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Attorneys for Plaintiff
15 DIANE VON FURSTENBERG STUDIO, L.P.

16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
18

19
20 **DIANE VON FURSTENBERG STUDIO, L.P.,**
21 Plaintiff,
22 v.
23 **HAIHONG SUN D/B/A FASHION-INN,**
DAVID SUN D/B/A FASHION-INN, JOHN
24 **DOES 1-15, AND XYZ CORPS. 1-15**
25 Defendants.

Civil Action No.
COMPLAINT
DEMAND FOR JURY TRIAL

1 Plaintiff Diane von Furstenberg Studio, L.P. ("DVF") hereby files this Complaint for trademark
2 counterfeiting, trademark and trade name infringement, trademark dilution and related claims against
3 Defendants Haihong Sun d/b/a Fashion-Inn, David Sun d/b/a Fashion-Inn, John Does 1-15, and XYZ
4 Corps. 1-15 on personal knowledge as to DVF's own activities and on information and belief as to the
5 activities of others:

6 **JURISDICTION AND VENUE**

7
8 1. This is an action for trademark infringement, trademark counterfeiting, trademark
9 dilution, unfair competition and false designation of origin arising under the Trademark Act of 1946, 15
10 U.S.C. §§ 1051, *et seq.*, as amended by the Trademark Counterfeiting Act of 1984, Public Law 98-473
11 (the "Lanham Act"), and for trademark and trade name infringement, unfair competition, dilution,
12 conversion and unjust enrichment under the laws of the State of California.

13 2. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1332
14 and 1338(a) and (b) and 15 U.S.C. §§ 1116 and 1121. This Court has jurisdiction, pursuant to the
15 principles of supplemental jurisdiction and 28 U.S.C. § 1367, over DVF's claims for trademark and
16 trade name infringement, unfair competition, dilution, conversion and unjust enrichment under the laws
17 of the State of California.

18 3. This Court has personal jurisdiction over Defendants in that they are domiciled and/or do
19 business in the State of California.

20 4. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400(a) in that
21 Defendants are domiciled in this District and Defendants are individuals or entities transacting business
22 within this District. Further, venue is appropriate since a substantial portion of the acts complained of
23 herein were committed by Defendants within this District.

24 **THE PARTIES**

25 5. Plaintiff Diane von Furstenberg Studio, L.P. is a limited partnership, organized and
26 existing under the laws of Delaware ("DVF") with offices at 440 W. 14th Street, New York, NY 10014.

27 6. Upon information and belief, Haihong Sun d/b/a Fashion-Inn is an individual and a
28 domiciliary of the State of California, residing at 403 Main Street, Unit 808, San Francisco, CA 94105.

1 7. Upon information and belief, David Sun d/b/a Fashion-Inn is the brother of Haihong Sun
2 and an individual and a domiciliary of the People's Republic of China.

3 8. Upon information and belief, defendants, including yet to be identified John Does, are
4 present and/or doing business in California, and are subject to the jurisdiction of this Court. The
5 identities of the various John Doe defendants are not presently known and the Complaint herein will be
6 amended to include the name or names of these individuals when such information becomes available
7 (each a "Defendant Doe" and, collectively, "Defendant Does").

8 9. Upon information and belief, defendants, the XYZ Corporations, through their agents,
9 servants, and employees, are present and/or doing business in California and are, or shall be, subject to
10 the jurisdiction of this Court. The identities of such defendants are not presently known and the
11 Complaint herein will be amended to include the names of the actual defendants when such information
12 becomes available (each a "Defendant Corporation" and, collectively, "Defendant Corporations").

13 10. The parties identified in paragraphs 2 through 3 above, as well as Defendant Does and
14 Defendant Corporations, are hereinafter collectively referred to as "Defendants."

15 **DVF'S TRADEMARKS**

16 11. Diane von Furstenberg has been a fixture in the American fashion world since arriving in
17 New York in 1972 with her signature jersey dresses. By 1976, Diane von Furstenberg had sold more
18 than 5 million of her iconic wrap dresses, and came to symbolize female power and freedom to an entire
19 generation.

20 12. In 1997, Diane von Furstenberg established Diane von Furstenberg Studio L.P. to sell her
21 signature line of dresses and other women's apparel. Currently, DVF is a leader in the design,
22 development, manufacture, advertising, marketing, distribution, licensing, and sale of designer dresses
23 and other women's apparel, accessories, jewelry, cosmetics, luggage, and other luxury goods (the "DVF
24 Products").

25 13. DVF Products have become known throughout the world for their distinctive style, high-
26 quality material, and superior design. Genuine DVF Products are easily identified by their distinctive
27 designs and by DVF's instantly-recognizable trademarks.
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14. DVF owns numerous U.S. trademark registrations as well as numerous U.S. copyright registrations for its famous marks and designs (the "DVF Marks"). DVF and its predecessors have used the trademark and trade name DIANE VON FURSTENBERG in commerce to designate its dresses and apparel products since at least as early as 1972. This mark was registered with the United States Patent and Trademark Office on September 7, 1999 (Trademark Reg. No. 2276188). A true and correct copy of certain of DVF's trademark registrations are attached hereto as Exhibit A. These trademark registrations have not been abandoned, canceled or revoked.

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15. DVF has used and is currently using the DVF Marks in commerce on or in connection with its sale of the DVF Products, and plans to continue such use in the future.

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16. DVF has carefully built the reputation of its DVF Products by, among other things, adhering to strict design and quality control standards. As such, genuine DVF Products are designed and manufactured pursuant to specific, stringent guidelines.

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17. DVF has made substantial financial investments in the marketing, promotion, and advertising of DVF Products in connection with the DVF Marks and in the protection of its valuable intellectual property rights.

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18. DVF and DVF Products have been the subject of much unsolicited, laudatory press coverage in various media, including editorial coverage in the world's leading fashion and lifestyle magazines.

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19. As a result of the high-quality and superb design of DVF Products, these products have achieved an outstanding reputation among consumers, especially fashion-conscious women. The DVF Marks have become well and favorably known in the industry and to the public as the exclusive source of DVF Products and have come to symbolize the goodwill built up in DVF Products.

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20. DVF's marketing efforts, combined with its attention to quality, design and construction, have resulted in hundreds of millions of dollars of sales of DVF Products.

26
DEFENDANTS' CONDUCT

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21. Upon information and belief, Defendants manufactured, imported, distributed, offered for sale and sold counterfeit apparel bearing the DVF Marks and trade name (the "Counterfeit Products").

1 22. Defendants, without authorization or license from DVF, have knowingly and willfully
2 used and continue to use the DVF Marks in connection with Defendants' advertisement, offer for sale
3 and sale of the Counterfeit Products through, *inter alia*, the Internet auction website eBay.com.
4 Defendants have manufactured and/or purchased the Counterfeit Products from a source or sources that
5 are not authorized or licensed by DVF to manufacture, offer for sale, or sell products bearing the DVF
6 Marks.

7 23. The Counterfeit Products are not genuine DVF Products. DVF did not manufacture,
8 inspect or package the Counterfeit Products, and did not approve the Counterfeit Products for sale
9 and/or distribution. Defendants are not authorized to manufacture, distribute, offer for sale or sell
10 products bearing the DVF Marks in connection with their manufacturing, distributing, selling or offering
11 to sell the Counterfeit Products.

12 24. Defendants' use of the DVF Marks and trade name on or in connection with the
13 advertising, marketing, distribution, import, export, offering for sale and sale of the Counterfeit Products
14 is likely to cause confusion or to cause mistake or to deceive.

15 **COUNT ONE**

16 **FEDERAL TRADEMARK COUNTERFEITING AND INFRINGEMENT**

17 **(15 U.S.C. § 1114)**

18 25. DVF repeats and realleges the allegations above as if fully set forth herein.

19 26. The DVF Marks in the United States and throughout the world are of great and
20 incalculable value, are highly distinctive and arbitrary, and have become universally associated in the
21 public mind with the products and services of the very highest quality and reputation finding their
22 source in DVF.

23 27. Upon information and belief, without DVF's authorization or consent, and having
24 knowledge of DVF's well-known and prior rights in the DVF Marks, and aware of the fact that
25 Defendants' Counterfeit Products bear marks which are confusingly similar to the DVF Marks,
26 Defendants have manufactured, distributed, offered for sale and/or sold the Counterfeit Products to the
27 consuming public in direct competition with DVF's sale of genuine DVF Products, in or affecting
28 interstate commerce.

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28. Defendants' use of copies or simulations of the DVF Marks is likely to cause and is causing confusion, mistake and deception among the general purchasing public as to the origin of the Counterfeit Products, and is likely to deceive the public into believing the Counterfeit Products being sold by Defendants originate from, are associated with or are otherwise authorized by DVF, all to the damage and detriment of DVF's reputation, goodwill and sales.

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29. DVF has no adequate remedy at law and, if Defendants' activities are not enjoined, DVF will continue to suffer irreparable harm and injury to its goodwill and reputation.

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COUNT TWO

10
UNFAIR COMPETITION AND FALSE DESIGNATION OF ORIGIN

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(15 U.S.C. § 1125(a))

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30. DVF repeats and realleges the allegations above as if fully set forth herein.

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31. The Counterfeit Products sold and offered for sale by Defendants are of the same general nature and type as the DVF Products sold and offered for sale by DVF and, as such, Defendants' use is likely to cause confusion to the general purchasing public.

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32. By misappropriating and using the DVF Marks and trade name, Defendants misrepresent and falsely describe to the general public the origin and source of the Counterfeit Products and create a likelihood of confusion by ultimate purchasers as to both the source and sponsorship of such merchandise.

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33. Defendants' unlawful, unauthorized and unlicensed manufacture, distribution, offer for sale and/or sale of the Counterfeit Products creates express and implied representations that the Counterfeit Products were created, authorized or approved by DVF, all to Defendants' profit and DVF's great damage and injury.

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34. Defendants' aforesaid acts are in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a), in that Defendants' use of the DVF Marks, in connection with their goods and services, in interstate commerce constitutes a false designation of origin and unfair competition.

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35. DVF has no adequate remedy at law and, if the Defendants' activities are not enjoined, DVF will continue to suffer irreparable harm and injury to its goodwill and reputation.

COUNT THREE

FEDERAL TRADEMARK DILUTION

(15 U.S.C. § 1125(c))

36. DVF repeats and realleges the allegations above as if fully set forth herein.

37. The DVF Marks are “famous marks” within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c)(1), and have been famous Marks prior to Defendants’ conduct as alleged herein.

38. Defendants’ manufacture, distribution, sale and/or offer for sale in commerce of the Counterfeit Products dilutes the distinctive quality of the DVF Marks, and was done with the willful intent to trade on DVF’s reputation and/or to cause dilution of the DVF Marks.

39. Defendants’ unauthorized use of the DVF Marks on or in connection with the Counterfeit Products was done with notice and full knowledge that such manufacture, distribution, sale and/or offer for sale was not authorized or licensed by DVF.

40. Defendants’ aforesaid acts are in knowing and willful violation of DVF’s rights under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

41. DVF has no adequate remedy at law and, if Defendants’ activities are not enjoined, will continue to suffer irreparable harm and injury to DVF’s goodwill and reputation.

COUNT FOUR

COMMON LAW TRADEMARK AND TRADE NAME INFRINGEMENT

42. DVF repeats and realleges the allegations above as if fully set forth herein.

43. DVF has built up valuable goodwill in the DVF Marks and trade name.

44. With full knowledge of the fame of the DVF Marks and trade name, Defendants have traded, and continue to trade, on the goodwill associated with the DVF Marks and trade name, and mislead the public into assuming a connection between the Counterfeit Products and DVF.

45. Defendants’ acts of trademark and trade name infringement cause confusion, mislead, and deceive the public as to the source of Defendants’ Counterfeit Products, permit Defendants to pass off the Counterfeit Products as DVF’s products, and falsely suggest a connection between the Defendants and DVF. Unless restrained by this Court, Defendants will continue with these acts, in

1 violation of the common law of the State of California, all to the detriment of DVF and the unjust
2 enrichment of Defendants.

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4 46. DVF has no adequate remedy at law and, if Defendants' activities are not enjoined, DVF
5 will continue to suffer irreparable harm and injury to its goodwill and reputation.

6 **COUNT FIVE**

7 **CALIFORNIA TRADEMARK DILUTION**

8 **(California Business and Professions Code § 14335)**

9 47. DVF repeats and realleges the allegations above as if fully set forth herein.

10 48. Defendants' acts have caused damage to DVF by tarnishing DVF's valuable reputation
11 and diluting or blurring the distinctiveness of the famous DVF Marks in violation of California Business
12 and Professions Code § 14335, and will continue to tarnish and destroy the value of the DVF Marks
13 unless enjoined by this Court.

14 49. DVF has no adequate remedy at law and, if Defendants' activities are not enjoined, DVF
15 will continue to suffer irreparable harm and injury to its goodwill and reputation.

16 **COUNT SIX**

17 **CONVERSION**

18 50. DVF repeats and realleges the allegations above as if fully set forth herein.

19 51. Defendants use the DVF Marks and trade name in creating the Counterfeit Products and
20 have thereby converted the valuable DVF Marks and trade name for their own use.

21 52. Defendants' conduct has damaged and injured DVF and, unless enjoined, will continue to
22 cause great, immediate, and irreparable damage and injury to DVF.

23 53. DVF has no adequate remedy at law and, if Defendants' activities are not enjoined, DVF
24 will continue to suffer irreparable harm and injury to its goodwill and reputation.

25 **COUNT SEVEN**

26 **CALIFORNIA STATE UNFAIR COMPETITION**

27 **(California Business and Professions Code §§ 17200 et seq.)**

28 54. DVF repeats and realleges the allegations above as if fully set forth herein.

1 55. The aforesaid acts by Defendants are likely to cause injury to DVF's reputation and result
2 in Defendants unfairly competing with DVF in violation of California Business and Professions Code §§
3 17200 *et seq.* (California's Unfair Competition Law, the "UCL").

4 56. Defendants' actions as alleged above violate the "unfair" prong of the UCL because (a)
5 the utility of such actions is outweighed by the gravity of the harm they cause to DVF, (b) such actions
6 are immoral, unethical, oppressive, unscrupulous and substantially injurious to consumers, and (c) such
7 actions constitute incipient violations of state and federal antitrust laws.

8 57. Defendants' actions as alleged above violate the "fraudulent" prong of the UCL because
9 they are likely to mislead and confuse a statistically significant percentage of reasonable consumers.

10 58. Defendants' actions as alleged above violate the "unlawful" prong of the UCL because
11 those same actions also constitute violations of the state and federal statutes set forth above.

12 59. DVF suffered actual injury and the loss of money or property as a result of Defendants'
13 unfair business practices as alleged above.

14 60. Defendants' conduct has injured DVF and, unless enjoined, will continue to cause great,
15 immediate, and irreparable injury to DVF. DVF seeks injunctive relief pursuant to California Business
16 and Professions Code § 17203.

17 61. DVF is without an adequate remedy of law.

18 62. DVF is therefore entitled to injunctive relief and an order for restitutionary disgorgement
19 of all of Defendants' ill-gotten gains pursuant to California Business and Professions Code § 17203.

20 **COUNT EIGHT**

21 **UNJUST ENRICHMENT**

22 63. DVF repeats and realleges the allegations above as if fully set forth herein.

23 64. The aforesaid acts by Defendants constitute misappropriation of the DVF Marks and
24 trade name, as well as DVF's valuable goodwill associated therewith at no cost to Defendants, and result
25 in Defendants unfairly benefiting from the same in violation of the common law of California.

26 65. The aforesaid acts of Defendants are at DVF's expense and are unjustly enriching
27 Defendants.
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2 66. DVF has no remedy at law and, if Defendants' activities are not enjoined, DVF will
3 continue to suffer irreparable harm and injury to its goodwill and reputation.

4 WHEREFORE, DVF demands judgment:

5 1. That Defendants, their officers, agents, servants, employees, attorneys, confederates, and
6 all persons acting for, with, by, through or under them be permanently enjoined pursuant to Federal Rule
7 of Civil Procedure 65 and § 34 of the Lanham Act and, thereafter, permanently from:

- 8 (a) using the DVF Marks in any manner in connection with the advertising, offering for sale,
9 or sale of any product not DVF Products, or not authorized by DVF to be sold in
10 connection with each of the DVF Marks;
- 11 (b) passing off, inducing, or enabling others to sell or pass off any product as and for
12 products produced by DVF which are not DVF Products or not produced under the
13 control and supervision of DVF and approved by DVF for sale under the DVF Marks;
- 14 (c) committing any acts calculated to cause purchasers to believe that Defendants' products
15 are those sold under the control and supervision of DVF, or sponsored or approved by, or
16 connected with, or guaranteed by, or produced under the control and supervision of DVF;
- 17 (d) further diluting and infringing all of the DVF Marks and damaging DVF's goodwill;
- 18 (e) otherwise competing unfairly with DVF in any manner;
- 19 (f) shipping, delivering, distributing, returning or otherwise disposing of, in any manner,
20 products or inventory not manufactured by or for DVF, nor authorized by DVF to be sold
21 or offered for sale, which bear any of the DVF Marks;

22 2. That DVF be awarded actual damages in an amount to be proven at trial;

23 3. That DVF be awarded exemplary and punitive damages sufficient to punish Defendants
24 for their malicious and intentional infringement and to deter similar misconduct by Defendants and
25 others in an amount to be proven at trial;

26 4. On all Claims for Relief except the Seventh Claim for Relief under the UCL, that DVF
27 be awarded statutory damages of \$1,000,000 per counterfeited mark for Defendants' willful
28 counterfeiting of the DVF Marks;

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2 5. That DVF be awarded reasonable attorneys' fees and have such other and further relief as
3 the Court may deem equitable including, but not limited to, any relief set forth under the 1946
4 Trademark Act, 15 U.S.C. §§ 1051, et seq., as amended by the Lanham Act and that the Court impose
5 whatever temporary, preliminary and final equitable relief is necessary to achieve the foregoing,
6 including but not limited to, the imposition of a constructive trust;

7 6. That DVF be awarded such other and further relief as the Court may deem just, proper,
8 and equitable;

9 7. That Defendants be ordered to disgorge all of their ill-gotten gains pursuant to California
10 Business and Professions Code § 17203.

11 Respectfully submitted,

12 DATED: October 5, 2007

GREENBERG TRAURIG, LLP

13
14 By 

KAREN ROSENTHAL
Attorneys for Plaintiff
Diane von Furstenberg Studio, L.P.

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b), Fed. R. Civ. P., Plaintiff Diane von Furstenberg Studio, L.P. demands a trial by jury of any issue triable of right by a jury.

DATED: October 5, 2007

GREENBERG TRAURIG, LLP


By 
KAREN ROSENTHAL
Attorneys for Plaintiff
Diane von Furstenberg Studio, L.P.

EXHIBIT A

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Typed Drawing

Word Mark DIANE VON FURSTENBERG

Goods and Services IC 026. US 022 039. G & S: wearing apparel, namely, ladies' dresses, dress suits and pant suits, t-shirts, skirts, pants, sweaters, vests, tunics, kimonos, sashes, blouses, jackets, coats; loungewear and sleepwear, namely, robes, pajamas, nightgowns and nightshirts; lingerie and underwear, namely, boxer shorts and slips; women's apparel accessories, namely, hosiery, belts, shoes, hats and scarves. FIRST USE: 19970800. FIRST USE IN COMMERCE: 19970800

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 75574800

Filing Date October 21, 1998

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition June 15, 1999

Registration Number 2276188

Registration Date September 7, 1999

Owner (REGISTRANT) Diane Von Furstenberg Studio composed of Diane Von Furstenberg, a Belgian citizen, a DVF International, S.A., a Delaware Corporation PARTNERSHIP CONNECTICUT Cloudwalk Farm Aspetuck Road New Milford CONNECTICUT 08776

Attorney of Record Howard N. Aronson

Prior Registrations 0937127;1290640;2162259;AND OTHERS

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (8-YR).

Trademark Electronic Search System (TESS)

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Other Data The name in the mark identifies a living individual whose consent is of record.
Live/Dead Indicator LIVE

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DIANE VON FURSTENBERG

Word Mark DIANE VON FURSTENBERG

Goods and services: IC 016. US 002 005 022 023 029 037 038 050. G & S: Book covers, bookends, books on fashion, design, interior design, decorating, beauty, entertaining, lifestyle and autobiographies, book-cover paper, boxes of paper or cardboard, brag books and photo albums; bulletin boards; calendar desk pads, calendar desk stands, calendar stands, calendars, desk calendars, calendar-finished paper, calligraphy paper, canvas for painting; cardboard floor display units for merchandising products; cardboard packaging; cards, namely, greeting cards, stationery cards, correspondence cards, blank cards, calling cards, cards bearing universal greetings, cards not magnetically coded for use in business transactions; carrying cases made of paper; series of children's books and story books; Christmas cards; clips for letters, cloth for bookbinding; coasters made of paper; collapsible boxes of paper, collapsible cardboard boxes, color prints, cook books; correspondence holders and correspondence racks; daily planners, data books, date books, day planners, decals, decorative paper centerpieces, desk baskets for desk accessories; desk file trays, desk mounted stationery cabinets, desk pads, desk sets, desk stands and holders for pens, pencils and ink, desk top document racks and stands, desk top organizers, desk top planners, desk top revolving rotary card files, desk top stationery cabinets, desktop business card holders; diaries; envelopes and envelope paper, envelopes for stationery use; fabric gift bags, fountain pens and fountain pen ink cartridges; gift cards, gift wrap paper, glassine paper; guest books; hand towels of paper; memory books, metallic paper party decorations; note books, note cards, note pad holders, note pads, note paper, note boards, notebook dividers and notebook paper, paper bows and ribbons for gift wrap, paper for wrapping and packaging, paper gift bags; paper handkerchiefs; paper napkins, paper note tablets; paper party bags; paper party decorations, favors and hats; paper placemats; paper ribbons, paper stationery, paper table cloths, paper table linens, paper mats and paper napkins; paper weights; passport cases, covers and holders; patterns for making clothes; pen and pencil cases, boxes and trays; pen or pencil holders, pen rests, pen or pencil boxes; photograph albums and album pages; picture books, picture postcards, place cards; plastic gift wrap; printed invitations; rice paper; scented drawer liners; scrapbook albums and pages; scratch pads; stationery seals, seal ink pads; sealing stamps and sealing wax; shelf paper, sketchbooks and sketch pads, sketches; social note cards; specialty papers, namely vegetable parchment for use in food wrapping, preparation, processing and packaging applications; spiral notebooks; stands for pens, pencils and writing instruments; stationery, stationery boxes, cases and folders; stationery-type portfolios; synthetic bond paper, synthetic paper; tarot cards; temporary tattoos; thick Japanese paper; time planners; tissue paper and tissue paper for use as stencil paper material; wedding albums and books, wrapping paper, writing brushes, writing implements and instruments; writing ink, writing pads and paper, writing paper holders and pads, writing slates, writing tablets. FIRST USE: 19981104. FIRST USE IN COMMERCE: 19981104

Standard
characters
claimed

Trademark Electronic Search System (TESS)

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Mark Drawing (4) STANDARD CHARACTER MARK

Serial Number 78537886

Filing Date December 23, 2004

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition November 1, 2005

Registration Number 3216366

Registration Date March 6, 2007

Owner (REGISTRANT) DIANE VON FURSTENBERG STUDIO Diane Von Furstenberg (United States Citizen) and DVF International, S.A. (Delaware Corporation) PARTNERSHIP CONNECTICUT Cloudwalk Farm Aspetuck Road New Milford CONNECTICUT 06776

Attorney of Record G. Roxanne Ellings

Prior Registrations 2276188;2815344;2877401;AND OTHERS

Type of Mark TRADEMARK

Registrar PRINCIPAL

Other Data The name "DIANE VON FURSTENBERG" identifies a living individual whose consent is of record.

Alive/Dead Indicator LIVE

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Typed Drawing

Word Mark DIANE VON FURSTENBERG

Goods and Services IC 003. US 001 004 006 050 051 052. G & S: perfumes, eau de parfums, eau de toilettes, eau de colognes, colognes, cosmetics, namely, lipgloss, eye shadow, mascara, facial foundation makeup in powdered, cream and liquid forms, highlighter cremes, cheek color powders, blusher and rouge in stick and powder forms; eye makeup, namely, eye shadows in pressed powder, cream and pencil forms, eyeliner pencils, mascara; nail lacquers, hand and facial moisturizing lotions, skin cleanser lotions and scrubbing compounds, skin tonics; bath oil essences, body shampoos, dusting and bath powders, perfumed body powders, body lotions, perfumed toilet soaps, shower gels, sachets, potpourris and room fragrances. FIRST USE: 20030800. FIRST USE IN COMMERCE: 20030800

IC 018. US 001 002 003 022 041. G & S: handbags and luggage. FIRST USE: 20030800. FIRST USE IN COMMERCE: 20030800

Mark Drawing Code (1) TYPED DRAWING

Design Search Code

Serial Number 76169721

Filing Date November 22, 2000

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition September 4, 2001

Registration Number 2815344

Registration Date February 17, 2004

Owner (REGISTRANT) Diane Von Furstenberg Studio Composed of Name(s) of General Partner(s) & Citizenship/Incorporation: Diane Von Furstenberg (Belgium Citizen) and DVF International S.A. (Delaware Corporation) PARTNERSHIP CONNECTICUT Cloudwalk Farm Aspetuck Road New Milford CONNECTICUT 06776

Attorney of Record HOWARD N ARONSON

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Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead indicator LIVE

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Word Mark DVF
Goods and Services IC 003. US 001 004 008 050 051 052. G & S: COSMETICS AND MAKEUP, NON-MEDICATED SKIN CARE PREPARATIONS; HAIR CARE PREPARATIONS; BODY CARE PRODUCTS, NAMELY, BODY SOAPS, BODY CREAMS, BODY LOTIONS, BODY POWDERS, BATH PRODUCTS, NAMELY, BATH BEADS, BATH FOAM, BATH GELS, BATH LOTION, BATH OIL, BATH POWDER, AND NON-MEDICATED BATH SALTS; PERFUME, EAU DE PARFUMS, EAU DE TOILETTE, EAU DU COLOGNES; COLOGNE, SACHETS; AIR FRAGRANCES. FIRST USE: 20020131. FIRST USE IN COMMERCE: 20020131

IC 009. US 021 023 026 036 038. G & S: EYEGASSES, SUNGLASSES, MAGNIFIERS, FRAMES, LENSES, EYEWEAR, ACCESSORIES, NAMELY CASES, CHAINS AND CLEANING CLOTHS PACKAGED AS A UNIT WITH EYEGASSES AND/OR EYEGASS CASES. FIRST USE: 20020131. FIRST USE IN COMMERCE: 20020131

IC 018. US 001 002 003 022 041. G & S: LUGGAGE, GARMENT BAGS, HANDBAGS, POCKETBOOKS, PURSES, CLUTCHES, TOTE BAGS, BELT BAGS, DUFFEL BAGS, BEACH BAGS, BRIEFCASES, COSMETIC BAGS SOLD EMPTY, TOILETRY CASES SOLD EMPTY, BACKPACKS, KNAPSACKS; UMBRELLAS; WALLETS. FIRST USE: 20020131. FIRST USE IN COMMERCE: 20020131

IC 025. US 022 039. G & S: WEARING APPAREL, NAMELY, SUITS, SHORTS, T-SHIRTS, SKIRTS, SWEATERS, PANTS, JEANS, OVERALLS, TUNICS, KIMONOS, SASHES, SHAWLS, VESTS, BLOUSES, JACKETS, COATS, CULOTTES, GOWNS, DRESSES, JUMSUITS, SWEAT SUITS, LOUNGEWEAR, SLEEPWEAR, LINGERIE, UNDERWEAR, SWIMWEAR, NECKWEAR; GLOVES, HATS, BELTS, SCARVES, HOSIERY, SOCKS AND FOOTWEAR. FIRST USE: 20020131. FIRST USE IN COMMERCE: 20020131

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code 28.11.02 - Plain single line rectangles; Rectangles (single line)
Serial Number 78978157
Filing Date June 5, 2003

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Current Filing Basis 1A
Original Filing Basis 1A;1B
Published for Opposition August 31, 2004
Registration Number 2986568
Registration Date August 16, 2005
Owner (REGISTRANT) Diane Von Furstenberg Studio Diane Von Furstenberg, a U.S. citizen PARTNERSHIP
 CONNECTICUT Cloudwalk Farm Aspatuck Road New Milford CONNECTICUT 06776
Attorney of Record HOWARD N ARONSON
Prior Registrations 1290637;1513514;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead indicator LIVE

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Word Mark DVF
Goods and Services IC 003. US 001 004 006 050 051 052. G&S: COSMETICS AND MAKEUP, NON-MEDICATED SKIN CARE PREPARATIONS; HAIR CARE PREPARATIONS; BODY CARE PRODUCTS, NAMELY, BODY SOAPS, BODY CREAMS, BODY LOTIONS, BODY POWDERS, BATH PRODUCTS, NAMELY, BATH BEADS, BATH FOAM, BATH GELS, BATH LOTION, BATH OIL, BATH POWDER, AND NON-MEDICATED BATH SALTS; PERFUME, EAU DE PARFUMS, EAU DE TOILETTE, EAU DU COLOGNES; COLOGNE, SACHETS; AIR FRAGRANCES. FIRST USE: 20030900. FIRST USE IN COMMERCE: 20030900

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Design Search Code

Serial Number 78258579
Filing Date June 5, 2003

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition June 1, 2004

Registration Number 2877398

Registration Date August 24, 2004

Owner (REGISTRANT) Diane Von Furstenberg Studio Diane Von Furstenberg a U.S. citizen PARTNERSHIP CONNECTICUT Cloudwalk Farm Aspetuck Road New Milford CONNECTICUT 06776

Attorney of Record Howard N. Aronson

Trademark Electronic Search System (TESS)

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Prior Registrations 1290637;1513514;AND OTHERS
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Register PRINCIPAL
Live/Dead Indicator LIVE

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Typed Drawing

Word Mark **DIANE VON FURSTENBERG**
 Goods and Services **IC 009. US 021 023 026 038 038. G & S: EYEGLASSES, SUNGLASSES, MAGNIFIERS, FRAMES, LENSES, EYEWEAR, ACCESSORIES, NAMELY CASES, CHAINS, CLEANING CLOTHS PACKAGED AS A UNIT WITH EYEGLASSES AND/OR EYEGLASS CASES. FIRST USE: 19900000. FIRST USE IN COMMERCE: 19900000**

IC 014. US 002 027 028 050. G & S: WATCHES, CLOCKS AND JEWELRY, JEWELRY BOXES AND CASES OF PRECIOUS METAL, ORNAMENTS OF PRECIOUS METAL. FIRST USE: 19970900. FIRST USE IN COMMERCE: 19970900

IC 024. US 042 050. G & S: BED, BATH, HOUSEHOLD AND TABLE LINENS; DRAPERIES AND FABRICS FOR THE MANUFACTURE OF DRAPERIES; BEDSPREADS AND COMFORTERS; SHOWER CURTAINS; AFGHANS, COVER FOR PILLOWS AND CUSHIONS. FIRST USE: 19780627. FIRST USE IN COMMERCE: 19780627

Mark Drawing Code **(1) TYPED DRAWING**

Design Search Code

Serial Number **78259240**

Filing Date **June 6, 2003**

Current Filing Basis **1A**

Original Filing Basis **1A**

Published for Opposition **June 1, 2004**

Registration Number **2877401**

Registration Date **August 24, 2004**

Owner **(REGISTRANT) Diane Von Furstenberg Studio Diane Von Furstenberg PARTNERSHIP CONNECTICUT Cloudwalk Farm Aspetuck Road New Milford CONNECTICUT 08776**

Attorney of Record **Howard N. Aronson**

Prior

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Registrations 1278846;2140258;2234750
Type of Mark TRADEMARK
Register PRINCIPAL
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