

ESTTA Tracking number: **ESTTA675046**

Filing date: **05/29/2015**

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

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	MACY#S MERCHANDISING GROUP, INC.		
Entity	Corporation	Citizenship	NEW YORK
Address	11 Penn Plaza New York, NY 10001 UNITED STATES		

Attorney information	Chester Rothstein Amster, Rothstein & Ebenstein LLP 90 Park Avenue, 21st Floor New York, NY 10016 UNITED STATES ptodocket@arelaw.com Phone:2123368050		
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Registration Subject to Cancellation

Registration No	3696021	Registration date	10/13/2009
International Registration No.	NONE	International Registration Date	NONE
Registrant	Joules Limited 16 The Point, Rockingham Road Leicestershire LE16 7QU, UNITED KINGDOM		

Goods/Services Subject to Cancellation

Class 018. First Use: 0 First Use In Commerce: 0 Cancelled goods and services in the class: parasols and walking sticks; briefcases; game bags for hunting; garment bags; walking stick seats
Class 025. First Use: 0 First Use In Commerce: 0 Cancelled goods and services in the class: hat frames; aprons

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Related Proceedings	91214532
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Attachments	Petition_to_Cancel_Reg_No_3696021_.pdf(247418 bytes) Petition_to_Cancel_Exhibits.pdf(1643640 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	/Chester Rothstein/
Name	Chester Rothstein
Date	05/29/2015

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

*In the Matter of Registration No. 3,696,021
of Joules Limited
for the mark JOULES
Registered on October 13, 2009*

-----	X	
MACY'S MERCHANDISING GROUP, INC.,	:	
	:	
Petitioner,	:	
	:	
v.	:	Cancellation No.
	:	
JOULES LIMITED,	:	
	:	
Registrant.	:	
-----	X	

PETITION TO CANCEL

In the matter of U.S. Trademark Registration No. 3,696,021 registered on the Principal Register on October 13, 2009 to Joules Limited ("Registrant") for the mark JOULES (the "Registered Mark") for the following:

Leather and imitations of leather, and goods made of these materials and not included in other classes, namely, hat boxes, belts, namely, leather shoulder belts and saddle belts, trunks and travel bags; umbrellas, parasols and walking sticks; bags, namely, hand bags, sports bags, tote bags, carrying bags, attaché cases; back packs; briefcases; game bags for hunting; garment bags; wash bags; key cases; purses; rucksacks; school bags; walking stick seats in Class 18;

Men's, women's and children's clothing, namely, t-shirts, sweatshirts, jeans, sweatpants, shirts, pants, sweaters, underwear, panties, bras, undershirts, sleepwear, pajamas, lingerie, robes, nightgowns, jackets, rainwear, swimwear, bathing suits, cover ups, dresses, coats, shorts, tuxedos, ties, blouses, vests, jogging suits, gloves, scarves, mufflers, head bands, shoes, hats, belts, shawls, scarves, ponchos, shoulder wraps, socks, stockings, hosiery, tights, leggings, and leotards, jodhpurs, riding jackets; footwear; riding boots; headwear; hats and hat frames; caps; riding hat; aprons in Class 25; and

Retail store services, online retail store services, and mail order catalog services featuring clothing, footwear, headwear, leather goods and accessories therefor in Class 35

(the "Subject Registration").

As grounds for cancellation of the Subject Registration, petitioner Macy's Merchandising Group, Inc. ("Petitioner"), by and through its attorneys, alleges as follows:

1. Petitioner, a New York corporation with an address at 11 Penn Plaza, New York, NY 10001, believes that it is and will continue to be damaged by the Subject Registration and hereby petitions to cancel the same.

2. On November 14, 2012, Petitioner filed an intent-to-use application to federally register the mark MAISON JULES in connection with:

Cosmetics in Class 3;

Jewelry in Class 14;

Billfolds; briefcases; handbags; key cases; purses; wallets in Class 18;

Bath, bed and home accessories, namely, bath pillows; bed pillows; chair pads; curtain rods; curtain hooks; cushions; decorative pillows; pet cushions; picture frames; pillows; shower curtain hooks; shower curtain rods in Class 20;

Bath, bed, and home accessories and linen, namely, bath sheets; bath towels; bed blankets; bed sheets; bed skirts; bed spreads; blanket throws; comforters; coverlets; crib sheets and bumpers; curtains; draperies; dust ruffles; duvet covers; duvets; face cloths and towels; mattress covers; mattress pads; pillow cases; pillow shams; place mats not of paper; pot holders; quilts; sheet sets; shower curtains; shower curtain liners; tablecloths not of paper; fabric table linen; fabric table runners; throws in Class 24; and

Clothing, accessories and footwear, namely, belts; blazers; blouses; boxer briefs; boxer shorts; bras; camisoles; capris; caps; cardigans; coats; coveralls; crop tops; denim jackets; denims; dresses; dungarees; footwear; gloves; halter tops; hats; headbands; hosiery; jackets; jeans; jerseys; leather jackets; leggings; lingerie; loungewear; neckties; overalls; overcoats; pants; pantsuits; pullovers; rainwear; robes; sandals; scarves; shirts; shoes; shorts; shrugs; skirts; slacks; sleepwear; slippers; slippers; sneakers; socks; stockings; suits; suspenders; sweat pants; sweat shirts; sweaters; swimsuits; swimwear; t-shirts; tank tops; tights; tops; trousers; undergarments; undershirts; underwear; vests; visors in Class 25.

3. The aforementioned application was subsequently assigned Serial No. 85/779,453 ("Petitioner's Application"). A copy of Petitioner's Application is annexed hereto and identified as Exhibit 1.

4. On or about January 17, 2014, Registrant filed a notice of opposition (the "Notice of Opposition") to Petitioner's Application based on a perceived likelihood of confusion with

the Subject Registration. The resulting opposition proceeding, which were subsequently assigned No. 91214532, are currently pending (the "Opposition"). A copy of the Notice of Opposition notice is annexed hereto as Exhibit 2.

5. On or about May 11, 2015, Registrant filed a complaint against Petitioner in the United States District Court for the Southern District of New York for trademark infringement (the "Complaint"). The Complaint alleges that Petitioner's use of the MAISON JULES mark infringes Registrant's rights, *inter alia*, in the Registered Mark and the Subject Registration. A copy of the Complaint is annexed hereto as Exhibit 3.

6. On or about May 28, 2015, Registrant's counsel sent a letter to Petitioner's counsel requesting that Petitioner agree to the filing of a joint stipulation to stay the Opposition proceedings. A copy of the letter from Registrant's counsel is annexed hereto as Exhibit 4.

7. Based on the pending Opposition and the recently filed Complaint, Petitioner has standing to petition to cancel the Subject Registration.

COUNT I

ABANDONMENT

8. Petitioner repeats and realleges each and every allegation set forth in Paragraphs 1 through 7 as though fully set forth herein.

9. Upon information and belief, Registrant does not currently use, and has not used within the last three years, the Registered Mark in commerce with respect to at least the following goods covered by the Subject Registration:

Parasols and walking sticks; briefcases; game bags for hunting; garment bags; walking stick seats in Class 18; and

Hat frames; aprons in Class 25.

10. Upon information and belief, Registrant has no intention to resume such use.

11. As a result, Registrant has abandoned the Registered Mark with respect to at least the goods listed in Paragraph 9 in Classes 18 and 25 covered by the Subject Registration.

12. For at least the reasons stated herein, the continued registration of the Subject Registration is damaging and will continue to damage Petitioner.

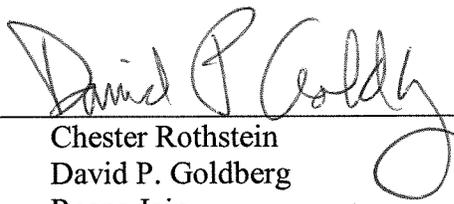
* * *

WHEREFORE, Petitioner prays that the within Petition be granted and U.S. Trademark Registration No. 3,696,021 be canceled with respect to parasols and walking sticks; briefcases; game bags for hunting; garment bags; walking stick seats in Class 18; and hat frames; aprons in Class 25.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Petitioner
90 Park Avenue
New York, New York 10016
(212) 336-8000

Dated: New York, New York
May 29, 2015

By: 
Chester Rothstein
David P. Goldberg
Reena Jain

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is one of the attorneys for Petitioner in the above-captioned Cancellation proceeding and that on the date which appears below, she caused copies of the foregoing PETITION TO CANCEL to be served on Registrant's counsel via first class mail to the following addresses:

Michael M. Yi
Jane Chuang
Lee Anav Chung White & Kim LLP
156 Fifth Avenue, Suite 303
New York, New York 10010

C.J. Veverka
Maschoff Brennan
1389 Center Drive, Suite 300
Park City, Utah 84098

Dated: New York, New York
May 29 2015

By: _____

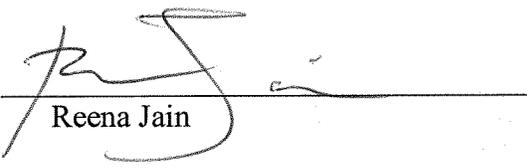

Reena Jain

Exhibit 1

Trademark/Service Mark Application, Principal Register

Serial Number: 85779453

Filing Date: 11/14/2012

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85779453
MARK INFORMATION	
*MARK	<u>MAISON JULES</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	MAISON JULES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Macy's Merchandising Group, Inc.
*STREET	11 Penn Plaza 12th FL
*CITY	New York
*STATE (Required for U.S. applicants)	New York
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	10001
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	003
*IDENTIFICATION	COSMETICS

FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	014
*IDENTIFICATION	JEWELRY
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	018
*IDENTIFICATION	BILLFOLDS; BRIEFCASES; HANDBAGS; KEY CASES; PURSES; WALLETS
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	020
*IDENTIFICATION	BATH, BED AND HOME ACCESSORIES, INCLUDING BATH PILLOWS; BED PILLOWS; CHAIR PADS; CURTAIN RODS; CURTAIN HOOKS; CUSHIONS; DECORATIVE PILLOWS; PET CUSHIONS; PICTURE FRAMES; PILLOWS; SHOWER CURTAIN HOOKS; SHOWER CURTAIN RODS
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	024
*IDENTIFICATION	BATH, BED, AND HOME ACCESSORIES AND LINEN, INCLUDING, BATH SHEETS; BATH TOWELS; BED SHEETS; BED SKIRTS; BED SPREADS; BLANKETS; BLANKET THROWS; COMFORTERS; COVERLETS; CRIB SHEETS AND BUMPERS; CURTAINS; DRAPERIES; DUST RUFFLES; DUVET COVERS; DUVETS; FACE CLOTHS AND TOWELS; MATTRESS COVERS, PADS AND PROTECTORS; PILLOW CASES; PILLOW SHAMS; PLACE MATS; POT HOLDERS; QUILTS ;SHEET SETS; SHOWER CURTAINS; SHOWER CURTAIN LINERS; TABLECLOTHS; TABLE LINEN (FABRIC); TABLE RUNNERS (FABRIC); THROWS
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	025
*IDENTIFICATION	CLOTHING, SHOES, AND FOOTWEAR FOR MEN AND WOMEN

FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	Chester Rothstein, Esq.
ATTORNEY DOCKET NUMBER	33754-1398
FIRM NAME	Amster, Rothstein & Ebenstein LLP
STREET	90 Park Avenue
CITY	New York
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	10016
PHONE	212-336-8000
FAX	212-336-8001
EMAIL ADDRESS	ptodocket@arelaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Morton Amster, Daniel Ebenstein, Philip H. Gottfried, Neil M. Zipkin, Anthony F. Lo Cicero, Kenneth P. George, Abraham Kasdan, Ira E. Silfin, Craig J. Arnold, Joseph Casino, Michael V. Solomita, Charles R. Macedo, Michael J. Kasdan, Holly Pekowsky, Max Vern, Brian Comack, Richard S. Mandaro, Marc J. Jason, David A. Boag, Matthieu Hausig, Jung Hahm, Alan Miller, Norajean McCaffrey, Marion Metelski, Benjamin Charkow, Robert Burak, Samuel Lo, Suzue Fujimori, David R. Widomski, Jessica Rasmussen, Brian Amos, Andrei Voinigescu, Sanjeev Mehta, Michael Kochka and Robert Bilotta
CORRESPONDENCE INFORMATION	
NAME	Chester Rothstein, Esq.
FIRM NAME	Amster, Rothstein & Ebenstein LLP
STREET	90 Park Avenue
CITY	New York
STATE	New York
COUNTRY	United States

ZIP/POSTAL CODE	10016
PHONE	212-336-8000
FAX	212-336-8001
EMAIL ADDRESS	ptodocket@arelaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	6
FEE PER CLASS	325
*TOTAL FEE DUE	1950
*TOTAL FEE PAID	1950
SIGNATURE INFORMATION	
SIGNATURE	/Chester Rothstein/
SIGNATORY'S NAME	Chester Rothstein
SIGNATORY'S POSITION	Attorney of Record, NY Bar Member
DATE SIGNED	11/14/2012

Trademark/Service Mark Application, Principal Register

Serial Number: 85779453

Filing Date: 11/14/2012

To the Commissioner for Trademarks:

MARK: MAISON JULES (Standard Characters, see mark)

The literal element of the mark consists of MAISON JULES.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Macy's Merchandising Group, Inc., a corporation of Delaware, having an address of
11 Penn Plaza 12th FL
New York, New York 10001
United States

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

International Class 003: COSMETICS

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 014: JEWELRY

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 018: BILLFOLDS; BRIEFCASES; HANDBAGS; KEY CASES; PURSES; WALLETS

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 020: BATH, BED AND HOME ACCESSORIES, INCLUDING BATH PILLOWS; BED PILLOWS; CHAIR PADS; CURTAIN RODS; CURTAIN HOOKS; CUSHIONS; DECORATIVE PILLOWS; PET CUSHIONS; PICTURE FRAMES; PILLOWS; SHOWER CURTAIN HOOKS; SHOWER CURTAIN RODS

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 024: BATH, BED, AND HOME ACCESSORIES AND LINEN, INCLUDING, BATH SHEETS; BATH TOWELS; BED SHEETS; BED SKIRTS; BED SPREADS; BLANKETS; BLANKET THROWS; COMFORTERS; COVERLETS; CRIB SHEETS AND BUMPERS; CURTAINS; DRAPERIES; DUST RUFFLES; DUVET COVERS; DUVETS; FACE CLOTHS AND TOWELS; MATTRESS COVERS, PADS AND PROTECTORS; PILLOW CASES; PILLOW SHAMS; PLACE MATS; POT HOLDERS; QUILTS ;SHEET SETS; SHOWER CURTAINS; SHOWER CURTAIN LINERS; TABLECLOTHS; TABLE LINEN (FABRIC); TABLE RUNNERS (FABRIC); THROWS
Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 025: CLOTHING, SHOES, AND FOOTWEAR FOR MEN AND WOMEN
Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Chester Rothstein, Esq. and Morton Amster, Daniel Ebenstein, Philip H. Gottfried, Neil M. Zipkin, Anthony F. Lo Cicero, Kenneth P. George, Abraham Kasdan, Ira E. Silfin, Craig J. Arnold, Joseph Casino, Michael V. Solomita, Charles R. Macedo, Michael J. Kasdan, Holly Pekowsky, Max Vern, Brian Comack, Richard S. Mandaro, Marc J. Jason, David A. Boag, Matthieu Hausig, Jung Hahm, Alan Miller, Norajean McCaffrey, Marion Metelski, Benjamin Charkow, Robert Burak, Samuel Lo, Suzue Fujimori, David R. Widomski, Jessica Rasmussen, Brian Amos, Andrei Voinigescu, Sanjeev Mehta, Michael Kochka and Robert Bilotta of Amster, Rothstein & Ebenstein LLP
90 Park Avenue
New York, New York 10016
United States

The attorney docket/reference number is 33754-1398.

The applicant's current Correspondence Information:

Chester Rothstein, Esq.
Amster, Rothstein & Ebenstein LLP
90 Park Avenue
New York, New York 10016
212-336-8000(phone)
212-336-8001(fax)
ptodocket@arelaw.com (authorized)

A fee payment in the amount of \$1950 has been submitted with the application, representing payment for 6 class(es).

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. Section 1001, and that such willful false statements, and the like, 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. Section 1051(b), he/she believes 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 mark in commerce, either in the 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 own knowledge are true; and that all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Chester Rothstein/ Date: 11/14/2012
Signatory's Name: Chester Rothstein
Signatory's Position: Attorney of Record, NY Bar Member
RAM Sale Number: 4344
RAM Accounting Date: 11/15/2012

Serial Number: 85779453
Internet Transmission Date: Wed Nov 14 17:01:55 EST 2012
TEAS Stamp: USPTO/BAS-208.229.218.102-20121114170155
990589-85779453-4909a80b25389b9f4054bbef
a5d4d8972-DA-4344-20121114165346317662

MAISON JULES

Exhibit 2

ESTTA Tracking number: **ESTTA582554**

Filing date: **01/17/2014**

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	Joules Limited
Granted to Date of previous extension	02/16/2014
Address	16 The Point, Rockingham Road Market Harborough Leicestershire, LE16 7QU UNITED KINGDOM

Correspondence information	Richard H Newman Howard & Howard 450 W. Fourth St Royal Oak, MI 48067 UNITED STATES ipdocket@h2law.com, rhn@h2law.com Phone:702.667.4811
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Applicant Information

Application No	85779453	Publication date	08/20/2013
Opposition Filing Date	01/17/2014	Opposition Period Ends	02/16/2014
Applicant	Macy's Merchandising Group, Inc. 11 Penn Plaza 12th FL New York, NY 10001 GERMANY		

Goods/Services Affected by Opposition

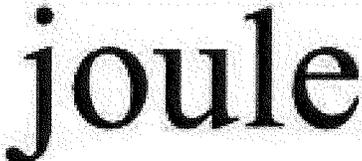
Class 003. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: COSMETICS
Class 014. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: JEWELRY
Class 018. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: BILLFOLDS; BRIEFCASES; HANDBAGS; KEY CASES; PURSES; WALLETS
Class 020. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: BATH, BED AND HOME ACCESSORIES, NAMELY, BATH PILLOWS; BED PILLOWS; CHAIR PADS; CURTAIN RODS; CURTAIN HOOKS; CUSHIONS; DECORATIVE PILLOWS; PET CUSHIONS; PICTUREFRAMES; PILLOWS; SHOWER CURTAIN HOOKS; SHOWER CURTAIN RODS
Class 024. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: BATH, BED, AND HOME ACCESSORIES AND LINEN, NAMELY, BATH SHEETS; BATH TOWELS; BED BLANKETS; BED SHEETS; BED SKIRTS; BED SPREADS; BLANKET THROWS; COMFORTERS; COVERLETS; CRIB SHEETS AND BUMPERS; CURTAINS; DRAPERIES; DUST RUFFLES; DUVET COVERS; DUVETS; FACE

CLOTHS AND TOWELS; MATTRESS COVERS; MATTRESS PADS; PILLOW CASES; PILLOW SHAMS; PLACE MATS NOT OF PAPER; POT HOLDERS; QUILTS ;SHEET SETS; SHOWER CURTAINS; SHOWER CURTAIN LINERS; TABLECLOTHS NOT OF PAPER; FABRIC TABLE LINEN; FABRIC TABLE RUNNERS; THROWS
Class 025. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: CLOTHING, ACCESSORIES AND FOOTWEAR, NAMELY, BELTS; BLAZERS; BLOUSES; BOXER BRIEFS; BOXER SHORTS; BRAS; CAMISOLES; CAPRIS; CAPS; CARDIGANS; COATS; COVERALLS; CROP TOPS; DENIM JACKETS; DENIMS; DRESSES;DUNGAREES; FOOTWEAR; GLOVES; HALTER TOPS; HATS; HEADBANDS; HOSIERY; JACKETS; JEANS; JERSEYS; LEATHER JACKETS; LEGGINGS;LINGERIE; LOUNGEWEAR; NECKTIES; OVERALLS; OVERCOATS; PANTS; PANTSUITS; PULLOVERS; RAINWEAR; ROBES; SANDALS; SCARVES; SHIRTS; SHOES; SHORTS; SHRUGS; SKIRTS; SLACKS; SLEEPWEAR; SLIPPERS; SLIPS; SNEAKERS; SOCKS; STOCKINGS; SUITS; SUSPENDERS; SWEAT PANTS; SWEAT SHIRTS; SWEATERS; SWIMSUITS; SWIMWEAR; T-SHIRTS; TANK TOPS; TIGHTS; TOPS; TROUSERS; UNDERGARMENTS; UNDERSHIRTS; UNDERWEAR; VESTS; AND VISORS

Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3382886	Application Date	06/16/2005
Registration Date	02/12/2008	Foreign Priority Date	NONE
Word Mark	JOULE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: 2005/01/01 First Use In Commerce: 2005/01/01 Designer jewelry		

U.S. Registration No.	3696021	Application Date	12/06/2005
Registration Date	10/13/2009	Foreign Priority Date	NONE
Word Mark	JOULES		

Design Mark	JOULES
Description of Mark	NONE
Goods/Services	<p>Class 018. First use: First Use: 0 First Use In Commerce: 0 Leather and imitations of leather, and goods made of these materials and not included in other classes, namely, hat boxes, belts, namely, leather shoulder belts and saddle belts, trunks and travel bags; umbrellas, parasols and walking sticks; bags, namely, hand bags, sports bags, tote bags, carrying bags, attache cases; back packs; briefcases; game bags for hunting; garment bags; wash bags; key cases; purses; rucksacks; school bags; walking stick seats</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Men's, women's and children's clothing, namely, t-shirts, sweatshirts, jeans, sweatpants, shirts, pants, sweaters, underwear, panties, bras, undershirts, sleepwear, pajamas, lingerie, robes, nightgowns, jackets, rainwear, swimwear, bathingsuits, cover ups, dresses, coats, shorts, tuxedos, ties, blouses, vests, jogging suits, gloves, scarves, mufflers, headbands, shoes, hats, belts, shawls, scarves, ponchos, shoulder wraps, socks, stockings, hosiery, tights, leggings, and leotards, jodhpurs, riding jackets; footwear; riding boots; headwear; hats and hat frames; caps; riding hat; aprons</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 retail store services, online retail store services, and mail order catalog services featuring clothing, footwear, headwear, leather goods and accessories therefor</p>

U.S. Registration No.	4434532	Application Date	06/14/2012
Registration Date	11/19/2013	Foreign Priority Date	06/08/2012
Word Mark	JOULES		
Design Mark	JOULES		
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: First Use: 0 First Use In Commerce: 0 cosmetics; non-medicated toiletries; skin soaps; perfumery; essential oils; toilet water preparations; make-up kits comprised of lipstick, lip gloss, eye make-up, foundation make-up, make-up pencils, make-up powder, make-up preparations for the face and body, make-up remover; make-up; false eyelashes; cosmetic preparations for the care of the teeth, hair, skin and body; shampoos, hair conditioner; hair lotions; hair dyes and hair sprays; non-medicated preparations for the bath and shower; depilatories; non-medicated sun care preparations; non-medicated after sun care preparations; personal deodorants; pot pourri; cotton wool for cosmetic purposes</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0 paper; cardboard; goods made from paper and cardboard, namely, calendars and cardboard boxes; photographs; stationery; pencil cases, pencil boxes, file folders, desktop organizers, file containers, namely, filing folders for organizing files; photo albums, scrap books; artists' materials, namely, pastels, pencils,</p>		

	<p>canvas panels and paint brushes; plastic bags for packaging and plastic bubble packs for packaging; books in the field of fashion, home and garden products, lifestyle and pastimes, the countryside and equestrian sports; notebooks, blank journals, diaries, address books, memo pads; printed publications, namely, magazines and brochures in the field of fashion, home and garden products, lifestyle and pastimes, the countryside and equestrian sports; greetings cards; note cards; writing instruments; erasers; children's activity books; writing instrument sets; printed wall charts for displaying data; gift wrapping paper; craft paper; drawer liners; printed recipe cards; recipe books; paper cake decorations</p> <p>Class 020. First use: First Use: 0 First Use In Commerce: 0</p> <p>furniture; garden furniture; mirrors; picture frames; hampers in the nature of baskets for transporting goods for commercial purposes; cushions and pillows; pet beds; dog beds; non-metal upward migrating composting worm bins</p> <p>Class 021. First use: First Use: 0 First Use In Commerce: 0</p> <p>household or kitchen utensils, namely, kitchen tongs, ladles, spatulas, pouring and straining spouts; containers for household use; beverage glassware, porcelain and earthenware goods, namely, mugs, cups, saucers, cereal bowls, pasta bowls, side plates, dinner plates, teapots, salad bowls, casserole dishes, oven-to-table racks; pitchers; egg cups; cake tins, cake toppers, namely, porcelain cake decorations; cake wraps, namely, plastic strips for use in wrapping the edge of cakes or as cake pan liners, and decorative plastic strips for use in wrapping the edges of cakes and cupcakes; cake stands; bread bins; cookie cutters; flasks; toast racks in the nature of cooling racks for toast; butter dishes; jugs; tea cosies, egg cosies; manually activated pump dispenser for liquid soap; glass storage jars; spice jars for household use sold empty; combs and brushes for use as grooming tools; oven gloves; gardening gloves; plant holders, plant pots; gardening aprons; bird feeders; garden spray bottles; dust pan and brush sets; watering cans; door stops of plastic or wood</p> <p>Class 024. First use: First Use: 0 First Use In Commerce: 0</p> <p>Textiles and textile goods, namely, bed and table covers, bed sheets, picnic blanket throws, pet blankets, towels, tea towels, table napkins, table cloths, cloth table coasters and cloth place mats</p>
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U.S. Registration No.	3705427	Application Date	04/04/2008
Registration Date	11/03/2009	Foreign Priority Date	10/04/2007
Word Mark	JOULE SPORT		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 018. First use: First Use: 0 First Use In Commerce: 0</p> <p>leather and imitations of leather, and goods made of these materials, namely, hat boxes of leather and imitation leather; trunks and travel bags; umbrellas, parasols and walking sticks; bags, namely, handbags, sport bags, tote bags, all purpose carrying bags, attaché cases, backpacks; briefcases; game bags for hunting; garment bags for travel; key cases; purses; rucksacks; school bags; walking stick seats</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0</p> <p>clothing, namely, t-shirts, sweatshirts, jeans, sweatpants, shirts, pants, sweaters, underwear, panties, bras, undershirts, sleepwear, pyjamas, lingerie,</p>		

	<p>robes, nightgowns, jackets, swimwear, bathingsuits, cover ups, dresses, coats, shorts, tuxedos, ties, blouses, vests, jogging suits, gloves, scarves, mufflers, headbands, belts, shawls, ponchos, shoulderwraps, socks, stockings, hosiery, tights, leggings, and leotards, jodhpurs, riding jackets; footwear, namely, shoes, boots, riding boots; headwear, namely, hats and hat frames, caps, riding hats; outer clothing, namely, rainwear and overcoats</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0</p> <p>The bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods in a retail clothing, footwear, headgear and accessories store; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods from a clothing, footwear, headgear and accessories catalogue by mail order or by means of telecommunications</p>
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U.S. Registration No.	3619577	Application Date	10/25/2007
Registration Date	05/12/2009	Foreign Priority Date	04/25/2007
Word Mark	TOM JOULE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 018. First use: First Use: 0 First Use In Commerce: 0</p> <p>Leather and imitations of leather, and goods made of these materials and not included in other classes, namely, hat boxes of leather and imitation leather; trunks and travel bags; umbrellas, parasols and walking sticks; bags, namely, handbags, sport bags, tote bags, all-purpose carrying bags, attaché cases, backpacks; briefcases; game bags for hunting; garment bags for travel; key cases; purses; rucksacks; school bags; walking stick seats</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0</p> <p>Men's, women's and children's clothing, namely, t-shirts, sweatshirts, jeans, sweatpants, shirts, pants, sweaters, underwear, panties, bras, undershirts, sleepwear, pajamas, lingerie, robes, nightgowns, jackets, rainwear, swimwear, bathingsuits, cover ups, dresses, coats, shorts, tuxedos, ties, blouses, vests, jogging suits, gloves, scarves, mufflers, headbands, shoes, hats, belts, shawls, scarves, ponchos, shoulder wraps, socks, stockings, hosiery, tights, leggings, and leotards, jodhpurs, riding jackets; footwear; riding boots; headwear; hats and hat frames; caps; riding hats; aprons; belts</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0</p> <p>Retail store services, online retail store services and mail order catalog services, all featuring clothing, footwear, headwear, leather goods and accessories therefor</p>		

U.S. Application No.	85913398	Application Date	04/24/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	LITTLE JOULE		

Design Mark	<h1 style="text-align: center;">LITTLE JOULE</h1>
Description of Mark	NONE
Goods/Services	<p>Class 018. First use: First Use: 0 First Use In Commerce: 0 (Based on Intent to Use) (Based on 44(e)) Leather and imitations of leather; trunks and travel bags; umbrellas, parasols; bags, namely, changing bags for babies, handbags, sport bags, tote bags, all-purpose carrying bags; backpacks; hunter's game bags; garment bags for travel; key cases; purses; rucksacks; schoolbags</p> <p>Class 025. First use: First Use: 2008/07/00 First Use In Commerce: 2008/07/00 (Based on Use in Commerce) (Based on 44(e)) Clothing, namely, footwear and headwear; clothing, namely, footwear and headwear for children; hats and hat frames; caps; belts; children's clothing, namely, t-shirts, sweatshirts, jeans, sweatpants, shirts, pants, sweaters, underwear, undershirts, sleepwear, pyjamas, robes, nightgowns, jackets, rainwear, swimwear, bathing suits, beach cover ups, dresses, skirts, coats, shorts, ties, blouses, vests, jogging suits, gloves, scarves, mufflers, head bands, belts, shawls, scarves, ponchos, shoulder wraps, socks, stockings, hosiery, tights, leggings, and leotards, jodhpurs, riding jackets; overcoats</p> <p>Class 028. First use: First Use: 0 First Use In Commerce: 0 (Based on Intent to Use) (Based on 44(e)) Toys, games and playthings, namely, collectable toy figures, children's multiple activity toys, clockwork toys of plastics and metal, dolls and doll accessories, namely, clothing for dolls, doll houses, drawing toys, electronic action and learning toys, plush toys, toy construction blocks, bath toys, crib toys, decorative toy mobiles, squeeze toys, stuffed toy animals and bears, puppets, rocking horses, children's toy bicycles other than for transport, toy scooters, toy vehicles, toy action figures, inflatable swimming pools; toys, namely, children's dress up accessories, wind-up toys, giftbaskets comprised primarily of toy imitation sporting goods, namely, toy game balls and accessories therefor; board games; sporting articles, namely, balls, basket balls, netballs, volleyballs, rugbyballs, soccer balls, cricket sets including cricket bats and cricket balls, bowling bags, bowling balls, bowling pins, floats for bathing and swimming, swimming aids, namely, pool rings and arm floats, golf balls, golf clubs, golf bags, golf gloves, head covers for golf clubs, yoga mats, yoga straps, yoga blankets, rounders sets including rounders bats, posts and balls, baseball and softball sets including cases, bats, gloves and balls, skittles, croquet sets, badminton sets, tennis rackets, tennis balls; decorations for Christmas trees, except confectionery or illumination articles</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 (Based on Intent to Use) Retail store services and online retail store services featuring clothing, footwear, headwear and accessories therefor, cosmetics and toiletries, home wares, kitchen accessories and utensils, toys, games and playthings and textiles and textile goods; retail department store services featuring clothing, footwear, headwear and accessories, cosmetics and toiletries, home wares, kitchen accessories and utensils, toys, games and playthings, textiles and textile goods; sales promotion for others; procurement</p>

	services for others, namely, purchasing goods and services for other businesses		
U.S. Application No.	79139451	Application Date	06/17/2013
Registration Date	NONE	Foreign Priority Date	06/05/2013
Word Mark	BABY JOULE		
Design Mark	BABY JOULE		
Description of Mark	NONE		
Goods/Services	<p>Class 018. First use: First Use: 0 First Use In Commerce: 0 Leather and imitations of leather, and goods made of these materials and not included in other classes; hat boxes of leather or imitation leather; trunks and travel bags; umbrellas, parasols and walking sticks; bags; changing bags; backpacks; briefcases; game bags; garment bags; handbags; key cases; purses; rucksacks; schoolbags; walking stick seats</p> <p>Class 020. First use: First Use: 0 First Use In Commerce: 0 Furniture; garden furniture; mirrors; picture frames; hampers; cushions and pillows; furniture for babies, infants and children; nursery furniture; shelves being nursery furniture; beds for infants and children; cots for use by babies and infants; baby and infant cradles; playpens; mats for baby and infant playpens; seats for babies, infants and children; baby and infant walkers; moses baskets; baby and infant changing mats; baby and infant changing tables; baby head cushionsupports; baby nests in the nature of padded baby carriers; support pillows foruse in baby and infant seating</p> <p>Class 024. First use: First Use: 0 First Use In Commerce: 0 Textiles and textile goods, not included in other classes; bed and table covers; throws; sheets; blankets; picnic blankets; pet blankets; towels; tea towels; napkins; table cloths; cloth table coasters; cloth mats; blankets for babies, infants and children; towels for babies, infants and children; bed and cot linen for babies, infants and children</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing, footwear and headgear; clothing, footwear and headgear for babies andchildren; hats and hat frames; caps; belts; outerclothing and overcoats; swimwear; underwear</p> <p>Class 028. First use: First Use: 0 First Use In Commerce: 0 Toys, games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0 Retail services, including online retail services connected with the sale of clothing, footwear, headgear and accessories, baby care products, infant care products, childcare products, cosmetics and toiletries, home wares, furniture, kitchen accessories and utensils, jewellery, toys, games and playthings, textiles andtextile goods; department store retail services connected with clothing, footwear, headgear and accessories, baby care products, infant care products, childcare products, cosmetics and toiletries, home wares, furniture, kitchen accessoriesand utensils, jewellery, toys, games and playthings, textiles and textile goods; sales promotion for others; procurement services for others (purchasing goods and services for other businesses)</p>		

Attachments	78652006#TMSN.jpeg(bytes) 79020768#TMSN.jpeg(bytes) 79129999#TMSN.jpeg(bytes) 79053201#TMSN.jpeg(bytes) 79054023#TMSN.jpeg(bytes) 85913398#TMSN.jpeg(bytes) 79139451#TMSN.jpeg(bytes) Opposition.pdf(706896 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	/rhn/
Name	Richard H Newman
Date	01/17/2014

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

In the Matter of U.S. Application Serial No. 85/779,453
Mark: MAISON JULES
Filing Date: November 14, 2012

JOULES LIMITED,

Opposer,

v.

MACY'S MERCHANDISING GROUP, INC.,

Applicant.

Opposition No.

NOTICE OF OPPOSITION

Joules Limited ("Joules"), a private limited company of the United Kingdom, having a place of business at 16 The Point, Rockingham Road, Market Harborough, Leicestershire, United Kingdom LE16 7QU, will be damaged by the registration of the mark MAISON JULES (Applicant's Mark) as set forth in U.S. Trademark Application Serial No. 85/779,453 (the "Application") filed by Macy's Merchandising Group, Inc. ("Applicant").

As grounds for its opposition, Joules, by and through its attorneys, alleges as follows:

1. Joules has been in the business of selling branded goods, including apparel and accessories, for over three decades, including selling its branded goods to consumers through mail order, its own retail shops located in the United Kingdom and online stores, over time expanding commercialization of its branded goods to include selling through various distribution channels, including wholesale sales to independent shops and

department stores, which in turn offer Joules branded apparel for sale to consumers through their shops, stores and online stores.

2. Joules is the owner of numerous trademark registrations relating to its goods and services, including, *inter alia*, the following U.S. Registrations:

a. U.S. Registration No. 3,382,886 which issued on Feb. 12, 2008 for the mark JOULE for use in connection with designer jewelry in International Class 14;

b. U.S. Registration No. 3,696,021 which issued on October 13, 2009 for the mark JOULES for use in connection with leather and imitations of leather, and goods made of these materials and not included in other classes, namely, hat boxes, belts, namely, leather shoulder belts and saddle belts, trunks and travel bags; umbrellas, parasols and walking sticks; bags, namely, hand bags, sports bags, tote bags, carrying bags, attache cases; back packs; briefcases; game bags for hunting; garment bags; wash bags; key cases; purses; rucksacks; school bags; walking stick seats in International Class 18, men's, women's and children's clothing, namely, t-shirts, sweatshirts, jeans, sweatpants, shirts, pants, sweaters, underwear, panties, bras, undershirts, sleepwear, pajamas, lingerie, robes, nightgowns, jackets, rainwear, swimwear, bathing suits, cover ups, dresses, coats, shorts, tuxedos, ties, blouses, vests, jogging suits, gloves, scarves, mufflers, head bands, shoes, hats, belts, shawls, scarves, ponchos, shoulder wraps, socks, stockings, hosiery, tights, leggings, and leotards, jodhpurs, riding jackets; footwear; riding boots; headwear; hats and hat frames; caps; riding hat; aprons in International Class 25, and retail store services, online retail store services, and mail order catalog services featuring clothing, footwear, headwear, leather goods and accessories therefor in International Class 35; and

c. U.S. Registration No. 4,434,532 which issued on November 19, 2013 for the mark JOULES for use in connection with cosmetics; non-medicated toiletries; skin soaps; perfumery; essential oils; toilet water preparations; make-up kits comprised of lipstick, lip gloss, eye make-up, foundation make-up, make-up pencils, make-up powder, make-up preparations for the face and body, make-up remover; make-up; false eyelashes; cosmetic preparations for the care of the teeth, hair, skin and body; shampoos, hair conditioner; hair lotions; hair dyes and hair sprays; non-medicated preparations for the bath and shower; depilatories; non-medicated sun care preparations; non-medicated after sun care preparations; personal deodorants; pot pourri; cotton wool for cosmetic purposes in International Class 3, paper; cardboard; goods made from paper and cardboard, namely, calendars and cardboard boxes; photographs; stationery; pencil cases, pencil boxes, file folders, desktop organizers, file containers, namely, filing folders for organizing files; photo albums, scrap books; artists' materials, namely, pastels, pencils, canvas panels and paint brushes; plastic bags for packaging and plastic bubble packs for packaging; books in the field of fashion, home and garden products, lifestyle and pastimes, the countryside and equestrian sports; notebooks, blank journals, diaries, address books, memo pads; printed publications, namely, magazines and brochures in the field of fashion, home and garden products, lifestyle and pastimes, the countryside and equestrian sports; greetings cards; note cards; writing instruments; erasers; children's activity books; writing instrument sets; printed wall charts for displaying data; gift wrapping paper; craft paper; drawer liners; printed recipe cards; recipe books; paper cake decorations in International Class 16, furniture; garden furniture; mirrors; picture frames; hampers in the nature of baskets for transporting goods for commercial purposes;

cushions and pillows; pet beds; dog beds; non-metal upward migrating composting worm bins in International Class 20, household or kitchen utensils, namely, kitchen tongs, ladles, spatulas, pouring and straining spouts; containers for household use; beverage glassware, porcelain and earthenware goods, namely, mugs, cups, saucers, cereal bowls, pasta bowls, side plates, dinner plates, teapots, salad bowls, casserole dishes, oven-to-table racks; pitchers; egg cups; cake tins, cake toppers, namely, porcelain cake decorations; cake wraps, namely, plastic strips for use in wrapping the edge of cakes or as cake pan liners, and decorative plastic strips for use in wrapping the edges of cakes and cupcakes; cake stands; bread bins; cookie cutters; flasks; toast racks in the nature of cooling racks for toast; butter dishes; jugs; tea cosies, egg cosies; manually activated pump dispenser for liquid soap; glass storage jars; spice jars for household use sold empty; combs and brushes for use as grooming tools; oven gloves; gardening gloves; plant holders, plant pots; gardening aprons; bird feeders; garden spray bottles; dust pan and brush sets; watering cans; door stops of plastic or wood in International Class 21 and textiles and textile goods, namely, bed and table covers, bed sheets, picnic blanket throws, pet blankets, towels, tea towels, table napkins, table cloths, cloth table coasters and cloth place mats in International Class 24.

3. Joules has also adopted and uses a variety of JOULE and JOULES-formative and/or JOULE and JOULES composite marks in connection with its goods and services, and is the owner of the following U.S. Registrations and Applications:

a. U.S. Registration No. 3,705,427 which issued on November 3, 2009 for the mark JOULE SPORT for use in connection with leather and imitations of leather, and goods made of these materials, namely, hat boxes of leather and imitation

leather; trunks and travel bags; umbrellas, parasols and walking sticks; bags, namely, handbags, sport bags, tote bags, all purpose carrying bags, attaché cases, backpacks; briefcases; game bags for hunting; garment bags for travel; key cases; purses; rucksacks; school bags; walking stick seats in International Class 18, clothing, namely, t-shirts, sweatshirts, jeans, sweatpants, shirts, pants, sweaters, underwear, panties, bras, undershirts, sleepwear, pajamas, lingerie, robes, nightgowns, jackets, swimwear, bathing suits, cover ups, dresses, coats, shorts, tuxedos, ties, blouses, vests, jogging suits, gloves, scarves, mufflers, head bands, belts, shawls, ponchos, shoulder wraps, socks, stockings, hosiery, tights, leggings, and leotards, jodhpurs, riding jackets; footwear, namely, shoes, boots, riding boots; headwear, namely, hats and hat frames, caps, riding hats; outer clothing, namely, rainwear and overcoats in International Class 25, and the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods in a retail clothing, footwear, headgear and accessories store; the bringing together, for the benefit of others, of a variety of goods, enabling customers to conveniently view and purchase those goods from a clothing, footwear, headgear and accessories catalogue by mail order or by means of telecommunications in International Class 35;

b. U.S. Registration No. 3,619,577 which issued on May 12, 2009 for the mark TOM JOULE for use in connection with leather and imitations of leather, and goods made of these materials and not included in other classes, namely, hat boxes of leather and imitation leather; trunks and travel bags; umbrellas, parasols and walking sticks; bags, namely, handbags, sport bags, tote bags, all-purpose carrying bags, attaché cases, backpacks; briefcases; game bags for hunting; garment bags for travel; key cases;

purses; rucksacks; school bags; walking stick seats in International Class 18, men's, women's and children's clothing, namely, t-shirts, sweatshirts, jeans, sweatpants, shirts, pants, sweaters, underwear, panties, bras, undershirts, sleepwear, pajamas, lingerie, robes, nightgowns, jackets, rainwear, swimwear, bathing suits, cover ups, dresses, coats, shorts, tuxedos, ties, blouses, vests, jogging suits, gloves, scarves, mufflers, head bands, shoes, hats, belts, shawls, scarves, ponchos, shoulder wraps, socks, stockings, hosiery, tights, leggings, and leotards, jodhpurs, riding jackets; footwear; riding boots; headwear; hats and hat frames; caps; riding hats; aprons; belts in International Class 25 and retail store services, online retail store services and mail order catalog services, all featuring clothing, footwear, headwear, leather goods and accessories therefor in International Class 35;

c. U.S. Trademark Application Serial No. 85/913,398, which published for opposition on December 17, 2013, for the mark LITTLE JOULE, filed based on an intent to use in connection with leather and imitations of leather; trunks and travel bags; umbrellas, parasols; bags, namely, changing bags for babies, handbags, sport bags, tote bags, all-purpose carrying bags; backpacks; hunter's game bags; garment bags for travel; key cases; purses; rucksacks; schoolbags in International Class 18, based on actual use in commerce since at least July of 2008 in connection with clothing, namely, footwear and headwear; clothing, namely, footwear and headwear for children; hats and hat frames; caps; belts; children's clothing, namely, t-shirts, sweatshirts, jeans, sweatpants, shirts, pants, sweaters, underwear, undershirts, sleepwear, pyjamas, robes, nightgowns, jackets, rainwear, swimwear, bathing suits, beach cover ups, dresses, skirts, coats, shorts, ties, blouses, vests, jogging suits, gloves, scarves, mufflers, head bands,

belts, shawls, scarves, ponchos, shoulder wraps, socks, stockings, hosiery, tights, leggings, and leotards, jodhpurs, riding jackets; overcoats in International Class 25, based on an intent to use in connection with toys, games and playthings, namely, collectable toy figures, children's multiple activity toys, clockwork toys of plastics and metal, dolls and doll accessories, namely, clothing for dolls, doll houses, drawing toys, electronic action and learning toys, plush toys, toy construction blocks, bath toys, crib toys, decorative toy mobiles, squeeze toys, stuffed toy animals and bears, puppets, rocking horses, children's toy bicycles other than for transport, toy scooters, toy vehicles, toy action figures, inflatable swimming pools; toys, namely, children's dress up accessories, wind-up toys, gift baskets comprised primarily of toy imitation sporting goods, namely, toy game balls and accessories therefor; board games; sporting articles, namely, balls, basket balls, netballs, volleyballs, rugby balls, soccer balls, cricket sets including cricket bats and cricket balls, bowling bags, bowling balls, bowling pins, floats for bathing and swimming, swimming aids, namely, pool rings and arm floats, golf balls, golf clubs, golf bags, golf gloves, head covers for golf clubs, yoga mats, yoga straps, yoga blankets, rounders sets including rounders bats, posts and balls, baseball and softball sets including cases, bats, gloves and balls, skittles, croquet sets, badminton sets, tennis rackets, tennis balls; decorations for Christmas trees, except confectionery or illumination articles in International Class 28, based on an intent to use in connection with retail store services and online retail store services featuring clothing, footwear, headwear and accessories therefor, cosmetics and toiletries, home wares, kitchen accessories and utensils, toys, games and playthings and textiles and textile goods; retail department store services featuring clothing, footwear, headwear and accessories, cosmetics and toiletries, home

wares, kitchen accessories and utensils, toys, games and playthings, textiles and textile goods; based on an intent to use in connection with sales promotion for others; procurement services for others, namely, purchasing goods and services for other businesses in International Class 35; and

d. U.S. Trademark Application Serial No. 79/139,451, which is pending for the mark BABY JOULE in connection with leather and imitations of leather, and goods made of these materials and not included in other classes; hat boxes of leather or imitation leather; trunks and travel bags; umbrellas, parasols and walking sticks; bags; changing bags; backpacks; briefcases; game bags; garment bags; handbags; key cases; purses; rucksacks; schoolbags; walking stick seats in International Class 18, furniture; garden furniture; mirrors; picture frames; hampers; cushions and pillows; furniture for babies, infants and children; nursery furniture; shelves being nursery furniture; beds for infants and children; cots for use by babies and infants; baby and infant cradles; playpens; mats for baby and infant playpens; seats for babies, infants and children; baby and infant walkers; moses baskets; baby and infant changing mats; baby and infant changing tables; baby head cushion supports; baby nests in the nature of padded baby carriers; support pillows for use in baby and infant seating in International Class 20, textiles and textile goods, not included in other classes; bed and table covers; throws; sheets; blankets; picnic blankets; pet blankets; towels; tea towels; napkins; table cloths; cloth table coasters; cloth mats; blankets for babies, infants and children; towels for babies, infants and children; bed and cot linen for babies, infants and children in International Class 24, clothing, footwear and headgear; clothing, footwear and headgear for babies and children; hats and hat frames; caps; belts; outerclothing and overcoats; swimwear; underwear in

International Class 25, toys, games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees in International Class 28, and retail services, including online retail services connected with the sale of clothing, footwear, headgear and accessories, baby care products, infant care products, childcare products, cosmetics and toiletries, home wares, furniture, kitchen accessories and utensils, jewellery, toys, games and playthings, textiles and textile goods; department store retail services connected with clothing, footwear, headgear and accessories, baby care products, infant care products, childcare products, cosmetics and toiletries, home wares, furniture, kitchen accessories and utensils, jewellery, toys, games and playthings, textiles and textile goods; sales promotion for others; procurement services for others (purchasing goods and services for other businesses) in International Class 35.

4. U.S. Registrations 3,619,577; 3,382,886; 3,696,021; 4,434,532 and 3,705,427, respectively, (hereinafter individually and/or collectively referred to as the "Joules Marks") are valid and subsisting in law, were duly and legally issued, are *prima facie* evidence of the validity of the marks registered, and constitute constructive notice of the ownership of these marks by Joules in accordance with Sections 7(b) and 22 of the Trademark Act of 1946, 15 U.S.C. §§ 1057(b) and 1072.

5. Joules has acquired and/or extensively used, advertised, promoted, marketed and otherwise publicized the Joules Marks, thereby strengthening and expanding the scope of its rights and the distinctiveness of the Joules Marks in the marketplace, such that consumers have come to know and recognize the Joules Marks as identifying certain goods and services which originate with, are authorized by, or otherwise identify, Joules as a single source for such goods and services.

6. The Joules Marks have become distinctive and therefore, in addition to or in the alternative, the Joules Marks, including all registered marks and unregistered marks such as those identified by the pending applications disclosed herein, constitute a “family of marks” owned by Joules.

7. On November 14, 2012, Applicant filed the Application based on an alleged intent-to-use Applicant’s Mark in connection with “COSMETICS” in International Class 3, “JEWELRY” in International Class 14, “BILLFOLDS; BRIEFCASES; HANDBAGS; KEY CASES; PURSES; WALLETS” in International Class 18, “BATH, BED AND HOME ACCESSORIES, NAMELY, BATH PILLOWS; BED PILLOWS; CHAIR PADS; CURTAIN RODS; CURTAIN HOOKS; CUSHIONS; DECORATIVE PILLOWS; PET CUSHIONS; PICTURE FRAMES; PILLOWS; SHOWER CURTAIN HOOKS; SHOWER CURTAIN RODS” in International Class 20, “BATH, BED, AND HOME ACCESSORIES AND LINEN, NAMELY, BATH SHEETS; BATH TOWELS; BED BLANKETS; BED SHEETS; BED SKIRTS; BED SPREADS; BLANKET THROWS; COMFORTERS; COVERLETS; CRIB SHEETS AND BUMPERS; CURTAINS; DRAPERIES; DUST RUFFLES; DUVET COVERS; DUVETS; FACE CLOTHS AND TOWELS; MATTRESS COVERS; MATTRESS PADS; PILLOW CASES; PILLOW SHAMS; PLACE MATS NOT OF PAPER; POT HOLDERS; QUILTS; SHEET SETS; SHOWER CURTAINS; SHOWER CURTAIN LINERS; TABLECLOTHS NOT OF PAPER; FABRIC TABLE LINEN; FABRIC TABLE RUNNERS; THROWS” in International Class 24, and “CLOTHING, ACCESSORIES AND FOOTWEAR, NAMELY, BELTS; BLAZERS; BLOUSES; BOXER BRIEFS; BOXER SHORTS; BRAS; CAMISOLES; CAPRIS; CAPS;

CARDIGANS; COATS; COVERALLS; CROP TOPS; DENIM JACKETS; DENIMS; DRESSES; DUNGAREES; FOOTWEAR; GLOVES; HALTER TOPS; HATS; HEADBANDS; HOSIERY; JACKETS; JEANS; JERSEYS; LEATHER JACKETS; LEGGINGS; LINGERIE; LOUNGEWEAR; NECKTIES; OVERALLS; OVERCOATS; PANTS; PANTSUITS; PULLOVERS; RAINWEAR; ROBES; SANDALS; SCARVES; SHIRTS; SHOES; SHORTS; SHRUGS; SKIRTS; SLACKS; SLEEPWEAR; SLIPPERS; SLIPS; SNEAKERS; SOCKS; STOCKINGS; SUITS; SUSPENDERS; SWEAT PANTS; SWEAT SHIRTS; SWEATERS; SWIMSUITS; SWIMWEAR; T-SHIRTS; TANK TOPS; TIGHTS; TOPS; TROUSERS; UNDERGARMENTS; UNDERSHIRTS; UNDERWEAR; VESTS; AND VISORS” in International Class 25.

8. The Application to register Applicant’s Mark was filed subsequent to the issuance of Registration Nos. 3,619,577, 3,382,886, 3,696,021, and 3,705,427, subsequent to the filing date of the application which issued as Registration No. 4,434,532, and subsequent to the dates of adoption, first use and use in commerce of the Joules Marks.

9. Applicant’s Mark is confusingly similar to the Joules Marks in at least appearance, sound, meaning and commercial impression, among other things, and the goods listed in the Application are either identical to the goods on which the Joules Marks are used, or are of the type purchased by the same prospective purchasers that buy goods on which the Joules Marks are used.

10. The registration of Applicant’s mark and use thereof by Applicant in association with its identified goods in the Application is likely to cause confusion as to source, or origin, and mislead consumers, all of which would cause damage to Joules.

11. Likelihood of confusion and deception is enhanced by the fact that the goods listed in the Application are either identical to the goods on which the Joules Marks are used, or are of the type purchased by the same prospective purchasers that buy goods on which the Joules Marks are used.

12. The Application for registration should be refused on the basis that Applicant's Mark consists of or comprises, according to 15 U.S.C. § 1052(d):

A mark which so resembles a mark registered in the Patent and Trademark Office, or a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the goods of the Applicant, to cause confusion or to cause mistake, or to deceive.

13. The registration and use of the Applicant's Mark, in connection with the identified goods, is likely to cause confusion, or to cause mistake, or to deceive, all in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §§ 1052(d).

14. Applicant's Mark is also likely to dilute the distinctive quality of the Joules Marks since the Joules Marks have become famous through extensive use, advertisement, promotion, marketing and otherwise publication of the Joules Marks.

15. Insofar as there are any differences between Applicant's Mark and the Joules Marks, due to at least the fame and distinctiveness of the Joules Marks, consumers are likely to disregard these differences and be confused by the similarities of the marks and goods into believing that Applicant's Mark is another of the JOULES formative or composite marks adopted and used by Joules, or within the family of Joules Marks, and therefore Applicant's Mark sets forth a confusingly similar commercial impression to the Joules marks and falsely suggests a connection with Joules.

16. The Application for registration should be refused on the basis that it is likely to cause dilution of the distinctive quality of the Joules Marks, both registered and

unregistered, by blurring of the distinctive and famous Joules Marks in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c), and must be refused registration under Sections 2 and 13 of the Lanham Act, 15 U.S.C. §§ 1052 and 1063(a).

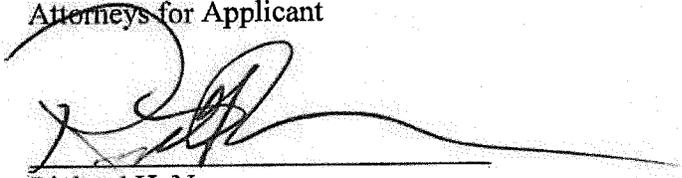
17. Accordingly, Joules asserts that it will be damaged by the issuance of a registration for the Applicant's Mark to Applicant as sought in the Application.

WHEREFORE, Opposer, Joules Limited, prays that the Board reject Application Serial No. , sustain this opposition, and grant Joules Limited such other different and additional relief as the Board deems just and proper.

Respectfully submitted,

Howard & Howard Attorneys PC
Attorneys for Applicant

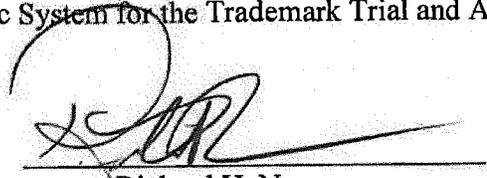
Date: January 17, 2014



Richard H. Newman
3800 Howard Hughes Pkwy
Las Vegas, NV 89169
Tel: 702.667.4811
Fax: 702.567.1568

ELECTRONIC FILING CERTIFICATE

I hereby certify that the attached NOTICE OF OPPOSITION was submitted electronically through the Electronic System for the Trademark Trial and Appeal Board (ESTTA) on January 17, 2014.

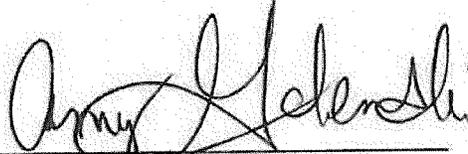


Richard H. Newman

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing NOTICE OF OPPOSITION to be deposited with the United States Postal Service with sufficient postage as first-class mail on January 17, 2014 in an envelope addressed to:

CHESTER ROTHSTEIN, ESQ.
AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVE
NEW YORK, NY 10016-1301



Amy Galenski

Exhibit 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUDGE WOOD

-----X
JOULES LIMITED,

Plaintiff,

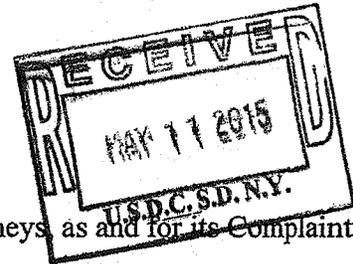
15 CV 3645
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
COMPLAINT

v.

Jury Trial Demanded

MACY'S MERCHANDISING GROUP, INC.,

Defendant.
-----X



Plaintiff Joules Limited ("Joules"), by its undersigned attorneys, as and for its Complaint against defendant Macy's Merchandising Group, Inc. ("Defendant"), alleges as follows:

NATURE OF THE ACTION

1. Plaintiff Joules brings this action for trademark infringement and unfair competition, pursuant to 15 U.S.C. § 1051, *et seq.* (the "Lanham Act") and common law, against Defendant for its intentional and willful infringement of the Registered Marks (defined below), seeking injunctive relief and damages resulting from such infringement.

THE PARTIES

2. Joules is a private limited company, organized and existing under the laws of the United Kingdom, with its principal office at 16 The Point, Rockingham Road, Market Harborough, Leicestershire, United Kingdom, LE16 7QU.

3. Upon information and belief, Defendant is a Delaware corporation with its principal office at 11 Penn Plaza, New York, New York 10001.

JURISDICTION AND VENUE

4. This Court has original jurisdiction over this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338(a) and 1338(b). Jurisdiction is also proper under 28 U.S.C. § 1332

as there is complete diversity between the parties, and the amount in controversy exceeds \$75,000.

5. This Court has personal jurisdiction over Defendant pursuant to Section 301 of New York's Civil Practice Law and Rules.

6. Venue is proper within this district pursuant to 28 U.S.C. §§ 1391(b)(1) and 1391(b)(2), in that Defendant has its principal office/place of business in the State of New York, and a substantial part of the events giving rise to Joules' claims occurred and are occurring in this district.

BACKGROUND

Joules

7. For three decades, Joules has marketed and sold various branded goods and services worldwide, including clothing and accessories, under the Registered Marks (defined below).

8. Joules markets and sells its goods and services in the United States, both online and through department stores nationwide, including within the State of New York.

9. By virtue of its continuous and exclusive use of the Registered Marks, Joules has established common law rights and obtained numerous trademark registrations for its goods and services in the United States.

The Registered Marks

10. Joules is the owner of all right, title and interest to, *inter alia*, the following United States trademark registrations, including common law rights associated therewith (collectively, the "Registered Marks"):

- a. U.S. Registration No. 3,382,886, issued on February 12, 2008, for the mark JOULE for use in connection with designer jewelry in International Class 14. (A true and correct copy of this registration is annexed hereto as *Exhibit 1.*)
- b. U.S. Registration No. 3,696,021, issued on October 13, 2009, for the mark JOULES for use in connection with various goods in International Class 18, various clothing items and accessories in International Class 25, and retail store services, online retail store services, and mail order catalog services featuring clothing, footwear, headwear, leather goods and accessories therefor in International Class 35. (A true and correct copy of this registration is annexed hereto as *Exhibit 2.*)
- c. U.S. Registration No. 4,651,278, issued on December 9, 2014, for the mark LITTLE JOULE, for use in connection with leather and imitation leather goods and various bags in International Class 18, various clothing items and accessories in International Class 25, various toys, games, playthings, sports equipment and Christmas decorations in International Class 28, retail store services and online retail store services featuring a variety of goods in International Class 35. (A true and correct copy of this registration is annexed hereto as *Exhibit 3.*)

11. Joules has extensively and continuously used, advertised, promoted, marketed and otherwise publicized each of the Registered Marks prior to and since the date of their registration, and they are in full force and effect.

12. Joules has given notice to the public of the registration of the Registered Marks pursuant to 15 U.S.C § 1111.

13. Joules has invested substantial money and effort to develop goodwill in the Registered Marks, to cause consumers throughout the United States and abroad to recognize them as distinctly designating Joules® goods and services as originating with Joules.

14. The value of the goodwill developed in the Registered Marks is substantial.

15. The Registered Marks are separately distinctive, and also constitute a family of marks owned by Joules.

Defendant's Application for Registration of MAISON JULES

16. On November 14, 2012, Defendant filed an application with the United States Patent and Trademark Office (the "USPTO"), seeking registration of the mark MAISON JULES based upon an intent to use the mark in commerce ("Defendant's Application"). (A true and correct copy of Defendant's Application is annexed hereto as *Exhibit 4*).¹

17. Defendant's Application, which was assigned Trademark Serial No. 85/779,453 upon filing, seeks registration in the following classes:

- a. International Class 3 for cosmetics.
- b. International Class 14 for jewelry.
- c. International Class 18 for billfolds, briefcases, handbags, key cases, purses and wallets.
- d. International Class 20 for bath, bed and home accessories, namely, bath pillows, bed pillows, chair pads, curtain rods, curtain hooks, cushions, decorative pillows, pet cushions, picture frames, pillows, shower curtain hooks, shower curtain rods.

¹ According to Defendant's Application, the English translation of "Maison" is "house."

- e. International Class 24 for bath, bed and home accessories and linen, namely, bath sheets; bath towels; bed blankets; bed sheets; bed skirts; bed spreads; blanket throws; comforters; coverlets, crib sheets and bumpers; curtains; draperies; dust ruffles; duvet covers; duvets; face cloths and towels; mattress covers; pads and protectors; pillow cases; pillow shams; place mats not of paper; pot holders; quilts; sheet sets; shower curtains; shower curtain liners; tablecloths not of paper; fabric table linen; fabric table runners; throws.
- f. International Class 25 for clothing, shoes, accessories and footwear, namely, belts, blazers; blouses; boxer briefs; boxer shorts; bras; camisoles; capris; caps; cardigans; coats; coveralls; crop tops; denim jackets; denims; dresses; dungarees; footwear; gloves; halter tops; hats; headbands; hosiery; jackets; jeans; jerseys; leather jackets; leggings; lingerie; loungewear; neckties; overalls; overcoats; pants; pantsuits; pullovers; rainwear; robes; sandals; scarves; shirts; shoes; shorts; shrugs; skirts; slacks; sleepwear; slippers; slips; sneakers; socks; stockings; suits; suspenders; sweat pants; sweat shirts; sweaters; swimsuits; swimwear; t-shirts; tank tops; tights; tops; trousers; undergarments; undershirts; underwear; vests; and visors.

18. Defendant's Application was filed *well after* Joules' adoption and use of the Registered Marks.

Joules' Opposition to Defendant's Application

19. Defendant's Application was published for opposition by the USPTO on August 20, 2013.

20. Joules filed a Notice of Opposition with the USPTO on January 17, 2014, under Opposition No. 91214532, citing, *inter alia*, a likelihood of confusion with the Registered Marks (the "Opposition Proceeding").²

21. Despite the pendency of the Opposition Proceeding and Defendant's actual knowledge of the Registered Marks, Defendant has begun marketing and selling a line of women's clothing under the MAISON JULES mark via its website, www.macys.com—in violation of Joules' rights.

22. Upon information and belief, Defendant has also begun marketing and selling such line of women's clothing at its department stores nationwide—in violation of Joules' rights.

FIRST CLAIM FOR RELIEF **(Trademark Infringement – 15 U.S.C. § 1114)**

23. Plaintiff Joules repeats and re-alleges the allegations in paragraphs 1 through 22 of the Complaint with the same force and effect as if fully set forth herein.

24. The MAISON JULES mark is a colorable imitation of the Registered Marks, as a family of marks or alternatively as individual trademarks, and, as used in commerce by Defendant, is likely to cause confusion, mistake or to deceive the public as to the identity and origin of Defendant's goods and services.

25. Upon information and belief, Defendant has adopted and is using the MAISON JULES mark with the willful intent to trade on Joules' reputation and goodwill established in the Registered Marks.

² The Opposition Proceeding is currently pending before the USPTO. Joules will seek a stay of the Opposition Proceeding pending the resolution of this action.

26. Defendant has had actual knowledge of Joules' exclusive rights in the Registered Marks, and willfully and deliberately infringed, and continues to infringe, on such rights.

27. Joules has no adequate remedy at law because the Registered Marks are unique and represent to the public Joules' reputation and goodwill such that damages alone cannot fully compensate Joules for Defendant's misconduct.

28. Unless enjoined by this Court, Defendant will continue its infringing actions in violation of 15 U.S.C. § 1114, with resulting damage to Joules and its extensive business and goodwill symbolized by the Registered Marks, as a family of marks or alternatively, as individual marks, leaving Joules with no adequate remedy for such injury at law.

29. Pursuant to 15 U.S.C. § 1116, Joules is entitled to an order of this Court, effective during the pendency of this action and thereafter to be made permanent, enjoining Defendant, its officers, agents and employees from using MAISON JULES or other designations confusingly similar to the Registered Marks.

30. No previous injunctive relief has been awarded with respect to this matter in this case or any other case between the parties hereto.

31. Defendant's actions have been and continue to be malicious, fraudulent, willful and deliberate, thereby making this an exceptional case pursuant to 15 U.S.C. § 1117(a).

32. By reason of the foregoing, in addition to injunctive relief, Joules is entitled to an award of compensatory damages and treble damages, Defendant's profits, costs and attorneys' fees.

SECOND CLAIM FOR RELIEF
(Unfair Competition – 15 U.S.C. § 1125)

33. Joules repeats and re-alleges the allegations in paragraphs 1 through 32 of the Complaint with the same force and effect as if fully set forth herein.

34. The Registered Marks, as used by Joules in connection with the provision of goods and services, are distinctive and have been associated with Joules so as to exclusively identify Joules' businesses and goods and services.

35. Defendant's use of the MAISON JULES mark in the marketing, sale and/or offering for sale of its goods and services is likely to cause confusion or mistake, or to deceive the public as to the affiliation, connection, or association of Defendant with Joules, or as to the origin, sponsorship, or approval of Defendant's goods, services, or commercial activities by Joules, in violation of 15 U.S.C. § 1125(a).

36. Defendant's actions constitute unfair competition, false designation of origin, and false or misleading descriptions and representations of fact, in violation of 15 U.S.C. § 1125(a).

37. Defendant's actions have been and continue to be malicious, fraudulent, willful and deliberate, thereby making this an exceptional case pursuant to Section 35 of the Lanham Act, 15 U.S.C. § 1117(a).

38. Joules has no adequate remedy at law because the Registered Marks are unique and represent to the public Joules' reputation and goodwill such that damages alone cannot fully compensate Joules for Defendant's misconduct.

39. Unless enjoined by this Court, Defendant will continue its infringing acts in violation of 15 U.S.C. § 1125, with resulting damage to Joules and its extensive business and goodwill symbolized by the Registered Marks, as a family of marks or alternatively as individual marks leaving, Joules with no adequate remedy for such injury at law.

40. Pursuant to 15 U.S.C. § 1116, Joules is entitled to an order of this Court, effective during the pendency of this action and thereafter to be made permanent, enjoining Defendant, its

officers, agents and employees from using MAISON JULES or other designations confusingly similar to the Registered Marks.

41. No previous injunctive relief has been awarded with respect to this matter in this case or any other case between the parties hereto.

42. By reason of the foregoing, in addition to injunctive relief, Joules is entitled to an award of compensatory and treble damages, Defendant's profits, costs, and attorneys' fees.

THIRD CLAIM FOR RELIEF
(Trademark Infringement – Common Law)

43. Joules repeats and re-alleges the allegations in paragraphs 1 through 42 of the Complaint with the same force and effect as if fully set forth herein.

44. Joules has been using the Registered Marks worldwide, including within the State of New York, to identify and signify itself as the source of its goods and services.

45. Through extensive and continuous use of the Registered Marks, Joules has developed substantial goodwill in the Registered Marks. The Registered Marks have become well known worldwide, including within the State of New York, and beyond and have earned substantial goodwill among New Yorkers and individuals located around the world.

46. Defendant's use of the mark MAISON JULES constitutes a use in commerce that is likely to cause confusion and mistake and to deceive consumers as to the source or origin of its goods such that consumers may believe that Defendant's goods are sponsored by, endorsed by, approved by, licensed by, authorized by, affiliated with or connected with Joules.

47. By virtue of the foregoing, Defendant has infringed and continues to infringe upon the Registered Marks.

48. Upon information and belief, Defendant has adopted and is using the MAISON JULES mark with the willful intent to trade on Joules' reputation and goodwill established in the Registered Marks.

49. Defendant's acts are causing and continue to cause Joules irreparable harm in the nature of loss of control over its reputation and loss of substantial consumer goodwill. The irreparable harm to Joules will continue, without any adequate remedy at law, unless and until Defendant's unlawful conduct is enjoined by this Court.

50. By reason of the foregoing, in addition to injunctive relief, Joules is entitled to an award of compensatory damages and treble damages, Defendant's profits, costs and attorneys' fees.

FOURTH CLAIM FOR RELIEF
(Unfair Competition – Common Law)

51. Joules repeats and re-alleges the allegations in paragraphs 1 through 49 of the Complaint with the same force and effect as if fully set forth herein.

52. Defendant's use of the MAISON JULES mark is likely to cause confusion and mistake and to deceive consumers as to the source and origin of Defendant's goods and constitutes unfair competition and misappropriation of Joules' goodwill in the Registered Marks in violation of the laws of the State of New York.

53. Upon information and belief, Defendant has adopted and is using the MAISON JULES mark in bad faith with intent to trade on Joules' reputation and goodwill established in the Registered Marks.

54. Defendant's acts are causing and continue to cause Joules irreparable harm in the nature of loss of control over its reputation and loss of substantial consumer goodwill. The

irreparable harm to Joules will continue, without any adequate remedy at law, unless and until Defendant's unlawful conduct is enjoined by this Court.

WHEREFORE, plaintiff Joules demands a trial by jury pursuant to Fed. R. Civ. P. 38(b) on all claims so triable, and respectfully requests judgment against Defendant:

a. Preliminarily and permanently enjoining and restraining Defendant, its officers, directors, shareholders, agents, employees, and all persons or entities in active concert or participation with them, pursuant to 15 U.S.C. § 1116, from the following:

- i. Using in any manner the MAISON JULES mark or any other designation that is confusingly similar to or a colorable imitation of the Registered Marks;
- ii. Using in any manner any trademark, service mark, words, abbreviations, designs, arrangements, or other combinations thereof that would imitate, resemble, or suggest the Registered Marks;
- iii. Any false or misleading description of fact, or false or misleading representation of fact, or other fact of unfair competition, which is likely to cause confusion, or to cause mistake, or to deceive as to the existence or nature of an affiliation, connection or association between Defendant and Joules as to the origin, sponsorship, endorsement, authorization or approval by Joules of Defendant's goods, services or commercial activities (the "Injunction");
- iv. Otherwise infringing the Registered Marks; and
- v. Otherwise competing unfairly with Joules in any manner.

b. Ordering Defendant, pursuant to Section 34 of the Lanham Act, 15 U.S.C. § 1116, to file with the Court and serve on Joules within thirty (30) days after entry of the Injunction, a report in writing under oath setting forth in detail the manner and form in which Defendant has complied with the Injunction.

c. Ordering Defendant to render an accounting to ascertain the total amount of any and all profits derived by Defendant as a result of its unlawful and unauthorized use, exploitation and infringement of the Registered Marks.

d. Ordering Defendant, pursuant Section 36 of the Lanham Act, 15 U.S.C. § 1118, to deliver up for destruction all containers, labels, signs, prints, packages, wrappers, receptacles and advertisements, in the possession, custody or under the control of Defendant, bearing the MAISON JULES mark or any other designation that is confusingly similar to or a colorable imitation of the Registered Marks.

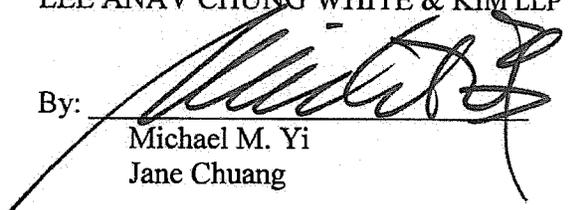
e. Awarding to Joules compensatory damages in an amount to be determined, including, without limitation, Defendant's profits attributable to its infringement of the Registered Marks and costs, together with any and all other remedies to which Joules may be entitled under the Lanham Act or the common law.

f. Declaring this to be an exceptional case and awarding to Joules treble damages and its reasonable attorneys' fees incurred and to be incurred by Joules in connection with this action.

g. Awarding such other relief as the Court may deem just, proper and equitable.

Dated: May 11, 2015

LEE ANAV CHUNG WHITE & KIM LLP

By: 

Michael M. Yi

Jane Chuang

156 Fifth Avenue, Suite 303
New York, New York 10010
Telephone: (212) 271-0664

*Attorneys for Plaintiff
Joules Limited*

EXHIBIT 1

Int. Cl.: 14

Prior U.S. Cls.: 2, 27, 28, and 50

United States Patent and Trademark Office

Reg. No. 3,382,886

Registered Feb. 12, 2008

TRADEMARK
PRINCIPAL REGISTER

joule

KAST, MICHELLE NOELLE (UNITED STATES
INDIVIDUAL)
PO BOX 827
SHELTER ISLAND, NY 11964

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

FOR: DESIGNER JEWELRY, IN CLASS 14 (U.S.
CLS. 2, 27, 28 AND 50).

SN 78-652,006, FILED 6-16-2005.

FIRST USE 1-1-2005; IN COMMERCE 1-1-2005.

TIMOTHY FINNEGAN, EXAMINING ATTORNEY

EXHIBIT 2

United States of America
United States Patent and Trademark Office

JOULES

Reg. No. 3,696,021 JOULES LIMITED (UNITED KINGDOM CORPORATE BODY)
Registered Oct. 13, 2009 16 THE POINT, ROCKINGHAM ROAD
MARKET HARBOROUGH
LEICESTERSHIRE LE16 7QU, UNITED KINGDOM

Int. Cls.: 18, 25 and 35

TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER

FOR: LEATHER AND IMITATIONS OF LEATHER, AND GOODS MADE OF THESE MATERIALS AND NOT INCLUDED IN OTHER CLASSES, NAMELY, HAT BOXES, BELTS, NAMELY, LEATHER SHOULDER BELTS AND SADDLE BELTS, TRUNKS AND TRAVEL BAGS; UMBRELLAS, PARASOLS AND WALKING STICKS; BAGS, NAMELY, HAND BAGS, SPORTS BAGS, TOILE BAGS, CARRYING BAGS, ATTACHE CASES; BACK PACKS; BRIEFCASES; GAME BAGS FOR HUNTING; GARMENT BAGS; WASH BAGS; KEY CASES; PURSES; RUCKSACKS; SCHOOL BAGS; WALKING STICK SEATS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FOR: MEN'S, WOMEN'S AND CHILDREN'S CLOTHING, NAMELY, T-SHIRTS, SWEAT-SHIRTS, JEANS, SWEATPANTS, SHIRTS, PANTS, SWEATERS, UNDERWEAR, PANTIES, BRAS, UNDERSHIRTS, SLEEPWEAR, PAJAMAS, LINGERIE, ROBES, NIGHTGOWNS, JACKETS, RAINWEAR, SWIMWEAR, BATHING SUITS, COVER UPS, DRESSES, COATS, SHORTS, TUXEDOS, TIES, BLOUSES, VESTS, JOGGING SUITS, GLOVES, SCARVES, MUFFLERS, HEAD BANDS, SHOES, HATS, BELTS, SHAWLS, SCARVES, PONCHOS, SHOULDER WRAPS, SOCKS, STOCKINGS, HOSIERY, TIGHTS, LEGGINGS, AND LEOTARDS, JODHPURS, RIDING JACKETS; FOOTWEAR; RIDING BOOTS; HEADWEAR; HATS AND HAT FRAMES; CAPS; RIDING HAT; APRONS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FOR: RETAIL STORE SERVICES, ONLINE RETAIL STORE SERVICES, AND MAIL ORDER CATALOG SERVICES FEATURING CLOTHING, FOOTWEAR, HEADWEAR, LEATHER GOODS AND ACCESSORIES THEREFOR, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).



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

OWNER OF INTERNATIONAL REGISTRATION 0876494 DATED 12-6-2005, EXPIRES 12-6-2015.

OWNER OF U.S. REG. NO. 3,382,886.

SER. NO. 79-020,768, FILED 12-6-2005.

AISHA CLARKE, EXAMINING ATTORNEY

David J. Kyffas

Director of the United States Patent and Trademark Office

EXHIBIT 3

United States of America

United States Patent and Trademark Office

LITTLE JOULE

Reg. No. 4,651,278

Registered Dec. 9, 2014

Int. Cls.: 18, 25, 28 and 35

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

JOULES LIMITED (UNITED KINGDOM PRIVATE LIMITED COMPANY)
16 THE POINT
ROCKINGHAM ROAD, MARKET HARBOROUGH
LEICESTERSHIRE, UNITED KINGDOM LE167QU

FOR: LEATHER AND IMITATIONS OF LEATHER; TRUNKS AND TRAVEL BAGS; UMBRELLAS, PARASOLS; BAGS, NAMELY, CHANGING BAGS FOR BABIES, HANDBAGS, SPORT BAGS, TOTE BAGS, ALL-PURPOSE CARRYING BAGS; BACKPACKS; HUNTER'S GAME BAGS; GARMENT BAGS FOR TRAVEL; KEY CASES; PURSES; RUCKSACKS; SCHOOLBAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FOR: (BASED ON USE IN COMMERCE) CLOTHING, NAMELY, FOOTWEAR AND HEADWEAR; CLOTHING, NAMELY, FOOTWEAR AND HEADWEAR FOR CHILDREN; HATS AND HAT FRAMES; CAPS; BELTS; CHILDREN'S CLOTHING, NAMELY, T-SHIRTS, SWEATSHIRTS, JEANS, SWEATPANTS, SHIRTS, PANTS, SWEATERS, UNDERWEAR, UNDERSHIRTS, SLEEPWEAR, PYJAMAS, ROBES, NIGHTGOWNS, JACKETS, RAINWEAR, SWIMWEAR, BATHING SUITS, BEACH COVER UPS, DRESSES, SKIRTS, COATS, SHORTS, TIES, BLOUSES, VESTS, JOGGING SUITS, GLOVES, SCARVES, MUFFLERS, HEAD BANDS, BELTS, SHAWLS, SCARVES, PONCHOS, SHOULDER WRAPS, SOCKS, STOCKINGS, HO-SIERY, TIGHTS, LEGGINGS, AND LEOTARDS, JODHPURS, RIDING JACKETS; OVERCOATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 7-0-2008; IN COMMERCE 7-0-2008.



Nichelle K. Lee

Deputy Director of the United States
Patent and Trademark Office

FOR: TOYS, GAMES AND PLAYTHINGS, NAMELY, COLLECTABLE TOY FIGURES, CHILDREN'S MULTIPLE ACTIVITY TOYS, CLOCKWORK TOYS OF PLASTICS AND METAL, DOLLS AND DOLL ACCESSORIES, NAMELY, CLOTHING FOR DOLLS, DOLL HOUSES, DRAWING TOYS, ELECTRONIC ACTION AND LEARNING TOYS, PLUSH TOYS, TOY CONSTRUCTION BLOCKS, BATH TOYS, CRIB TOYS, DECORATIVE TOY MOBILES, SQUEEZE TOYS, STUFFED TOY ANIMALS AND BEARS, PUPPETS, ROCKING HORSES, CHILDREN'S TOY BICYCLES OTHER THAN FOR TRANSPORT, TOY SCOOTERS, TOY VEHICLES, TOY ACTION FIGURES, INFLATABLE SWIMMING POOLS; TOYS, NAMELY, CHILDREN'S DRESS UP ACCESSORIES, WIND-UP TOYS, GIFT BASKETS COMPRISED PRIMARILY OF TOY IMITATION SPORTING GOODS, NAMELY, TOY GAME BALLS AND ACCESSORIES THEREFOR; BOARD GAMES; SPORTING ARTICLES, NAMELY, BALLS, BASKET BALLS, NETBALLS, VOLLEYBALLS, RUGBY BALLS, SOCCER BALLS, CRICKET SETS INCLUDING CRICKET BATS AND CRICKET BALLS, BOWLING BAGS,

Reg. No. 4,651,278 BOWLING BALLS, BOWLING PINS, FLOATS FOR BATHING AND SWIMMING, SWIMMING AIDS, NAMELY, POOL RINGS AND ARM FLOATS, GOLF BALLS, GOLF CLUBS, GOLF BAGS, GOLF GLOVES, HEAD COVERS FOR GOLF CLUBS, YOGA MATS, YOGA STRAPS, YOGA BLANKETS, ROUNDERS SETS INCLUDING ROUNDERS BATS, POSTS AND BALLS, BASEBALL AND SOFTBALL SETS INCLUDING CASES, BATS, GLOVES AND BALLS, SKITTLES, CROQUET SETS, BADMINTON SETS, TENNIS RACKETS, TENNIS BALLS; DECORATIONS FOR CHRISTMAS TREES, EXCEPT CONFECTIONERY OR ILLUMINATION ARTICLES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FOR: RETAIL STORE SERVICES AND ONLINE RETAIL STORE SERVICES FEATURING CLOTHING, FOOTWEAR, HEADWEAR AND FASHION ACCESSORIES THEREFOR, COSMETICS AND TOILETRIES, HOME WARES, KITCHEN ACCESSORIES AND UTENSILS, TOYS, GAMES AND PLAYTHINGS AND TEXTILES AND TEXTILE GOODS; RETAIL DEPARTMENT STORE SERVICES FEATURING CLOTHING, FOOTWEAR, HEADWEAR AND FASHION ACCESSORIES, COSMETICS AND TOILETRIES, HOME WARES, KITCHEN ACCESSORIES AND UTENSILS, TOYS, GAMES AND PLAYTHINGS, TEXTILES AND TEXTILE GOODS; SALES PROMOTION FOR OTHERS; PROCUREMENT SERVICES FOR OTHERS, NAMELY, PURCHASING GOODS AND SERVICES FOR OTHER BUSINESSES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

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

OWNER OF ERPN CMNTY TM OFC REG. NO. 011875523, DATED 11-12-2013, EXPIRES 6-5-2023.

OWNER OF ERPN CMNTY TM OFC REG. NO. 011208055, DATED 1-30-2013, EXPIRES 9-21-2022.

OWNER OF U.S. REG. NOS. 3,382,886, 3,705,427 AND OTHERS.

SER. NO. 85-913,398, FILED 4-24-2013.

RUSS HERMAN, EXAMINING ATTORNEY

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.* See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or
reminder of these filing requirements.**

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

EXHIBIT 4

Trademark/Service Mark Application, Principal Register

Serial Number: 85779453

Filing Date: 11/14/2012

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85779453
MARK INFORMATION	
*MARK	<u>MAISON JULES</u>
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	MAISON JULES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
REGISTER	Principal
APPLICANT INFORMATION	
*OWNER OF MARK	Macy's Merchandising Group, Inc.
*STREET	11 Penn Plaza 12th FL
*CITY	New York
*STATE (Required for U.S. applicants)	New York
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	10001
LEGAL ENTITY INFORMATION	
TYPE	corporation
STATE/COUNTRY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES AND BASIS INFORMATION	
INTERNATIONAL CLASS	003
*IDENTIFICATION	COSMETICS

FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	014
*IDENTIFICATION	JEWELRY
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	018
*IDENTIFICATION	BILLFOLDS; BRIEFCASES; HANDBAGS; KEY CASES; PURSES; WALLETS
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	020
*IDENTIFICATION	BATH, BED AND HOME ACCESSORIES, INCLUDING BATH PILLOWS; BED PILLOWS; CHAIR PADS; CURTAIN RODS; CURTAIN HOOKS; CUSHIONS; DECORATIVE PILLOWS; PET CUSHIONS; PICTURE FRAMES; PILLOWS; SHOWER CURTAIN HOOKS; SHOWER CURTAIN RODS
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	024
*IDENTIFICATION	BATH, BED, AND HOME ACCESSORIES AND LINEN, INCLUDING, BATH SHEETS; BATH TOWELS; BED SHEETS; BED SKIRTS; BED SPREADS; BLANKETS; BLANKET THROWS; COMFORTERS; COVERLETS; CRIB SHEETS AND BUMPERS; CURTAINS; DRAPERIES; DUST RUFFLES; DUVET COVERS; DUVETS; FACE CLOTHS AND TOWELS; MATTRESS COVERS, PADS AND PROTECTORS; PILLOW CASES; PILLOW SHAMS; PLACE MATS; POT HOLDERS; QUILTS ;SHEET SETS; SHOWER CURTAINS; SHOWER CURTAIN LINERS; TABLECLOTHS; TABLE LINEN (FABRIC); TABLE RUNNERS (FABRIC); THROWS
FILING BASIS	SECTION 1(b)
INTERNATIONAL CLASS	025
*IDENTIFICATION	CLOTHING, SHOES, AND FOOTWEAR FOR MEN AND WOMEN

FILING BASIS	SECTION 1(b)
ATTORNEY INFORMATION	
NAME	Chester Rothstein, Esq.
ATTORNEY DOCKET NUMBER	33754-1398
FIRM NAME	Amster, Rothstein & Ebenstein LLP
STREET	90 Park Avenue
CITY	New York
STATE	New York
COUNTRY	United States
ZIP/POSTAL CODE	10016
PHONE	212-336-8000
FAX	212-336-8001
EMAIL ADDRESS	ptodocket@arelaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
OTHER APPOINTED ATTORNEY	Morton Amster, Daniel Ebenstein, Philip H. Gottfried, Neil M. Zipkin, Anthony F. Lo Cicero, Kenneth P. George, Abraham Kasdan, Ira E. Silfin, Craig J. Arnold, Joseph Casino, Michael V. Solomita, Charles R. Macedo, Michael J. Kasdan, Holly Pekowsky, Max Vern, Brian Comack, Richard S. Mandaro, Marc J. Jason, David A. Boag, Matthieu Hausig, Jung Hahm, Alan Miller, Norajean McCaffrey, Marion Metelski, Benjamin Charkow, Robert Burak, Samuel Lo, Suzue Fujimori, David R. Widomski, Jessica Rasmussen, Brian Amos, Andrei Voinigescu, Sanjeev Mehta, Michael Kochka and Robert Bilotta
CORRESPONDENCE INFORMATION	
NAME	Chester Rothstein, Esq.
FIRM NAME	Amster, Rothstein & Ebenstein LLP
STREET	90 Park Avenue
CITY	New York
STATE	New York
COUNTRY	United States

ZIP/POSTAL CODE	10016
PHONE	212-336-8000
FAX	212-336-8001
EMAIL ADDRESS	ptodocket@arelaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	6
FEE PER CLASS	325
TOTAL FEE DUE	1950
TOTAL FEE PAID	1950
SIGNATURE INFORMATION	
SIGNATURE	/Chester Rothstein/
SIGNATORY'S NAME	Chester Rothstein
SIGNATORY'S POSITION	Attorney of Record, NY Bar Member
DATE SIGNED	11/14/2012

Trademark/Service Mark Application, Principal Register

Serial Number: 85779453

Filing Date: 11/14/2012

To the Commissioner for Trademarks:

MARK: MAISON JULES (Standard Characters, see mark)

The literal element of the mark consists of MAISON JULES.

The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Macy's Merchandising Group, Inc., a corporation of Delaware, having an address of
11 Penn Plaza 12th FL
New York, New York 10001
United States

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

International Class 003: COSMETICS

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 014: JEWELRY

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 018: BILLFOLDS; BRIEFCASES; HANDBAGS; KEY CASES; PURSES; WALLETS

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 020: BATH, BED AND HOME ACCESSORIES, INCLUDING BATH PILLOWS; BED PILLOWS; CHAIR PADS; CURTAIN RODS; CURTAIN HOOKS; CUSHIONS; DECORATIVE PILLOWS; PET CUSHIONS; PICTURE FRAMES; PILLOWS; SHOWER CURTAIN HOOKS; SHOWER CURTAIN RODS

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 024: BATH, BED, AND HOME ACCESSORIES AND LINEN, INCLUDING, BATH SHEETS; BATH TOWELS; BED SHEETS; BED SKIRTS; BED SPREADS; BLANKETS; BLANKET THROWS; COMFORTERS; COVERLETS; CRIB SHEETS AND BUMPERS; CURTAINS; DRAPERIES; DUST RUFFLES; DUVET COVERS; DUVETS; FACE CLOTHS AND TOWELS; MATTRESS COVERS, PADS AND PROTECTORS; PILLOW CASES; PILLOW SHAMS; PLACE MATS; POT HOLDERS; QUILTS ;SHEET SETS; SHOWER CURTAINS; SHOWER CURTAIN LINERS; TABLECLOTHS; TABLE LINEN (FABRIC); TABLE RUNNERS (FABRIC); THROWS
Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

International Class 025: CLOTHING, SHOES, AND FOOTWEAR FOR MEN AND WOMEN
Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

The applicant's current Attorney Information:

Chester Rothstein, Esq. and Morton Amster, Daniel Ebenstein, Philip H. Gottfried, Neil M. Zipkin, Anthony F. Lo Cicero, Kenneth P. George, Abraham Kasdan, Ira E. Silfin, Craig J. Arnold, Joseph Casino, Michael V. Solomita, Charles R. Macedo, Michael J. Kasdan, Holly Pekowsky, Max Vem, Brian Comack, Richard S. Mandaro, Marc J. Jason, David A. Boag, Matthieu Hausig, Jung Hahm, Alan Miller, Norajean McCaffrey, Marion Metelski, Benjamin Charkow, Robert Burak, Samuel Lo, Suzue Fujimori, David R. Widomski, Jessica Rasmussen, Brian Amos, Andrei Voinigescu, Sanjeev Mehta, Michael Kochka and Robert Bilotta of Amster, Rothstein & Ebenstein LLP
90 Park Avenue
New York, New York 10016
United States

The attorney docket/reference number is 33754-1398.

The applicant's current Correspondence Information:

Chester Rothstein, Esq.
Amster, Rothstein & Ebenstein LLP
90 Park Avenue
New York, New York 10016
212-336-8000(phone)
212-336-8001(fax)
ptodocket@arelaw.com (authorized)

A fee payment in the amount of \$1950 has been submitted with the application, representing payment for 6 class(es).

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. Section 1001, and that such willful false statements, and the like, 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. Section 1051(b), he/she believes 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 mark in commerce, either in the 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 own knowledge are true; and that all statements made on information and belief are believed to be true.

Declaration Signature

Signature: /Chester Rothstein/ Date: 11/14/2012

Signatory's Name: Chester Rothstein

Signatory's Position: Attorney of Record, NY Bar Member

RAM Sale Number: 4344

RAM Accounting Date: 11/15/2012

Serial Number: 85779453

Internet Transmission Date: Wed Nov 14 17:01:55 EST 2012

TEAS Stamp: USPTO/BAS-208.229.218.102-20121114170155

990589-85779453-4909a80b25389b9f4054bbef

a5d4d8972-DA-4344-20121114165346317662

MAISON JULES

Exhibit 4

May 27, 2015

C.J. Veverka

435.575.1377 Direct

cveverka@mabr.com

DELIVERED VIA E-MAIL

Chester Rothstein
AMSTER ROTHSTEIN & EBENSTEIN LLP
90 Park Avenue
New York, NY 10016
ptodocket@arelaw.com

Our Reference No.: J2278.00007

Communication Pursuant to FRE 408

RE: Joules Limited v. Macy's Merchandising Group, Inc., Civ. No. 15-cv-3645

Dear Chester:

As you are probably already aware, on May 11, 2015, Joules Limited ("Joules") filed suit against Macy's Merchandising Group, Inc., ("Macy's") in the United States District Court for the Southern District of New York, entitled *Joules Limited v. Macy's Merchandising Group, Inc.*, Civ. No. 15-cv-3645, asserting claims related to, *inter alia*, trademark infringement. A courtesy copy of the complaint is attached for your convenience.

Additionally, we recently received an Order from the Court, wherein this action has been scheduled for an early conference on June 16, 2015. This order is also attached for your convenience.

While Joules' intent in filing the above entitled action is ultimately to enforce its rights as outlined in the Complaint as well as similar issues raised in the pending Maison Jules Opposition,¹ either via settlement or final adjudication, Joules had intended to use some of the time between filing the Complaint and service of the same to revisit the parties' settlement efforts. However, the attached Order proposes an aggressive schedule that may not provide the parties with sufficient time to fully explore settlement before litigation begins in earnest. For this reason, and the fact that I will be out of the country between early and late June, Joules proposes that the parties jointly move the Court to extend the June 16, 2015 conference until mid to late July. This extension will hopefully provide the parties time to seriously evaluate their respective settlement positions.

¹ Opposition No. 91214532.



Regarding settlement, Joules reiterates that the following points remain essential to any settlement of the present action:

- The JULES portion of the MAISON JULES mark is dominant and the script format used by Macy's is confusingly similar to Joules' format. Thus, for settlement to be achievable, Macy's must drop the signature script and adopt a uniform font and size across both words MAISON and JULES.
- The MAISON JULES mark must be more closely tied to the MACY'S brand. Adding "ONLY AT MACY'S" (where the "at" is in the shape of the Macy's Star) to MAISON JULES is not sufficient to tie Macy's to the mark, since consumers might be misled to believing that "ONLY AT MACY'S" merely indicates an offer of Joules' goods at Macy's. For this reason, Joules would require Macy's to alter its use to something similar to "MAISON JULES by MACY'S."
- Provided that the above conditions are met, Joules would accept Macy's agreement that it will not establish retail outlets under its MAISON JULES trademark in any EU member country but would allow Macy's to promote and sell its MAISON JULES goods via its *www.macys.com* and/or *www.bloomingdales.com* websites including related e-commerce sites to consumers worldwide, including consumers in EU member countries.

We note that the Maison Jules Opposition is currently pending before the Trademark Trial and Appeal Board ("TTAB"). However, given the filing of the above-entitled action and in an effort to save the parties' time and resources that might be duplicated by continuing with both the litigation and Opposition, Joules intends to move the TTAB to stay the Opposition pending the outcome of the above-entitled action. Please indicate whether Macy's would be amenable to filing a joint stipulation with Joules to stay the Opposition proceedings.

Please confirm receipt of this letter and its attachments. Also, we welcome your thoughts regarding settlement, extending the June 16, 2015 conference and filing a joint stipulation in the Opposition. Please feel free to contact us with any questions.

Sincerely,

MASCHOFF BRENNAN

A handwritten signature in black ink, appearing to read 'C.J. Veverka', written in a cursive style.

C.J. Veverka