

ESTTA Tracking number: **ESTTA699807**

Filing date: **10/02/2015**

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

Notice of Opposition

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

Opposer Information

Name	Victoria's Secret Stores Brand Management, Inc.
Granted to Date of previous extension	12/02/2015
Address	Three Limited Parkway Reynoldsburg, OH 43068 UNITED STATES
Attorney information	Kevin Parks Leydig, Voit & Mayer, Ltd. Two Prudential Plaza, 180 N. Stetson Ave Suite 4900 Chicago, IL 60601 UNITED STATES mzimmermann@leydig.com, kparks@leydig.com Phone:312-616-5600

Applicant Information

Application No	86406359	Publication date	08/04/2015
Opposition Filing Date	10/02/2015	Opposition Period Ends	12/02/2015
Applicant	Max International, LLC 7090 S. Union Park Avenue Salt Lake City, UT 84047 UNITED STATES		

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: Face and body creams; Moisturizing creams; Non-medicated skin care creams and lotions; Exfoliating creams


Grounds for Opposition

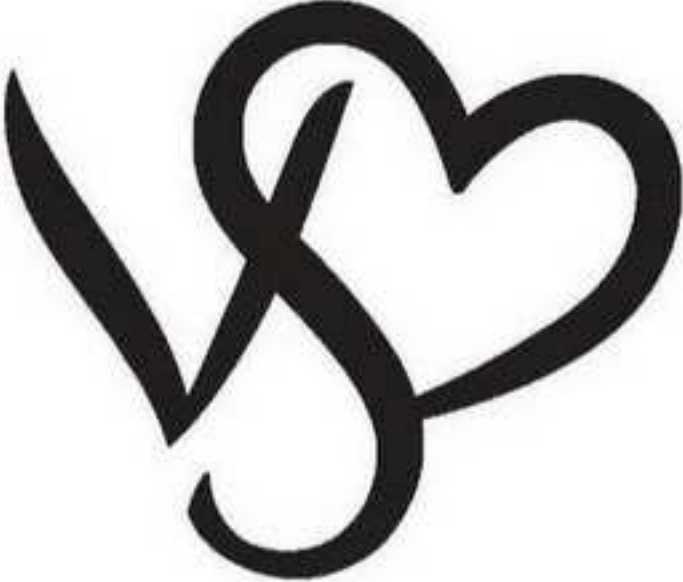
Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4118910	Application Date	04/20/2009
Registration Date	03/27/2012	Foreign Priority Date	NONE
Word Mark	VS		

Design Mark			
Description of Mark	The mark consists of STYLIZED "VS" LOGO.		
Goods/Services	<p>Class 003. First use: First Use: 2009/07/02 First Use In Commerce: 2009/07/02 Personal care products, namely, body lotions; body mist; shower gel; eau de parfum; scented body powder</p> <p>Class 025. First use: First Use: 2009/10/01 First Use In Commerce: 2009/10/01 Clothing, namely, bras; panties; pajamas; lingerie, robes; slippers</p>		
U.S. Registration No.	3651878	Application Date	09/10/2007
Registration Date	07/07/2009	Foreign Priority Date	NONE
Word Mark	VS		

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

U.S. Registration No.	4238168	Application Date	07/29/2010
Registration Date	11/06/2012	Foreign Priority Date	NONE
Word Mark	VS		
Design Mark			
Description of	The mark consists of letter "V" and a letter "S" with the letter "S" incorporated in-		

Mark	to a heart design.
Goods/Services	Class 025. First use: First Use: 2012/01/15 First Use In Commerce: 2012/01/15 swim suits, bikinis, bathing suits, tankinis, and bathing suit cover ups

Attachments	77717571#TMSN.png(bytes) 77275760#TMSN.png(bytes) 85095576#TMSN.png(bytes) 2015-10-02 Notice of opposition.pdf(1583933 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	/Michelle L. Zimmermann/
Name	Michelle L. Zimmermann
Date	10/02/2015

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

VICTORIA'S SECRET STORES)	
BRAND MANAGEMENT, INC.,)	
)	
Opposer,)	Opposition No. _____
)	Serial No. 86/406,359
v.)	
)	
MAX INTERNATIONAL LLC)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Victoria's Secret Stores Brand Management, Inc. ("Opposer"), a Delaware corporation, located at Three Limited Parkway, Reynoldsburg, Ohio 43068, hereby

opposes Application Serial No. 86/406,359 for the mark  (the "Application" or "Applicant's Mark") in Class 3, filed by Max International, LLC, a limited liability company organized under the laws of Utah ("Applicant"), and published in the Official Gazette August 4, 2015, and for which Opposer has received an extension of time to oppose expiring December 2, 2015.

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




1. Opposer is a highly successful retailer, and a leading provider of lingerie, clothing, accessories, and beauty products.

2. “VS” is an acronym for Victoria’s Secret. Since the beginning of Opposer’s business, “VS” has been used by Opposer and by third parties as a short-hand reference to Opposer.

3. Since at least as early as September 1991, Opposer has used “VS” and a variety of “VS” formatives (the “VS Marks”) as trademarks in connection with its apparel, accessory, and beauty products.

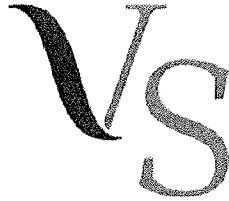
4. Opposer uses its VS Marks on a wide variety of products, including in the categories of body care and fragrance, lingerie and intimate apparel, other apparel, and accessories including jewelry, key chains, and purses.

5. Opposer owns registrations for certain of its VS Marks, including those shown below and in the current status report and registration certificates printed from TSDR and attached as Exhibit A hereto:

Registration Number	Mark	Class(es)	First Use Date
4118910		3, 25	July 2, 2009
3651878		25	January 31, 2007
4238168		25	January 15, 2012

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

7. On September 25, 2014, Applicant filed the Application for Applicant’s Mark, shown below:



Applicant alleged an intent to use Applicant's Mark in connection with the following goods, as they were listed at the time of publication: "Face and body creams; moisturizing creams; non-medicated skin care creams and lotions; exfoliating creams" in Class 3.

8. Opposer's use of its VS Marks long predates Applicant's priority date.
9. On information and belief, Applicant was aware of Opposer and Opposer's longstanding use of its VS Marks prior to September 25, 2014.
10. Applicant's Mark is confusingly similar to Opposer's VS Marks.
11. Due to the similarity of the marks and goods involved, and other factors, confusion is likely as between Applicant's Mark and Opposer's VS Marks, pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).
12. Registration of Applicant's Mark is likely to cause confusion or mistake in the mind of the public, and to lead the relevant public into believing that Applicant's goods are Opposer's, or are endorsed or sponsored by, or otherwise affiliated or connected with Opposer, all to the damage and injury of Opposer and the relevant public.
13. In view of the above, the grant of a registration for Applicant's Mark, as sought in the Application, should be denied.

WHEREFORE, by its undersigned attorneys, Opposer respectfully requests that this Notice of Opposition be sustained and that registration of Application Serial No. 86/406,359 be refused.

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

Respectfully submitted,

Date: October 2, 2015

By: 

Kevin C. Parks
Michelle L. Zimmermann
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, 180 N. Stetson Ave.
Suite 4900
Chicago, Illinois 60601-6731
(312) 616-5600
Attorneys for Opposer

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the attached NOTICE OF OPPOSITION was filed electronically with the Trademark Trial and Appeal Board on October 2, 2015.


Michelle Zimmermann

CERTIFICATE OF SERVICE

I hereby certify that a copy of this NOTICE OF OPPOSITION was served by First Class Mail to the following addresses on October 2, 2015, such being the Applicant's correspondence address listed in the TSDR system as of this date:

Nicole M. Deforge
Van Cott, Bagley, Cornwall & Mccarthy PC
36 S State St
Ste 1900
Salt Lake City, Utah 84111-1478

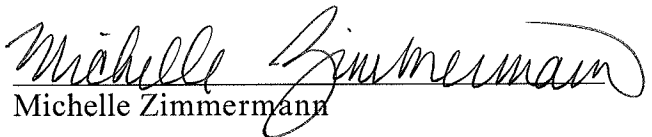

Michelle Zimmermann

Exhibit A

Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Victoria's Secret Stores Brand Management, Inc.

Owner Address: Four Limited Parkway
Reynoldsburg, OHIO 43068
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record

Attorney Name: SARAH CRISPI

Attorney Primary Email Address: MRocha@Limitedbrands.com

Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: MARIA J. ROCHA
LIMITED BRANDS
666 FIFTH AVENUE
LEGAL - IP DEPT., 4TH FLOOR
NEW YORK, NEW YORK 10103
UNITED STATES

Phone: 212.884.3479

Correspondent e-mail: MRocha@Limitedbrands.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: MARIA J. ROCHA

Phone: 212.884.3479

Domestic Representative e-mail: MRocha@Limitedbrands.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Jun. 03, 2012	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 03, 2012	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 27, 2012	REGISTERED-PRINCIPAL REGISTER	
Feb. 22, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Feb. 21, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	66213
Feb. 18, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Feb. 09, 2012	STATEMENT OF USE PROCESSING COMPLETE	61813
Feb. 03, 2012	USE AMENDMENT FILED	61813
Feb. 03, 2012	TEAS STATEMENT OF USE RECEIVED	
Dec. 22, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 22, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 22, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Aug. 16, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Aug. 15, 2011	EXTENSION 2 GRANTED	61813
Aug. 02, 2011	EXTENSION 2 FILED	61813
Aug. 15, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Aug. 02, 2011	TEAS EXTENSION RECEIVED	
Jan. 28, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jan. 26, 2011	EXTENSION 1 GRANTED	98765

Jan. 26, 2011	EXTENSION 1 FILED	98765
Jan. 26, 2011	TEAS EXTENSION RECEIVED	
Aug. 24, 2010	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 29, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jun. 29, 2010	PUBLISHED FOR OPPOSITION	
May 27, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	66213
May 27, 2010	ASSIGNED TO LIE	66213
May 18, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 18, 2010	EXAMINER'S AMENDMENT ENTERED	88888
May 18, 2010	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
May 18, 2010	EXAMINERS AMENDMENT E-MAILED	6328
May 18, 2010	EXAMINERS AMENDMENT -WRITTEN	85330
Feb. 20, 2010	NOTIFICATION OF FINAL REFUSAL EMAILED	
Feb. 20, 2010	FINAL REFUSAL E-MAILED	
Feb. 20, 2010	FINAL REFUSAL WRITTEN	85330
Jan. 21, 2010	ASSIGNED TO EXAMINER	85330
Dec. 18, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 18, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 18, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jun. 20, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jun. 20, 2009	NON-FINAL ACTION E-MAILED	6325
Jun. 20, 2009	NON-FINAL ACTION WRITTEN	78553
Jun. 18, 2009	ASSIGNED TO EXAMINER	78553
Apr. 24, 2009	NOTICE OF PSEUDO MARK MAILED	
Apr. 23, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 23, 2009	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Feb. 21, 2012

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91210221](#)

Filing Date: Apr 15, 2013

Status: Terminated

Status Date: Sep 04, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: Reza Negahban

Correspondent Address: ULESES C HENDERSON
THE ECLIPSE GROUP LLP
6345 BALBOA BLVD STE 325
ENCINO CA , 91316-1580
UNITED STATES

Correspondent e-mail: TMDocketing@eclipsegrp.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
VS	Abandoned - After Inter-Partes Decision	85698664	
Plaintiff(s)			

Name: Victoria's Secret Stores Brand Management, Inc.

Correspondent Address: KEVIN PARKS
 LEYDIG VOIT & MAYER LTD
 TWO PRUDENTIAL PLAZA, 180 N STETSON AVE SUITE 4900
 CHICAGO IL , 60601
 UNITED STATES

Correspondent e-mail: kparks@leydig.com , mzimmermann@leydig.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
VS	Registered	77717571	4118910
VS	Registered	77275760	3651878

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 15, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 15, 2013	May 25, 2013
3	PENDING, INSTITUTED	Apr 15, 2013	
4	NOTICE OF DEFAULT	Jul 12, 2013	
5	BD DECISION: SUSTAINED	Sep 04, 2013	
6	TERMINATED	Sep 04, 2013	

Type of Proceeding: Opposition

Proceeding Number: [91204633](#)

Filing Date: Apr 05, 2012

Status: Terminated

Status Date: Jul 27, 2012

Interlocutory Attorney: MICHAEL B ADLIN

Defendant

Name: Beijing Weininasi International Apparel Co., Ltd.

Correspondent Address: BEIJING ZHONGLITONG
 INTELLECTUAL PROPERTY
 5-5 SECTION 1 SANLIHE RD , XICHENG DISTRICT
 BEIJING , 100045
 CHINA

Associated marks			
Mark	Application Status	Serial Number	Registration Number
VS VININUS	Abandoned - After Inter-Partes Decision	79099053	

Plaintiff(s)

Name: Victoria's Secret Stores Brand Management, Inc.

Correspondent Address: KEVIN C PARKS
 LEYDIG VOIT & MAYER LTD
 TWO PRUDENTIAL PLAZA, 180 N STETSON AVE SUITE 4900
 CHICAGO IL , 60601
 UNITED STATES

Correspondent e-mail: kparks@leydig.com , mcalkins@leydig.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
VS	Cancelled - Section 8	75329441	2244265
VS UPLIFT	Cancelled - Section 8	78588192	3477955
VS	Registered	77275760	3651878
VS	Registered	77717571	4118910

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 05, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 07, 2012	May 17, 2012
3	PENDING, INSTITUTED	Apr 07, 2012	
4	NOTICE OF DEFAULT	Jun 08, 2012	
5	BOARD'S DECISION: SUSTAINED	Jul 27, 2012	
6	TERMINATED	Jul 27, 2012	

Type of Proceeding: OppositionProceeding Number: [91201001](#)

Filing Date: Aug 03, 2011

Status: Terminated

Status Date: Jan 05, 2015

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: Yael Mamroud/Cummins

Correspondent Address: Yael MAMROUD
VITAMINE SEA
1001 RUE LENOIR , SUITE A-304
MONTREAL QC , H4C 2Z6
CANADACorrespondent e-mail: yael088@hotmail.com , yael@vitamineandsea.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
V&S	Abandoned - After Inter-Partes Decision	85007380	

Plaintiff(s)

Name: Victoria's Secret Stores Brand Management, Inc.

Correspondent Address: KEVIN C PARKS
LEYDIG VOIT & MAYER LTD
180 N STETSON AVE STE 4900, TWO PRUDENTIAL PLZA
CHICAGO IL , 60601- 6745
UNITED STATESCorrespondent e-mail: kparks@leydig.com , mcalkins@leydig.com , mzimmermann@leydig.com**Associated marks**

Mark	Application Status	Serial Number	Registration Number
VS	Cancelled - Section 8	75329441	2244265
VSX	Partial Section 8 and 15 Accepted and Acknowledged	77975456	3455138
VS UPLIFT	Cancelled - Section 8	78588192	3477955
VS	Registered	77275760	3651878
VSX	Registered	77070752	3696272
VSX SPORT	Registered	77207060	3702059
VSX SPORT	Registered	77796637	3749795
VS RUNWAY	Abandoned - No Statement Of Use Filed	77524681	
VS	Registered	77717571	4118910
VA VA VS	Abandoned - No Statement Of Use Filed	77780600	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 03, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 04, 2011	Sep 13, 2011
3	PENDING, INSTITUTED	Aug 04, 2011	
4	CHANGE OF CORRESPONDENCE ADDRESS	Aug 25, 2011	
5	D'S MOTION FOR AN EXTENSION OF TIME	Sep 16, 2011	
6	TRIAL DATES RESET	Sep 28, 2011	
7	ANSWER	Oct 11, 2011	
8	P'S NEW COUNSEL APPEARANCE	May 02, 2012	
9	P'S OLD COUNSEL WITHDRAWAL	May 10, 2012	
10	P'S MOTION FOR AN EXTENSION OF TIME	May 17, 2012	
11	CHANGE OF CORRESPONDENCE ADDRESS	May 17, 2012	
12	D'S OPPOSITION/RESPONSE TO MOTION	Jun 04, 2012	
13	PARTIES ORDERED TO APPEAR	Jul 12, 2012	
14	EXTENSION GRANTED; D'S ORAL MOTION TO AMEND	Jul 25, 2012	

15	P'S OPP TO D'S MOT TO AMEND IN #14	Aug 29, 2012
16	AMENDMENT DEFERRED	Aug 30, 2012
17	D'S REPLY IN SUPPORT OF AMEND	Sep 06, 2012
18	D'S DISCOV RESPONSE & REQUEST	Nov 14, 2012
19	BD ORDER; DATES REMAIN AS SET	Dec 17, 2012
20	P MOT FOR SUMMARY JUDGMENT	Mar 18, 2013
21	P DECL OF SCHNAPP	Mar 18, 2013
22	P DECL OF ZIMMERMANN	Mar 18, 2013
23	D OPP/RESP TO MOTION	Apr 19, 2013
24	SUSP PEND DISP OF OUTSTNDNG MOT	Apr 30, 2013
25	P REPLY IN SUPPORT OF MOTION	May 06, 2013
26	P MOT FOR SUMMARY JGT DENIED	Aug 06, 2013
27	P NOTICE OF RELIANCE	Oct 07, 2013
28	P PRETRIAL DISCLOSURES	Oct 18, 2013
29	P TESTIMONY	Nov 04, 2013
30	P TESTIMONY	Nov 04, 2013
31	P TESTIMONY	Nov 04, 2013
32	P TESTIMONY	Nov 04, 2013
33	P TESTIMONY	Nov 04, 2013
34	D MOT TO RELY ON PREVIOUS TESTIMONY THROUGH AFFIDAVIT	Dec 06, 2013
35	CONF D NOT OF RELIANCE AND EXHIBITS 1-47 (46 CONF) A-C	Dec 12, 2013
36	P OPP/RESP TO MOTION	Dec 23, 2013
37	D REPLY IN SUPPORT OF MOTION	Dec 30, 2013
38	P FINAL BRIEF: TM RULE 2.128	Mar 21, 2014
39	P APPENDIX OF OBJECTIONS	Mar 21, 2014
40	TRIAL DATES REMAIN AS SET	Mar 31, 2014
41	D FINAL BRIEF: TM RULE 2.128	Apr 30, 2014
42	REDACTED D NOTICE OF RELIANCE AND EXHIBITS 1-47 (46 REDACTED) AND EXHIBITS A-C	Apr 30, 2014
43	P REPLY BRIEF OR REBUTTAL BRIEF ON COUNTERCLAIM: TM RULE 2.128	May 05, 2014
44	SUBMITTED ON BRIEF	Jun 12, 2014
45	BD DECISION: SUSTAINED	Aug 07, 2014
46	D MOT FOR RECONSIDERATION	Aug 13, 2014
47	D RESP TO BD ORDER/INQUIRY	Aug 13, 2014
48	P OPP/RESP TO MOTION	Aug 28, 2014
49	D REQ FOR RECON DENIED	Oct 10, 2014
50	TERMINATED	Jan 05, 2015

United States of America

United States Patent and Trademark Office



Reg. No. 4,118,910

Registered Mar. 27, 2012

Int. Cls.: 3 and 25

TRADEMARK

PRINCIPAL REGISTER

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

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

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

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

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

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

THE MARK CONSISTS OF STYLIZED "VS" LOGO.

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

NICHOLAS COLEMAN, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office

Generated on: This page was generated by TSDR on 2015-09-24 10:58:17 EDT

Mark: VS



US Serial Number: 77275760
US Registration Number: 3651878
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Jul. 07, 2009
Publication Date: Feb. 26, 2008
Application Filing Date: Sep. 10, 2007
Registration Date: Jul. 07, 2009
Notice of Allowance Date: May 20, 2008

Mark Information

Mark Literal Elements: VS
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of It is a Logo with the letters "VS".
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 26.01.21 - Circles that are totally or partially shaded.

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Swim suits, swimwear and coverups
International Class(es): 025 - Primary Class
U.S Class(es): 022, 039
Class Status: ACTIVE
Basis: 1(a)
First Use: Jan. 31, 2007
Use in Commerce: Jan. 31, 2007

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Victoria's Secret Stores Brand Management, Inc.
Owner Address: Four Limited Parkway
Reynoldsburg, OHIO 43068
UNITED STATES
Legal Entity Type: CORPORATION
State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record - None**Correspondent**

Correspondent Name/Address: Shenja D. Miracle, Intellectual Property Manager
 Limited Brands, Inc.
 5 Limited Parkway East
 Reynoldsburg, OHIO 43068
 UNITED STATES

Phone: 614-577-5942

Fax: 614-577-3047

Correspondent e-mail: smiracle@limitedbrands.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found**Prosecution History**

Date	Description	Proceeding Number
Dec. 22, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 29, 2010	NOTICE OF SUIT	
Jul. 07, 2009	REGISTERED-PRINCIPAL REGISTER	
Jun. 02, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	76243
Jun. 02, 2009	ASSIGNED TO LIE	76243
May 27, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
May 13, 2009	STATEMENT OF USE PROCESSING COMPLETE	66154
May 12, 2009	USE AMENDMENT FILED	66154
May 12, 2009	TEAS STATEMENT OF USE RECEIVED	
Nov. 06, 2008	EXTENSION 1 GRANTED	66154
Nov. 05, 2008	EXTENSION 1 FILED	66154
Nov. 06, 2008	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66154
Nov. 05, 2008	TEAS EXTENSION RECEIVED	
May 28, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 20, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Feb. 26, 2008	PUBLISHED FOR OPPOSITION	
Feb. 06, 2008	NOTICE OF PUBLICATION	
Jan. 19, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	71373
Jan. 19, 2008	ASSIGNED TO LIE	71373
Dec. 06, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 06, 2007	ASSIGNED TO EXAMINER	76833
Sep. 14, 2007	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Sep. 13, 2007	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information**TM Staff Information - None****File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 02, 2009

Proceedings**Summary**

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91210221](#)

Filing Date: Apr 15, 2013

Status: Terminated

Status Date: Sep 04, 2013

Interlocutory Attorney: CHERYL S GOODMAN

Defendant

Name: Reza Negahban

Correspondent Address: ULESES C HENDERSON

THE ECLIPSE GROUP LLP
6345 BALBOA BLVD STE 325
ENCINO CA , 91316-1580
UNITED STATES

Correspondent e-mail: TMDocketing@eclipsegrp.com

Mark	Application Status	Serial Number	Registration Number
VS	Abandoned - After Inter-Partes Decision	85698664	

Plaintiff(s)

Name: Victoria's Secret Stores Brand Management, Inc.

Correspondent Address: KEVIN PARKS
LEYDIG VOIT & MAYER LTD
TWO PRUDENTIAL PLAZA, 180 N STETSON AVE SUITE 4900
CHICAGO IL , 60601
UNITED STATES

Correspondent e-mail: kparks@leydig.com , mzimmermann@leydig.com

Mark	Application Status	Serial Number	Registration Number
VS	Registered	77717571	4118910
VS	Registered	77275760	3651878

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 15, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 15, 2013	May 25, 2013
3	PENDING, INSTITUTED	Apr 15, 2013	
4	NOTICE OF DEFAULT	Jul 12, 2013	
5	BD DECISION: SUSTAINED	Sep 04, 2013	
6	TERMINATED	Sep 04, 2013	

Type of Proceeding: Opposition

Proceeding Number: [91204633](#)

Filing Date: Apr 05, 2012

Status: Terminated

Status Date: Jul 27, 2012

Interlocutory Attorney: MICHAEL B ADLIN

Defendant

Name: Beijing Weininasi International Apparel Co., Ltd.

Correspondent Address: BEIJING ZHONGLITONG
INTELLECTUAL PROPERTY
5-5 SECTION 1 SANLIHE RD , XICHENG DISTRICT
BEIJING , 100045
CHINA

Mark	Application Status	Serial Number	Registration Number
VS VININUS	Abandoned - After Inter-Partes Decision	79099053	

Plaintiff(s)

Name: Victoria's Secret Stores Brand Management, Inc.

Correspondent Address: KEVIN C PARKS
LEYDIG VOIT & MAYER LTD
TWO PRUDENTIAL PLAZA, 180 N STETSON AVE SUITE 4900
CHICAGO IL , 60601
UNITED STATES

Correspondent e-mail: kparks@leydig.com , mcalkins@leydig.com

Mark	Application Status	Serial Number	Registration Number
VS	Cancelled - Section 8	75329441	2244265
VS UPLIFT	Cancelled - Section 8	78588192	3477955
VS	Registered	77275760	3651878
VS	Registered	77717571	4118910

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 05, 2012	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Apr 07, 2012	May 17, 2012
3	PENDING, INSTITUTED	Apr 07, 2012	
4	NOTICE OF DEFAULT	Jun 08, 2012	
5	BOARD'S DECISION: SUSTAINED	Jul 27, 2012	
6	TERMINATED	Jul 27, 2012	

Type of Proceeding: Opposition

Proceeding Number: [91201001](#)

Filing Date: Aug 03, 2011

Status: Terminated

Status Date: Jan 05, 2015

Interlocutory Attorney: ROBERT COGGINS

Defendant

Name: Yael Mamroud/Cummins

Correspondent Address: Yael MAMROUD
VITAMINE SEA
1001 RUE LENOIR , SUITE A-304
MONTREAL QC , H4C 2Z6
CANADA

Correspondent e-mail: yael088@hotmail.com , yael@vitamineandsea.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
V&S	Abandoned - After Inter-Partes Decision	85007380	

Plaintiff(s)

Name: Victoria's Secret Stores Brand Management, Inc.

Correspondent Address: KEVIN C PARKS
LEYDIG VOIT & MAYER LTD
180 N STETSON AVE STE 4900, TWO PRUDENTIAL PLZA
CHICAGO IL , 60601- 6745
UNITED STATES

Correspondent e-mail: kparks@leydig.com , mcalkins@leydig.com , mzimmermann@leydig.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
VS	Cancelled - Section 8	75329441	2244265
VSX	Partial Section 8 and 15 Accepted and Acknowledged	77975456	3455138
VS UPLIFT	Cancelled - Section 8	78588192	3477955
VS	Registered	77275760	3651878
VSX	Registered	77070752	3696272
VSX SPORT	Registered	77207060	3702059
VSX SPORT	Registered	77796637	3749795
VS RUNWAY	Abandoned - No Statement Of Use Filed	77524681	
VS	Registered	77717571	4118910
VA VA VS	Abandoned - No Statement Of Use Filed	77780600	

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 03, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 04, 2011	Sep 13, 2011
3	PENDING, INSTITUTED	Aug 04, 2011	
4	CHANGE OF CORRESPONDENCE ADDRESS	Aug 25, 2011	
5	D'S MOTION FOR AN EXTENSION OF TIME	Sep 16, 2011	
6	TRIAL DATES RESET	Sep 28, 2011	

7	ANSWER	Oct 11, 2011
8	P'S NEW COUNSEL APPEARANCE	May 02, 2012
9	P'S OLD COUNSEL WITHDRAWAL	May 10, 2012
10	P'S MOTION FOR AN EXTENSION OF TIME	May 17, 2012
11	CHANGE OF CORRESPONDENCE ADDRESS	May 17, 2012
12	D'S OPPOSITION/RESPONSE TO MOTION	Jun 04, 2012
13	PARTIES ORDERED TO APPEAR	Jul 12, 2012
14	EXTENSION GRANTED; D'S ORAL MOTION TO AMEND	Jul 25, 2012
15	P'S OPP TO D'S MOT TO AMEND IN #14	Aug 29, 2012
16	AMENDMENT DEFERRED	Aug 30, 2012
17	D'S REPLY IN SUPPORT OF AMEND	Sep 06, 2012
18	D'S DISCOV RESPONSE & REQUEST	Nov 14, 2012
19	BD ORDER; DATES REMAIN AS SET	Dec 17, 2012
20	P MOT FOR SUMMARY JUDGMENT	Mar 18, 2013
21	P DECL OF SCHNAPP	Mar 18, 2013
22	P DECL OF ZIMMERMANN	Mar 18, 2013
23	D OPP/RESP TO MOTION	Apr 19, 2013
24	SUSP PEND DISP OF OUTSTNDNG MOT	Apr 30, 2013
25	P REPLY IN SUPPORT OF MOTION	May 06, 2013
26	P MOT FOR SUMMARY JGT DENIED	Aug 06, 2013
27	P NOTICE OF RELIANCE	Oct 07, 2013
28	P PRETRIAL DISCLOSURES	Oct 18, 2013
29	P TESTIMONY	Nov 04, 2013
30	P TESTIMONY	Nov 04, 2013
31	P TESTIMONY	Nov 04, 2013
32	P TESTIMONY	Nov 04, 2013
33	P TESTIMONY	Nov 04, 2013
34	D MOT TO RELY ON PREVIOUS TESTIMONY THROUGH AFFIDAVIT	Dec 06, 2013
35	CONF D NOT OF RELIANCE AND EXHIBITS 1-47 (46 CONF) A-C	Dec 12, 2013
36	P OPP/RESP TO MOTION	Dec 23, 2013
37	D REPLY IN SUPPORT OF MOTION	Dec 30, 2013
38	P FINAL BRIEF: TM RULE 2.128	Mar 21, 2014
39	P APPENDIX OF OBJECTIONS	Mar 21, 2014
40	TRIAL DATES REMAIN AS SET	Mar 31, 2014
41	D FINAL BRIEF: TM RULE 2.128	Apr 30, 2014
42	REDACTED D NOTICE OF RELIANCE AND EXHIBITS 1-47 (46 REDACTED) AND EXHIBITS A-C	Apr 30, 2014
43	P REPLY BRIEF OR REBUTTAL BRIEF ON COUNTERCLAIM: TM RULE 2.128	May 05, 2014
44	SUBMITTED ON BRIEF	Jun 12, 2014
45	BD DECISION: SUSTAINED	Aug 07, 2014
46	D MOT FOR RECONSIDERATION	Aug 13, 2014
47	D RESP TO BD ORDER/INQUIRY	Aug 13, 2014
48	P OPP/RESP TO MOTION	Aug 28, 2014
49	D REQ FOR RECON DENIED	Oct 10, 2014
50	TERMINATED	Jan 05, 2015

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,651,878

Registered July 7, 2009

**TRADEMARK
PRINCIPAL REGISTER**



VICTORIA'S SECRET STORES BRAND MAN-
AGEMENT, INC. (DELAWARE CORPORA-
TION)
FOUR LIMITED PARKWAY
REYNOLDSBURG, OH 43068

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

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

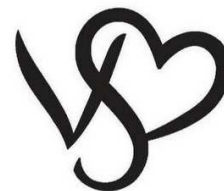
THE MARK CONSISTS OF IT IS A LOGO WITH
THE LETTERS "VS".

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

NAAKWAMA ANKRAH, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2015-09-24 10:58:52 EDT

Mark: VS



US Serial Number: 85095576
US Registration Number: 4238168
Register: Principal
Mark Type: Trademark
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.
Status Date: Nov. 06, 2012
Publication Date: Jan. 18, 2011

Application Filing Date: Jul. 29, 2010
Registration Date: Nov. 06, 2012
Notice of Allowance Date: Mar. 15, 2011

Mark Information

Mark Literal Elements: VS
Standard Character Claim: No
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)
Description of Mark: The mark consists of letter "V" and a letter "S" with the letter "S" incorporated into a heart design.
Color(s) Claimed: Color is not claimed as a feature of the mark.
Design Search Code(s): 02.11.01 - Hearts excluding hearts as carriers or depicted on playing cards

Related Properties Information

Claimed Ownership of US Registrations: 3455138, 3477955, 3651878 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *...* identify additional (new) wording in the goods/services.

For: swim suits, bikinis, bathing suits, tankinis, and bathing suit cover ups

International Class(es): 025 - Primary Class
U.S Class(es): 022, 039

Class Status: ACTIVE
Basis: 1(a)
First Use: Jan. 15, 2012
Use in Commerce: Jan. 15, 2012

Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Victoria's Secret Stores Brand Management, Inc.
Owner Address: ATTN: Legal IP Dept.
5 Limited Parkway East
Reynoldsburg, OHIO 43068

UNITED STATES
Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Attorney/Correspondence Information

Attorney of Record - None

Correspondent

Correspondent Name/Address: Shenia D. Miracle, Intellectual Property Manager
Limited Brands, Inc.
5 Limited Parkway East
Reynoldsburg, OHIO 43068
UNITED STATES

Phone: 614-577-5942

Fax: 614-577-3047

Correspondent e-mail: smiracle@limitedbrands.com

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Nov. 06, 2012	REGISTERED-PRINCIPAL REGISTER	
Oct. 06, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE MAILED	
Oct. 05, 2012	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Oct. 04, 2012	LAW OFFICE REGISTRATION REVIEW COMPLETED	67287
Oct. 02, 2012	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 19, 2012	STATEMENT OF USE PROCESSING COMPLETE	66530
Sep. 15, 2012	USE AMENDMENT FILED	66530
Sep. 17, 2012	TEAS STATEMENT OF USE RECEIVED	
Mar. 29, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILED	
Mar. 28, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Mar. 27, 2012	EXTENSION 2 GRANTED	66530
Mar. 07, 2012	EXTENSION 2 FILED	66530
Mar. 27, 2012	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66530
Mar. 07, 2012	TEAS EXTENSION RECEIVED	
Dec. 22, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 13, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST MAILED	
Sep. 09, 2011	EXTENSION 1 GRANTED	98765
Sep. 09, 2011	EXTENSION 1 FILED	98765
Sep. 09, 2011	TEAS EXTENSION RECEIVED	
Mar. 15, 2011	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 18, 2011	PUBLISHED FOR OPPOSITION	
Dec. 29, 2010	NOTICE OF PUBLICATION	
Dec. 13, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	67287
Dec. 13, 2010	ASSIGNED TO LIE	67287
Nov. 19, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 10, 2010	EXAMINER'S AMENDMENT MAILED	
Nov. 10, 2010	EXAMINER'S AMENDMENT ENTERED	88888
Nov. 10, 2010	EXAMINERS AMENDMENT -WRITTEN	82110
Nov. 05, 2010	ASSIGNED TO EXAMINER	82110
Aug. 05, 2010	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK MAILED	
Aug. 04, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Aug. 02, 2010	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

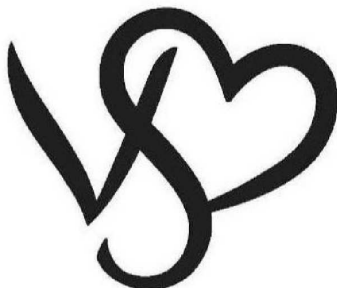
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 04, 2012

United States of America

United States Patent and Trademark Office



Reg. No. 4,238,168

Registered Nov. 6, 2012

Int. Cl.: 25

TRADEMARK

PRINCIPAL REGISTER

VICTORIA'S SECRET STORES BRAND MANAGEMENT, INC. (DELAWARE CORPORATION)
ATTN: LEGAL IP DEPT.
5 LIMITED PARKWAY EAST
REYNOLDSBURG, OH 43068

FOR: SWIM SUITS, BIKINIS, BATHING SUITS, TANKINIS, AND BATHING SUIT COVER
UPS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-15-2012; IN COMMERCE 1-15-2012.

OWNER OF U.S. REG. NOS. 3,455,138, 3,651,878, AND OTHERS.

THE MARK CONSISTS OF LETTER "V" AND A LETTER "S" WITH THE LETTER "S" IN-
CORPORATED INTO A HEART DESIGN.

SN 85-095,576, FILED 7-29-2010.

FRED CARL, EXAMINING ATTORNEY



David J. Kyffers

Director of the United States Patent and Trademark Office