

ESTTA Tracking number: **ESTTA452580**

Filing date: **01/23/2012**

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

Proceeding	91202977
Party	Defendant Victoria's Secret Stores Brand Management, Inc.t, Inc.
Correspondence Address	Dionne C. Strange Limited Brands, Inc. Manager Legal Services, IP Paralegal 5 Limited Parkway East Reynoldsburg, OH 43068 dstrange@limitedbrands.com
Submission	Answer
Filer's Name	Michelle L. Calkins
Filer's e-mail	mcalkins@leydig.com, kparks@leydig.com
Signature	/Michelle L. Calkins/
Date	01/23/2012
Attachments	2012.01.23 Answer.pdf (5 pages)(162875 bytes)

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

CHICO'S FAS, INC.,)	
CHICO'S BRANDS INVESTMENTS, INC., and)	
SOMA INTIMATES, INC.,)	
)	
Opposers,)	Opposition No. 91202977
)	Serial No. 85/363,064
v.)	
)	
VICTORIA'S SECRET STORES)	
BRAND MANAGEMENT, INC.,)	
)	
Applicant.)	

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Victoria's Secret Stores Brand Management, Inc. ("Applicant") hereby answers the Notice of Opposition herein as follows:

1. Applicant is without sufficient information to form a belief as to the allegations in paragraph 1 of the Notice of Opposition, and therefore denies the same.

2. Applicant admits that the USPTO online database indicates Application Serial No. 85/163,254 was filed on October 28, 2010, and on June 14, 2011, matured into Registration No. 3,977,382, in the name of Chico's Brands Investments, Inc., in connection with perfumes, body lotion, hand cream and bath cream. Applicant is without sufficient information to form a belief as to the remaining allegations in paragraph 2 of the Notice of Opposition, and therefore denies the same.

3. Applicant admits that the USPTO online database indicates Application Serial No. 85/367,557 was filed on July 11, 2011, and was published in the Official Gazette on November 1, 2011, in the name of Chico's Brands Investments, Inc. in connection with women's apparel, namely, sleepwear, pajamas, chemises, gowns, robes, slippers, foundation garments,

undergarments, bras, panties, and shapewear, namely, slips and camis. Applicant is without sufficient information to form a belief as to the remaining allegations in paragraph 3 of the Notice of Opposition, and therefore denies the same.

4. Denied.

5. Applicant is without sufficient information to form a belief as to the allegations in paragraph 5 of the Notice of Opposition, and therefore denies the same.

6. Applicant is without sufficient information to form a belief as to the allegations in paragraph 6 of the Notice of Opposition, and therefore denies the same.

7. Applicant is without sufficient information to form a belief as to the allegations in paragraph 7 of the Notice of Opposition, and therefore denies the same.

8. Applicant is without sufficient information to form a belief as to the allegations in paragraph 8 of the Notice of Opposition, and therefore denies the same.

9. Applicant is without sufficient information to form a belief as to the allegations in paragraph 9 of the Notice of Opposition, and therefore denies the same.

10. Applicant is without sufficient information to form a belief as to the allegations in paragraph 10 of the Notice of Opposition, and therefore denies the same.

11. Denied.

12. Applicant is without sufficient information to form a belief as to the allegations in paragraph 12 of the Notice of Opposition, and therefore denies the same.

13. Applicant is without sufficient information to form a belief as to the allegations in paragraph 13 of the Notice of Opposition, and therefore denies the same.

14. Responding to the allegations in paragraph 14 of the Notice of Opposition, Applicant denies it is owned by Limited Brands, Inc., or that it is a “mass retailer,” but admits it

sells women's clothing intimate apparel and beauty products in its owned Victoria's Secret boutiques, website and catalogs.

15. Applicant is without sufficient information to form a belief as to the allegations in paragraph 15 of the Notice of Opposition, and therefore denies the same.

16. Applicant admits that, as of January 29, 2011, Applicant operated 1,028 stores, had over \$4 billion in net sales at its brick-and-mortar stores, and an additional \$1.5 billion in sales from Applicant's online and catalog sales.

17. Applicant admits that in September 2011, Applicant launched a new fragrance line and an updated bra collection under the name GORGEOUS. Applicant admits the launch was advertised in print and electronic media, and that the advertisement shown was used by Applicant. Applicant is without sufficient information to form a belief as to the remaining allegations in paragraph 17 of the Notice of Opposition, and therefore denies the same.

18. Applicant admits that Exhibit D in the Notice of Opposition is a copy of Applicant's press release as it was reprinted by The Street on September 21, 2011, and that it contains the quotes referenced in paragraph 18 of the Notice of Opposition.

19. Admitted.

20. Denied.

21. Applicant is without sufficient information to form a belief as to the allegations in paragraph 21 of the Notice of Opposition, and therefore denies the same.

22. Applicant is without sufficient information to form a belief as to the allegations in paragraph 22 of the Notice of Opposition, and therefore denies the same.

23. Denied. Applicant's application should be allowed to register.

24. Denied.

25. Denied. Applicant's application should be allowed to register.

Respectfully submitted,

Date: January 23, 2012

By: 
Kevin C. Parks
Michelle L. Calkins
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, 180 N. Stetson Ave.
Suite 4900
Chicago, IL 60601
(312) 616-5600
(312) 616-5700
Attorneys for Applicant

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the attached Applicant's Answer to Notice of Opposition was filed electronically with the Trademark Trial and Appeal Board on January 23, 2012.


Michelle L. Calkins

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Applicant's Answer to Notice of Opposition was served by first class mail to the following address on January 23, 2012:

Ava K. Doppelt, Esq.
Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.
255 South Orange Avenue
Suite 1401
Orlando, FL 32801


Michelle L. Calkins