

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUDGE CASTEL

06 CV 13310

ANNTAYLOR STORES CORP.,  
ANNCO, INC. and ANNTAYLOR, INC.,

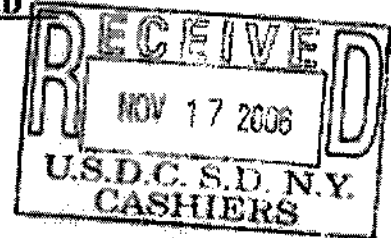
Plaintiffs,

-against-

KLEINFELD BRIDAL CORP.,

Defendant.

COMPLAINT AND  
JURY DEMAND



Plaintiffs AnnTaylor Stores Corp., Annco, Inc. and AnnTaylor, Inc. (collectively, "AnnTaylor"), by their attorneys, Paul, Weiss, Riskind, Wharton & Garrison LLP and Cowan, Liebowitz & Latman, P.C., for their Complaint allege:

**NATURE OF THE ACTION**

1. AnnTaylor brings this action against Kleinfeld Bridal Corp. ("Kleinfeld") to put a halt to Kleinfeld's deliberate copying and unauthorized use of AnnTaylor's distinctive and famous LOFT marks.

2. AnnTaylor is a leading retailer of women's apparel and related accessories. For over a decade, AnnTaylor has used the LOFT marks—either separately or in conjunction with other word marks (such as "AnnTaylor" appearing in significantly smaller lettering)—to identify AnnTaylor's network of LOFT retail stores and a wide array of goods sold in those retail stores. Since the launch of its LOFT brand in 1995, AnnTaylor has extensively marketed and promoted both the goods and retail stores which bear the LOFT marks throughout the United States. As a result, the LOFT business has become a huge commercial success, with sales since 1998 in excess of \$5 billion. The LOFT marks have not only come to identify the stores and products of AnnTaylor

themselves, but also have become a symbol of the distinction and quality associated with AnnTaylor by consumers and the trade overall. Indeed, AnnTaylor's LOFT products have received extensive unsolicited press, in which AnnTaylor's LOFT stores typically are referred to simply as the "Loft."

3. Recently, in willful disregard of AnnTaylor's trademark and other rights and over AnnTaylor's written and repeated objections, Kleinfeld nominally began using a virtually identical term—"THE LOFT"—to identify a new retail store that it has opened in New York, New York. Kleinfeld uses the term on a small placard located on the window of its main retail store location to advertise the opening of its new store, which, like AnnTaylor's LOFT stores, sells women's apparel. Kleinfeld's copying of the AnnTaylor LOFT marks is plainly a deliberate effort to maximize consumer confusion and trade on the goodwill which AnnTaylor has spent enormous time, effort and money in building up in the LOFT brand name over the past decade.

4. Kleinfeld's use of the "THE LOFT" constitutes willful infringement and dilution of AnnTaylor's famous and distinctive LOFT marks, as well as unfair competition, under federal and state laws. Through this action, AnnTaylor seeks an injunction halting Kleinfeld's wrongful conduct, as well as compensatory and punitive damages.

#### **THE PARTIES**

5. Plaintiff AnnTaylor Stores Corporation is a Delaware corporation with its principal place of business in New York, New York.

6. Plaintiff AnnTaylor, Inc., a wholly-owned subsidiary of AnnTaylor Stores Corp., is a Delaware corporation with its principal place of business in New York, New York. AnnTaylor, Inc. is the parent and licensee of Plaintiff Annco, Inc.

7. Plaintiff Annco, Inc., a wholly-owned subsidiary of AnnTaylor, Inc., is a Delaware corporation with its principal place of business in Milford, Connecticut. Annco, Inc. is the owner of the LOFT marks.

8. Upon information and belief, Defendant Kleinfeld Bridal Corp. is a Delaware corporation with its principal place of business located at 110 West 20<sup>th</sup> Street, New York, New York, 10011. Kleinfeld owns and operates two retail stores, both located in Manhattan, which sell apparel and accessories.

#### **JURISDICTION AND VENUE**

9. This Court has federal question jurisdiction over the claims arising under the Lanham Act pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331 and 1338. This Court has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367(a).

10. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the claims stated in this Complaint occurred in this district. Venue of this action also is proper in this district pursuant to 28 U.S.C. § 1391(c) as Kleinfeld is a corporation subject to personal jurisdiction within the district.

## STATEMENT OF FACTS

### AnnTaylor's LOFT Marks

11. AnnTaylor is one of the leading retailers of women's apparel and related accessories in the United States. Through various affiliates, AnnTaylor designs, distributes and sells women's apparel and accessories. AnnTaylor also owns and operates a network of over 820 retail stores, as well as a number of web sites, which are dedicated to the sale of such apparel and accessories.

12. Since March 1995, when AnnTaylor opened its first "AnnTaylor LOFT" retail store, AnnTaylor has used the word "LOFT," either appearing alone or in conjunction with other words (such as the word "AnnTaylor" appearing in significantly smaller lettering directly above the word "LOFT"), to identify its network of LOFT retail stores and its the line of clothing and related items sold in those stores.

13. AnnTaylor is the owner of the following registrations in the United States Patent and Trademark Office for the LOFT marks:

<u>Mark</u>	<u>Registration Number</u>	<u>Registration Date</u>	<u>Good/Services</u>
ANNTAYLOR LOFT	2,061,836	May 13, 1997	42: RETAIL CLOTHING STORE SERVICES
ANNTAYLOR LOFT	2,334,051	March 28, 2000	25: CLOTHING, NAMELY DRESSES, SKIRTS, SUITS, BLOUSES, SHOES, PANTS, SHORTS, JACKETS, COATS, SOCKS, HOSIERY, HATS, BELTS, SCARVES AND UNDERWEAR
ANN TAYLOR LOFT	2,704,411	April 8, 2003	9: SUNGLASSES AND SUNGLASS CASES

ANN TAYLOR LOFT	2,825,310	March 23, 2004	14: JEWELRY
ANNTAYLOR LOFT	3,078,844	April 11, 2006	18: HANDBAGS, POCKETBOOKS, SHOULDER BAGS, ROLL BAGS, EVENING HANDBAGS, COSMETIC CASES SOLD EMPTY, WALLETS, KEY CASES, CLUTCH PURSES, CLUTCH BAGS, GENERAL PURPOSE PURSES, DRAWSTRING POUCHES, TOTE BAGS, BACKPACKS, SLING BAGS, BRIEFCASE-TYPE PORTFOLIOS, SATCHELS, UMBRELLAS  20: JEWELRY CASES NOT OF PRECIOUS METAL

14. These registrations are in full force and effect and the trademarks and goodwill of the business of AnnTaylor in connection with which the LOFT marks are used has not been abandoned. Further, trademark registrations 2,061,836 and 2,334,051 have since become incontestable. Copies of AnnTaylor's federal trademark registrations are annexed hereto as Exhibit 1.

15. The many products sold and services rendered by AnnTaylor under the LOFT marks have been widely advertised to the purchasing public and to the trade throughout the United States in media including newspapers, magazines, and trade publications. Since launching its first LOFT retail store in 1995, AnnTaylor has invested substantial amounts of money, time, effort and creativity in developing, promoting and marketing the LOFT brand name.

16. As a result of these efforts, the LOFT business has become a huge commercial success. AnnTaylor now owns and operates approximately 460 LOFT retail

stores, and that number is growing steadily. In addition, AnnTaylor has created a web site exclusively devoted to the sale of clothing and other related items bearing the LOFT marks. And, since 1998, retail sales of goods bearing the LOFT marks have exceeded \$5 billion.

17. Significantly, and notwithstanding the use of the word “AnnTaylor” in some of the LOFT marks, AnnTaylor’s LOFT stores are generally known by the press, consumers and the trade simply as the LOFT. This is no accident. Indeed, since the first such store opened, the word “LOFT” has been used by AnnTaylor as the dominant portion of the trademark and store name, as illustrated below:



ANN TAYLOR  
LOFT

18. AnnTaylor uses the word “LOFT” alone (and without the accompanying word “AnnTaylor”) in its promotional materials. AnnTaylor has used the word “LOFT,” standing alone and appearing prominently in bold, capital letters, on its web pages to promote and designate the goods and services associated with the LOFT brand name. On a regular basis throughout the year, AnnTaylor distributes advertising mailers which prominently display the LOFT marks. These mailers frequently combine use of the word “LOFT”—again without the appearance of the word “AnnTaylor”—with other advertising phrases and slogans (such as “LOFT now brings you . . .,” “LOFT is the place to go for petites,” and “all new at LOFT”).

19. News articles about AnnTaylor and its LOFT stores, including the leading fashion trade magazine *Women’s Wear Daily*, *The Wall Street Journal* and *The*

*New York Times*, also typically refer to AnnTaylor's LOFT stores and apparel simply by the "Loft."

20. As a result of AnnTaylor's extensive investment of time, money and effort in developing, advertising and promoting its LOFT marks, and the wide use of those marks in connection with its retail store services and clothing items, the LOFT marks have achieved widespread consumer and trade recognition, so that products and services bearing the LOFT marks are immediately identified by the purchasing public with AnnTaylor. The LOFT marks possess significant and valuable goodwill of great value to AnnTaylor.

#### **Kleinfeld's Unlawful and Infringing Activities**

21. For over 60 years according to its own promotional materials, Kleinfeld has operated a boutique dedicated to selling women's bridal fashions. Initially, this boutique was located in Brooklyn, New York. In May 2005, however, Kleinfeld decided to close that store and move to Manhattan. On information and belief, this boutique had been known by the trade and referred to by the public and the press as "Kleinfeld's."

22. In 2005, Kleinfeld also decided to open a second retail store in Manhattan which was dedicated to the sale of women's apparel and related items. On information and belief, Kleinfeld initially referred to this store—both in signage connected with the store and in its promotional materials—as Kleinfeld Bridesmaids' Loft or simply the Bridesmaids' Loft. Around the time it opened this second retail store, Kleinfeld filed federal trademark applications for BRIDESMAIDS' LOFT and

KLEINFELD BRIDESMAIDS' LOFT for clothing items and retail store services in January 2005.

23. On December 20, 2005, after publication of those registrations for opposition, AnnTaylor informed Kleinfeld that it intended to object to Kleinfeld's registration for the BRIDESMAIDS' LOFT mark because of AnnTaylor's concerns of a likely potential for confusion among consumers between that mark and AnnTaylor's famous and distinctive LOFT marks.

24. Three days later, on December 23, 2005, and directly in response to being notified of AnnTaylor's objection to the application for BRIDESMAIDS' LOFT, Kleinfeld rushed to the Patent and Trademark Office, seeking to register "THE LOFT" as a federal trademark.

25. Upon information and belief, Kleinfeld intentionally misappropriated AnnTaylor's well-known and nationally recognized LOFT solely for the purpose of creating what it apparently sees as a bargaining chip of value to AnnTaylor. As made clear by its federal trademark application, prior to December 23, 2005, Kleinfeld had never used the term "THE LOFT" in connection with either its Bridesmaids' Loft store or any of its other retail store goods or services. Indeed, it appears that its very first alleged use of the term "THE LOFT" was on December 23, 2005, the same day that Kleinfeld filed its trademark application.

26. Kleinfeld was well aware of AnnTaylor's prior use of the LOFT marks at the time Kleinfeld began to use "THE LOFT" to identify its retail store, but nevertheless proceeded to use the infringing term "THE LOFT" with full knowledge of



AnnTaylor's superior rights and the strong likelihood that public confusion would result from such usage.

27. Kleinfeld currently makes use of "THE LOFT" logo, in lettering which is stylistically identical to AnnTaylor's LOFT marks, at its retail stores. Because of the close similarity between Kleinfeld's "THE LOFT" and AnnTaylor's LOFT marks, and given that the goods and services offered by AnnTaylor and Kleinfeld—women's apparel and related accessories—are closely related, Kleinfeld's use of THE LOFT is causing, and is likely to cause, confusion or mistake as to the source of Kleinfeld's goods and services, and is causing, and is likely to cause, consumers to draw the false impression that Kleinfeld's goods and services are provided, approved, endorsed, authorized or sponsored by AnnTaylor or are connected with AnnTaylor in some other way.

28. As a result of this willful and intentional infringement of AnnTaylor's LOFT marks, AnnTaylor has been damaged in an amount to be determined at trial. In addition, AnnTaylor has suffered, and will continue to suffer, immediate and irreparable injury unless Kleinfeld is enjoined from any further infringement of AnnTaylor's LOFT marks.

**FIRST CAUSE OF ACTION**  
**(Trademark Infringement Under the Lanham Act)**

29. AnnTaylor repeats and realleges the allegations set forth in paragraphs 1 - 28 above.

30. Kleinfeld's use of "THE LOFT" in connection with its Kleinfeld Bridesmaids' Loft store was done willfully and intentionally, and with full knowledge of AnnTaylor's superior rights in its LOFT marks.

31. Kleinfeld's actions are causing confusion and/or are likely to cause confusion, mistake or deception as to the source of Kleinfeld's goods and services, and deprive AnnTaylor of its right to control the use and quality of the products sold under its LOFT marks.

32. By reason of the foregoing, Kleinfeld's conduct constitutes willful infringement of AnnTaylor's famous and distinctive LOFT marks in violation of 15 U.S.C. § 1114.

33. As a direct and proximate result of Kleinfeld's unlawful conduct, AnnTaylor has suffered and will continue to suffer irreparable harm for which it has no adequate remedy at law.

34. Pursuant to 15 U.S.C. § 1117, AnnTaylor is entitled to actual damages in an amount to be determined at trial, to have such damages trebled, to Kleinfeld's profits, and to the costs of this action and to attorney's fees.

**SECOND CAUSE OF ACTION  
(Unfair Competition and False Designation  
of Origin Under the Lanham Act)**

35. AnnTaylor repeats and realleges the allegations set forth in paragraphs 1- 34 above.

36. AnnTaylor is the owner of the distinctive LOFT marks.

37. As a result of AnnTaylor's long-time significant expenditure to advertise and promote its LOFT branded products, the LOFT marks have acquired widespread recognition and secondary meaning in the minds of consumers as a source of origin of AnnTaylor's goods.

38. By employing THE LOFT to identify its own retail store and sell its own women's apparel, Kleinfeld is confusing consumers by creating the false and

misleading impression that its products are related to, affiliated or connected with, or authorized by AnnTaylor.

39. By reason of the foregoing, Kleinfeld's conduct constitutes trademark infringement and unfair competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

40. Kleinfeld's conduct is willful and in conscious disregard of AnnTaylor's rights.

41. As a direct and proximate result of Kleinfeld's unlawful conduct, AnnTaylor has suffered and will continue to suffer irreparable harm for which it has no adequate remedy at law.

42. Pursuant to 15 U.S.C. § 1117, AnnTaylor is entitled to actual damages in an amount to be determined at trial, to have such damages trebled, to Kleinfeld's profits, and the costs of this action and attorney's fees.

**THIRD CAUSE OF ACTION  
(Dilution Under the Lanham Act)**

43. AnnTaylor repeats and realleges the allegations set forth in paragraphs 1- 42 above.

44. AnnTaylor's LOFT marks are distinctive and famous, and have enjoyed such distinction and fame since long before the time Kleinfeld commenced use of "THE LOFT."

45. Kleinfeld's use of a virtually indistinguishable mark has caused actual harm and is likely to cause harm to AnnTaylor by diluting, blurring and weakening the unique and distinctive significance and quality of the LOFT marks to identify AnnTaylor's LOFT-branded products.

46. Kleinfeld's actions were willful and deliberate and in complete disregard of AnnTaylor's rights.

47. By reason of the foregoing, Kleinfeld has violated Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

**FOURTH CAUSE OF ACTION  
(Trademark Dilution Under New York  
State General Business Law)**

48. AnnTaylor repeats and realleges the allegations set forth in paragraphs 1 - 47 above.

49. AnnTaylor's LOFT marks are distinctive and famous, and have enjoyed such distinction and fame since long before the time Kleinfeld commenced use of "THE LOFT."

50. Kleinfeld's use of a virtually indistinguishable mark has caused actual harm and is likely to cause harm to AnnTaylor by diluting, blurring and weakening the unique and distinctive significance and quality of the LOFT marks to identify AnnTaylor's LOFT-branded products.

51. Kleinfeld's actions were willful and deliberate and in complete disregard of AnnTaylor's rights.

52. By reason of the foregoing, Kleinfeld has violated Section 360-1 of the New York General Business Law.

**FIFTH CAUSE OF ACTION  
(Common Law Unfair Competition)**

53. AnnTaylor repeats and realleges the allegations set forth in paragraphs 1 - 52 above.

54. By using "THE LOFT," Kleinfeld knowingly and willfully is confusing consumers by creating the false and misleading impression that their products are related to, affiliate or connected with AnnTaylor.

55. Kleinfeld's deliberate use of "THE LOFT" for its Bridesmaids' Loft store was done with the intent to unfairly benefit from the expense, time, effort and labor expended by AnnTaylor in developing and promoting its LOFT retail stores and LOFT-branded products.

56. By reason of the foregoing, Kleinfeld's conduct constitutes unfair competition under the common law of the State of New York.

57. As a result of Kleinfeld's conduct, AnnTaylor has suffered, and will continue to suffer, irreparable harm for which it has no adequate remedy at law.

58. Furthermore, AnnTaylor is entitled to actual damages in an amount to be determined at trial, and to Kleinfeld's profits attributable to its unlawful conduct.

**SIXTH CAUSE OF ACTION  
(Unjust Enrichment)**

59. AnnTaylor repeats and realleges the allegations set forth in paragraphs 1- 58 above.

60. Kleinfeld has been unjustly enriched by its unlawful conduct at AnnTaylor's expense, and has wrongfully benefited, in an amount to be determined at trial and to which AnnTaylor is rightfully entitled.

WHEREFORE, AnnTaylor respectfully demands Judgment against Kleinfeld and the following relief:

- A. A preliminary and permanent injunction enjoining Kleinfeld, its agents, servants, representatives, employees, shareholders, officers,

directors, successors and assigns, and all those persons or entities in active concert or participation with any of them from using the logo "THE LOFT" or any other logo confusingly similar to AnnTaylor's LOFT marks, or committing any other act which falsely represents or which as the effect of falsely representing that Kleinfeld's goods or services are provided, approved, endorsed, authorized or sponsored by or connected with AnnTaylor;

- B. An order directing Kleinfeld to deliver up for destruction or other disposition at AnnTaylor's sole discretion all merchandise, signs, wrappings, catalogs, decals or other goods or printed matter bearing the logo "THE LOFT" or any other logo confusingly similar to AnnTaylor's LOFT marks;
- C. An order directing Kleinfeld to file with the Court and serve upon AnnTaylor within 30 days after entry of final judgment, a report in writing and under oath setting forth in detail the manner and form in which Kleinfeld has complied with the provisions set forth in Paragraphs A and B above;
- D. An order directing Kleinfeld to abandon its trademark application, Serial No. 78/780,548, for "THE LOFT";
- E. An order awarding AnnTaylor damages resulting from Kleinfeld's unlawful conduct, including the amount by which Kleinfeld was unjustly enriched, in an amount to be determined at trial and trebled pursuant to 15 U.S.C. § 1117;

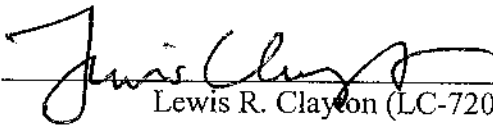
- F. An order awarding AnnTaylor all profits attributable to Kleinfeld's unlawful conduct, in an amount to be determined at trial and increased in the Court's discretion pursuant to 15 U.S.C. § 1117;
- G. An order awarding AnnTaylor its reasonable attorney's fees, together with the costs and disbursements of this action; and,
- H. Such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY**

Plaintiff AnnTaylor hereby demands a trial by jury of all issues so triable.

Dated: New York, New York  
November 17, 2006

PAUL, WEISS, RIFKIND,  
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Attorneys for Plaintiffs

**EXHIBIT 1**



Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

Reg. No. 2,061,836

United States Patent and Trademark Office

Registered May 13, 1997

SERVICE MARK  
PRINCIPAL REGISTER

ANNTAYLOR.  
LOFT

ANNTAYLOR, INC. (DELAWARE CORPORATION)  
142 WEST 57TH STREET  
NEW YORK, NY 10019

FOR: RETAIL CLOTHING STORE SERVICES, IN CLASS 42 (U.S. CLS. 100 AND 101).  
FIRST USE 3-2-1995; IN COMMERCE 3-2-1995.

OWNER OF U.S. REG. NOS. 1,444,585 AND 1,770,157.

THE NAME "ANN TAYLOR" IS FANCIFUL AND DOES NOT IDENTIFY A LIVING INDIVIDUAL.

SN 74-585,175, FILED 10-13-1994.

R. G. COLE, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,334,051

United States Patent and Trademark Office

Registered Mar. 28, 2000

TRADEMARK  
PRINCIPAL REGISTER

ANNTAYLOR.  
LOFT

ANNTAYLOR, INC. (DELAWARE CORPORATION)  
142 WEST 57TH STREET  
NEW YORK, NY 10019

FOR: CLOTHING, NAMELY DRESSES,  
SKIRTS, SUITS, BLOUSES, SHOES, PANTS,  
SHORTS, JACKETS, COATS, SOCKS, HOSIERY,  
HATS, BELTS, SCARVES AND UNDERWEAR,  
IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 3-2-1995; IN COMMERCE  
3-2-1995.

"ANN TAYLOR" DOES NOT IDENTIFY A  
PARTICULAR LIVING INDIVIDUAL.

SER. NO. 74-654,403, FILED 3-31-1995.

RUDY R. SINGLETON, EXAMINING ATTORNEY

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36 and 38

United States Patent and Trademark Office

Reg. No. 2,704,411  
Registered Apr. 8, 2003

**TRADEMARK  
PRINCIPAL REGISTER**

**ANNTAYLOR LOFT**

ANSCO, INC. (DELAWARE CORPORATION)  
414 CHAPEL STREET  
NEW HAVEN, CT 06511

FOR: SUNGLASSES AND SUNGLASS CASES, IN  
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-0-1999; IN COMMERCE 2-0-1999.

OWNER OF U.S. REG. NOS. 1,251,717, 2,358,748  
AND OTHERS.

THE MARK DOES NOT IDENTIFY A PARTICULAR LIVING INDIVIDUAL.

SER. NO. 76-417,981, FILED 6-5-2002.

KIM SAITO, EXAMINING ATTORNEY

Int. Cl.: 14

Prior U.S. Cls.: 2, 27, 28 and 50

United States Patent and Trademark Office

Reg. No. 2,825,310

Registered Mar. 23, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**ANN TAYLOR LOFT**

ANNCO, INC. (DELAWARE CORPORATION)  
414 CHAPEL STREET  
NEW HAVEN, CT 06511

FOR: JEWELRY, IN CLASS 14 (U.S. CLS. 2, 27, 28  
AND 50).

FIRST USE 5-31-1998; IN COMMERCE 5-31-1998.

OWNER OF U.S. REG. NOS. 2,061,836, 2,334,051,  
AND 2,704,411.

THE NAME "ANN TAYLOR" DOES NOT IDENTIFY  
A LIVING INDIVIDUAL.

SER. NO. 78-260,311, FILED 6-10-2003.

APRIL L. RADEMACHER, EXAMINING ATTORNEY

Int. Cls.: 18 and 20

Prior U.S. Cls.: 1, 2, 3, 13, 22, 25, 32, 41 and 50

Reg. No. 3,078,844

United States Patent and Trademark Office

Registered Apr. 11, 2006

**TRADEMARK  
PRINCIPAL REGISTER**

**ANNTAYLOR LOFT**

ANNCO, INC. (DELAWARE CORPORATION)  
476 WHEELERS FARMS ROAD  
MILFORD, CT 06460

FOR: HANDBAGS, POCKETBOOKS, SHOULDER BAGS, ROLL BAGS, EVENING HANDBAGS, COSMETIC CASES SOLD EMPTY, WALLETS, KEY CASES, CLUTCH PURSES, CLUTCH BAGS, GENERAL PURPOSE PURSES, DRAWSTRING POUCHES, TOTE BAGS, BACKPACKS, SLING BAGS, BRIEFCASE-TYPE PORTFOLIOS, SATCHELS, UMBRELLAS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 8-31-1998; IN COMMERCE 8-31-1998.

FOR: JEWELRY CASES NOT OF PRECIOUS METAL, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 12-31-2003; IN COMMERCE 12-31-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,334,051, 2,825,310 AND OTHERS.

THE NAME ANN TAYLOR DOES NOT IDENTIFY A LIVING INDIVIDUAL.

SER. NO. 78-499,039, FILED 10-13-2004.

ELLEN BURNS, EXAMINING ATTORNEY