

ESTTA Tracking number: **ESTTA465573**

Filing date: **04/05/2012**

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

Notice of Opposition

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

Opposer Information

Name	Victoria's Secret Stores Brand Management, Inc.
Granted to Date of previous extension	04/25/2012
Address	Three Limited Parkway Reynoldsburg, OH 43068 UNITED STATES

Attorney information	Kevin Parks Leydig, Voit & Mayer, Ltd. Two Prudential Plaza, 180 N. Stetson Ave Suite 4900 Chicago, IL 60601 UNITED STATES kparks@leydig.com, mcalkins@leydig.com Phone:312-616-5600
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Applicant Information

Application No	79099053	Publication date	12/27/2011
Opposition Filing Date	04/05/2012	Opposition Period Ends	04/25/2012
International Registration No.	1081795	International Registration Date	06/15/2011
Applicant	Beijing Weininasi International Apparel Co., Ltd. No. 1 Daluoshu Jia Wangsiying Township Chaoyang District; Beijing City, CHINA		

Goods/Services Affected by Opposition

Class 025. All goods and services in the class are opposed, namely: Clothing, namely, pants, shirts; shoes; hats; hosiery; gloves; girdles; scarves; clothing, namely, layettes; swimsuits; theatrical costume

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2244265	Application Date	07/23/1997
Registration Date	05/11/1999	Foreign Priority Date	NONE
Word Mark	VS		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1991/09/00 First Use In Commerce: 1991/09/00 clothing, namely, robes and slippers sold only in specialty retail stores and through specialty mail order catalogs		

U.S. Registration No.	3477955	Application Date	03/16/2005
Registration Date	07/29/2008	Foreign Priority Date	NONE
Word Mark	VS UPLIFT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2008/05/01 First Use In Commerce: 2008/05/01 Clothing, namely, jeans		

U.S. Registration No.	3651878	Application Date	09/10/2007
Registration Date	07/07/2009	Foreign Priority Date	NONE
Word Mark	VS		

Design Mark	
Description of Mark	The mark consists of It is a Logo with the letters "VS".
Goods/Services	Class 025. First use: First Use: 2007/01/31 First Use In Commerce: 2007/01/31 Swim suits, swimwear and coverups

U.S. Registration No.	4118910	Application Date	04/20/2009
Registration Date	03/27/2012	Foreign Priority Date	NONE
Word Mark	VS		
Design Mark			
Description of Mark	The mark consists of STYLIZED "VS" LOGO.		
Goods/Services	Class 003. First use: First Use: 2009/07/02 First Use In Commerce: 2009/07/02 Personal care products, namely, body lotions; body mist; shower gel; eau de parfum; scented body powder Class 025. First use: First Use: 2009/10/01 First Use In Commerce: 2009/10/01 Clothing, namely, bras; panties; pajamas; lingerie, robes; slippers		

Attachments	75329441#TMSN.gif (1 page)(bytes) 78588192#TMSN.jpeg (1 page)(bytes) 77275760#TMSN.jpeg (1 page)(bytes) 77717571#TMSN.jpeg (1 page)(bytes) 2012-04-05 Notice of Opposition as Filed.pdf (9 pages)(214830 bytes)
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Certificate of Service

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

Signature	/Kevin Parks/
Name	Kevin Parks
Date	04/05/2012

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

VICTORIA'S SECRET STORES)	
BRAND MANAGEMENT, INC.,)	
)	
Opposer,)	Opposition No. _____
)	Serial No. 79/099,053
v.)	
)	
BEIJING WEININASI)	
INTERNATIONAL APPAREL)	
CO., LTD.,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Victoria's Secret Stores Brand Management, Inc. ("Opposer"), a Delaware corporation, located at Three Limited Parkway, Reynoldsburg, Ohio 43068, hereby opposes Application Serial No. 79/099,053 for the mark "VS VININUS" (the "Application" or "Applicant's Mark") in Class 25, filed by Beijing Weininasi International Apparel Co., Ltd., a corporation organized under the laws of China ("Applicant"), and published in the Official Gazette December 27, 2011, and for which Opposer has received an extension of time to oppose expiring April 25, 2012.

Opposer believes it will be damaged by registration of the Application and therefore opposes on the following grounds:

1. Opposer is a highly successful retailer, and a leading provider of lingerie, clothing, and beauty products.
2. Opposer uses trademarks and trade names comprised or consisting in part of the letters VS (the "VS Marks") in connection with clothing products, retail services, and other products and services.

3. Opposer owns registrations for certain of its VS Marks, as shown below and in the certificates attached as Exhibit A hereto:

Serial Number	Registration Number	Mark	Class(es)
75329441	2244265		25
78588192	3477955	VS UPLIFT	25
77275760	3651878		25
77717571	4118910		3, 25

4. Opposer has spent significant sums to advertise and promote products bearing its VS Marks, and as a result, has enjoyed substantial sales of such products.

5. On June 15, 2011, Applicant secured an international registration for Applicant's Mark, shown below:



This registration was extended to the U.S., and covers use in connection with “clothing, namely, pants, shirts; shoes; hats; hosiery; gloves; girdles; scarves; clothing, namely, layettes; swimsuits; theatrical costume” in Class 25. Applicant's priority date is thus June 15, 2011.

6. Opposer's use of its VS Marks long predates Applicant's priority date.

7. On information and belief, Applicant was aware of Opposer and Opposer's longstanding use of its VS Marks prior to June 15, 2011.

8. Applicant's Mark is confusingly similar to Opposer's VS Marks.

9. Due to the similarity of the marks and goods involved, and other factors, confusion is likely as between Applicant's Mark and Opposer's VS Marks, pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

10. Registration of Applicant's Mark is likely to cause confusion or mistake in the mind of the public, and to lead the relevant public into believing that Applicant's goods are Opposer's, or are endorsed or sponsored by, or otherwise affiliated or connected with Opposer, all to the damage and injury of Opposer and the relevant public.

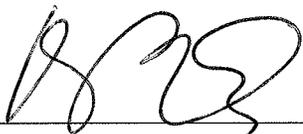
11. In view of the above, the grant of a registration for Applicant's Mark, as sought in the Application, should be denied.

WHEREFORE, by its undersigned attorneys, Opposer respectfully requests that this Notice of Opposition be sustained and that registration of Application Serial No. 79/099,053 be refused.

Please charge deposit account No. 12-1216 in the amount of \$300.00 to cover the filing fee of this Notice of Opposition against the Application. Please charge any additional fees to Deposit Account 12-1216, as necessary.

Respectfully submitted,

Date: April 5, 2012

By: 

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Attorneys for Opposer

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the attached NOTICE OF OPPOSITION was filed electronically with the Trademark Trial and Appeal Board on April 5, 2012.



Michelle Calkins

CERTIFICATE OF SERVICE

I hereby certify that a copy of this NOTICE OF OPPOSITION was served by First Class Mail to the following addresses on April 5, 2012, such being the Applicant's correspondence address listed in the TARR system as of this date:

Beijing Zhonglitong Intellectual Property Agency Co., Ltd.
5-5 Section 1, Sanlihe Rd.
Xicheng District
100045 Beijing
China



Michelle Calkins

Exhibit A

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,244,265

United States Patent and Trademark Office

Registered May 11, 1999

**TRADEMARK
PRINCIPAL REGISTER**



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

FOR: CLOTHING, NAMELY, ROBES AND
SLIPPERS SOLD ONLY IN SPECIALTY
RETAIL STORES AND THROUGH SPECIALTY

MAIL ORDER CATALOGS, IN CLASS 25 (U.S.
CLS. 22 AND 39).

FIRST USE 9-0-1991; IN COMMERCE
9-0-1991.

SER. NO. 75-329,441, FILED 7-23-1997.

JESSIE B. BILLINGS, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,477,955

Registered July 29, 2008

TRADEMARK
PRINCIPAL REGISTER

VS UPLIFT

VICTORIA'S SECRET STORES BRAND MANAGEMENT, INC. (DELAWARE CORPORATION)

FOUR LIMITED PARKWAY
REYNOLDSBURG, OH 43068

FOR: CLOTHING, NAMELY, JEANS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 5-1-2008; IN COMMERCE 5-1-2008.

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

OWNER OF U.S. REG. NO. 2,244,265.

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

SN 78-588,192, FILED 3-16-2005.

LINDA ORNDORFF, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,651,878

Registered July 7, 2009

TRADEMARK
PRINCIPAL REGISTER



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

FOUR LIMITED PARKWAY
REYNOLDSBURG, OH 43068

FOR: SWIM SUITS, SWIMWEAR AND COVER-
UPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-31-2007; IN COMMERCE 1-31-2007.

THE MARK CONSISTS OF IT IS A LOGO WITH
THE LETTERS "VS".

SN 77-275,760, FILED 9-10-2007.

NAAKWAMA ANKRAH, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office



Reg. No. 4,118,910

Registered Mar. 27, 2012

Int. Cls.: 3 and 25

TRADEMARK

PRINCIPAL REGISTER

VICTORIA'S SECRET STORES BRAND MANAGEMENT, INC. (DELAWARE CORPORATION)
FOUR LIMITED PARKWAY
REYNOLDSBURG, OH 43068

FOR: PERSONAL CARE PRODUCTS, NAMELY, BODY LOTIONS; BODY MIST; SHOWER GEL; EAU DE PARFUM, SCENTED BODY POWDER, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 7-2-2009; IN COMMERCE 7-2-2009.

FOR: CLOTHING, NAMELY, BRAS; PANTIES; PAJAMAS; LINGERIE, ROBES; SLIPPERS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 10-1-2009; IN COMMERCE 10-1-2009.

OWNER OF U.S. REG. NOS. 2,244,265 AND 3,477,955.

THE MARK CONSISTS OF STYLIZED "VS" LOGO.

SN 77-717,571, FILED 4-20-2009.

NICHOLAS COLEMAN, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office