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Attorneys for Plaintiffs
DIANE VON FURSTENBERG STUDIO and
DIANE VON FURSTENBERG STUDIO, L.P.

FILE COPY

JUDGE KOELTL

07 CV 1225

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DIANE VON FURSTENBERG STUDIO;
DIANE VON FURSTENBERG STUDIO, L.P.,

Plaintiffs,

v.

JOANNA HA d/b/a DVFDRESSES d/b/a SAFEISBEST d/b/a NYPAD d/b/a NEW YORK PILLOWS AND DRAPES, INC. d/b/a JOANNAHA.COM; JOHN DOES 1-15; XYZ CORPS. 1-15,

Defendants.

Civil Action No.

COMPLAINT

DEMAND FOR JURY TRIAL

COMPLAINT

Plaintiffs Diane von Furstenberg Studio and Diane von Furstenberg Studio, L.P. (collectively, "DVF") allege the following for their Complaint against Defendants Joanna Ha d/b/a dvfdresses d/b/a safeisbest d/b/a/ nypad d/b/a/ New York Pillows and Drapes, Inc. d/b/a joannaha.com, John Does 1-15, and XYZ Corps. 1-15 on personal knowledge as to DVF's own activities and on information and belief as to the activities of others:

THE PARTIES

1. Plaintiff Diane von Furstenberg Studio is a general partnership, organized and existing under the laws of Connecticut, with offices at 440 W. 14th St., New York, New York 10014.

2. Plaintiff Diane von Furstenberg Studio, L.P. is a limited partnership, organized and existing under the laws of Delaware, with offices at 440 W. 14th St., New York, New York 10014.

3. Upon information and belief, Defendant Joanna Ha d/b/a dvfdresses d/b/a safeisbest d/b/a nypad d/b/a New York Pillows and Drapes, Inc. d/b/a joannaha.com is an individual and a domiciliary of the State of New York, having a combined residence and principal place of business at 121 Madison Avenue #13E (also known as Penthouse E), New York, New York 10016.

4. Upon information and belief defendants, including yet to be identified John Does, are doing business in New York, and are subject to the jurisdiction of this Court. The identities of the various John Doe defendants are not presently known and the Complaint herein will be amended to include the name or names of these individuals when such information becomes available.

5. Upon information and belief, defendants XYZ Corporations through their agents, servants, and employees, are doing business in New York and are subject to the jurisdiction of this Court. The identities of such defendants are not presently known and the Complaint herein will be amended to include the names of the actual defendants when such information becomes available.

6. The parties identified in paragraphs 3 through 5 above are hereinafter collectively referred to as "Defendants."

JURISDICTION AND VENUE

7. This is an action for trademark infringement, trademark counterfeiting, trademark dilution, unfair competition and false designation of origin arising under the Trademark Act of 1946, 15 U.S.C. §§ 1051, *et seq.*, as amended by the Trademark Counterfeiting Act of 1984, Public Law 98-473 (the "Lanham Act"), for trademark infringement, unfair competition, and dilution under the laws of the State of New York, and for common law trademark infringement and unfair competition.

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

9. This Court has personal jurisdiction over Defendants in that they are domiciled and/or do business in the State of New York.

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

DVF'S TRADEMARKS

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

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

13. DVF Products have become known throughout the World for their distinctive style, high-quality materials, and superior design. Genuine DVF Products are easily identified by their distinctive designs and by DVF's instantly-recognizable trademarks.

14. DVF is the owner of numerous U.S. trademark registrations as well as numerous U.S. copyright registrations for its original print and designs. 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 17, 1999 (Trademark Reg. No. 2276188). A true and correct copy of DVF's trademark registrations are attached hereto as Exhibit A. These trademark registrations have not been abandoned, canceled or revoked ("DVF Marks").

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

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.

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

24. Defendant Joanna Ha, using various seller names including "dvfdresses" falsely represented to consumers that the Counterfeit Products were genuine, authentic DVF Products and that they were "new with tags" bearing the DVF Marks. Defendants knew that the Counterfeit Products were not genuine DVF Products.

25. Defendants' use of the DVF Marks and trade name on or in connection with the advertising, marketing, distribution, import, export, offering for sale and sale of the Counterfeit Products has caused consumer confusion and deceived customers into thinking they were buying DVF Products when they were not.

FIRST CLAIM FOR RELIEF
(Federal Trademark Infringement Under 15 U.S.C. § 1114)

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

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

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

29. 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.

30. Defendants' aforesaid acts are in knowing and willful violation of DVF's rights under 15 U.S.C. § 1114.

31. 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.

SECOND CLAIM FOR RELIEF
(Unfair Competition and False Designation of Origin Under 15 U.S.C. § 1125(a))

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

33. 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.

34. 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.

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

36. 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.

37. 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.

THIRD CLAIM FOR RELIEF
(Federal Trademark Dilution Under 15 U.S.C. § 1125(c))

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

39. 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.

40. 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.

41. 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.

42. 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).

43. 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.

FOURTH CLAIM FOR RELIEF
(Common Law Trademark and Trade Name Infringement)

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

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

46. 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.

47. 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 violation of the common law of the State of New York, and the detriment of DVF and the unjust enrichment of Defendants.

48. 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.

FIFTH CLAIM FOR RELIEF
(Common Law Unfair Competition)

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

50. DVF has built up valuable goodwill in the DVF Marks and the distinctive appearance of DVF Products.

51. Defendants' use of the DVF Marks is likely to and does permit Defendants to palm off Defendants' Counterfeit Products as those of DVF, all to the detriment of DVF and the unjust enrichment of Defendants.

52. Defendants, upon information and belief, with full knowledge of the fame of the DVF Marks, intended to and did trade on the goodwill associated with the DVF Marks and has misled and will continue to mislead the public into assuming a connection between DVF and Defendants.

53. Defendants' unauthorized use of the DVF Marks has caused and is likely to continue to cause DVF damage by tarnishing the valuable reputations and images

associated with DVF and its genuine goods. Defendants have further palmed off their goods as DVF Products by Defendants' false labeling and misrepresentations to the consuming public, members of whom are likely to and do believe the Counterfeit Products emanate from or are associated with DVF.

54. The acts of Defendants permit and accomplish confusion, mislead and deceive the public as to the source of Defendants' goods, permit and accomplish the palming off of Defendants' goods as those of DVF and falsely suggest a connection with DVF, and therefore constitute acts of unfair competition with DVF in violation of the laws of the State of New York.

55. Defendants' acts have and will continue to cause DVF irreparable harm unless enjoined by this Court. DVF has no adequate remedy at law.

SIXTH CLAIM FOR RELIEF
(New York General Business Law § 360)

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

57. Defendants' illegal acts as previously described have caused damage to DVF by tarnishing DVF's valuable reputation and diluting or blurring the distinctiveness of the DVF Marks in violation of New York General Business Law § 360.

58. 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.

SEVENTH CLAIM FOR RELIEF
(New York General Business Law § 349)

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

60. Upon information and belief, Defendants, without DVF's authorization or consent, and having knowledge of DVF's well-known and prior rights in the DVF Marks, have distributed, advertised, offered for sale and/or sold products employing marks

confusingly similar to the DVF Marks to the consuming public in violation of New York General Business Law § 349.

61. Defendants' use of the DVF Marks in a manner which is confusingly similar to the DVF Marks is likely to cause and is causing confusion, mistake and deception among the general purchasing public as to the origin of Defendants' products, are associated with, or are otherwise authorized by DVF.

62. Defendants' deceptive acts and practices involve public sales activities of a recurring nature.

63. 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.

WHEREFORE, DVF demands judgment:

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

(a) using the DVF Marks in any manner in connection with the advertising, offering for sale, or sale of any product not DVF Products, or not authorized by DVF to be sold in connection with each of the DVF Marks;

(b) passing off, inducing, or enabling others to sell or pass off any product as and for products produced by DVF which are not DVF Products or not produced under the control and supervision of DVF and approved by DVF for sale under the DVF Marks;

(c) committing any acts calculated to cause purchasers to believe that Defendants' products are those sold under the control and

supervision of DVF, or sponsored or approved by, or connected with, or guaranteed by, or produced under the control and supervision of DVF;

(d) further diluting and infringing all of the DVF Marks and damaging DVF's goodwill;

(e) otherwise competing unfairly with DVF in any manner;

(f) shipping, delivering, distributing, returning or otherwise disposing of, in any manner, products or inventory not manufactured by or for DVF, nor authorized by DVF to be sold or offered for sale, which bear any of the DVF Marks;

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

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

4. That DVF be awarded statutory damages of $1,000,000 per counterfeited mark for Defendants' willful counterfeiting of the DVF Marks.

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

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

Respectfully submitted,

DATED: February 16, 2007

GREENBERG TRAURIG, LLP

By _____

Harley I. Lewin (HL 1819)
Scott Gelin (SG 9599)
200 Park Avenue
New York, New York 10166
Tel: (212) 801-9200
Fax: (212) 801-6400

Attorneys for Plaintiffs
Diane Von Furstenberg Studio and
Diane von Furstenberg Studio, L.P.

EXHIBIT A

United States Patent and Trademark Office

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Typed Drawing

Word Mark	**DIANE VON FURSTENBERG**
Goods and Services	IC 025. 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 06776
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 (6-YR).

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

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PREV DOC | NEXT DOC | LAST DOC

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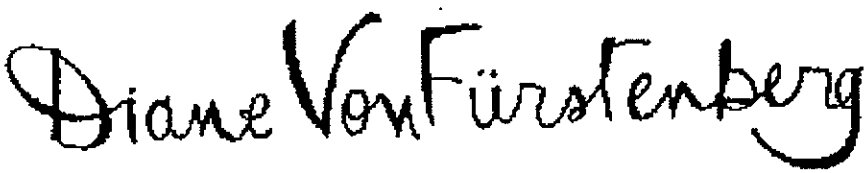

Word Mark	**DIANE VON FURSTENBERG**
Goods and Services	IC 003. US 051. G & S: PERFUMES AND COLOGNES. FIRST USE: 19740701. FIRST USE IN COMMERCE: 19740701
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Design Search Code	
Serial Number	73037163
Filing Date	November 14, 1974
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	1048808
Registration Date	September 28, 1976
Owner	(REGISTRANT) DIANE VON FURSTENBERG IMPORTING CO., INC. CORPORATION NEW YORK 530 7TH AVE. NEW YORK NEW YORK 10018 (LAST LISTED OWNER) DIANE VON FURSTENBERG STUDIO PARTNERSHIP ASSIGNEE OF CONNECTICUT 745 FIFTH AVENUE NEW YORK NEW YORK 10022
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	HOWARD N. ARONSON
Prior Registrations	0937127
Type of Mark	TRADEMARK

Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Renewal	1ST RENEWAL 19960617
Live/Dead Indicator	**LIVE**

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Diane Von Furstenberg

Word Mark	**DIANE VON FURSTENBERG**
Goods and Services	IC 018. US 003. G & S: HANDBAGS. FIRST USE: 19741119. FIRST USE IN COMMERCE: 19741119
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Design Search Code	
Serial Number	73045277
Filing Date	February 26, 1975
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	1039678
Registration Date	May 18, 1976
Owner	(REGISTRANT) DIANE VON FURSTENBERG IMPORTING CO., INC. CORPORATION NEW YORK 530 7TH AVE. NEW YORK NEW YORK 10018 (LAST LISTED OWNER) DIANE VON FURSTENBERG STUDIO PARTNERSHIP ASSIGNEE OF CONNECTICUT 745 FIFTH AVENUE NEW YORK NEW YORK 10151
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	HOWARD N. ARONSON
Type of Mark	TRADEMARK
Register	PRINCIPAL

Affidavit Text	SECT 15. SECT 8 (6-YR).
Renewal	1ST RENEWAL 19960502
Other Data	"DIANE VON FURSTENBERG" IS A LIVING INDIVIDUAL, WHO IS PRESIDENT OF APPLICANT COMPANY, WHOSE CONSENT IS OF RECORD.
Live/Dead Indicator	**LIVE**

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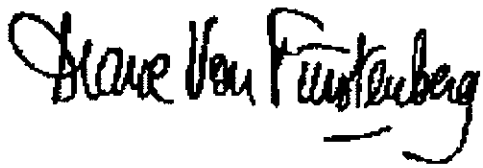

Word Mark	**DIANE VON FURSTENBERG**
Goods and Services	IC 003. US 051. G & S: COSMETICS-NAMELY, LIP GLOSS, EYE SHADOW, MASCARA, CHEEK COLOR POWDER, SKIN CLEANSER, SKIN TONIC, BATH OIL, BODY SHAMPOO, AND BODY POWDER. FIRST USE: 19751111. FIRST USE IN COMMERCE: 19751111
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Design Search Code	
Serial Number	73133096
Filing Date	July 7, 1977
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	1087568
Registration Date	March 21, 1978
Owner	(REGISTRANT) DIANE VON FURSTENBERG IMPORTING CO., INC. CORPORATION NEW YORK 530 7TH AVE. NEW YORK NEW YORK 10018 (LAST LISTED OWNER) DIANE VON FURSTENBERG STUDIO COMOSED OF DIANE VON FURSTENBERG, BELGIUM CITIZEN PARTNERSHIP ASSIGNEE OF CONNECTICUT 389 WEST 12TH STREET NEW YORK NEW YORK 10014
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of	HOWARD N ARONSON

Record	
Prior Registrations	1048808
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Renewal	1ST RENEWAL 19980520
Other Data	"DIANE VON FURSTENBERG" IS A LIVING INDIVIDUAL WHO IS PRESIDENT OF APPLICANT'S CORPORATION.
Live/Dead Indicator	LIVE

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Diane Von Furstenberg

Word Mark	**DIANE VON FURSTENBERG**
Goods and Services	IC 024. US 042. G & S: Sheets, Pillowcases, Comforters, Shams, Fabrics for Home Furnishings and Decorating, Bed Ruffles, Quilted Bedspreads, Draperies, Curtains, Table Covers, Shower Curtains, Towels, Tablecloths, Cloth Placemats and Napkins. FIRST USE: 19780627. FIRST USE IN COMMERCE: 19780627 IC 011. US 021. G & S: Electric Table and Floor Lamps. FIRST USE: 19780627. FIRST USE IN COMMERCE: 19780627 IC 027. US 037 042. G & S: Wallpaper and Rugs. FIRST USE: 19800822. FIRST USE IN COMMERCE: 19800822
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Design Search Code	
Serial Number	73345140
Filing Date	January 11, 1982
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	February 28, 1984
Registration Number	1278845
Registration Date	May 22, 1984
Owner	(REGISTRANT) Diane Von Furstenberg Studio Partnership composed of Diane Von Furstenberg, (Belgium citizen), D.V.F. International S.A. (Liechtenstein corporation), Oliver Gelbsman (France citizen) PARTNERSHIP Cloudwalk

	Farm Aspetcuk Rd. New Milford CONNECTICUT 06776
Attorney of Record	HOWARD N. ARONSON
Prior Registrations	0937127;1048808;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR).
Other Data	The name "Diane Von Furstenberg" is the name of a living individual whose consent is of record.
Live/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 scruffing 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

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: 20020131. FIRST USE IN COMMERCE: 20020131 IC 009. US 021 023 026 036 038. G & S: EYEGLASSES, SUNGLASSES, MAGNIFIERS, FRAMES, LENSES, EYEWEAR, ACCESSORIES, NAMELY CASES, CHAINS AND CLEANING CLOTHS PACKAGED AS A UNIT WITH EYEGLASSES AND/OR EYEGLASS 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	26.11.02 - Plain single line rectangles; Rectangles (single line)
Serial Number	78976157
Filing Date	June 5, 2003

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 Aspetuck 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

United States Patent and Trademark Office

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TESS was last updated on Sat Dec 2 04:18:46 EST 2006

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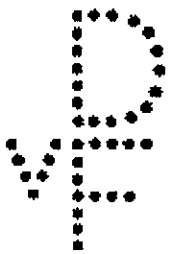
TARR Status | ASSIGN Status | TDR | TTAB Status *(Use the "Back" button of the Internet Browser to return to TESS)*



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

Prior Registrations	1290637;1513514;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	**LIVE**

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TESS was last updated on Sat Dec 2 04:18:46 EST 2006

Typed Drawing

Word Mark	**DIANE VON FURSTENBERG**
Goods and Services	IC 009. US 021 023 026 036 038. 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 06776
Attorney of Record	Howard N. Aronson
Prior	

Registrations	1278845;2140258;2234750
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	**LIVE**

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Start List At: OR Jump to record: **Record 3 out of 12**

Word Mark	DVF
Goods and Services	IC 014. US 002 027 028 050. G & S: WATCHES, CLOCKS, AND JEWELRY, JEWELRY BOXES AND CASES OF PRECIOUS METAL, ORANAMENTS OF PRECIOUS METAL. FIRST USE: 20050700. FIRST USE IN COMMERCE: 20050700
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.11.02 - Plain single line rectangles; Rectangles (single line)
Serial Number	78976619
Filing Date	June 5, 2003
Current Filing Basis	1A
Original Filing Basis	1A;1B
Published for Opposition	August 31, 2004
Registration Number	3066869
Registration Date	March 7, 2006
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
Prior Registrations	1290637;1513514;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL

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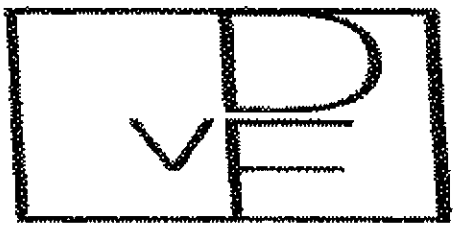

Word Mark	DVF
Goods and Services	IC 024. US 042 050. G & S: BED, BATH, HOUSEHOLD AND TABLE LINES; DRAPERIES; BEDSPREADS AND COMFORTERS; COMFORTERS, BEDSPREADS AND SHOWER CURTAINS; AFGHANS, COVER FOR PILLOW AND CUSHIONS
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.11.02 - Plain single line rectangles; Rectangles (single line)
Serial Number	78258593
Filing Date	June 5, 2003
Current Filing Basis	1A;1B
Original Filing Basis	1A;1B
Published for Opposition	August 31, 2004
Owner	(APPLICANT) 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
Prior Registrations	1290637;1513514;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	**LIVE**

TESS was last updated on Sat Dec 2 04:18:46 EST 2006

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 cardboards 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

Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Design Search Code	
Serial Number	78537886
Filing Date	December 23, 2004
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	November 1, 2005
Owner	(APPLICANT) 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	Howard N. Aronson
Prior Registrations	2276188;2815344;2877401;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Other Data	The name "DIANE VON FURSTENBERG" identifies a living individual whose consent is of record.
Live/Dead Indicator	**LIVE**

TESS HOME | NEW USER | STRUCTURED | FREE FORM | BROWSE DICT | SEARCH OG | TOP | HELP | PREV LIST | CURR LIST | NEXT LIST | FIRST DOC
PREV DOC | NEXT DOC | LAST DOC

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EXHIBIT B

Back to list of items Listed in category: Clothing, Shoes & Accessories > Women's Clothing > Dresses

dvf DIANE VON FURSTENBERG WRAP DRESS blk wte checksUS 6

Item number: 140085600370

Buyer or seller of this item? Sign in for your status

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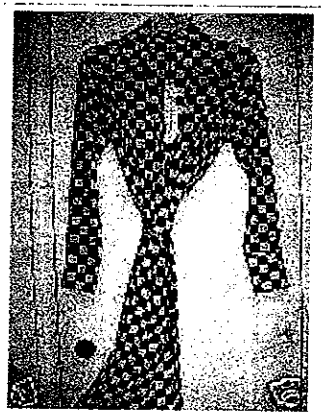

Buy It Now price: **US $129.00** Buy It Now >

End time: **Feb-22-07 17:44:38 PST**
(9 days 2 hours)

Shipping costs: **US $10.50**
UPS Ground
Service to United States

Ships to: United States

Item location: new york, NY, United States

Quantity: 2 available

Meet the seller

Seller: dvfdresses (172 ★) Power Seller

Feedback: **98.3% Positive**

Member: since Apr-25-00 in United States

- Read feedback comments
- Ask seller a question
- Add to Favorite Sellers
- **View seller's other items**

Buy safely

1. **Check the seller's reputation**

   Score: 172 | 98.3% Positive

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History: Purchases

Read feedback comments

2. **Check how you're protected**

View larger picture

You can also: Watch this item

Get alerts via Text message or IM
Sell one like this

Listing and payment details:

Starting time: Feb-12-07 17:44:38 PST
Duration: 10-day listing

Payment methods: Personal check, Money order/Cashiers check
See details

Description

Item Specifics - Women's Dresses

Type: **Career**
Sleeve Style: **Long Sleeve**
Dress Length: **Knee-Length**

Size Type: **Misses**
Size: **6**
Condition: **New: With Tags**

SCHWINGING MOD 60s LONDON LOOK!

CALLING ALL SUPER FUN, SUPER MOD, GROOVY GIRLS! "JEANNE" new with tags. Fabric is viscose polyester / polyamide. FURSTENBERG'S RARE black and white checkers WRAP DRESS IN FLUID JERSEY FABRIC.

SIZE US 6. SO SEXY AND UNBELIEVABLY FLATTERING! REALLY SHOWS OFF YOUR CURVES YET NEVER LOOKS TOO FLASHY! GO FROM THE BOARDROOM TO THE BALLROOM IN ONE SWELL FOOP!

A REAL TIMELESS CLASSIC! SEXY AT ALL TIMES AND FUNCTIONS WHILE LOOKING SOPHISTICATED AND "LADY LIKE". THE PERFECT COMBINATION AT ANY AGE!! THIS IS THE PERFECT "TRAVEL" DRESS AS WELL AS IT TRAVELS LIKE IT HAD ITS OWN VISA!

DIANE VON FURSTENBERG

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	XS		S		M		L	
SIZE	0	2	4	6	8	10	12	14
BUST	31	32	33	34	34	36	37-1/2	39
WAIST	22-1/2	23-1/2	24-1/2	25-1/2	26-1/2	27-1/2	29	30-1/2
HIP	33	34	35	36	37	38	39-1/2	41

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PACKAGES WILL SHIP VIA UPS WITH TRACKING # OR USPO FROM NY. ITEM(S) WILL SHIP WITHIN 2 BUSINESS DAYS OF PAYMENT (MONEY ORDERS). CHECKS ARE ALSO ACCEPTED BUT MUST CLEAR BEFORE ITEM(S) SHIPS. PAYMENT FROM USA and CANADA PAYERS ONLY. yes, we combine shipping! ALL SALES FINAL,..NO PAYPAL, NO RETURNS

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00012

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United States

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Shipping insurance
Not offered

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Payment method	Preferred/Accepted	Buyer protection on eBay
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Personal check	Accepted	

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Help

dvf DIANE VON FURSTENBERG WRAP DRESS blk wte checksUS 6

Buy It Now price: **US $129.00**

Your Quantity: x 1

Buy It Now > You will confirm in the next step.

Purchase this item now without bidding.
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What else can you do?

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