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Filing date: **03/17/2005**

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

Proceeding	92044209
Party	Defendant Eres Eres S.A. 2 Rue Tronchet FRX 75008 Paris,
Correspondence Address	ARLENE B. SAVITSKY TRADEMARK SERVICES LIMITED 9 WEST 57TH STREET 44TH FL NEW YORK, NY 10019
Submission	Declaration of Irene Harrington and Exhibits Thereto In support of Registrant's Motion for Summary Judgment
Filer's Name	Michael Chiappetta
Filer's e-mail	mchiappetta@fzlz.com
Signature	/Michael Chiappetta/
Date	03/17/2005
Attachments	Declaration of Irene Harrington and Exhibits.pdf (10 pages)

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

In the Matter of Trademark Registration No. 2,320,998
For the Mark ERES

-----X
SAMUEL ROSENBLATT & HELENE :
ROZENBLAT d/b/a "ERES" : Cancellation No. 92044209
:
Petitioners, :
:
-against- :
:
ERES :
:
Registrant. :
-----X

**DECLARATION OF IRENE HARRINGTON IN SUPPORT
OF REGISTRANT'S MOTION FOR SUMMARY JUDGMENT**

I, Irene Charlotte Pinkus Harrington, declare as follows:

1. I am the President of Eres, and have held such position since 1968. This declaration is based on my personal knowledge or on the records of my company to which I have access.

2. In 1920, Eres' predecessor-in-interest commenced use of the mark ERES as the name of a women's clothing and beachwear shop in Paris, France. In or around 1949, my parents purchased the ERES store from its previous owner and formed, as a Society Anonyme (S.A.), the company Eres. Eres commenced business on January 1, 1950. Attached hereto as Exhibit 9 is an official record of the Tribunal de Commerce de Paris reflecting the corporate history of Eres in France.

3. In or around 1968, I took over and became President of the company. Since such time, I have maintained this position and have also been the principal designer for the ERES brand of clothing (using the name Irene Leroux). Over the years, the ERES

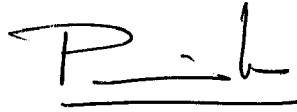
store in Paris developed a strong and favorable reputation, and in 1969, I began to distribute ERES brand clothing products in the United States.

4. On July 7, 1975, I filed Application Serial No. 76-056,988 to register the mark ERES Top Shop (Stylized). On October 5, 1976, U.S. Registration No. 1,049,649 for the mark issued. Also, on December 12, 1983, I filed a Declaration Under Section 15 in connection with Registration No. 1,049,649.

5. As the TTAB recognized in Cancellation No. 12,342, from 1969 through 1984, with the exception of a two year transition period (1977-1978) during which I was seeking a new distributor for my ERES goods in the United States, I continuously distributed and sold women's clothing under the ERES mark in the United States. On February 17, 1984, I assigned all of my rights and interest in the ERES mark to Eres, including all of my rights in Registration No. 1,049,649. Attached hereto as Exhibit 10 is a true and correct copy of this assignment. Since 1984, Eres has been using the ERES mark in connection with women's clothing in the United States continuously and prominently. Petitioners never objected to such use.

6. On December 7, 1998, Eres filed Application Serial No. 75-600,586. Although Eres remained a Society Anonyme (S.A.) until 1999, on June 21, 1999, the company underwent a restructuring. At such time, Eres (the S.A.) assigned the ERES mark to the restructured Eres, the Registrant in these proceedings. Despite the restructuring, at all times, the ERES mark has been owned and controlled by myself and my companies albeit under different registrant names.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 15th day of March 2005 in Paris, France.

A handwritten signature in black ink, appearing to read 'Irene', written over a horizontal line.

Irene Charlotte Pinkus Harrington

EXHIBIT 9

E X T R A I T K B U S

IMMATRICULATION AU REGISTRE DU COMMERCE ET DES SOCIETES
EN DATE DU : 06 NOVEMBRE 1958
NUMERO DE REGISTRE DU COMMERCE :
R. C. S. PARIS B 582 114 179 (1958B11417)
EXTRAIT AU : 02 FEVRIER 2000

RENSEIGNEMENTS RELATIFS A LA PERSONNE

RAISON SOCIALE (DENOMINATION) - SIGLE
ERES

FORME JURIDIQUE : SOCIETE PAR ACTIONS SIMPLIFIEE
AU CAPITAL DE 600.720 FRF

ADRESSE DU SIEGE
4 R DES MONTIBOEUF 75020 PARIS

DUREE DE LA SOCIETE : JUSQU'AU 19 DECEMBRE 2048
DATE D'ARRETE DES COMPTES LE 31 DECEMBRE

CONSTITUTION
DEPOT DE L'ACTE : LE 29 DECEMBRE 1949 NUMERO 000000 AU GREFFE DU
TRIBUNAL DE PARIS
PUBLICATION : JOURNAL SPECIAL DES SOCIETES FRANCAISES PAR ACTIONS
DU 30 DECEMBRE 1949

ADMINISTRATION

PRESIDENT MADAME PINKUS IRENE CHARLOTTE
NOM D'USAGE: HARRINGTON
NE(E) LE 31 JANVIER 1938 COMMUNE DE NAISSANCE PARIS 75019
ARRONDISSEMENT 19 PAYS FRANCE
NATIONALITE FRANCAISE
6 BIS AV MAC MAHON 75017 PARIS

COMMISSAIRE AUX COMPTES TITULAIRE FORT PATRICK
NE(E) LE 11 SEPTENDRE 1953 COMMUNE DE NAISSANCE VILLEDIEU LES
POELES (50)
NATIONALITE FRANCAISE
5 ALL LEON GAMBETTA 92100 CLICHY

COMMISSAIRE AUX COMPTES SUPPLEANT SOCIETE IREC - INSTITUT DE
REVISION ET D'EXPERTISE COMPTABLE SA
24 RUE FORTUNY 75017 PARIS
NO RCS PARIS B662022821

RENSEIGNEMENTS RELATIFS A L'ACTIVITE COMMERCIALE :

ANNEXE I
LISTE DES ETABLISSEMENTS DANS LE RESSORT DU GREFFE

IMMATRICULATION AU REGISTRE DU COMMERCE ET DES SOCIETES
EN DATE DU : 06 NOVEMBRE 1958
NUMERO DE REGISTRE DU COMMERCE :
R.C.S. PARIS B 582 114 179 (1958B11417)

002 RUE TRONCHET 75008 PARIS

ENSEIGNE : ERES TOP SHOP

ACTIVITE : MAGASIN DE NOUVEAUTES

APE : 524C

DEBUT D'EXPLOITATION : 01 JANVIER 1950

ORIGINE DU FONDS DE COMMERCE : ACQUIS PAR FUSION

ANCIEN PROPRIETAIRE : ERES

NO RCS B321549891

MODE D'EXPLOITATION : EXPLOITATION DIRECTE

10 R DES MONTIBOEUVS 75020 PARIS

ACTIVITE : MAGASIN DE NOUVEAUTES

DEBUT D'EXPLOITATION : 01 AOUT 1999

ORIGINE DU FONDS DE COMMERCE : CREATION D'UN FONDS DE COMMERCE

MODE D'EXPLOITATION : EXPLOITATION DIRECTE

4 R DU CHERCHE MIDI 75006 PARIS

ACTIVITE : MAGASINS DE NOUVEAUTES

DEBUT D'EXPLOITATION : 31 DECEMBRE 1999

ORIGINE DU FONDS DE COMMERCE : ACQUIS PAR FUSION

ANCIEN PROPRIETAIRE : ETABLISSEMENTS DEBADIER

NO RCS B300204237

MODE D'EXPLOITATION : EXPLOITATION DIRECTE

6 R GUICHARD 75116 PARIS

ACTIVITE : MAGASINS DE NOUVEAUTES

DEBUT D'EXPLOITATION : 31 DECEMBRE 1999

ORIGINE DU FONDS DE COMMERCE : ACQUIS PAR FUSION

ANCIEN PROPRIETAIRE : T.L.T.

NO RCS B349743740

MODE D'EXPLOITATION : EXPLOITATION DIRECTE

ANNEXE PAGE 01

E X T R A I T R C S

EXTRAIT AU 02 FEVRIER 2000

ORIGINE DE LA SOCIETE : CETTE SOCIETE SE CONSTITUE

ORIGINE DU FONDS : CREATION D'UN FONDS DE COMMERCE

ACTIVITE : MAGASINS DE NOUVEAUTES

ADRESSE DU PRINCIPAL ETABLISSEMENT

4 R DES MONTIBOEUPS 75020 PARIS

DEBUT D'EXPLOITATION LE 01 JANVIER 1950

MODE D'EXPLOITATION : EXPLOITATION DIRECTE

OBSERVATIONS

NUMERO DE L'OBSERVATION : 00001

- REIMMATRICULATION DU N° 354 782 B

NUMERO DE L'OBSERVATION : 00002

SOCIETE REGIE PAR LA LOI DU 24 JUILLET 1966 ET LE DECRET DU 23
MARS 1967 SUR LES SOCIETES COMMERCIALES. ASSEMBLEE DU 13 MAI 1968

NUMERO DE L'OBSERVATION : 00003

- MISE EN HARMONIE DES STATUTS AVEC LA LOI N° 81-1160 ET 81-1162
DU 30 DECEMBRE 1981 LOI N° 83-1 DU 3 JANVIER 1983 ET LE DECRET N°
83-363 DU 2 MAI 1983 ET REFORME DES STATUTS

DATE : 02 FEVRIER 2000

NUMERO DE L'OBSERVATION : 06705

SOCIETE AYANT PARTICIPE A L'OPERATION DE FUSION : DENOMINATION
ERES FORME JURIDIQUE SA SIEGE SOCIAL 2 RUE TRONCHET 75008 PARIS
RCS 321549891 RCS PARIS

DATE : 02 FEVRIER 2000

NUMERO DE L'OBSERVATION : 06707

SOCIETE AYANT PARTICIPE A L'OPERATION DE FUSION : DENOMINATION
ETABLISSEMENTS DEBADIER FORME JURIDIQUE SARL SIEGE SOCIAL 4 RUE DU
CHERCHE MIDI 75006 PARIS RCS 300204237 RCS PARIS

DATE : 02 FEVRIER 2000

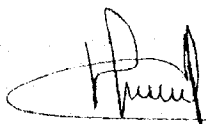
NUMERO DE L'OBSERVATION : 06709

SOCIETE AYANT PARTICIPE A L'OPERATION DE FUSION : DENOMINATION TLT
FORME JURIDIQUE SARL SIEGE SOCIAL 6 RUE GUICHARD 75016 PARIS RCS
349743740 RCS PARIS

EXTRAIT DELIVRE A PARIS

LE 02 FEVRIER 2000 SUR 02 PAGES.

LE GREFFIER ,



DROITS DE GREFFE (DECRET 86.1098 DU 10 OCTOBRE 1986) :	H.T	13,20 F
T.V.A. 20,60 % :	2,72 F -SOIT TTC	15,92 F

TOUTE REPRODUCTION MEME CERTIFIEE CONFORME, DU PRESENT EXTRAIT, EST SANS VALEUR.

===== FIN DE L'EXTRAIT =====

PAGE 02

L'ORIGINAL DELIVRE PAR LE GREFFE DU TRIBUNAL DE COMMERCE EST ETABLI SUR PAPIER TRAME

ANNEXE 1

ANNEXE DELIVREE A PARIS

LE 02 FEVRIER 2000 SUR 02 PAGES.

LE GREFFIER,

===== FIN DE L'ANNEXE =====

ANNEXE PAGE 02

EXHIBIT 10

ASSIGNMENT

WHEREAS, Madame Irène PINKUS, an individual having a place of business at 2, rue Tronchet, Paris, France, has adopted and used in the United States the trademark ERES and obtained therefor the following trademark registration :

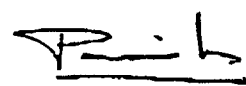
SCHEDULE OF TRADEMARKS

<u>MARK</u>	<u>REG. NO.</u>	<u>REG. DATE</u>
ERES Top Shop	1.049.649	Oct. 5, 1976

WHEREAS, ERES, a french company, having an office and place of business at 2, rue Tronchet, Paris, France, is desirous of acquiring said mark, the goodwill of the business associated therewith, and the registration therefor,

NOW, THEREFOR, for One Dollar (\$ 1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, said Madame Irène PINKUS, without representations or warranties with respect to said trademarks or registrations or the title thereto, does hereby assign unto the said ERES, all her rights, title and interest in and to the said mark and registration therefor, together with the goodwill of the business symbolized by said mark and the registration therefor and including all rights to sue and recover for past infringement of said mark and the registration therefor.

DATED : February 17 th 1984

SIGNED: 

Madame Irène PINKUS