

ESTTA Tracking number: **ESTTA237083**

Filing date: **09/16/2008**

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

Proceeding	91180970
Party	Plaintiff Faconnable SAS
Correspondence Address	William O. Ferron, Jr. Seed Intellectual Property Law Group PLLC 701 Fifth Ave., Suite 5400 Seattle, WA 98104 UNITED STATES billf.docketing@seedip.com, litcal@seedip.com
Submission	Other Motions/Papers
Filer's Name	William O. Ferron, Jr.
Filer's e-mail	billf.docketing@seedip.com, litcal@seedip.com
Signature	/William O. Ferron, Jr./
Date	09/16/2008
Attachments	Faconnable-A&F-Amend&Dismiss.pdf ( 4 pages )(111944 bytes )

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

FACONNABLE SAS,	)	
	)	Opposition No. 91180970
	)	
Opposer,	)	Serial No. 78/926190
	)	Serial No. 78/926248
v.	)	
	)	
ABERCROMBIE & FITCH TRADING CO.,	)	
	)	
Applicant.	)	Attorney Docket No. 320041.802
<hr style="width: 30%; margin-left: 0;"/>	)	

**AMENDMENT TO APPLICATIONS WITH CONSENT  
AND WITHDRAWAL OF NOTICE OF OPPOSITION WITH PREJUDICE**

Pursuant to agreement between the parties, and subject to the approval of the Trademark Trial and Appeal Board, Opposer Façonnable SAS (“Opposer”) and Applicant Abercrombie & Fitch Trading Co. (“Applicant”) stipulate and agree that the description of goods in Applicant’s U.S. Trademark Application Serial No. 78/926190 be amended to add the words “all sold exclusively through Applicant’s Hollister stores, Hollister catalogs and Hollister website,” to read as follows (new language underlined below):

Clothing, namely, bathrobes, beach cover-ups, beachwear, belts, blazers, blouses, body shapers, body suits, boxer shorts, bustiers, bras, camisoles, caps, coats, dresses, footwear, foundation garments, garter belts, girdles, gloves, gowns, halter tops, hats, headbands, hosiery, intimate apparel, namely, robes and shapewear, namely, corsets and corselettes, jackets, jeans, jobbing suits, knee highs, knit shirts, leotards, lingerie, loungewear, mittens, negligees, nightgowns, nightshirts, pajamas, panties, pants, pantyhose, sarongs, scarves, shirts, shorts, skirts, slacks, sleepwear, slippers, socks, stockings, suits, sweat pants, sweat shirts,

sweat shorts, sweat suits, sweaters, swim wear, t-shirts, tank tops, tap pants, teddies, ties, tights, underpants, undershirts, underwear and vests; athletic wear, namely, gym shorts, athletic shorts, jobbing pants, pullovers sports shirts, visors, all sold exclusively through Applicant's Hollister stores, Hollister catalogs and Hollister website.

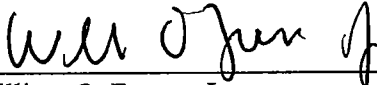
The parties further stipulate and agree that the description of goods in Applicant's U.S. Trademark Application Serial No. 78/926248 be amended to add the words "all sold exclusively through Hollister stores, Hollister catalogs and Hollister website," to read as follows (new language underlined below):

Clothing, namely, bathrobes, beach cover-ups, beachwear, belts, blazers, blouses, body shapers, body suits, boxer shorts, bustiers, bras, camisoles, caps, coats, dresses, footwear, foundation garments, garter belts, girdles, gloves, gowns, halter tops, hats, headbands, hosiery, intimate apparel, namely, robes and shapewear, namely, corsets and corselettes, jackets, jeans, jobbing suits, knee highs, knit shirts, leotards, lingerie, loungewear, mittens, negligees, nightgowns, nightshirts, pajamas, panties, pants, pantyhose, sarongs, scarves, shirts, shorts, skirts, slacks, sleepwear, slippers, socks, stockings, suits, sweat pants, sweat shirts, sweat shorts, sweat suits, sweaters, swim wear, t-shirts, tank tops, tap pants, teddies, ties, tights, underpants, undershirts, underwear and vests; athletic wear, namely, gym shorts, athletic shorts, jobbing pants, pullovers sports shirts, visors, all sold exclusively through Applicant's Hollister stores, Hollister catalogs and Hollister website.

Additionally, pursuant to agreement between the parties, and subject to the approval of the Trademark Trial and Appeal Board, Opposer Façonnable SAS hereby withdraws its Notice of Opposition with prejudice upon entry of the above amendments.


Whereby, Applicant and Opposer request, that the Trademark Trial and Appeal Board amend U.S. Trademark Application Serial Nos. 78/926190 and 78/926248 as requested above and accept the withdrawal of Opposer's Notice of Opposition with prejudice.

Sept. 16, 2008  
Date

  
\_\_\_\_\_  
William O. Ferron, Jr.  
Seed IP Law Group PLLC  
701 Fifth Avenue, Suite 5400  
Seattle, Washington 98104  
Telephone: (206) 622-4900  
Facsimile: (206) 682-6031

Attorneys for Opposer  
Façonnable SAS

9-16-08  
Date

  
\_\_\_\_\_  
Susan M. Kayser  
Jessica D. Bradley  
Howrey LLP  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Telephone: (202) 783-0800  
Facsimile: (202) 383-6610

Attorneys for Applicant  
Abercrombie & Fitch Trading Co.

**CERTIFICATE OF SERVICE**

I, Annette Baca, hereby certify that the above **AMENDMENT TO APPLICATIONS WITH CONSENT AND WITHDRAWAL OF NOTICE OF OPPOSITION WITH PREJUDICE** was served on Applicant's counsel on Sept. 16, 2008 by email, pursuant to agreement of the parties, directed to:

Susan M. Kayser, Esq.  
KayserS@howrey.com  
Jessica D. Bradley, Esq.  
BradleyJ@howrey.com

  
\_\_\_\_\_  
Annette Baca