional Refusal
by the United States Patent & Trademark Office
According to Rule 18ter(2)(ii) of the Common Regulations**

The United States Patent and Trademark Office hereby notifies the International Bureau of the GRANT OF PROTECTION in the United States for:

International Registration No.: 0938711

Holder: H&M Hennes & Mauritz AB

Mark: DIVIDED

Application Serial No. 79044294 was registered by the USPTO on July 29, 2008. The registration number is 3476969.

The grant of protection applies to the goods and/or services listed below:

International Class: 25

Goods and Services: Clothing, namely trousers, T-shirts, coats, jackets, cardigans, skirts, dresses, blouses, overalls, underwear, jumpers, vests, fur coats and jackets, pants, hoods, shorts, blazers, men's suits, women's suits, evening gowns, tops, jeans, belts, shoulder wraps, gloves, mittens, scarves, ties, wraps, dressing gowns, night gowns, pajamas, sleepwear, bathing suits, swimwear, bikinis, socks, stockings, hats, caps, shawls, berets, and veils; headwear; footwear

International Class: 35

Goods and Services: Retail store services and online retail store services featuring soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, costume jewelry, leather and imitation leather goods, clocks and watches, bags and luggage, umbrellas, clothing, footwear and headwear

Int. Cls.: 25 and 35

Prior U.S. Cls.: 22, 39, 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 3,476,969

Registered July 29, 2008

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**



H&M HENNES & MAURITZ AB (SWEDEN CORPORATION)
SALEN-H/O,
REGERINGSGATAN 48; SE-106 38 STOCKHOLM
SWEDEN

FOR: CLOTHING, NAMELY TROUSERS, T-SHIRTS, COATS, JACKETS, CARDIGANS, SKIRTS, DRESSES, BLOUSES, OVERALLS, UNDERWEAR, JUMPERS, VESTS, FUR COATS AND JACKETS, PANTS, HOODS, SHORTS, BLAZERS, MEN'S SUITS, WOMEN'S SUITS, EVENING GOWNS, TOPS, JEANS, BELTS, SHOULDER WRAPS, GLOVES, MITTENS, SCARVES, TIES, WRAPS, DRESSING GOWNS, NIGHT GOWNS, PAJAMAS, SLEEPWEAR, BATHING SUITS, SWIMWEAR, BIKINIS, SOCKS, STOCKINGS, HATS, CAPS, SHAWLS, BERETS, AND VEILS; HEADWEAR; FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FOR: RETAIL STORE SERVICES AND ONLINE RETAIL STORE SERVICES FEATURING SOAPS,

PERFUMERY, ESSENTIAL OILS, COSMETICS, HAIR LOTIONS, DENTIFRICES, COSTUME JEWELRY, LEATHER AND IMITATION LEATHER GOODS, CLOCKS AND WATCHES, BAGS AND LUGGAGE, UMBRELLAS, CLOTHING, FOOTWEAR AND HEADWEAR, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

PRIORITY DATE OF 6-8-2007 IS CLAIMED.

OWNER OF INTERNATIONAL REGISTRATION 0938711 DATED 8-29-2007, EXPIRES 8-29-2017.

OWNER OF U.S. REG. NO. 2,766,051.

SER. NO. 79-044,294, FILED 8-29-2007.

MYRIAH HABEEB, EXAMINING ATTORNEY



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

Apr 23, 2008

NOTICE OF PUBLICATION UNDER 12(a)

1. Serial No.:
79/044,294
2. Mark:
DIVIDED
and design
3. International Class(es):
25, 35
4. Publication Date:
May 13, 2008
5. Applicant:
H&M Hennes & Mauritz AB

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: 202-512-1800

By direction of the Commissioner.

Correspondence Address:

RydinCarlsten Advokatbyrå AB
P.O. Box 1766
SE-111 87 Stockholm
SWEDEN

TMP&I

Trademark Snap Shot Publication & Issue Review Stylesheet
(Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	79044294	FILING DATE	08/29/2007
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	0938711	INTL REG DATE	08/29/2007
TM ATTORNEY	HABEEB, MYRIAH A	L.O. ASSIGNED	105

PUB INFORMATION

RUN DATE	04/10/2008		
PUB DATE	05/13/2008		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	04/08/2008		
LITERAL MARK ELEMENT	DIVIDED		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	YES	66A	YES		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	DIVIDED

MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	H&M Hennes & Mauritz AB
ADDRESS	Salén-H/O, Regeringsgatan 48; SE-106 38 Stockholm
ENTITY	03-CORPORATION
CITIZENSHIP	Sweden

GOODS AND SERVICES

INTERNATIONAL CLASS	025
DESCRIPTION TEXT	Clothing, namely trousers, T-shirts, coats, jackets, cardigans, skirts, dresses, blouses, overalls, underwear, jumpers, vests, fur coats and jackets, pants, hoods, shorts, blazers, men's suits, women's suits, evening gowns, tops, jeans, belts, shoulder wraps, gloves, mittens, scarves, ties, wraps, dressing gowns, night gowns, pajamas, sleepwear, bathing suits, swimwear, bikinis, socks, stockings, hats, caps, shawls, berets, and veils; headwear; footwear
INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Retail store services and online retail store services featuring soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, costume jewelry, leather and imitation leather goods, clocks and watches, bags and luggage, umbrellas, clothing, footwear and headwear

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	025	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	035	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
OWNER OF US REG NOS	2766051

SECTION 66A INTERNATIONAL REGISTRATION DATA

INTL REG #	0938711
INTL REG DATE	08/29/2007
PRIORITY CLMD	YES
PRIOR CLMD DATE	06/08/2007
INTL STATUS	001-REQUEST FOR EXTENSION OF PROTECTION PROCESSED
INTL STATUS DATE	10/25/2007
AUTO PROTECTION DATE	04/25/2009
INTL RENEWAL DATE	08/29/2017
INTL REG DEATH DATE	N/A
FIRST REFUSAL	YES

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/08/2008	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	014
04/08/2008	ALIE	A	ASSIGNED TO LIE	013
03/28/2008	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	012
03/24/2008	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	011
03/24/2008	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	010
03/24/2008	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	009
01/10/2008	RFNT	P	REFUSAL PROCESSED BY IB	008
12/18/2007	RFCS	P	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	007
12/18/2007	RFRR	P	REFUSAL PROCESSED BY MPU	006
12/18/2007	RFCR	E	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	005
12/17/2007	CNRT	R	NON-FINAL ACTION WRITTEN	004
12/06/2007	DOCK	D	ASSIGNED TO EXAMINER	003
10/26/2007	NWAP	I	NEW APPLICATION ENTERED IN TRAM	002
10/25/2007	REPR	M	SN ASSIGNED FOR SECT 66A APPL FROM IB	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	RydinCarlsten Advokatbyrå AB P.O. Box 1766 SE-111 87 Stockholm SWEDEN
DOMESTIC REPRESENTATIVE	NONE



DIVIDED
DIVIDED

Trademark Snap Shot Publication Stylesheet
(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	79044294	FILING DATE	08/29/2007
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	0938711	INTL REG DATE	08/29/2007
TM ATTORNEY	HABEEB, MYRIAH A	L.O. ASSIGNED	105

PUB INFORMATION

RUN DATE	03/29/2008		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	03/28/2008		
LITERAL MARK ELEMENT	DIVIDED		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUBLIC 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	YES	66A	YES		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	DIVIDED

MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	H&M Hennes & Mauritz AB
ADDRESS	Salén-H/O, Regeringsgatan 48; SE-106 38 Stockholm
ENTITY	03-CORPORATION
CITIZENSHIP	Sweden

GOODS AND SERVICES

INTERNATIONAL CLASS	025
DESCRIPTION TEXT	Clothing, namely trousers, T-shirts, coats, jackets, cardigans, skirts, dresses, blouses, overalls, underwear, jumpers, vests, fur coats and jackets, pants, hoods, shorts, blazers, men's suits, women's suits, evening gowns, tops, jeans, belts, shoulder wraps, gloves, mittens, scarves, ties, wraps, dressing gowns, night gowns, pajamas, sleepwear, bathing suits, swimwear, bikinis, socks, stockings, hats, caps, shawls, berets, and veils; headwear; footwear
INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Retail store services and online retail store services featuring soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, costume jewelry, leather and imitation leather goods, clocks and watches, bags and luggage, umbrellas, clothing, footwear and headwear

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	025	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	035	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
OWNER OF US REG NOS	2766051

SECTION 66A INTERNATIONAL REGISTRATION DATA

INTL REG #	0938711
INTL REG DATE	08/29/2007
PRIORITY CLMD	YES
PRIOR CLMD DATE	06/08/2007
INTL STATUS	001-REQUEST FOR EXTENSION OF PROTECTION PROCESSED
INTL STATUS DATE	10/25/2007
AUTO PROTECTION DATE	04/25/2009
INTL RENEWAL DATE	08/29/2017
INTL REG DEATH DATE	N/A
FIRST REFUSAL	YES

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/28/2008	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	012
03/24/2008	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	011
03/24/2008	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	010
03/24/2008	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	009
01/10/2008	RFNT	P	REFUSAL PROCESSED BY IB	008
12/18/2007	RFCS	P	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	007
12/18/2007	RFRR	P	REFUSAL PROCESSED BY MPU	006
12/18/2007	RFCR	E	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	005
12/17/2007	CNRT	R	NON-FINAL ACTION WRITTEN	004
12/08/2007	DOCK	D	ASSIGNED TO EXAMINER	003
10/26/2007	NWAP	I	NEW APPLICATION ENTERED IN TRAM	002
10/25/2007	REPR	M	SN ASSIGNED FOR SECT 66A APPL FROM IB	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	RydinCarlsten Advokatbyrå AB P.O. Box 1766 SE-111 87 Stockholm SWEDEN
DOMESTIC REPRESENTATIVE	NONE

DIVIDED
DIVIDED

Trademark Snap Shot Amendment & Mail Processing Stylesheet
(Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	79044294	FILING DATE	08/29/2007
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	0938711	INTL REG DATE	08/29/2007
TM ATTORNEY	HABEEB, MYRIAH A	L.O. ASSIGNED	105

PUB INFORMATION

RUN DATE	03/25/2008		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	03/24/2008		
LITERAL MARK ELEMENT	DIVIDED		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	YES	66A	YES		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	DIVIDED

MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	H&M Hennes & Mauritz AB
ADDRESS	Salén-H/O, Regeringsgatan 48; SE-106 38 Stockholm
ENTITY	03-CORPORATION
CITIZENSHIP	Sweden

GOODS AND SERVICES

INTERNATIONAL CLASS	025
DESCRIPTION TEXT	Clothing, namely trousers, T-shirts, coats, jackets, cardigans, skirts, dresses, blouses, overalls, underwear, jumpers, vests, fur coats and jackets, pants, hoods, shorts, blazers, men's suits, women's suits, evening gowns, tops, jeans, belts, shoulder wraps, gloves, mittens, scarves, ties, wraps, dressing gowns, night gowns, pajamas, sleepwear, bathing suits, swimwear, bikinis, socks, stockings, hats, caps, shawls, berets, and veils; headwear; footwear
INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Retail store services and online retail store services featuring soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, costume jewelry, leather and imitation leather goods, clocks and watches, bags and luggage, umbrellas, clothing, footwear and headwear

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	025	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	035	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE

MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
COLORS CLAIMED STATEMENT	Color is not claimed as a feature of the mark.
OWNER OF US REG NOS	2766051

SECTION 66A INTERNATIONAL REGISTRATION DATA

INTL REG #	0938711
INTL REG DATE	08/29/2007
PRIORITY CLMD	YES
PRIOR CLMD DATE	06/08/2007
INTL STATUS	001-REQUEST FOR EXTENSION OF PROTECTION PROCESSED
INTL STATUS DATE	10/25/2007
AUTO PROTECTION DATE	04/25/2009
INTL RENEWAL DATE	08/29/2017
INTL REG DEATH DATE	N/A
FIRST REFUSAL	YES

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/24/2008	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	011
03/24/2008	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	010
03/24/2008	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	009
01/10/2008	RFNT	P	REFUSAL PROCESSED BY IB	008
12/18/2007	RFCS	P	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	007
12/18/2007	RFRR	P	REFUSAL PROCESSED BY MPU	006
12/18/2007	RFRCR	E	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	005
12/17/2007	CNRT	R	NON-FINAL ACTION WRITTEN	004
12/06/2007	DOCK	D	ASSIGNED TO EXAMINER	003
10/26/2007	NWAP	I	NEW APPLICATION ENTERED IN TRAM	002
10/25/2007	REPR	M	SN ASSIGNED FOR SECT 66A APPL FROM IB	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	NONE
CORRESPONDENCE ADDRESS	RydinCarlsten Advokatbyrå AB P.O. Box 1766 SE-111 87 Stockholm SWEDEN
DOMESTIC REPRESENTATIVE	NONE

DIVIDED
DIVIDED

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	79044294
LAW OFFICE ASSIGNED	LAW OFFICE 105
MARK SECTION (no change)	
OWNER SECTION (current)	
NAME	H&M Hennes & Mauritz AB
STREET	Salén-H/O, Regeringsgatan 48; SE-106 38 Stockholm
COUNTRY	Sweden
OWNER SECTION (proposed)	
NAME	H&M Hennes & Mauritz AB
STREET	Salén-H/O, Regeringsgatan 48
CITY	Stockholm
ZIP/POSTAL CODE	SE-106 38
COUNTRY	Sweden
LEGAL ENTITY SECTION (current)	
TYPE	APPLICANT ENTERED NO DATA
LEGAL ENTITY SECTION (proposed)	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Sweden
GOODS AND/OR SERVICES SECTION (025)(current)	
INTERNATIONAL CLASS	025
DESCRIPTION	Clothing, footwear, headgear
GOODS AND/OR SERVICES SECTION (025)(proposed)	
INTERNATIONAL CLASS	025
DESCRIPTION	

Clothing, namely trousers, T-shirts, coats, jackets, cardigans, skirts, dresses, blouses, overalls, underwear, jumpers, vests, fur coats and jackets, pants, hoods, shorts, blazers, men's suits, women's suits, evening gowns, tops, jeans, belts, shoulder wraps, gloves, mittens, scarves, ties, wraps, dressing gowns, night gowns, pajamas, sleepwear, bathing suits, swimwear, bikinis, socks, stockings, hats, caps, shawls, berets, and veils; headwear; footwear

GOODS AND/OR SERVICES SECTION (035)(current)

INTERNATIONAL CLASS 035

DESCRIPTION

Retail services in respect of soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, precious metals and their alloys, goods in precious metals or coated therewith, jewellery, precious stones, horological and chronometric instruments, leather and imitations of leather, goods made of leather and imitations thereof, animal skins, hides, trunks and travelling bags, umbrellas, parasols, walking sticks, clothing, footwear and headgear

GOODS AND/OR SERVICES SECTION (035)(proposed)

INTERNATIONAL CLASS 035

DESCRIPTION

Retail store services and online retail store services featuring soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, costume jewelry, leather and imitation leather goods, clocks and watches, bags and luggage, umbrellas, clothing, footwear and headwear

ADDITIONAL STATEMENTS SECTION

PRIOR REGISTRATION(S) "Applicant claims ownership of U.S. Registration Number(s) 2766051."

SIGNATURE SECTION

RESPONSE SIGNATURE /dwe/

SIGNATORY'S NAME David Ehrlich

SIGNATORY'S POSITION Applicant's U.S. Attorney.

DATE SIGNED 03/24/2008

AUTHORIZED SIGNATORY YES

FILING INFORMATION SECTION

SUBMIT DATE Mon Mar 24 11:25:49 EDT 2008

TEAS STAMP USPTO/ROA-63.138.172.9-20
080324112549987723-790442
94-4209e929dd29480434ae4a
ca46d72cd55-N/A-N/A-20080
324111443302743

Response to Office Action

To the Commissioner for Trademarks:

Application serial no. **79044294** has been amended as follows:

CLASSIFICATION AND LISTING OF GOODS/SERVICES

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 025 for Clothing, footwear, headgear

Original Filing Basis:

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed: Class 025 for Clothing, namely trousers, T-shirts, coats, jackets, cardigans, skirts, dresses, blouses, overalls, underwear, jumpers, vests, fur coats and jackets, pants, hoods, shorts, blazers, men's suits, women's suits, evening gowns, tops, jeans, belts, shoulder wraps, gloves, mittens, scarves, ties, wraps, dressing gowns, night gowns, pajamas, sleepwear, bathing suits, swimwear, bikinis, socks, stockings, hats, caps, shawls, berets, and veils; headwear; footwear

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Applicant proposes to amend the following class of goods/services in the application:

Current: Class 035 for Retail services in respect of soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, precious metals and their alloys, goods in precious metals or coated therewith, jewellery, precious stones, horological and chronometric instruments, leather and imitations of leather, goods made of leather and imitations thereof, animal skins, hides, trunks and travelling bags, umbrellas, parasols, walking sticks, clothing, footwear and headgear

Original Filing Basis:

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

Proposed: Class 035 for Retail store services and online retail store services featuring soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, costume jewelry, leather and imitation leather goods, clocks and watches, bags and luggage, umbrellas, clothing, footwear and headwear

Filing Basis Section 66(a), Request for Extension of Protection to the United States. Section 66(a) of the Trademark Act, 15 U.S.C. §1141f.

APPLICANT AND/OR ENTITY INFORMATION

Applicant proposes to amend the following:

Current: H&M Hennes & Mauritz AB a(n) having an address of
Salén-H/O, Regeringsgatan 48; SE-106 38 Stockholm

,
Sweden

Proposed: H&M Hennes & Mauritz AB, a corporation of Sweden, having an address of
Salén-H/O, Regeringsgatan 48
Stockholm, SE-106 38
Sweden

ADDITIONAL STATEMENTS

Claim of Prior Registration(s)

"Applicant claims ownership of U.S. Registration Number(s) 2766051."

SIGNATURE(S)

Response Signature

Signature: /dwe/ Date: 03/24/2008

Signatory's Name: David Ehrlich

Signatory's Position: Applicant's U.S. Attorney.

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

Serial Number: 79044294

Internet Transmission Date: Mon Mar 24 11:25:49 EDT 2008

TEAS Stamp: USPTO/ROA-63.138.172.9-20080324112549987

723-79044294-4209e929dd29480434ae4aca46d

72cd55-N/A-N/A-20080324111443302743

NOTICE THAT TRANSACTION HAS BEEN PROCESSED BY IB

SERIAL NUMBER: 79044294

The table below presents the data as entered.

Input Field	Entered
INTERNATIONAL REGISTRATION NUMBER	0938711
EFFECTIVE DATE OF MODIFICATION	12/18/2007
IB DOCUMENT ID	420929301
OFFICE REFERENCE	79044294
TRANSACTION TYPE	RFNT - Total Refusal

PROVISIONAL REFUSAL OF PROTECTION

The table below presents the data as entered.

Input Field	Entered
IDENTIFICATION SECTION	
INTERNATIONAL REGISTRATION NUMBER	0938711
OFFICE REFERENCE	79044294
ORIGINAL LANGUAGE CODE	ENGLISH
FILE SECTION	
FILE SPECIFICATION OF THE DOCUMENT	\\TICRS2\EXPORT14\790\442\79044294\xml5\MOC0002.xml
FILE SPECIFICATION OF THE DOCUMENT	\\TICRS2\EXPORT14\790\442\79044294\xml5\MOC0003.jpg
FILE SPECIFICATION OF THE DOCUMENT	\\TICRS2\EXPORT14\790\442\79044294\xml5\MOC0004.JPG
FILE SPECIFICATION OF THE DOCUMENT	\\TICRS2\EXPORT14\790\442\79044294\xml5\MOC0005.JPG
FILE SPECIFICATION OF THE DOCUMENT	\\TICRS2\EXPORT14\790\442\79044294\xml5\MOC0006.JPG
GOODS AND SERVICES SECTION	
ALL GOODS AND SERVICES INDICATOR	Protection has been refused for all the goods and services.
INSTRUCTIONS SECTION	
FREE TEXT PROCESSING INSTRUCTIONS	U. S. designated on 20070829; Non-final examiner action
MAIL DATE	12/18/2007

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 79/044294

MARK: DIVIDED

79044294

CORRESPONDENT ADDRESS:
RydinCarlsten Advokatbyrå AB
P.O. Box 1766
SE-111 87 Stockholm
SWEDEN

RESPOND TO THIS ACTION:
<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: H&M Hennes & Mauritz AB

CORRESPONDENT'S REFERENCE/DOCKET NO:
N/A

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE:

INTERNATIONAL REGISTRATION NO. 0938711.

This is a **PROVISIONAL FULL REFUSAL** of the trademark and/or service mark in the above-referenced U.S. application. *See* 15 U.S.C. §1141h(c).

WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL FULL REFUSAL:

Applicant may respond directly to this provisional refusal Office action, or applicant's attorney may respond on applicant's behalf. However, **the only attorneys who can practice before the United States Patent and Trademark Office (USPTO)** in trademark matters are as follows:

- (1) **Attorneys in good standing with a bar of the highest court of any U.S. state, the District of Columbia, Puerto Rico, and other federal territories and possessions of the U.S.;** and
- (2) **Canadian attorneys who represent applicants residing in Canada and who have applied for and received reciprocal recognition** by the USPTO under 37 C.F.R. §10.14(c).

37 C.F.R. §10.14; TMEP §602.

Other than duly authorized Canadian attorneys, foreign attorneys cannot sign responses or otherwise represent applicants before the USPTO. *See* TMEP §602.06(b). Preparing a paper, authorizing an amendment to an application, or submitting legal arguments in response to a requirement or refusal constitutes representation of a party in a trademark matter. *A response signed by an unauthorized foreign attorney is considered an incomplete response.* TMEP §§602, 602.03, 603.04, 605.05(a).

THE APPLICATION HAS BEEN PROVISIONALLY REFUSED AS FOLLOWS:

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

SEARCH RESULTS

The Office records have been searched and no similar registered or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

INFORMALITIES

However, applicant must address the following informalities:

Legal Nature and Place Incorporated Omitted – Clarification Required

The application does not include applicant's "*Legal Nature*" and "*Legal Nature: Place Incorporated.*" Applicant must specify its entity type ("Legal Nature") and citizenship ("Place Incorporated"). 37 C.F.R. §2.32(a)(3)(ii)-(iii); TMEP §§803.01, 803.03 and 803.04. Acceptable entity types include an individual, a partnership, a corporation or a joint venture. 37 C.F.R. §2.32(a)(3); TMEP §§803.03 *et seq.*

If applicant's entity type is an individual, applicant must indicate his or her national citizenship for the record. 37 C.F.R. §2.32(a)(3)(i). If applicant's entity type is a partnership or joint venture, applicant must list the names and the national citizenship or the country of organization or incorporation of all the general partners or joint venturers, as well as specify the country under whose laws the partnership or joint venture is organized. 37 C.F.R. §§2.32(a)(3)(ii) and (iii). If applicant's entity type is a corporation or association, applicant must set forth the country under whose laws applicant is organized. 37 C.F.R. §2.32(a)(3)(ii).

Identification of Goods and Services Indefinite – Amendment Required

The wording "*clothing and headgear*" in the identification of goods needs clarification because it is indefinite and it does not allow for proper identification of applicant's goods. Applicant must amend the identification of goods to specify the common commercial or generic name for the goods. If there is no common commercial or generic name for the product, then applicant must describe the product and intended consumer as well as its main purpose and intended uses. TMEP §1402.01.

Also, the wording "*retail services in respect of soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, precious metals and their alloys, goods in precious metals or coated therewith, jewellery, precious stones, horological and chronometric instruments, leather and imitations of leather, goods made of leather and imitations thereof, animal skins, hides, trunks and travelling bags, umbrellas, parasols, walking sticks, clothing, footwear and headgear*" in the identification of services needs clarification because it is indefinite and it does not allow for proper identification of applicant's services.

Applicant must amend this wording to specify the common commercial or generic name for the services. If there is no common commercial or generic name for the services, then applicant must describe the nature of the services as well as their main purpose, channels of trade, and the intended consumer(s). TMEP §1402.01.

Finally, applicant is advised to take note of the examiner's use of semicolons and commas in the recommended identification of goods and/or services below. Typically, the Office uses *semicolons* in the identifications of goods and services between **independent** goods or services not connected by a coordinating conjunction. (For example, "*flour; sugar; baking soda.*"). On the other hand, the Office uses *commas* to separate items in a list. (For example, "*cheese, namely, gouda, edam, cheddar, or processed.*"). Applicant is encouraged to following the Office's punctuation convention in its amended identification of goods and/or services to clearly and properly identify applicant's goods and/or services.

Applicant may adopt the following identification of goods and services, if accurate:

Class 25 – “Clothing, *namely, [applicant to specify clothing, i.e., shirts, tops, pants, bottoms, blouses, skirts, etc.];* footwear; headgear, *namely, [applicant to specify headgear, i.e., hats, caps, etc.]*.”

Class 35 – “Retail *store* services *featuring* soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, precious metals and their alloys, goods in precious metals or coated therewith, jewellery, precious stones, horological and chronometric instruments, leather and imitations of leather, goods made of leather and imitations thereof, animal skins, hides, trunks and travelling bags, umbrellas, parasols, walking sticks, clothing, footwear and headgear.”

TMEP §1402.01.

The international classification of goods and/or services in applications filed under Trademark Act Section 66(a) cannot be changed from the classification given to the goods and/or services by the International Bureau of the World Intellectual Property Organization in the corresponding international registration. TMEP §§1401.03(d), 1401.04 and 1904.02(b).

Additions to Identification Not Permitted

Please note that, while the identification of goods and services may be amended to clarify or limit the goods and services, **adding to the goods and services or broadening the scope of the goods and services is not permitted.** 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include goods and services that are not within the scope of the goods and services set forth in the present identification.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>.

Claim of Ownership of Prior Registration Required

If applicant is the owner of U.S. Registration No. 2766051, then applicant must submit a claim of ownership. *See Attachment 1 – the enclosed registration.* 37 C.F.R. §2.36; TMEP §812. The following standard format is suggested:

Applicant is the owner of U.S. Registration No. 2766051.

ALSO, APPLICANT SHOULD NOTE THE FOLLOWING ADVISORIES THAT APPLY TO APPLICATIONS FILED UNDER SECTION 66(A) OF THE TRADEMARK ACT:

§66(a) Applications – Applicant May not Amend or Add to Filing Bases

Where an application is originally filed under §66(a) of the Trademark Act, the filing basis may not be changed nor can more than one filing basis be asserted. 37 C.F.R. §§2.34(b)(3) and 2.35(a); TMEP §§806.01(e), 806.03(k) and 1904.01(a).

§66(a) Applications – Classification of Goods/Services cannot be Changed

The international classification of goods and/or services in applications filed under Trademark Act Section 66(a) cannot be changed from the classification given to the goods and/or services by the International Bureau of the World Intellectual Property Organization in the corresponding international registration. TMEP §§1401.03(d), 1401.04 and 1904.02(b).

RESPONDING TO THIS OFFICE ACTION

Please note that there is no required format or form for responding to this Office action. However, applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the examining attorney; (2) the serial number of this application; (3) the mailing date of this Office action; and, (4) applicant's telephone number.

When responding to this Office action, applicant must make sure to respond in writing to each refusal and requirement raised. If there is a refusal to register the proposed mark, then applicant may wish to argue against the refusal, i.e., explain why it should be withdrawn and why the mark should register. If there are other requirements, then applicant should simply set forth in writing the required changes or statements and request that the Office enter them into the application record. Applicant must also sign and date its response.

If the applicant has any questions or needs further assistance, please telephone the assigned examining attorney.

/Myriah A. Habeeb/
Myriah A. Habeeb
Trademark Examining Attorney
Law Office 105
Phone - (571) 272-8909
Fax - (571) 273-8909

RESPOND TO THIS ACTION: If there are any questions about the Office action, please contact the assigned examining attorney. A response to this Office action should be filed using the form available at <http://www.uspto.gov/teas/eTEASpageD.htm>. If notification of this Office action was received via e-mail, no response using this form may be filed for 72 hours after receipt of the notification. **Do not attempt to respond by e-mail as the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

ATTACHMENT #1

DESIGN MARK

Serial Number

76049274

Status

REGISTERED

Word Mark

DIVIDED

Standard Character Mark

No

Registration Number

2766051

Date Registered

2003/09/23

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(1) TYPED DRAWING

Owner

H & M Hennes & Mauritz AB PUBLIC JOINT STOCK COMPANY SWEDEN Box 1421
SE-111 84 Stockholm SWEDEN

Goods/Services

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S:
Soaps, perfume, essential oils for personal use, hair lotions, skin
clarifiers, facial cleansers, hand cream, foot cream, face creams,
body creams, skin emollients, skin lighteners, hair lighteners, skin
lotions, skin cleansing lotions, lotions for cellulite reduction, skin
masks, skin moisturizer, skin scrubs and toners; non-medicated lip
balm; shower gel; body firming gels and lotions, body cream, oil,
emulsions, masks and scrubs; makeup; lipstick; lip gloss; lip pencils;
nail polish; eye makeup; eye pencils; eyebrow pencils; blush; mascara;
exfoliating body scrubs; self-tanning skin preparations; facial
emulsions; cologne; toilet water; eau de parfum; shaving lotions;
scented body spray; personal deodorant; antiperspirant; makeup
remover; toilet soap; bath beads, crystals, foam and gel; nail care
preparations; hair care preparations; hair cleaning preparations; hair
shampoo; hair waving lotions; hair styling lotions; aromatherapy oils;
potpourri; room fragrances; adhesives for cosmetic use; depilatories;
cotton and cotton swabs, sticks and puffs for cosmetic purposes.

Goods/Services

Class Status -- ACTIVE. IC 014. US 002 027 028 050. G & S:
Imitation jewelry and jewelry of precious metal and stones; cuff
links; tie pins.

Goods/Services

Class Status -- ACTIVE. IC 018. US 001 002 003 022 041. G & S:
handbags; toiletry bags sold empty; all-purpose sports bags, athletic
bags, beach bags, book bags, carry-on bags, clutch bags, duffel bags,
traveling bags; trunks; backpacks; wallets; umbrellas.

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: headwear;
footwear; and clothing, namely t-shirts, shirts, cardigans, blouses,
body suits, coats, jackets, pants, skirts, dresses, belts, hats,
scarf, gloves, kimonos, muffs, suits, tunics, waistcoats, denim wear,
namely, jeans, skirts, shirts, hats, shorts, dresses, trousers,
jackets and coats; suede and leather clothing, namely, gloves,
trousers, skirts, jackets, coats, hats, belts, shirts, dresses; linen
clothing, namely, dresses, trousers, jackets, shirts, blouses; knit
wear, namely, jersey and heavy knitwear; jumpsuits, shorts,
sweatshirts, underwear, lingerie, bras, bustiers, hot pants,
camisoles, suspenders, chemises, pantyhose, leggings, tights, socks,
stockings, long johns, singlets, swimwear, bikinis, sarongs, ponchos,
pullovers, bandanas, polo shirts, fake fur jackets and coats,
sweaters, hoods, anoraks, wind resistant jackets, tank tops, slippers,
footwear, neckwear, mittens, rainwear, parkas, overalls, jogging
suits; skiwear, masquerade costumes.

Foreign Country Name

SWEDEN

Foreign Registration Number

342235

Foreign Registration Date

2000/11/10

Foreign Expiration Date

2010/11/10

Filing Date

2000/05/16

Examining Attorney

KEATING, MICHAEL

Attorney of Record

DAVID EHRLICH, ESQ.

DIVIDED

NOTE TO THE FILE

SERIAL NUMBER: 79044294

DATE: 12/17/2007

NAME: mhabeeb

NOTE:

X Searched Internet using Google, Onelook and

http://www.hm.com/nl/aboutm/factsaboutm/ourconcepts/divided_conceptsddivided.nhtml.

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 79/044294

MARK: DIVIDED

79044294

CORRESPONDENT ADDRESS:

RydinCarlsten Advokatbyrå AB
P.O. Box 1766
SE-111 87 Stockholm
SWEDEN

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: H&M Hennes & Mauritz AB

CORRESPONDENT'S REFERENCE/DOCKET
NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE:

INTERNATIONAL REGISTRATION NO. 0938711.

This is a **PROVISIONAL FULL REFUSAL** of the trademark and/or service mark in the above-referenced U.S. application. *See* 15 U.S.C. §1141h(c).

WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL FULL REFUSAL:

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37 C.F.R. §10.14; TMEP §602.

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THE APPLICATION HAS BEEN PROVISIONALLY REFUSED AS FOLLOWS:

The assigned trademark examining attorney has reviewed the referenced application and has determined the following:

SEARCH RESULTS

The Office records have been searched and no similar registered or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

INFORMALITIES

However, applicant must address the following informalities:

Legal Nature and Place Incorporated Omitted – Clarification Required

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Class 35 – “Retail *store* services *featuring* soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, precious metals and their alloys, goods in precious metals or coated therewith, jewellery, precious stones, horological and chronometric instruments, leather and imitations of leather, goods made of leather and imitations thereof, animal skins, hides, trunks and travelling bags, umbrellas, parasols, walking sticks, clothing, footwear and headgear.”

TMEP §1402.01.

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Additions to Identification Not Permitted

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Applicant is the owner of U.S. Registration No. 2766051.

ALSO, APPLICANT SHOULD NOTE THE FOLLOWING ADVISORIES THAT APPLY TO APPLICATIONS FILED UNDER SECTION 66(A) OF THE TRADEMARK ACT:

§66(a) Applications – Applicant May not Amend or Add to Filing Bases

Where an application is originally filed under §66(a) of the Trademark Act, the filing basis may not be changed nor can more than one filing basis be asserted. 37 C.F.R. §§2.34(b)(3) and 2.35(a); TMEP §§806.01(e), 806.03(k) and 1904.01(a).

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The international classification of goods and/or services in applications filed under Trademark Act Section 66(a) cannot be changed from the classification given to the goods and/or services by the International Bureau of the World Intellectual Property Organization in the corresponding international registration. TMEP §§1401.03(d), 1401.04 and 1904.02(b).

RESPONDING TO THIS OFFICE ACTION

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If the applicant has any questions or needs further assistance, please telephone the assigned examining attorney.

/Myriah A. Habeeb/
Myriah A. Habeeb
Trademark Examining Attorney
Law Office 105
Phone - (571) 272-8909
Fax - (571) 273-8909

RESPOND TO THIS ACTION: If there are any questions about the Office action, please contact the assigned examining attorney. A response to this Office action should be filed using the form available at <http://www.uspto.gov/teas/eTEASpageD.htm>. If notification of this Office action was received via e-mail, no response using this form may be filed for 72 hours after receipt of the notification. **Do not attempt to respond by e-mail as the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

ATTACHMENT #1

DESIGN MARK

Serial Number
76049274

Status
REGISTERED

Word Mark
DIVIDED

Standard Character Mark
No

Registration Number
2766051

Date Registered
2003/09/23

Type of Mark
TRADEMARK

Register
PRINCIPAL

Mark Drawing Code
(1) TYPED DRAWING

Owner

H & M Hennes & Mauritz AB PUBLIC JOINT STOCK COMPANY SWEDEN Box 1421
SE-111 84 Stockholm SWEDEN

Goods/Services

Class Status -- ACTIVE. IC 003. US 001 004 006 050 051 052. G & S:
Soaps, perfume, essential oils for personal use, hair lotions, skin
clarifiers, facial cleansers, hand cream, foot cream, face creams,
body creams, skin emollients, skin lighteners, hair lighteners, skin
lotions, skin cleansing lotions, lotions for cellulite reduction, skin
masks, skin moisturizer, skin scrubs and toners; non-medicated lip
balm; shower gel; body firming gels and lotions, body cream, oil,
emulsions, masks and scrubs; makeup; lipstick; lip gloss; lip pencils;
nail polish; eye makeup; eye pencils; eyebrow pencils; blush; mascara;
exfoliating body scrubs; self-tanning skin preparations; facial
emulsions; cologne; toilet water; eau de parfum; shaving lotions;
scented body spray; personal deodorant; antiperspirant; makeup
remover; toilet soap; bath beads, crystals, foam and gel; nail care
preparations; hair care preparations; hair cleaning preparations; hair
shampoo; hair waving lotions; hair styling lotions; aromatherapy oils;
potpourri; room fragrances; adhesives for cosmetic use; depilatories;
cotton and cotton swabs, sticks and puffs for cosmetic purposes.

Goods/Services

Class Status -- ACTIVE. IC 014. US 002 027 028 050. G & S: Imitation jewelry and jewelry of precious metal and stones; cuff links; tie pins.

Goods/Services

Class Status -- ACTIVE. IC 018. US 001 002 003 022 041. G & S: handbags; toiletry bags sold empty; all-purpose sports bags, athletic bags, beach bags, book bags, carry-on bags, clutch bags, duffel bags, traveling bags; trunks; backpacks; wallets; umbrellas.

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: headwear; footwear; and clothing, namely t-shirts, shirts, cardigans, blouses, body suits, coats, jackets, pants, skirts, dresses, belts, hats, scarf, gloves, kimonos, muffs, suits, tunics, waistcoats, denim wear, namely, jeans, skirts, shirts, hats, shorts, dresses, trousers, jackets and coats; suede and leather clothing, namely, gloves, trousers, skirts, jackets, coats, hats, belts, shirts, dresses; linen clothing, namely, dresses, trousers, jackets, shirts, blouses; knit wear, namely, jersey and heavy knitwear; jumpsuits, shorts, sweatshirts, underwear, lingerie, bras, bustiers, hot pants, camisoles, suspenders, chemises, pantyhose, leggings, tights, socks, stockings, long johns, singlets, swimwear, bikinis, sarongs, ponchos, pullovers, bandanas, polo shirts, fake fur jackets and coats, sweaters, hoods, anoraks, wind resistant jackets, tank tops, slippers, footwear, neckwear, mittens, rainwear, parkas, overalls, jogging suits; skiwear, masquerade costumes.

Foreign Country Name

SWEDEN

Foreign Registration Number

342235

Foreign Registration Date

2000/11/10

Foreign Expiration Date

2010/11/10

Filing Date

2000/05/16

Examining Attorney

KEATING, MICHAEL

Attorney of Record

DAVID EHRLICH, ESQ.

DIVIDED

*** User:mhabeeb ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	0:01	79044294[SN]
02	59	23	4	3	0:01	("H&M" "Hennes & Mauritz")[on]
03	1432	N/A	0	0	0:04	*d{v:2}{"fvph"}{v:2}d*[bi,ti]not dead[ld]
04	522	N/A	0	0	0:03	3 and "025"[cc]
05	440	0	440	273	0:02	3 and ("025" "035" "042" a b 200)[ic]
06	22	0	22	16	0:02	*d{v:2}v{v:2}d{v:2}d*[bi,ti]not dead[ld]
07	3	0	3	2	0:01	(divide divided division)[fm] not dead[ld]
08	149	N/A	0	0	0:03	divid*[bi,ti]not dead[ld]
09	35	N/A	0	0	0:03	*vided[bi,ti]not dead[ld]
10	181	N/A	0	0	0:03	*ivide*[bi,ti]not dead[ld]
11	15	0	15	10	0:01	(8 9 10) and "025"[cc] not 5
12	3189	N/A	0	0	0:03	*div*[bi,ti]not dead[ld]
13	5083	N/A	0	0	0:03	*vid*[bi,ti]not dead[ld]
14	496	N/A	0	0	0:01	12 and 13
15	14	0	14	10	0:01	14 and "025"[cc] not 5
16	49	0	49	49	0:03	241709[dc] not dead[ld]
17	1084	N/A	0	0	0:03	divid\${de} not dead[ld]
18	413	N/A	0	0	0:01	17 and "025"[cc] not 5
19	387	0	3	387	0:02	17 and ("025" "035" "042" a b 200)[ic] not 5

Session started 12/17/2007 2:26:50 PM

Session finished 12/17/2007 2:41:27 PM

Total search duration 0 minutes 41 seconds

Session duration 14 minutes 37 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 79044294

REQUEST FOR EXTENSION OF PROTECTION

SERIAL NUMBER: 79044294

FILING DATE: 08/29/2007

The table below presents the data as entered.

Input Field	Entered
MARK SECTION	
IMAGE	<u>\\TICRS2\EXPORT14\790\442\79044294\xml1\APP0002.JPG</u>
COLLECTIVE, CERTIFICATE OR GUARANTEE MARK	NO
MARK IN STANDARD CHARACTERS	NO
MARK IN COLOR	NO
THREE DIMENSIONAL MARK	NO
SOUND MARK	NO
TM IMAGE: COLOR	Grey Scale
IMAGE FILE NAME	\\TICRS2\EXPORT14\790\442\79044294\xml1\APP0002.JPG
TYPE (IMAGE TYPE)	JPG
TEXTUAL ELEMENTS OF MARK	DIVIDED
HOLDER DETAILS	
CLIENT IDENTIFIER	631688
NOTIFICATION LANGUAGE	ENGLISH
NAME	H&M Hennes & Mauritz AB
ADDRESS	Salén-H/O, Regeringsgatan 48 SE-106 38 Stockholm
COUNTRY	Sweden
ENTITLEMENT NATIONALITY OF APPLICANT/TRANSFEREE/HOLDER	Sweden
LEGAL NATURE	Not provided
LEGAL NATURE: PLACE INCORPORATED	Not provided
CORRESPONDENCE INDICATOR	YES
BASIC GOODS AND SERVICES	
VERSION OF NICE CLASSIFICATION USED	9
NICE CLASSIFICATION	25
GOODS AND SERVICES	Clothing, footwear, headgear.
NICE CLASSIFICATION	35
GOODS AND SERVICES	Retail services in respect of soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices, precious metals and their alloys, goods in precious metals or coated therewith, jewellery, precious stones, horological and chronometric instruments, leather and imitations of leather, goods made of leather and imitations thereof, animal skins, hides, trunks and travelling bags, umbrellas, parasols, walking sticks, clothing, footwear and headgear.

PARIS PRIORITY DETAILS

PARIS PRIORITY CODE: Sweden
PARIS PRIORITY APPLICATION NUMBER 2007/05132
PARIS PRIORITY APPLICATION DATE 06/08/2007

BASE REGISTRATION DETAILS

BASE APPLICATION NUMBER 2007/05132
BASE APPLICATION DATE 06/08/2007

REPRESENTATIVE DETAILS

CLIENT IDENTIFIER 603548
NAME RydinCarlsten Advokatbyrå AB
ADDRESS P.O. Box 1766
SE-111 87 Stockholm
COUNTRY Sweden

INTENT TO USE GROUP

CONTRACTING PARTY CODE United States of America

DESIGNATIONS

DESIGNATIONS UNDER THE PROTOCOL United States of America

INTERNATIONAL REGISTRATION DETAILS

INTERNATIONAL REGISTRATION NUMBER 0938711
INTERNATIONAL REGISTRATION DATE OF MARK 08/29/2007
INTERNATIONAL REGISTRATION EXPIRY DATE 08/29/2017
EFFECTIVE DATE OF MODIFICATION 08/29/2007
NOTIFICATION DATE 10/25/2007
DATE OF RECORDAL IN INTERNATIONAL REGISTER 10/11/2007
IB DOCUMENT ID 407892501
OFFICE OF ORIGIN CODE Sweden
OFFICE REFERENCE 79044294
TRANSACTION TYPE VALUES Initial Designation
ORIGINAL LANGUAGE ENGLISH
INSTRUMENT UNDER WHICH CONTRACTING PARTY IS DESIGNATED Protocol
HOLDER REFERENCE RC07021IB
DURATION OF MARK (YEARS) 10
VIENNA CLASSIFICATION VERSION USED 5
VIENNA CLASS 2604
VIENNA CLASS 2705

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SE-106 38 STOCKHOLM, SWEDEN**Entity Type:** UNKNOWN**Citizenship:** SWEDEN**Correspondent:** H&M HENNES & MAURITZ AB
SE-106 38 STOCKHOLM
SWEDEN

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Trademark Assignment Details

Reel/Frame: [3922/0671](#)[View Recorded Assignment](#)

Pages: 2

Received: 01/22/2009

Recorded: 01/22/2009

Conveyance:

Total properties: 1

1	Serial #: 79044294	Filing Dt: 08/29/2007	Reg #: 3476969	Reg. Dt: 07/29/2008
	Mark: DIVIDED			

Assignor

1 [H&M HENNES & MAURITZ AB](#)

Exec Dt: 12/22/2008

Entity Type: UNKNOWN

Citizenship: SWEDEN

Assignee

1 [H&M HENNES & MAURITZ AB](#)
SE-106 38 STOCKHOLM, SWEDEN

Entity Type: UNKNOWN

Citizenship: SWEDEN

Correspondence name and address

H&M HENNES & MAURITZ AB
SE-106 38 STOCKHOLM
SWEDEN

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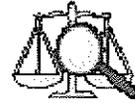
SUBMISSION TYPE:	NEW ASSIGNMENT	APPLICATION NUMBER 79044294
NATURE OF CONVEYANCE:	CHANGE OF NAME	
CONVEYING PARTY DATA		
Name		Execution Date
H&M Hennes & Mauritz AB		12/22/2008
RECEIVING PARTY DATA		
Name:	H&M Hennes & Mauritz AB	
Address:	SE-106 38 Stockholm	
Country:	SE	
Entity Type:		
Entity Country:	SE	
CORRESPONDENCE DATA		
Correspondent Name:	H&M Hennes & Mauritz AB	
Address:	SE-106 38 Stockholm	
Country:	SE	

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TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.5

Extension of Time

Number: 85241339**Filing Date:** 07/07/2011**Status:** Not Instituted**Status Date:** 07/07/2011**Opposition #:****Defendant****Name:** HOUSE DIVIDED CLOTHING LLC**Correspondence:** MIKE ELBEINHOVEY WILLIAMS LLP
10801 MASTIN ST STE 1000
OVERLAND PARK, KS 66210-1697**Serial #:** 85241339[Application File](#)**Application Status:** Request For Extension of Time to File Opposition**Mark:** HOUSE DIVIDED**Potential Opposer****Name:** H&M Hennes & Mauritz AB**Correspondence:** Mark I. PeroffHiscock & Barclay LLP
Seven Times Square
New York, NY 10036
UNITED STATES
mperoff@hblaw.com, apatel@hblaw.com, bsmith@hblaw.com,
trademarks@hblaw.com**Granted To Date:** 10/19/2011**Prosecution History**

#	Date	History Text
<u>4</u>	08/19/2011	<u>EXTENSION OF TIME GRANTED</u>
<u>3</u>	08/19/2011	<u>INCOMING - EXT TIME TO OPPOSE FILED</u>
<u>2</u>	07/07/2011	<u>EXTENSION OF TIME GRANTED</u>
<u>1</u>	07/07/2011	<u>INCOMING - EXT TIME TO OPPOSE FILED</u>

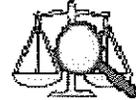
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TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.5

Opposition

Number: 91173512**Filing Date:** 10/23/2006**Status:** Terminated**Status Date:** 05/22/2008**Interlocutory Attorney:** [ELIZABETH WINTER](#)

Defendant

Name: [Travis R. Creasey](#)**Correspondence:** [TRAVIS R CREASEY](#)11300 NE 150th Street
Jones, OK 73049
UNITED STATES
traviscreasey@cox.net**Serial #:** [78665533](#) [Application File](#)**Registration #:** [3667859](#)**Application Status:** Registered**Mark:** A BABY DIVIDED

Plaintiff

Name: [H & M Hennes & Mauritz AB](#)**Correspondence:** [David Ehrlich](#)Fross Zelnick
866 United Nations Plaza
New York, NY 10017
UNITED STATES
dehrlich@fzlj.com

Prosecution History

#	Date	History Text	Due Date
16	05/22/2008	TERMINATED	
15	05/22/2008	BD'S DECISION: DISMISSED W/O PREJUDICE	
14	04/21/2008	STIP TO AMEND APPLICATION AND DISMISSAL OF OPPOSITION	
13	04/07/2008	SUSPENDED	
12	01/31/2008	PL'S MOTION TO SUSPEND	
11	01/14/2008	UNDELIVERABLE MAIL	
10	01/04/2008	EXTENSION OF TIME GRANTED	
9	12/21/2007	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	
8	09/26/2007	EXTENSION OF TIME GRANTED	
7	09/17/2007	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	
6	07/23/2007	EXTENSION OF TIME GRANTED	
5	07/02/2007	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	
4	11/21/2006	ANSWER	
3	10/23/2006	PENDING, INSTITUTED	
2	10/23/2006	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	12/02/2006
1	10/23/2006	FILED AND FEE	

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

Winter/ac

Mailed: May 22, 2008

Opposition No. 91173512

H & M Hennes & Mauritz AB

v.

Travis R. Creasey

On April 21, 2008, pursuant to the parties' settlement agreement, opposer filed¹ the parties' stipulated proposed amendment to the involved application Serial No. 78665533 and opposer's withdrawal without prejudice of the opposition, contingent upon entry of the amendment.

By the proposed amendment, applicant seeks to change the identification of goods **from:**

"clothing, namely, shirts, infant sleepers, hats, shoes, jackets, socks, and pullovers,"

¹The Board notes that opposer failed to provide proof of service of the consented amendment and stipulated withdrawal upon applicant as required by Trademark Rule 2.119, 37 C.F.R. 2.119. However, inasmuch as the motion and stipulated withdrawal was executed by applicant in accordance with settlement of this matter, and to expedite matters, a copy of opposer's submission will be forwarded to applicant along with this order. Strict compliance with the Trademark Rules is expected in future submissions to the Board.

to:²

"**baby** clothing, namely, shirts, infant sleepers, hats, shoes, jackets, socks, and pullovers, **with the two halves of each garment being in the colors of different universities, or with the garment bearing two university logos, to suggest that the baby wearing the garment is a fan of both universities.**"

Inasmuch as the amendment is clearly limiting in nature as required by Trademark Rule 2.71(b), 37 C.F.R. § 2.71(b), and because opposer consents thereto, it is approved and entered. See Trademark Rule 2.133(a), 37 C.F.R. § 2.133(a).

The contingency in opposer's withdrawal having now been met, the opposition is dismissed without prejudice.

*By the Trademark Trial
and Appeal Board*

² The underlined words in bold font are additional new wording in the goods.

Trademark Trial and Appeal Board Electronic Filing System: <http://eef.uspto.gov>

EATTA Tracking number: EBTTA206063

Filing date: 04/21/2008

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

Proceeding	91173512
Party	Plaintiff H & M Hennes & Mauritz AB
Correspondence Address	David Ehrlich Fross Zelnick 856 United Nations Plaza New York, NY 10017 UNITED STATES dehrlich@fziz.com
Submission	Other Motions/Papers
Filer's Name	David Ehrlich
Filer's e-mail	dehrlich@fziz.com
Signature	ldwe/
Date	04/21/2008
Attachments	Stipulation to Amend Opposed Application and Dismiss Opp. (F3276613).PDF (2 pages) (32912 bytes)

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

-----X
H & M HENNES & MAURITZ AB, :
 :
 : Opposition No. 91173512
 :
 : Opposer, :
 :
 :
 : v. :
 :
 : TRAVIS R. CREASEY, :
 :
 :
 : Applicant. :
-----X

To: TTAB

**STIPULATION TO AMEND
OPPOSED APPLICATION AND DISMISS OPPOSITION**

Pursuant to an agreement settling this opposition, the parties hereby stipulate that the identification of goods in the opposed application, SN 78/665,533, be amended to "baby clothing, namely, shirts, infant sleepers, hats, shoes, jackets, socks, and pullovers, with the two halves of each garment being in the colors of different universities, or with the garment bearing two university logos, to suggest that the baby wearing the garment is a fan of both universities." Since this amendment merely adds some limiting phrases, republication is not required, and it need not be reviewed by the Examining Attorney.

The parties further stipulate (1) that, immediately upon the entry of the above amendment, this opposition shall be dismissed without prejudice, and (2) that the opposition shall be suspended until the above amendment is acted on, if it cannot be entered immediately.

Dated: New York, New York
April 21, 2008

Respectfully submitted,

FROSS ZELNICK LEHRMAN & ZEISSU, P.C.

By: 

David Ehrlich
Attorneys for Opposer
866 United Nations Plaza
New York, New York 10017
(212) 813-8900

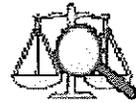


Travis R. Creasy (Applicant)
10300 NE 150th
Jones, Oklahoma 73049

EXHIBIT G



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TTABVUE. Trademark Trial and Appeal Board Inquiry System

v1.5

Opposition

Number: 91171639**Filing Date:** 06/29/2006**Status:** Terminated**Status Date:** 01/08/2007**Interlocutory Attorney:** JYLL S TAYLOR

Defendant

Name: Loehr, Thomas E.**Correspondence:** David Allen Barnette

Jackson Kelly PLLC

1600 Laidley Tower 500 Lee Street East , P.O. Box 553

Charleston, WV 25301

UNITED STATES

dbarnette@jacksonkelly.com

Serial #: 78712488Application File**Application Status:** Abandoned - After Inter-Partes Decision**Mark:** THE HOUSE DIVIDED

Plaintiff

Name: H & M Hennes & Mauritz AB**Correspondence:** David Ehrlich

Fross Zelnick

866 United Nations Plaza

New York, NY 10017

UNITED STATES

dehrlich@fzlj.com

Prosecution History

#	Date	History Text	Due Date
6	01/08/2007	TERMINATED	
<u>5</u>	01/08/2007	<u>BOARD'S DECISION: SUSTAINED</u>	
<u>4</u>	11/16/2006	<u>NOTICE OF DEFAULT</u>	
3	06/29/2006	PENDING, INSTITUTED	
<u>2</u>	06/29/2006	<u>NOTICE AND TRIAL DATES SENT; ANSWER DUE:</u>	08/08/2006
<u>1</u>	06/29/2006	<u>FILED AND FEE</u>	

Results as of 10/14/2011 03:11 PM

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

tlcraven

Mailed: January 8, 2007

Opposition No. 91171639

H & M Hennes & Mauritz AB

v.

Loehr, Thomas E.

On November 16, 2006, the Board sent a notice of default to applicant because no answer had been filed.

The record shows no response thereto.

Accordingly, judgment by default is hereby entered against applicant, the opposition is sustained, and registration to applicant is refused. See Fed. R. Civ. P. 55, and Trademark Rule 2.106(a).

*By the Trademark Trial
and Appeal Board*

EXHIBIT H

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Alexander Wang Shop to Open at Printemps



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Michael DeSimone Weighs In on E-commerce

wwd retail news department stores

August 20, 2010

Profiling the Value Retailers

FROM: WWD Issue 08/20/2010

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Stores, like people, have personalities.

Whether that personality determines the customer, or the customer the personality, is one of those chicken versus egg questions that's a matter of perennial debate (well, at least among retail nerds). And it's not only the high-end stores that have distinctive styles — the mass crowd does, too. Contrast the white linoleum and bright lighting at Target to the often-dingy feeling at some Wal-Marts, or the pile-it-high feeling at Forever 21 to the more restrained sense of Zara. Then there is Carrefour, which no matter how big still has a French élan, versus British hypermarket operator Asda, which seems to take all its leads from Wal-Mart, its parent.

See more coverage of WWD's Cheap Week here

H&M

Officials at H&M, which has more than 2,000 stores around the world, are fond of repeating its mantra: "Fashion and quality at the best price." The Swedish fast-fashion giant's stated aim is to dress women, men, teens and children for every occasion. Hence, its women's collections range from basics like T-shirts to tailored classics like black pants, via sportswear, maternity clothes and avant-garde items inspired by style icons du jour like Lady Gaga.

The Divided collection is aimed at younger consumers, with a heavy emphasis on denim,



An H&M store. Photo By Courtesy Photo

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street fashions and funky accessories. Children's clothes aim to combine practicality with fashion flair and cater to three age groups: zero to 18 months; 18 months to 8 years, and 9 to 14 years.

Bloomingdale's Gets an Upgrade

H&M, which had sales last year of 118.69 billion Swedish krona, or \$16.07 billion, is credited with popularizing high street-designer collaborations, as well as low prices, constantly changing inventory and a lightning quick supply chain. Since 2004, it has recruited the likes of Karl Lagerfeld, Viktor & Rolf, Stella McCartney, Roberto Cavalli, Comme des Garçons and Jimmy Choo to design limited edition collections that routinely draw hysterical throngs. In addition to selling clothes designed by Madonna and Kylie Minogue, H&M has enlisted celebrities including Rihanna, Jade Jagger, Timbaland and Katy Perry to design tops for its Fashion Against AIDS collections. The retailer is also committed to increasing its use of sustainable fabrics like organic cotton, recycled polyester and tencel through initiatives like its recent Garden Collection.

Metersbonwe

To call China's mass-market casual apparel field crowded is a massive understatement. By keeping its head down, Shanghai-based Metersbonwe has managed to come out ahead. The company has around 1,800 stores across the country, is the market leader in lower-priced casualwear with estimated sales of 4 billion renminbi, or \$590 million, yet still holds less than a 2 percent share of the market.

How have they done it? According to Cai Minxu, the company's media affairs manager, the success of Metersbonwe — which sells nothing but apparel, shoes and accessories — has come from a tightly managed supply chain, deep sales network and a clear message to customers. Though its long-standing slogan is "Be Different," the company mainly sells clothes designed to help teens and college students fit in with their peers — a very important attribute for the majority of China's youth.

Cai said the company aims to double market share in coming years, with new campaigns and new reach. But the core message won't really change. These are real clothes, at good prices, for the youth.

"People ask what is the distinguishing feature of Metersbonwe," said Cai. "I say the distinguishing feature is that it doesn't have a distinguishing feature. We will move forward in the goal of having 'no distinguishing feature.'"

Dollar store format

One of the few retail sectors that expanded during the recession, dollar stores opened units at a fast clip. The dollar chains compete against discount supermarkets such as Aldi and mass retailers such as Wal-Mart.

While the dollar store category is heavily invested in food and consumables, it's been making strides with apparel and beauty. Dollar General's proprietary brand, Bobbie Brooks, is manufactured by Gildan, which also makes Open Trails for men. The chain added Hanes in March. Dollar General Corp., which has sales approaching \$12 billion, opened 207 stores last year and now operates over 8,800 units nationwide, most averaging about 7,000 square feet.

Family Dollar Stores Inc., which has 6,700 stores in 44 states, has been launching national apparel brands in an effort to boost the category, which accounts for 10 to 12 percent of sales, which totaled \$7.4 billion last year. Family Dollar in 2007 bought the Bugle Boy brand.

Dollar Tree Inc., with sales of \$5.2 billion, is expanding Deals, a 160-store chain it bought in 2006, with 25 new Deals units this year. At Deals, prices are more than a buck, giving Dollar Tree an opportunity to sell merchandise it can't sell at the restricted prices of its self-named stores.

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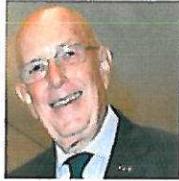
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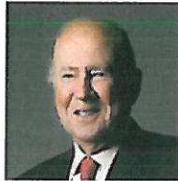
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January 16, 2008

Ann-Sofie Johansson to Lead Design at H&M

By ROBERT MURPHY

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A- A A+ PRINT E-MAIL

PARIS – Hennes & Mauritz is turning a page in its design department.

Margareta van den Bosch is being replaced by Ann-Sofie Johansson as head of design as Van den Bosch moves into semi-retirement after 30 years helming design at the Swedish fast-fashion retailer.

Van den Bosch, 65, who spearheaded successful initiatives to hire well-known outside fashion names such as Karl Lagerfeld and Stella McCartney to do one-off collections for H&M, will continue to act as a consultant to H&M.

She will continue to oversee those projects with outside designers, which have ranged from Madonna to Viktor & Rolf and, last year, Roberto Cavalli.

"I'm very excited," said Johansson, 44, who was hired by van den Bosch in 1990 as a design assistant after three years working as a sales clerk in an H&M store.

"When I started in the design department we were maybe only 10 designers," said Johansson. "Now we are more than 100. A lot has changed."

Johansson said she wanted to make a smooth transition into her new role, effective this week. Van den Bosch was unavailable for comment.

"We've become a more international company in the last 20 years," said Johansson. "When I started we didn't use computers. Everything was done by hand."

She continued, "My biggest challenge is to continue to excite customers and to make fashion and quality at the best possible price."



Ann-Sofie Johansson, H&M's new head of design.
Photo By WWD Staff

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Johansson said she studied design at evening courses at the Anders Beckman's School in Stockholm. "I also studied art – I thought I wanted to be an artist for a while," she said.

MORE ARTICLES BY

The last H&M collections under Van den Bosch's purview will hit stores this fall.

Johansson started as a design assistant at H&M for its young women's Divided collection. In 1994, she became designer for the Divided Black collection before becoming a designer at the ladies' department in 2005.

She said van den Bosch, who was helped grow H&M's design department to its current size, had been an inspiration to her.

"She taught me to work in a group and how to cultivate an eye for fashion and trends," she said. "I plan to continue in her footsteps."

For more, see Thursday's issue of WWD.

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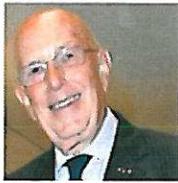
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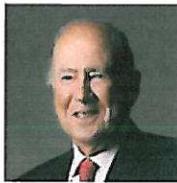
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Because Beyonce never puts less than her everything into those signature energetic performances, a smattering of silly shots are always...

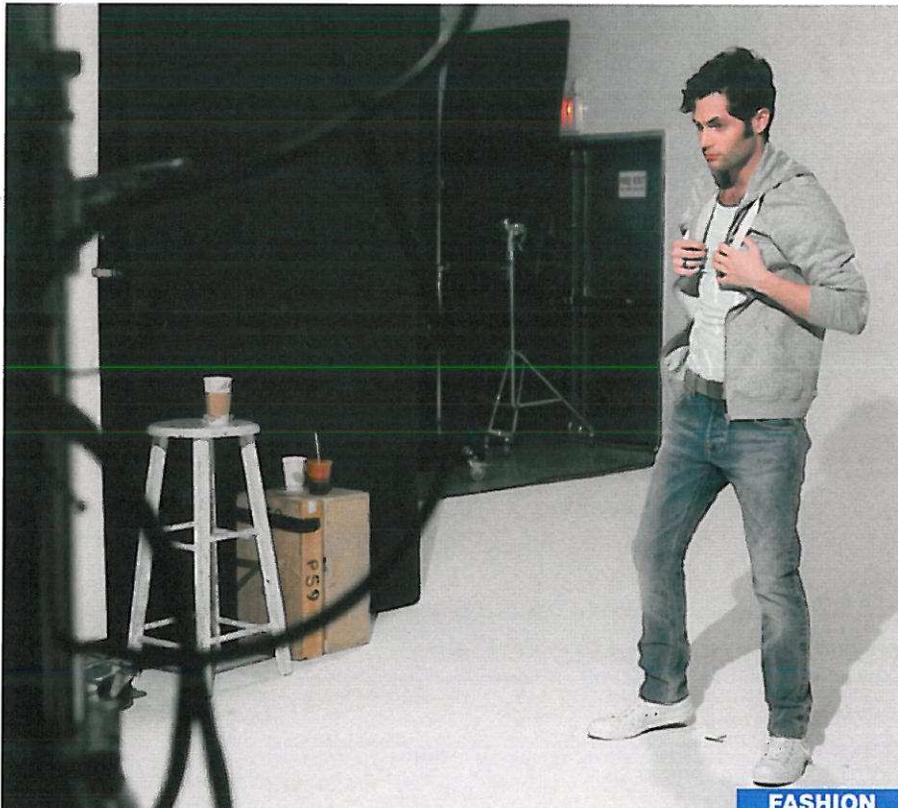


Penn Badgley: Model Behavior

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March 31, 2011 | Jarett Wieselmann

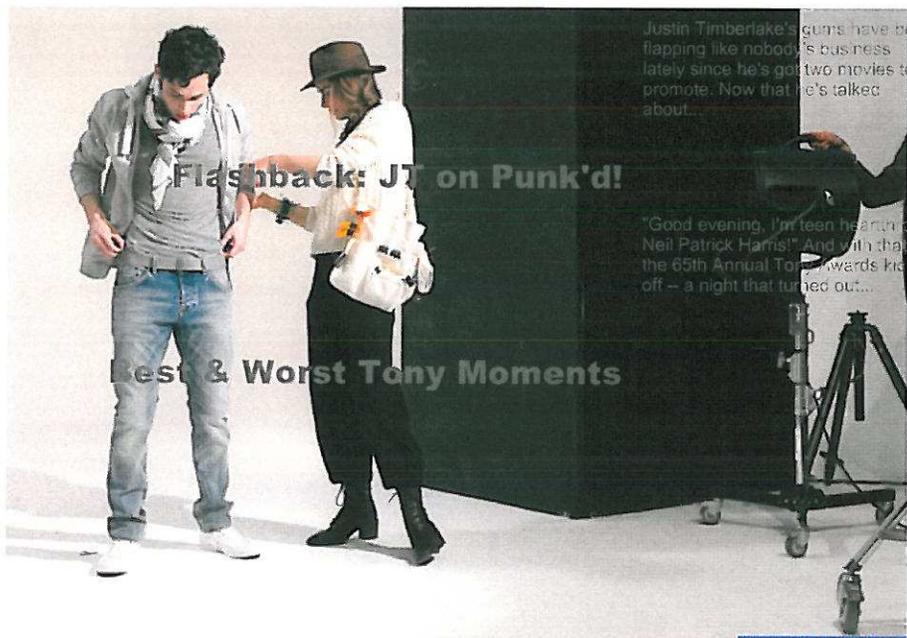


FASHION

Pop Pics Our Fave Snaps



With his razor blade cheekbones, malleable mop of hair and snuffable smolder, Penn Badgley has all the makings of a male model -- but unlike many of his cohorts, Penn didn't come to Hollywood from the catwalk. He is, however, giving modeling a go in the 2011 H&M Fashion Against AIDS collection.



Flashback: JT on Punk'd!

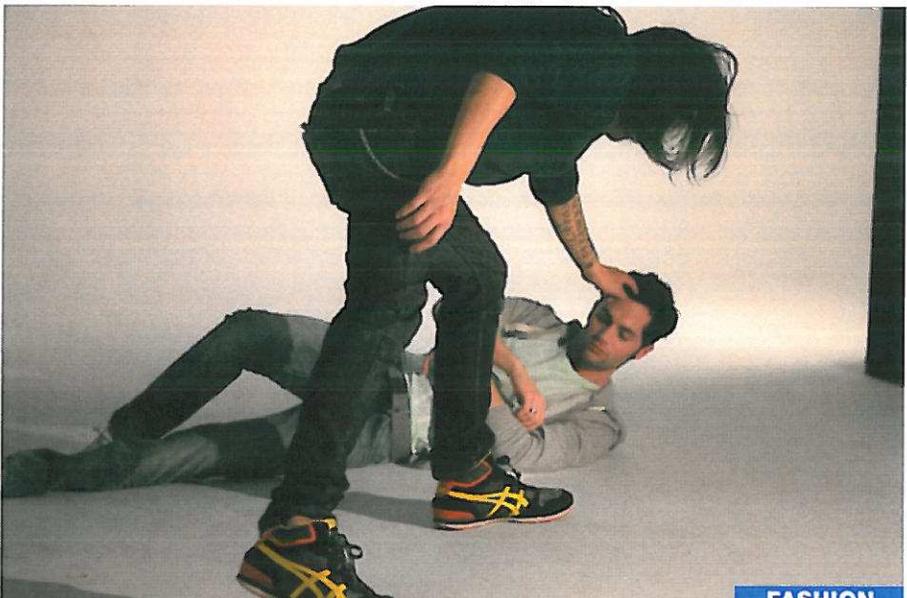
Best & Worst Tony Moments

Justin Timberlake's flapping like nobody's business lately since he's got two movies to promote. Now that he's talked about...

"Good evening, I'm teen heartthrob Neil Patrick Harris!" And with that, the 65th Annual Tony Awards kicked off -- a night that turned out...

FASHION

Penn joined Akon, Ginnifer Goodwin, Selma Blair, Keri Hilson, Shiloh Fernandez and The Scissor Sisters in fronting the campaign because "I think it's good to keep young people, all people, aware about HIV. It's something that's it's easy to forget about. It's a serious issue and it affects so many people. It's not just restricted to any community. The more awareness, the better and the safer we can all be. People need to be sensitive and safe, a lot of times it's easy to let that go."



FASHION

The collection will be available in H&M's Divided department and online starting on April 26 -- with 25% of sales donated to the charity Designers Against AIDS (DAA) and various other international HIV/AIDS prevention projects.

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Ninette Murk Founder and Creative Director at Designers against AIDS
 Thank you Penn Badgley (Actor from GOSSIP GIRL).
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EXHIBIT K

What's New: H&M Fashion Against AIDS

Written by: [Rebecca Voigt](#)

Like

2



"HIV is everywhere. not just in Africa, not just in the gay community" HIV concerns us all," says Ninette Murk, founder and creative director of Designers Against AIDS, an organization that promotes awareness of HIV/AIDS among young people, investigating new methods for peer group education and campaigning.

To help spread DAA's mission, the organization has partnered with H&M for the Fashion Against AIDS campaign. Now in its fourth year, the program has donated more than \$5.9 million to the DAA and other international HIV/AIDS projects through the sale of some seriously stylish fashion with a conscience.

This year's collection includes an on-trend mix of unisex pieces that allow men and women to wear them their way. Sporty and versatile, the collection includes colorful, comfortable T-shirts, blouses, parkas, track pants, tanks, shorts and accessories.

“We wanted to create a unisex collection with a sporty vibe,” says Ann-Sofie Johnson, head of design at H&M. “It felt really liberating to think of the cut, the shape and the fabric first, before what gender it should fit.”

The unisex concept echoes the campaign’s message that awareness is just as important for women as it is for men. “FAA is such an important initiative for H&M because it is crucial to make young people aware of HIV and AIDS,” says Johnson.

The collection will be available in select H&M Divided departments on April 26. Prices range from \$5 for a nylon drawstring backpack to \$149 for a leather vest, with 25 percent of sales benefiting youth HIV/AIDS projects around the world.

To learn more, visit hm.com

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EXHIBIT L

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Look We Love:



Check out which stylish femmes made our best-dressed list for Milan Fashion Week!

MILAN FASHION WEEK

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LOOK WE LOVE: PUNK UNDER \$200

Monday, April 28, 2008

The Ramones have passed away and CBGB's was shuttered a couple of years ago, but punk—fashion-wise at least—is still going strong. The punk influence in clothes this season is, ironically, sort of subtle. But when you add up the splashes of neon bright colors, body-conscious dresses, and zipper and stud-embellished accessories spotted on the Luella, House of Holland, and Gucci runways, the result is a very wearable punky/new wave style. If you wonder if you're doing this pretty punk right, just ask yourself, "What would Debbie Harry do?" and let her late-seventies look act as your guide. We promise, she won't let you down!

1. American Eagle Outfitters **Thin Rivet Belt** (\$24.50)

One clothing requirement for any dutiful punk is that something on their person must be studded (be it belt, bracelet, or body part). House of Holland took this punk adornment to a haute level when they used gorgeous Mulberry bags on their spring runway. The bags were embellished with studs like the ones found on this ultra-affordable rivet belt from AE. While black is the de rigueur choice, we like the unexpectedness of the chalk color.

2. House of Holland **One Trick Pony Kate Moss T-Shirt** (\$100)

Speaking of HOH, we're still highly amused by the genius silly slogans t-shirts. The highlighter colors and insouciant phrases convey that great, rude attitude associated with punk.

3. Ted Baker **T-Bar Block Heel Buckle Sandal** (\$130)

There's something sick and sexy about black patent leather, especially when it's shown on a tough heel. The metal buckles and graphic black and white just make them even better. Okay, so maybe Debbie Harry didn't wear shoes like this circa '78, but we bet she'd approve of their arrogant hotness.

4. LxA **Zipper Leggings** (\$110)

Apparently the good people at LxA weren't satisfied with merely creating some of the world's best t-shirts and tank tops. No no, they had to also give us these super-fresh ankle-zip leggings in a gaggle of colors. The pink-called Flamingo, naturally—particularly rocks.

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| Bloomingdale's | Daily Front Row |
| Charm and Chain | Elle |
| Endless | Elle UK |
| Free People | Fashionista |

- Chloe Yves Saint Laurent Topshop Alexa
 Chung Lanvin Mary Kate Olsen Louis Vuitton

5. Topshop Unique Sporty Two Strap Sandal (\$170)

We could completely imagine the these blue sandals strapped around some delicate ankle, making their way into Max's Kansas City to watch Johnny Thunders perform.

6. Rescue Beauty Lounge Yellow Fever Polish (\$18)

This youthful, bratty, look-at-me shade of polish is perfect for your pop-punk digits.

7. Divided by H&M Tiger Striped Tank Stretch Dress (\$14.90)

As archival photographs attest, punk power style icons weren't afraid of showing off their bodies. We're not suggesting that you run out and go nuts with the spandex, but a body-con dress, like this gray and black tiger-striped one from H&M, is a cool piece to have in your wardrobe.

8. Forever 21 Geometric Scarf (\$7.80)

If you want just a touch of the New Wave look, a geometric print scarf in lime green and black will do the trick. It's not too in your face and it will add a jolt of style to an otherwise basic outfit.

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Sheenalsn'tAPun 3 years ago

What are all of these self-proclaimed punk-evangelists doing on WWWD? Quit expressing outrage in fashion blog comments and go protest some real issues already. Besides, punks live by their own rules correct? So if we want to wear a HOH tee, why not? Oi!

Like Reply



cydne 3 years ago

can you say poseurs??

Like Reply



sarah 3 years ago

punk rock 'fashion' emerged from anarchistic brits and malcolm mclarens SEX shop in London. it's musical beginnings were in new york in the 1970's, but the fashion as we know it is only attributable to the brits. this is why americans do it so badly. it is hollywood reproduction at its worst.

Like Reply



Kelsey 3 years ago

this post is actually quite insulting. punk is an attitude, a style of music but never about wasting \$200 on a single outfit. Thank you to Elizabeth who after 17 some odd posts finally mentioned vivienne westwood but also Blondie was considered punk up until the were bought by Chrysalis Records in 1977 and then when Parallel Lines was released in 1978 was when they began they're transition to 'new wave.' the clothes in this post are tragic and i'm sad to see WWWD stoop this low. The only thing that Kate Moss and punk have in common is the grotesque amount of drugs that are consumed, not saying that everyone in the punk scene did drugs but we all know how common it was.

if you were really desperate enough to get this look you could go to any hot topic or torrid and get this while outfit for maybe under \$150 and you'd still have \$50 to go and try and badly mimic another style.

Like Reply



Lucy 3 years ago

I own the H&M dress and it has a great fit! I love it! www.bobby-j.com

Like Reply

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@justincoll But of course! I went out and bought a copy immediately! Looks amazing, so proud of you/excited!

@daniellenuss: @matkays And Revenge!!!<- I like this show too, thanks for the suggestion Yell.

Check it out guys! RT @justincoll: From People.com: Meet Jessica Alba's Daughter Haven A Garner <http://A.co/18Lz06d1>

From a Grecian landscape to a pride of panthers, check out the photo-print pieces taking over today's Trend Report! <http://A.co/lepy8pqr>

SEARCH



elaina 3 years ago

for those who liked the H&M dress but were unsure about it i just wanted to say that the picture doesn't do the dress justice. i own it in dark purple instead of the grey and it's very flattering. one of my favourite purchases lately.

Like Reply



Val 3 years ago

In the midst of this hoopla, let me say that the £21 scarf is great in magenta, too! I almost bought it a few weeks ago.

Like Reply



Maria 3 years ago

I think 'punk' means something different for everyone, and this is how WWWD perceived it. Relax.

Anyway, I LOVE THE TED BAKERS! The HOH shirts have actually grown on me. My favorite's gotta be the ones that go, "My flies are undone Lily Donaldson." Yum.

Like Reply



Jada 3 years ago

man, some of ya'll take yourselves a little too seriously. do you come here to read some fun, fashionable blurbs with pics to match or is it all about dissecting every single little detail? i reckon that you guys are not fashion gurus, so get off your high horses and live a little.

Like Reply



Lizzie 3 years ago

First of all, I think this site is a load of fun. I've been a fan for a while now. I was excited to see what the punk look was going to be like. Having been there ("got the t-shirt" -- yep, it's still holding thanks to the safety pins), I must say it is not punk at all but very 80s and still very fun. I remember mixing stuff from my Mom's closet from her own salad days, with stuff purchased at one of the only two or three shops on Melrose Ave. I think I might have to break my rule of thumb which is "IF I WAS OLD ENOUGH THE FIRST TIME, I AM TOO OLD FOR IT NOW" and get the little tank dress from H&M for old times sake (if it's not too revealing!).

Like Reply



Faylinn 3 years ago

As everyone has already said, this isn't punk by any means. After all, Richard Hell is considered to be the originator of the style: safety pins holding a ripped shirt together, lettered clothes, self-cut hair, etc. How did he create this look? Simply: he didn't have enough money to buy new clothes and a haircut.

My point is that to copy the punk style, it shouldn't cost \$200, but \$20 max.

Like Reply



Joyce 3 years ago

I love the h&m dress and the yellow fever polish, i think i might just pick those up. :D

Like Reply



lauren 3 years ago

without actually seeing it in person, i think the dress is ok everything else is a tacky eyesore.

Like Reply



Elizabeth 3 years ago

Brit punk style? Really? If you want that, try Fred Perry, Ben Sherman, and Martens.

Like Reply



ar 3 years ago

wow, people are getting quite upset. I agree that this post should have been more detailed in the explanation, as it is not american punk style, but go to london and this is totally brit punk style (aka agyness deyn, who dresses exactly the same as all the other brit club kids. she's really not THAT original).

I just said, I quite like the stud belt as it looks like a cheaper version of one I like from Barneys Co-Op, and I also LOVE the blue shoes. The leggings would be great in another color too.

SEARCH

its not a TERRIBLE post wwwd, but i guess just watch what you call 'em, since you seem to have a lot of angry american punk readers out there...

Like Reply



bella vita 3 years ago

As much as I like all of the pieces you selected, I have that RBL Yellow Fever polish, I have to say I agree that this is definitely NOT punk. Why do people think something can automatically be considered punk just because Agyness Deyn wears it? I'm sorry but just because you have a couple studs or zippers here and there on your clothes or spike your short hair once in a while doesn't make you punk. I don't have anything against Agyness Deyn or her style, she's just NOT punk.

Like Reply



kittykate 3 years ago

I seriously, seriously love this post. Why is everyone so pissed? The house of holland shirts are frickin sweet....The leggings are to die for...although I would get them in a different color fo sho. This is definitely the style I'm channeling right now be it punk or not. NEON is in! DEAL!

Like Reply



sarah 3 years ago

where I come from, those h of h lees are reproduced by copy shops and are considered so far gone to be a joke. to have them shown on this site and regarded as high fashion is also a joke. give me a break. I dress my 5 year old better than half your posts grow up wwwd.

Like Reply



Rileyk 3 years ago

As much as I agree with most of the previous posts, I like this look and I have started to channel it myself.

However I do think that a thrift store is the way to go if you want an authentic punk look...

Like Reply



anna 3 years ago

I don't know what those t-shirts are so popular. What woman (besides Paris Hilton) thinks that large bold font is at all flattering? Plus, the t-shirt has no form or shape. It reminds me of those tacky "I'm hot" t-shirts Paris Hilton wears. And who wants to look like her...ew.

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EXHIBIT M



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H&M Divided Autumn-Winter 2009/2010 fashion collection

19 Aug 2009

Like 0 0

The main fashion concepts of the Swedish clothing company H&M are more generic and traditional than its concept called "H&M Divided", which offers fashion with a young look. Of course, that is a logic move. In this way, H&M Divided is a more risky concept, so an adaptation to the preferences of a younger public could be achieved (after all, that is the target group).

URL: googleads.g.doubleclick.net



The chosen context for the new H&M Divided campaign shows an interesting thing: Apparently, in the upcoming cold seasons, the city and some urban concepts will become secondary priorities for some fashion brands. Instead, other elements such as mountains, nature, and an "outdoors-style of life" will prevail.



This H&M Divided collection also includes really large checkered prints, which were a characteristic of the grunge generation in the 1990s: A generation that imitated the informal style of some rock stars like Kurt Cobain, the rock singer who was an adored and admired icon. He is a reference point in the young fashion of that decade.

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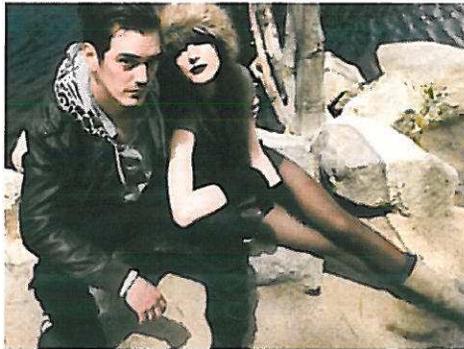
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Besides the checkered prints and the grunge style, the animal print is also present. It is a trend which many fashion brands are following at the moment.



Colors are very important for H&M. And this time the clothing company has opted for earth colors, instead of including just cold and dark colors.

More pictures (click on them to enlarge):



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H&M Divided

Fashion Brand
www.hm.com



H & M Divided H & M is a sub-brand, to provide young boys and girls breath pressing equipment. H & M Divided series focus on creative design, and with reference to the street party dress with the latest trends, designed to attract young people and adult-style fashion. H & M Divided series includes jeans and street style, fashion, suitable for any occasion wear, as well as a daily casual dress party. In addition, H & M Divided series also includes matching accessories and underwear. Divided family of customers to buy the latest designs can also choose the basic models, and "Organic Cotton" Organic cotton series

H & M Divided series of our customers are extremely sensitive and keen fashion trends, the series is that they express themselves, to fully demonstrate a way of personal style. Hot models tend to come from them. H & M Divided series also has the latest trend of perception, to show the image of H & M fashion is especially important.

H&M Divided brand theme

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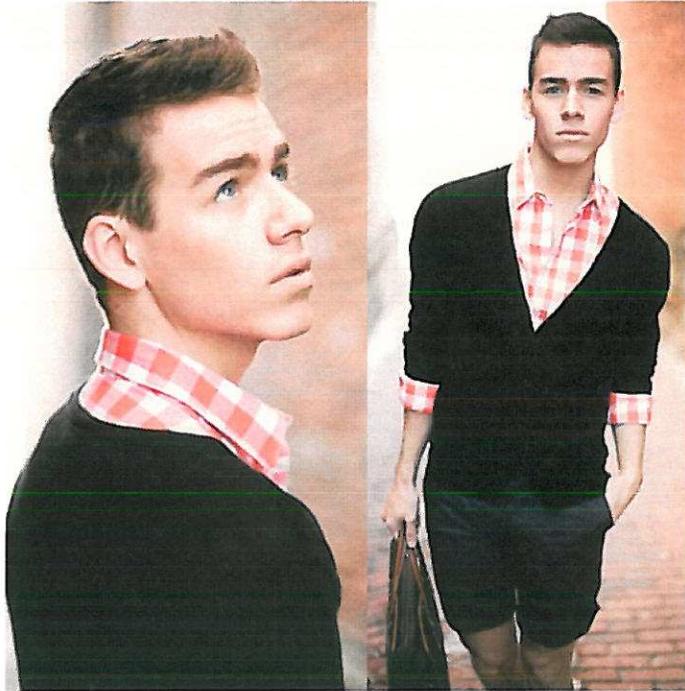
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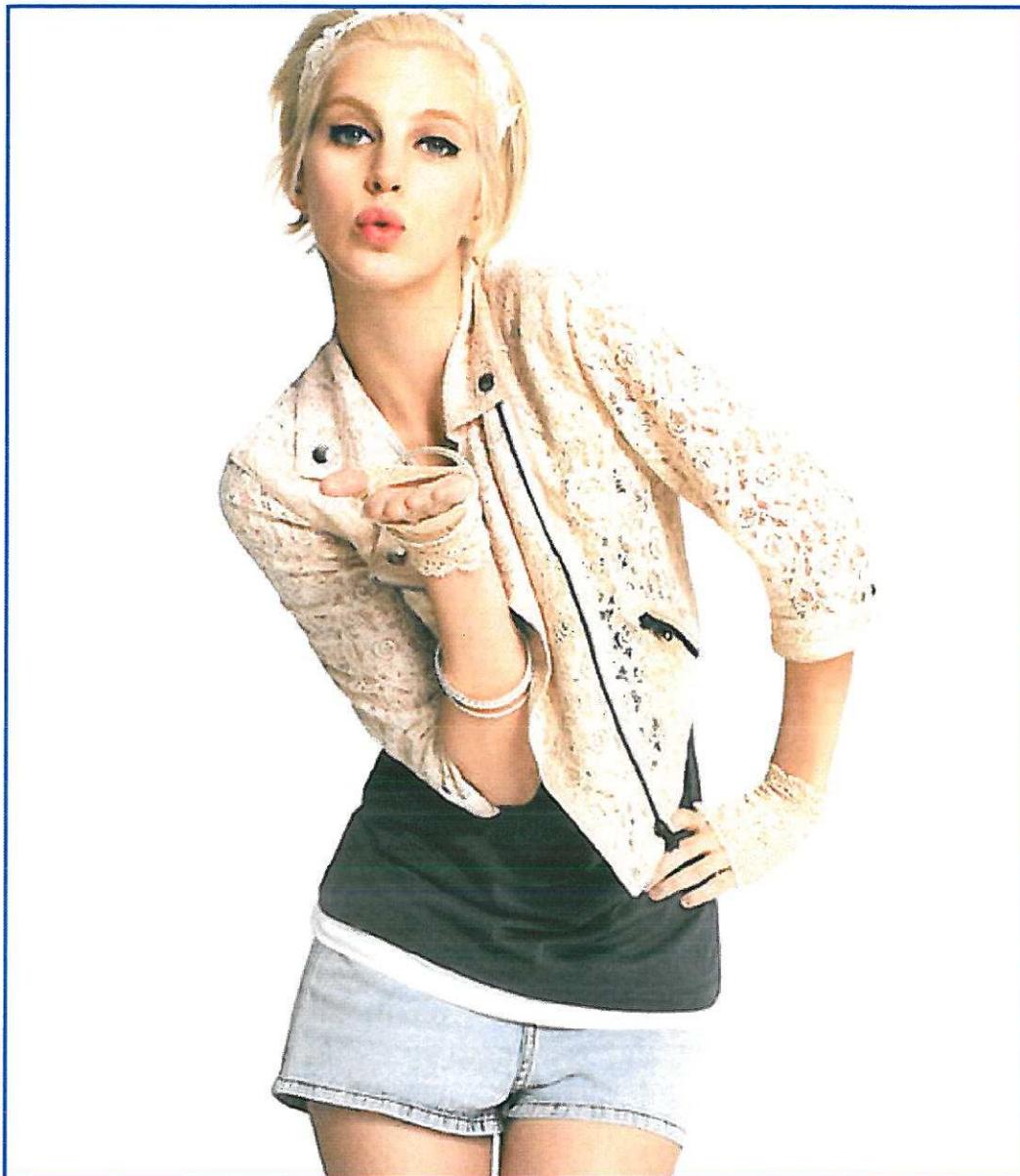
H&M Divided Collection for Spring 2010

by Diana Ajih on January 20, 2010

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Another cool collection from [H&M](#) that I am looking forward to this spring. H&M Divided Collection is back and this time for Spring 2010. It carries funky pieces from floral and stripe prints seen on dresses, tops, and skirts, lace jackets, jumpsuits, shorts and lots more cool looks. I'm really liking the hipster vibe from this collection.

I can't wait for spring to arrive!!!!





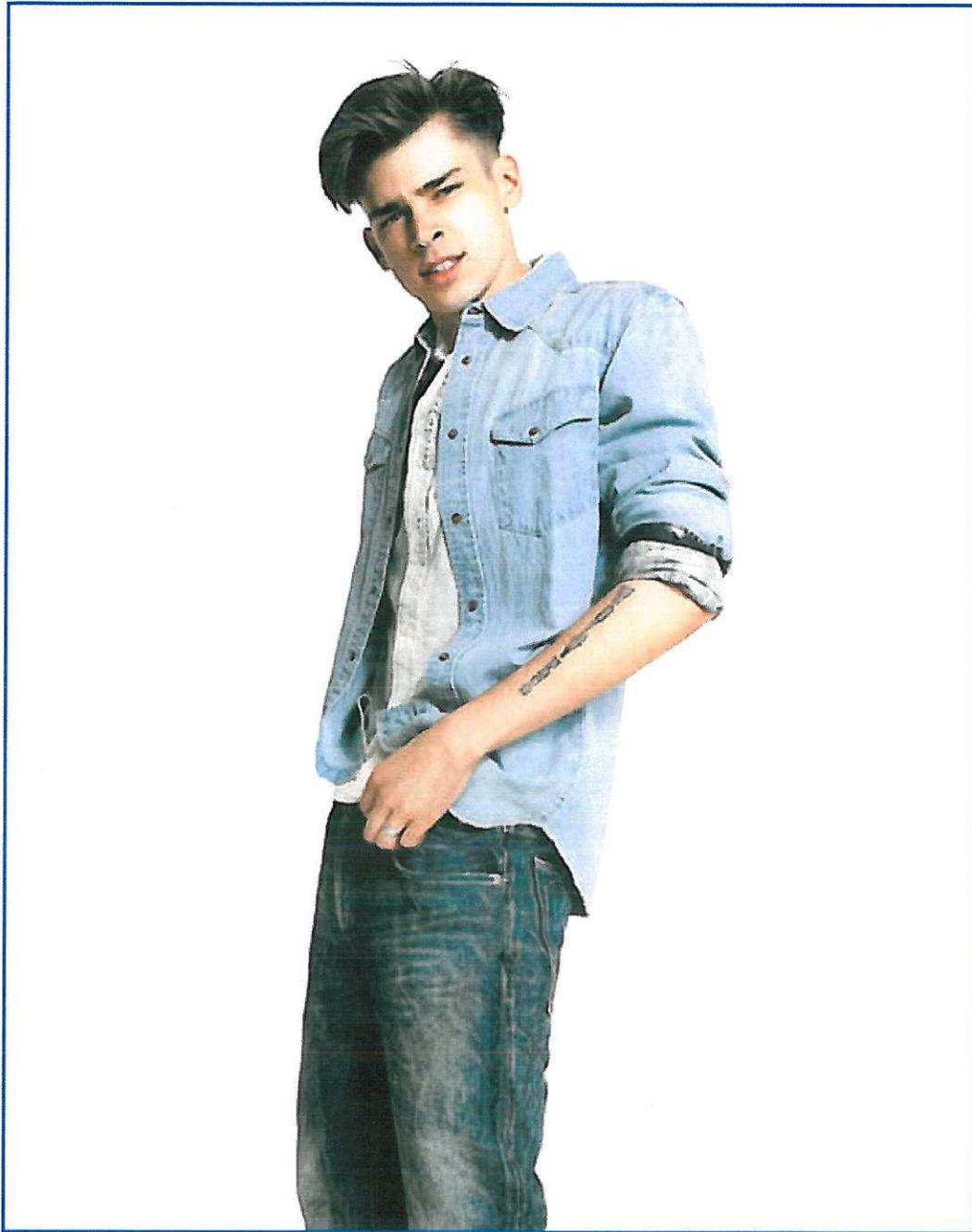














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H&M Divided Fall 2010 Ad Campaign

by Diana Ajih on July 23, 2010

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H&M's Divided Fall 2010 line, models Abbey Lee Kershaw, Karmen Pedaru, Patricia Van der Vliet, Bastiaan Ninaber, and Josh Beech are featured in the ad campaign shot by Daniel Jackson. Lots of cool looks from the line. I've seen a couple of these looks already in the H&M stores and I'm guessing the others will be released at a later date. I love the funky, wild animal prints!







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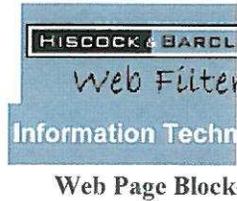
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