

# **EXHIBIT 1**

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6 *Attorneys for Plaintiffs*

7 UNITED STATES DISTRICT COURT  
8 CENTRAL DISTRICT OF CALIFORNIA

9 ESTEE LAUDER, INC., a Delaware  
10 Corporation; LE LABO HOLDING  
11 LLC, a Delaware Limited Liability  
12 Company; LA MER TECHNOLOGY,  
13 INC., a Delaware Corporation;  
14 CLINIQUE LABORATORIES, LLC, a  
15 Delaware Limited Liability Company;  
16 AVEDA CORPORATION, a Delaware  
17 Corporation; and 001 DEL LLC d/b/a  
18 TOM FORD, a Delaware Limited  
19 Liability Company,

20 Plaintiffs,

21 vs.

22 WALMART, INC., a Delaware  
23 Corporation; WAL-MART.COM USA,  
24 LLC, a California Limited Liability  
25 Company; and DOES 1-10, inclusive,

26 Defendants.

CASE NO.: 2:26-cv-01341

**COMPLAINT FOR DAMAGES AND  
EQUITABLE RELIEF**

- 1. TRADEMARK INFRINGEMENT (CLAIMS 1-6)
- 2. FALSE DESIGNATION OF ORIGIN AND FALSE DESCRIPTIONS (CLAIMS 7-12)
- 3. TRADE DRESS INFRINGEMENT UNDER THE LANHAM ACT (CLAIM 13)
- 4. COMMON LAW TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION (CLAIM 14)
- 5. VICARIOUS TRADEMARK INFRINGEMENT (CLAIM 15)

**JURY TRIAL DEMANDED**

27 Plaintiffs Estée Lauder, Inc. (“Estée Lauder”), Le Labo Holding LLC (“Le  
28 Labo”), La Mer Technology, Inc (“La Mer”), Clinique Laboratories, LLC  
 (“Clinique”), Aveda Corporation (“Aveda”), and 001 Del LLC d/b/a Tom Ford (“Tom  
 Ford”) (collectively, “Plaintiffs,” or the “ELC Brands”) for their claims against  
 defendants Walmart, Inc. (“Walmart”) and Wal-mart.com USA LLC (“Walmart.com”)  
 and DOES 1-10 (collectively, “Defendants”) allege as follows:

**JURISDICTION AND VENUE**

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2 1. Plaintiffs file this action against Defendants for trademark infringement  
3 and false designation of origin under the Lanham Trademark Act of 1946, 15 U.S.C. §  
4 1051 et seq. (the “Lanham Act”), and related claims of trademark infringement and  
5 unfair competition under the common law of the State of California.

6 2. This Court has subject matter jurisdiction over Plaintiffs’ Lanham Act  
7 claims under 15 U.S.C. § 1121(a) and 28 U.S.C. §§ 1331 and 1338(a), and supplemental  
8 jurisdiction over Plaintiffs’ state and common law claims under 28 U.S.C. § 1367(a)  
9 because those claims are so related to Plaintiffs’ federal claims that they form part of  
10 the same case or controversy and derive from a common nucleus of operative facts.

11 3. This Court has personal jurisdiction over Defendants because Defendants  
12 committed an intentional act by offering for sale and/or selling products which infringe  
13 upon Plaintiffs’ intellectual property as more fully described below, such actions were  
14 expressly aimed at the state of California and its consumers, partly because Defendants  
15 operate an interactive website where the infringing products can be purchased from and  
16 shipped to this State, and advertise and market such products to consumers in this State,  
17 and thus Defendants caused monetary and reputational harm to Plaintiffs that  
18 Defendants know is likely to be suffered in this District because Defendants know that  
19 Plaintiffs conduct substantial business in the State of California.

20 4. Venue is proper under 28 U.S.C. §§ 1391 (b) because a substantial part of  
21 the events or omissions giving rise to the claims alleged herein occurred in this judicial  
22 district, most of the evidence is located in this judicial district, and Defendants are  
23 subject to personal jurisdiction in this District.

**THE PARTIES**

24  
25 5. Estée Lauder, Inc. is a corporation organized and existing under the laws  
26 of the state of Delaware, with an office and principal place of business located at 767  
27 Fifth Avenue, New York, New York 10153.  
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1           6.     Le Labo Holding, LLC is a limited liability company organized and  
2 existing under the laws of the state of Delaware, with an office and principal place of  
3 business located at 233 Elizabeth Street, New York, New York 10012.

4           7.     La Mer Technology, Inc. is a corporation organized and existing under the  
5 laws of the state of Delaware, with an office and principal place of business located at  
6 767 Fifth Avenue, New York, New York 10153.

7           8.     Clinique Laboratories, Inc. is a corporation organized and existing under  
8 the laws of the state of Delaware, with an office and a principal place of business located  
9 at 767 Fifth Avenue, New York, New York 10153.

10          9.     Aveda Corporation is a corporation organized and existing under the laws  
11 of the state of Delaware, with an office and principal place of business located at 4000  
12 Pheasant Ridge Drive, Minneapolis, Minnesota 55449.

13          10.    001 Del LLC d/b/a Tom Ford is a limited liability company organized and  
14 existing under the laws of the state of Delaware, with an office and principal place of  
15 business located at 767 Fifth Avenue, New York, New York 19153.

16          11.    Upon information and belief, Walmart, Inc. is a corporation organized and  
17 existing under the laws of the state of Delaware and is registered to do business in the  
18 state of New York, with an office and principal place of business located at 702 South  
19 West 8th Street, Bentonville, Arkansas, 72716. Furthermore, Plaintiffs are informed  
20 and believes that Walmart eCommerce, a business division within Walmart responsible  
21 for overseeing Walmart's online retail operations and [www.walmart.com](http://www.walmart.com), is primarily  
22 located at 850 Cherry Ave., San Bruno, CA, 94066.

23          12.    Upon information and belief, Wal-Mart.com USA, LLC has its primary  
24 office located at 850 Cherry Ave, San Bruno, CA 94066.

25          13.    Upon information and belief, Walmart and/or Walmart.com own, operate,  
26 and/or control the Walmart website at [www.walmart.com](http://www.walmart.com) (the "Walmart Website").

27          14.    Plaintiffs are unaware of the names and true capacities of Defendants,  
28 whether individuals, corporate and/or partnership entities, named herein as DOES 1

1 through 10, inclusive, and therefore sues them by their fictitious names. Plaintiffs will  
2 seek leave to amend this complaint when their true names and capacities are ascertained.  
3 Upon information and belief, each one of Defendants caused or are in some manner  
4 responsible for causing the wrongful acts alleged herein, and that at all relevant times  
5 each one was the agent, servant, and/or employee of the other Defendants acting within  
6 the course and scope of said agency, service, and employment.

7 15. Upon information and belief, at all relevant times herein, each one of  
8 Defendants knew or reasonably should have known of the wrongful acts and behavior  
9 alleged herein and the damages caused thereby, ratified and encouraged such acts and  
10 behavior, and/or had a non-delegable duty to prevent such acts and behavior but failed  
11 or refused to do so.

12 **ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

13 **A. The Estée Lauder Companies Brands, Marks, and Trade Dress**

14 16. The Estée Lauder Companies, Inc. (“ELC”) is a global leader in prestige  
15 beauty. With a portfolio of over 20 best-in-class brands, including ESTÉE LAUDER  
16 ®, CLINIQUE®, LA MER®, LE LABO® and TOM FORD® (the “ELC Brands”),  
17 ELC designs, manufactures, markets, and sells high-quality skin care, makeup,  
18 fragrance, and hair care products and serves as a steward of consumer-beloved luxury  
19 and prestige brands globally.

20 **1. The ESTÉE LAUDER ® Brand**

21 17. Estée Lauder Inc. owns, manages, enforces, licenses and maintains the  
22 intellectual property, including trademarks and copyrights, used in connection with the  
23 operation of the ESTÉE LAUDER brand (hereinafter referred to as “Estée Lauder”).  
24 Founded in 1946 by Mrs. Estée Lauder, one of the world’s first female entrepreneurs,  
25 the Estée Lauder brand continues her legacy of creating innovative, sophisticated, high-  
26 performance skin care and makeup products and iconic fragrances. One of the largest  
27 cosmetic brands in the world, Estée Lauder continues to be at the forefront of the beauty  
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1 industry, engaging consumers in over 150 countries and territories around the world and  
2 at a variety of touchpoints, in stores and online.

3 18. With over 40 years of expertise in night science and over 30 years of  
4 collagen research, Estée Lauder is known for its advanced skincare solutions, including  
5 anti-aging products and treatments that cater to a broad range of skin types and  
6 concerns.

7 19. Over the last 70 years, Estée Lauder has produced some of the most iconic  
8 skincare and make-up products, such as the Advanced Night Repair Synchronized  
9 Recovery Complex, Re-Nutriv Ultimate Lift Age-Correcting Creme and Pure Color.

10 20. Estée Lauder is the owner of numerous marks, including, in relevant part,  
11 the following U.S. Trademark Registrations (“Estée Lauder Marks”):

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<b>Estée Lauder Mark</b>	<b>U.S. Reg. No.</b>	<b>Reg. Date</b>	<b>Goods/Services</b>
ESTÉE LAUDER	3217192	March 13, 2007	IC 003- (Cosmetics, toilet preparations & perfumery products, namely lipsticks, lip gloss, lip liners, lip balms, lip palettes; eye shadows, eye lining pencils, liquid eye liners, eye makeup, mascara, eyebrow pencils, eye palettes, blushers, multi-use cosmetic sticks, foundation makeup, pressed powder, loose powder, makeup remover, concealers, multi-use-colored creams, powders & gels for use on face, cleansers, namely, facial cleansers & skin cleansers; exfoliators, namely, skin & facial exfoliators; moisturizers for the face & body, masks for the face & body, toners, eye

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<b>Estée Lauder Mark</b>	<b>U.S. Reg. No.</b>	<b>Reg. Date</b>	<b>Goods/Services</b>
			creams, skin cleansing wipes; non-medicated skin care creams, lotions, oils, sprays, & gels for the face & body; body firming creams, lotions, serums, & sprays for the face & body; nail polish, nail enamel; fragrances for personal use; suncare lotions, bronzers, tanning lotions, sunscreens, after sun soothers & rehydrators, namely, sun creams, lotions & gels)
ADVANCED NIGHT REPAIR	3126881	Aug. 08, 2006	IC 003- (Non-medicated skincare preparations)

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Estée Lauder Mark	U.S. Reg. No.	Reg. Date	Goods/Services
	6166738	October 06, 2020	IC 003- (Non-medicated skincare preparations)

21. Attached hereto as **Exhibit A** are true and correct copies of the trademark registrations identified in paragraph 20 of this Complaint, which are incorporated herein by reference.

**2. The LE LABO® Brand**

22. Le Labo Holding LLC owns, manages, enforces, licenses and maintains the intellectual property, including trademarks and copyrights, used in connection with the operation of the LE LABO® brand (hereinafter referred to as “Le Labo”). Le Labo was founded in the Nolita neighborhood of New York City in 2006 with creativity and craftsmanship in mind. Le Labo distinguishes itself in the fragrance world by using a “slow perfumery” approach—emphasizing the importance of hand-blending and assembling its fragrances and offering customized labels to customers.

23. Since its start in 2006, the popularity of Le Labo’s fragrances has steadily grown in the U.S. and around the world. Le Labo’s fragrances have been and remain highly coveted today by consumers as one of the most popular and recognizable symbols of luxury.

24. Le Labo’s products are the subject of significant media attention and are often singled out by industry editors. For example, Le Labo’s fragrances were highlighted by Harpers’ Bazaar this year, including the wildly popular SANTAL 33.

1 Le Labo also regularly collaborates with prominent third parties in the field of culture,  
 2 art, hospitality and fashion. For example, in 2010, Le Labo created its fragrance CADE  
 3 26 for the famous Gramercy Park Hotel in New York City, and more recently  
 4 collaborated with The Met and launched a co-branded LAURIER 62 candle inspired by  
 5 a Henri-Edmond Cross Painting. Since then, the popularity of Le Labo products has  
 6 grown exponentially, with celebrities such as Taylor Swift, Joe Jonas, Sophie Turner,  
 7 and Gracie Abrams among a myriad of others reportedly wearing its fragrances.  
 8 Beyoncé was shown burning two Le Labo candles in her 2016 visual album *Lemonade*.

9 25. The worldwide recognition as a luxury brand and the overwhelming  
 10 popularity of its products is due to Le Labo’s continuous commitment to quality and  
 11 excellence. Today, Le Labo is widely available and sold to consumers in every state,  
 12 including California, through its website [www.lelabofragrances.com](http://www.lelabofragrances.com), free-standing Le  
 13 Labo stores, and luxury department stores such as Saks Fifth Avenue, Bloomingdales,  
 14 and Nordstrom, both online and at their brick and mortar locations. Le Labo products  
 15 are sold in more than 70 countries in more than 600 retail locations globally.

16 26. Le Labo is the owner of numerous marks, including, in relevant part, the  
 17 following U.S. federal trademark registrations (collectively, the “Le Labo Marks”):

Le Labo Mark	U.S. Reg. No.	Reg. Date	Goods/Services
LE LABO	4659463	Dec. 23, 2014	IC 003- (perfumes, aftershaves, and colognes); IC 004 (scented candles)

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Le Labo Mark	U.S. Reg. No.	Reg. Date	Goods/Services
LE LABO	4659715	Dec. 23, 2014	IC 003- (fragrances, hair care preparations, non-medicated skin care preparations, non medicated bath care preparations, non-medicated bath care preparations, scented room sprays, soaps and detergents); IC 35 (online retail store services featuring fragrances, perfumes, aftershaves, and colognes, non-medicated skin care preparations, non-medicated bath care preparations, hair care preparations, candles, soaps and detergents, and scented room sprays; Retail store services featuring fragrances, perfumes, aftershaves, and colognes, non-medicated skin care preparations, non-medicated bath care preparations, hair care preparations, candles, soaps and detergents, and scented room sprays)

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Le Labo Mark	U.S. Reg. No.	Reg. Date	Goods/Services
	7303674	Feb. 13, 2024	IC 003- (fragrances, hair care preparations, non medicated skin case preparations, non medicated toiletry preparations); IC 004 (candles); IC 35 (online retail store services featuring fragrances, perfumes, aftershaves, and colognes, non-medicated skin care preparations, non-medicated bath care preparations, hair care preparations, candles, soaps and detergents, and scented room sprays; Retail store services featuring fragrances, perfumes, aftershaves, and colognes, non-medicated skin care preparations, non-medicated bath care preparations, hair care preparations, candles, soaps and detergents, and scented room sprays)
SANTAL 33	6806693	Aug. 02, 2022	IC 003- (Fragrances; Laundry detergent; Non-medicated skin care preparations; Non-medicated toiletry preparations)



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La Mer Mark	U.S. Reg. No.	Reg. Date	Goods/Services
LA MER	1339888	June 11, 1985	IC 003- (Cosmetics- namely, skin crème & skin moisturizer)
LA MER	2276149	September 7, 1999	IC 003- (Cosmetics, namely, skin care preparations, skin cleansing lotion, skin cleansing gel, skin tonic, skin moisturizing cream & lotion)
	3440482	June 3, 2008	IC 003- (Cosmetics; Non medicated skin care preparations)
LA MER	3637492	June 16, 2009	IC 003- (Non-medicated skin care preparations; cosmetics; body & beauty care cosmetics); IC 035- (retail store services featuring personal care products, cosmetics, toiletries, bath & body products, skin care products, & beauty treatments; online retail store)

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La Mer Mark	U.S. Reg. No.	Reg. Date	Goods/Services
			services featuring personal care products, cosmetics, toiletries, bath & body products, skin care products, & beauty treatments); IC 044- (Beauty consultation in the field of selection & use of cosmetics, toiletries, bath & body products, skin care products, beauty treatments & personal appearance; skin care salons; providing information regarding the selection & use of cosmetics, toiletries, skin care products, bath & body products, beauty treatments & personal appearance; providing services relating to skin care, namely facials
CREME DE LA MER	2751557	August 19, 2003	IC 003- (Cosmetics, namely, skin care preparations, skin moisturizing cream & lotion)

32. Attached hereto as **Exhibit C** are true and correct copies of the trademark registrations identified in paragraph 31 of this Complaint, which are incorporated herein by reference.

**4. The CLINIQUE® Brand**

33. Clinique Laboratories, LLC owns, manages, enforces, licenses and maintains the intellectual property, including trademarks and copyrights, used in

1 connection with the operation of the CLINIQUE® brand (hereinafter referred to as  
2 “Clinique”). Clinique brand was started in 1968 when a beauty editor collaborated with  
3 a leading dermatologist, inspired by the idea of creating great skin through a simple,  
4 effective routine. Clinique skincare products are dermatologist-developed, allergy-  
5 tested, and fragrance-free. Clinique also manufactures fragrances and cosmetics,  
6 including the wildly popular BLACK HONEY lipstick shade.

7 34. Today, Clinique is one of the most popular skincare and cosmetics brands  
8 in the world, and has been endorsed by many A-list celebrities and is routinely  
9 mentioned in famous publications such as *Vogue*, *Harper’s Bazaar*, and *Marie Claire*.

10 35. Clinique products are the subject of significant media attention and are  
11 often singled out by fashion editors as being among the top skincare and makeup  
12 products, as well as being among the top skincare and beauty products. For example,  
13 Clinique's BLACK HONEY products have received several awards, including the CEW  
14 “Iconic Beauty Award” and Allure Best of Beauty Award in 2023 and more recently,  
15 TODAY Beauty Award in 2024. These awards highlight the enduring popularity and  
16 cult status of Clinique’s products. Additionally, Clinique’s breakthrough research  
17 showcasing the powerful efficacy of its CLINIQUE SMART serums recently served as  
18 the basis for a paper published in the *Journal of Cosmetic Dermatology*. Clinique’s  
19 DRAMATICALLY DIFFERENT MOISTURIZING LOTION+ is another best-selling  
20 product, with one being sold every 7.5 seconds globally. The worldwide recognition as  
21 a luxury brand and the overwhelming popularity of its products is due to Clinique’s  
22 continuous commitment to quality and excellence.

23 36. Today, Clinique products are sold in over 105 countries and in more than  
24 2,000 locations in the United States. Clinique offers more than 500 different product  
25 SKUs under the CLINIQUE® house mark in the United States. ranging from medicated  
26 and non-medicated skincare to makeup, to fragrance, to sun and body care, to men’s  
27 care. Additionally, there are more than 1,048 Clinique consultants working in the  
28 United States. Clinique also enjoys a strong social media presence and following, with

over 3.5M followers on Instagram alone. In the United States, Clinique products are sold nationwide through its website [www.clinique.com](http://www.clinique.com), in addition to luxury department stores such as Saks Fifth Avenue and Nordstrom, and luxury beauty stores such as Sephora and Bluemercury, both online and at their brick and mortar locations.

37. Clinique is the owner of numerous marks, including, in relevant part, the following U.S. federal trademark registrations (collectively, the “Clinique Marks”):

Clinique Mark	U.S. Reg. No.	Reg. Date	Goods/Services
 <p>C CLINIQUE &amp; DESIGN</p>	6216106	December 8, 2020	IC 03: (Cosmetics; Non-medicated skin care preparations; Non-medicated toiletry preparations)
 <p>C CLINIQUE</p>	4209127	September 18, 2012	IC 03: (Cosmetics; Non-medicated skin care preparations; Non-medicated sun care preparations)
 <p>C DEVICE</p>	2178066	August 4, 1998	IC 03: (Cosmetic creams, lotions and oils, namely: skin cleansing creams, lotions, masks and oils; skin moisturizing lotions and creams; makeup, namely, face powder, foundation makeup bases; rouges, blushers, eye shadow;

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Clinique Mark	U.S. Reg. No.	Reg. Date	Goods/Services
			makeup removers; skin exfoliating creams)
CLINIQUE	1626589	December 11, 1990	IC 03: (Cosmetics - namely, cleansers, moisturizers, face tonics, face masks, face powder, foundation, blushers, mascara, eyeshadow, eyeliner, eyemakeup remover, lipstick, lip pencil, nail enamel, nail treatment, sun block, after sun balm, hair spray, deodorants)
 CLINIQUE & C DEVICE	0892987	June 16, 1970	IC (03: Cosmetic creams, lotions and oils - namely, cleansing creams, lotions and oils; moisturizing lotions and creams; make-up namely, face powder, foundation make-up bases; rouges; eye make-up preparations- namely, mascara, eye liner, eye shadow, eyebrow pencil)

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Clinique Mark	U.S. Reg. No.	Reg. Date	Goods/Services
 CLINIQUE GREEN	4284957	February 5, 2013	IC 03: (Cosmetics; Non-medicated skin care preparations; Non-medicated sun care preparations).
CLINIQUE SMART	4594306	August 26, 2014	IC 03: (Non-medicated skin care preparations).
SMART CLINICAL REPAIR W/CLINIQUE	6660611	March 1, 2022	IC 03: (cosmetics and non-medicated skin care preparations)
SMART CLINICAL W/CLINIQUE	5985339	February 11, 2020	IC 03: (cosmetics and non-medicated skin care preparations)

38. Attached hereto as **Exhibit D** are true and correct copies of the trademark registrations identified in paragraph 37 of this Complaint, which are incorporated herein by reference.

**5. The AVEDA® Brand**

39. Aveda Corporation owns, manages, enforces, licenses and maintains the intellectual property, including trademarks and copyrights, used in connection with the operation of the AVEDA® brand (hereinafter referred to as “Aveda”). Aveda is a leading high-performance, plant-based hair and skin care brand, trusted by millions of guests and thousands of artists and salons around the world. Aveda was created in 1978 after founder Horst Rechelbacher was introduced to the science of Ayurveda on a trip

1 to India. Aveda’s first product was a clove shampoo that Rechelbacher formulated in  
2 his kitchen sink with help from Ayurvedic doctors. ELC acquired Aveda (or its  
3 predecessor in interest) in 1997.

4 40. Today Aveda offers a wide range of haircare, skin and body care products,  
5 perfume, candles, and related beauty products and services used in over 8,000 trusted  
6 salons and spas worldwide. Through its Aveda Institutes, Aveda provides  
7 comprehensive beauty education and training, empowering students to achieve  
8 fulfilling careers in cosmetology while also promoting environmental responsibility and  
9 social well-being through plant-based, cruelty-free products and giving back to the  
10 community.

11 41. Aveda is a certified B Corp, meaning that it meets high standards of  
12 environmental performance and transparency. Aveda is also Leaping Bunny certified,  
13 meaning that its products, raw ingredients, or components were not tested on animals  
14 during any stage of product development. In fact, all Aveda products have been cruelty-  
15 free since the brand’s inception in 1978.

16 42. Aveda places a strong emphasis on environmental responsibility. Since  
17 1989, Aveda has been a signatory to the Ceres Principles, and it was the first beauty  
18 company to use 100% post-consumer recycled materials. Since 2021, all Aveda hair  
19 care, body care, makeup, and aroma products are 100% vegan.

20 43. Aveda is recognized nationwide and across the world as a luxury brand  
21 and the overwhelming popularity of its products is due to Aveda’s continuous  
22 commitment to quality, excellence, and environmental responsibility. Aveda’s products  
23 are sold nationwide through its website [www.aveda.com](http://www.aveda.com), in addition to luxury  
24 department stores such as Nordstrom, both online and at their brick-and-mortar  
25 locations, and in hair salons nationwide.

26 44. Aveda is the owner of numerous marks, including, in relevant part, the  
27 following U.S. federal trademark registration (the “Aveda Mark”):  
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Aveda Mark	U.S. Reg. No.	Reg. Date	Goods/Services
AVEDA	3326598	October 30, 2007	IC 21: (Cosmetic brushes; hair brushes)

45. A true and correct copy of the trademark registration identified in paragraph 44 of this Complaint is attached hereto as **Exhibit E** and is fully incorporated herein by reference.

**6. The TOM FORD® Brand and Private Blend Collection Trade Dress**

46. 001 Del LLC owns, manages, enforces, licenses and maintains the intellectual property, including trademarks and copyrights, used in connection with the operation of the TOM FORD® brand (hereinafter referred to as “Tom Ford”). Tom Ford is a global luxury fashion house offering exceptional women’s and men’s fashion, accessories, eyewear, and beauty products. Tom Ford originally launched in 2005 with fragrance and eyewear, and today is known around the world for its refined elegance.

47. Tom Ford’s first fragrance, Black Orchid, launched on November 2, 2006 at the Saks Fifth Avenue flagship store with many high-profile celebrities in attendance.

48. In 2007, Tom Ford launched the Private Blend fragrance collection, which now includes twenty-three fragrances. Lost Cherry, one of the Private Blend fragrances, won the *Allure* Best of Beauty Award in 2021. The Private Blend fragrance collection, markets and features the design elements protected under the “Private Blend Collection Trade Dress.” The Private Blend Collection Trade Dress is unique and comprised of the following non-functional elements:

- a. A rectangular-like bottle shape with defined corners;
- b. A flared bottle neck with a flared lid;
- c. A cap design with a flat square top that connects to a tapered column with concave sides (which forms the neck of the bottle);

- 1 d. The cap of the bottle connects to the base of the bottle about two-
- 2 thirds of the way down the tapered column;
- 3 e. A monochrome color scheme between the bottle, lid, and fragrance
- 4 that evokes the scent of the fragrance;
- 5 f. A rectangular plaque, featuring the name of the fragrance in a
- 6 capitalized block typeface.
- 7 g. Each of the Private Blend fragrances feature these unique and
- 8 distinctive elements. Though the Private Blend fragrances all clearly
- 9 embody the Private Blend Collection Trade Dress, they are readily
- 10 distinguishable from each other, because an element of the Private
- 11 Blend Collection Trade Dress is that each fragrance has its own
- 12 distinctive color scheme that evokes the scent of the fragrance. For
- 13 example:
  - 14 i. The “Rose Prick” fragrance is in a matte, soft pink bottle, with
  - 15 the Private Blend plaque in black, with white lettering;
  - 16 ii. The “Electric Cherry” fragrance itself is red, in a red-tinted
  - 17 glass bottle with red components (such as the atomizer). The
  - 18 Private Blend plaque is in a complimentary light pink, with
  - 19 cut out lettering;
  - 20 iii. The “Fucking Fabulous” fragrance is in a black matte bottle,
  - 21 and the Private Blend plaque is black with black lettering;
  - 22 iv. The “Tobacco Vanille” fragrance is in a dark brown glass
  - 23 bottle, with the Private Blend plaque in gold, and cut out
  - 24 lettering;
  - 25 v. The “Bitter Peach” fragrance itself is orange, in an orange-
  - 26 tinted glass bottle with orange components (such as the
  - 27 atomizer). The Private Blend plaque is in a complimentary
  - 28 lighter orange, with cut out lettering.

1           49. The Private Blend Collection Trade Dress, which is a composite of the above-  
2 referenced features, is non-functional in its entirety, visually distinctive, and unique in  
3 the fragrance industry, examples of its distinctive appearance as a whole are shown in  
4 the photographs below:



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14           50. The design of the Private Blend Collection Trade Dress is neither essential to  
15 its use or purpose, nor does it affect the cost or quality of the fragrance. There are  
16 numerous other designs available that are equally feasible and efficient, none of which  
17 necessitate copying or imitating the Private Blend Collection Trade Dress. The  
18 combination of features comprising the Private Blend Collection Trade Dress provides  
19 no cost advantages to the manufacturer or utilitarian advantages to the consumer. These  
20 features, in combination, serve only to render the Private Blend fragrances, the  
21 embodiment of the Private Blend Collection Trade Dress, as a distinct product  
22 originating solely from Tom Ford.

23           51. The Private Blend fragrance line, the embodiment of the Private Blend  
24 Collection Trade Dress, is one of the most well-recognized and commercially successful  
25 fragrance lines, having been featured in many of Tom Ford's advertising and  
26 promotional materials as well as in various fashion and lifestyle publications. The  
27 Private Blend fragrances have received a large volume of unsolicited media attention.

28           52. The worldwide recognition as a luxury brand and the overwhelming

1 popularity of the Tom Ford brand and Private Blend fragrances is due to Tom Ford’s  
2 continuous commitment to quality and excellence, and the significant time, effort, and  
3 money Tom Ford has spent in designing, developing, advertising, and promoting the  
4 TOM FORD® brand and fragrances embodying the Private Blend Collection Trade  
5 Dress.

6 53. Due to its long use, extensive sales, and significant advertising and  
7 promotional activities, the Private Blend Collection Trade Dress has achieved  
8 widespread acceptance and recognition among the consuming public and trade  
9 throughout the United States and the world. Accordingly, the Private Blend Collection  
10 Trade Dress has achieved a high degree of consumer recognition and secondary  
11 meaning, which serves to identify Tom Ford as the exclusive source of fragrances  
12 embodying said trade dress.

13 54. Tom Ford is also the owner of numerous marks, including, in relevant part,  
14 the following U.S. federal trademark registration (the “Tom Ford Mark”):

Tom Ford Mark	U.S. Reg. No.	Reg. Date	Goods/Services
TOM FORD	3127260	August 8, 2006	IC 003- perfume, eau de parfum, eau de toilette and cologne

19  
20 55. A true and correct copy of the trademark registration identified in  
21 paragraph 54 of this Complaint is attached hereto as **Exhibit F** and is fully incorporated  
22 herein by reference.

23 56. Tom Ford fragrances, including the Private Blend collection fragrances,  
24 are sold nationwide through the website [www.tomfordbeauty.com](http://www.tomfordbeauty.com), in Tom Ford free-  
25 standing stores, and luxury department and beauty stores such as Saks Fifth Avenue,  
26 Nordstrom, and Sephora.

27 **7. The ELC Trademarks**

1           57. The Estée Lauder, Le Labo, La Mer, Clinique, Aveda, and Tom Ford Marks  
2 are collectively referred to herein as “the ELC Trademarks.”

3           58. Plaintiffs have devoted substantial time, effort, and money to designing,  
4 developing, advertising, promoting, and marketing their products, and spends millions  
5 of dollars per year on advertising, promoting, and marketing the ESTÉE LAUDER®,  
6 LE LABO®, LA MER®, CLINIQUE®, AVEDA® and TOM FORD® brands.  
7 Plaintiffs advertise throughout the world, from social media to select high-end and  
8 artistic magazines. As a result of these efforts, ELC’s global net sales exceeded \$14  
9 billion in fiscal year 2025.

10           59. Registrations for the ELC Trademarks are valid, subsisting, and many are  
11 incontestable. Plaintiffs were able to obtain trademark registrations for the ELC  
12 Trademarks without proof of secondary meaning and thus they are inherently  
13 distinctive. Through longstanding use, advertising, and registration, the ELC  
14 Trademarks have achieved a high degree of consumer recognition in the United States  
15 and the world over and constitute famous marks.

16           60. Plaintiffs have continuously used the ELC Trademarks in interstate  
17 commerce in connection with the sale, distribution, promotion, and advertising of their  
18 goods. Accordingly, some of the ELC Trademarks have been used as a source identifier  
19 on various goods for more than 40 years.

20           61. The ELC Trademarks have come to identify, in the United States and  
21 throughout the world, high quality fragrances, beauty, and personal care products,  
22 designed and manufactured by the Plaintiffs. In turn, consumers have come to identify  
23 the ELC Trademarks as being associated with and originating from the Plaintiffs.

24           62. Due to Plaintiffs’ long use, extensive sales, and significant advertising and  
25 promotional activities, the ELC Trademarks have achieved widespread acceptance and  
26 recognition amongst the consuming public and trade throughout the United States.

27           63. Plaintiffs have achieved such fame as to be copied by others without  
28 authorization, including Defendants, as is the case with many other luxury brands.

1                   **B. Defendants’ Infringing Conduct**

2                   64. The present lawsuit arises from Defendants’ manufacture, production,  
3 marketing, distribution, advertisement, offering for sale, and/or sale in the U.S. of  
4 certain skincare and fragrance products that bear marks that are identical with,  
5 substantially indistinguishable from, or confusingly similar to one or more of the ELC  
6 Trademarks and Private Blend Collection Trade Dress (the “Accused Products”).

7                   65. Upon information and belief, Defendants are engaged in the retail sale of  
8 various products, including skincare, cosmetics, and fragrances nationally and  
9 worldwide. Defendants’ products reach consumers through its brick-and-mortar stores  
10 nationwide and via its website ([www.walmart.com](http://www.walmart.com)), including to consumers within this  
11 District.

12                   66. Upon information and belief, Defendants promote, offer for sale, and sell  
13 products, including the Accused Products, through its e-commerce platform on  
14 [www.walmart.com](http://www.walmart.com). Defendants published listings on Walmart.com using the ELC  
15 Trademarks in its search engine optimization tools to drive traffic to the Accused  
16 Products. Accordingly, Defendants displayed, promoted, and advertised the Accused  
17 Products for sale on [www.walmart.com](http://www.walmart.com).

18                   67. Plaintiffs are informed and believe, and thereon allege that a person shopping  
19 on Walmart.com would have reasonably believed that Walmart, and not third-party  
20 sellers, was the seller with title or possession of the Accused Product who could have  
21 entered into a contract to transfer title or possession.

22                   68. Indeed, in Vans v. Walmart, Case No. 21-CV-01876-DOC, 2023 WL  
23 6922833 (C.D. Cal. Oct. 11, 2023), the court held:

24                   “Here too, a reasonable consumer may believe that TT/DM's shoes sold on  
25 Walmart.com are sold by Walmart, not TT/DM. TT/DM's listings are on  
26 Walmart.com. PSUF # 105. TT/DM's listings were displayed right next to  
27 Walmart's wholesale shoes. Id. # 105. When customers purchased TT/DM shoes,  
28 they used the Walmart.com checkout system. Id. # 105. If a customer is

1           unsatisfied with TT/DM's shoes, they would submit a complaint through  
2           Walmart.com, and Walmart would resolve the issue if TT/DM did not do so in a  
3           timely fashion. Id. # 108. Although listings for products sold directly by Walmart  
4           specify that the item is “sold and shipped by Walmart,” DRPFD # 105, the record  
5           does not indicate the size or prominence of that statement. Additionally, TT/DM's  
6           listings on the Walmart website do not explicitly state that the order will be filled  
7           a third party. Thus, a reasonable person may believe that Walmart, not TT/DM,  
8           offered to sell TT/DM's allegedly infringing shoes listed on Walmart.com.”

9           69. Plaintiffs are informed and believe that Walmart has not materially changed  
10          its website since this ruling.

11          70. Upon information and belief, Defendants promote the reputation and  
12          professionalism of retailers who – with Defendants’ support and authorization – sell  
13          through Defendants’ e-commerce channel. Defendants’ website states that they  
14          “select[s]” and “partner[s]” with their Marketplace sellers, looking at the seller’s  
15          catalog, operations, and other business information to “ensure they can give the same  
16          high-quality experiences to all our Walmart.com customers.” Defendants also state that  
17          they regularly review seller performance. Pursuant to Defendants’ stated practices,  
18          Defendants permitted and selected the sellers of the Accused Products to sell products  
19          that infringe upon the ELC Trademarks.

20          71. Upon information and belief, when consumers purchase a product from the  
21          Marketplace, aka Defendants’ e-commerce channel on [www.walmart.com](http://www.walmart.com), Defendants  
22          are in control of the payment and checkout process, customer service issues, and handles  
23          returns of a product purchased from the Marketplace, including permitting the consumer  
24          to return the product to a Walmart store. Accordingly, a consumer using Defendants’  
25          Marketplace and purchasing the Accused Products would reasonably believe that  
26          Defendants were the seller of the Accused Products and/or had a contract with the third-  
27          party seller of the Accused Products such that Walmart was authorized to sell the same.  
28          Further, through Defendants’ partnership with its sellers, including those who sold the

1 Accused Products, Defendants provide a level of involvement, support, promotion,  
2 advertising, warehousing, fulfillment, returns, and pricing that situates Defendants as  
3 the seller of the Accused Products, and the primary beneficiary of the infringement.

4 72. Upon information and belief, Defendants receive a portion of the profits  
5 generated from their partners' product listings on the Marketplace website and receive  
6 substantial profits from fulfillment fees that eCommerce sellers use on  
7 [www.walmart.com](http://www.walmart.com).

8 73. Upon information and belief, Defendants do very little to ensure that only  
9 authorized and authentic products are available on [www.walmart.com](http://www.walmart.com). This is readily  
10 apparent given the Accused Products were permitted to be sold on Defendants' website  
11 despite their stated careful selection process in who they choose as a Marketplace  
12 seller/partner. Accordingly, Defendants know or had reason to know that the sellers  
13 they partnered with and "regularly review[ed]" were selling products which infringe  
14 upon the Estée Lauder Marks, i.e., the Accused Products. Defendants know or had  
15 reason to know that Defendants promoted, advertised, displayed, offered for sale,  
16 and/or sold products which infringe upon the ELC Trademarks, including the Accused  
17 Products.

18 74. Upon information and belief, Defendants manufactured, distributed, offered  
19 for sale, sold, and shipped the Accused Products to consumers in this judicial district.

20 75. Plaintiffs have not granted a license or given Defendants any form of  
21 permission to use intellectual property belonging to Plaintiffs, including the ELC T  
22 trademarks and Private Blend Collection Trade Dress, in any way. Plaintiffs  
23 purchased some of the Accused Products and inspected and/or tested all of the  
24 Accused Products and confirmed the Accused Products did not originate from the  
25 Plaintiffs. Defendants used the ELC Trademarks on the Accused Products without  
26 Plaintiffs' permission.

27 **1. Defendant's Infringement of the Estée Lauder Marks**

1           76. Plaintiffs are informed, believe, and thereon allege that Defendant imported  
2 into the U.S., advertised, marketed, offered for sale, and/or sold at least the Accused  
3 Products identified below (the “Estée Lauder Accused Products”) through Walmart’s  
4 website ([www.walmart.com](http://www.walmart.com)) to consumers nationwide, including consumers located  
5 within this judicial district. Exemplars of the Estée Lauder Accused Products below:



19           77. The Estée Lauder Accused Products are not genuine Estée Lauder products.

20           78. The Estée Lauder Accused Products that Defendants sold and shipped to  
21 various consumers within this District are very likely to cause confusion for consumers,  
22 including Plaintiffs’ customers, who, at the time of initial interest, sale, and/or in the  
23 post-sale setting are led to believe that the Estée Lauder Accused Products are genuine  
24 goods originating from, associated with, and/or approved by Estée Lauder due to the  
25 marks being identical, substantially indistinguishable, or confusingly similar to the  
26 Estée Lauder Marks.

27           79. Upon information and belief, Defendants’ unlawful acts have misled and  
28 confused, and were intended to cause confusion, or to cause mistake, or to deceive as

1 to the origin, affiliation, or association of the Estée Lauder Accused Products with Estée  
2 Lauder, and the sponsorship or approval of the Estée Lauder Accused Products by Estée  
3 Lauder.

4 **2. Defendant’s Infringement of the Le Labo Marks.**

5 80. Plaintiffs are informed, believe, and thereon allege that Defendant  
6 imported into the U.S., advertised, marketed, offered for sale, and/or sold at least the  
7 Accused Products identified below (the “Le Labo Accused Products”) through  
8 Walmart’s website ([www.walmart.com](http://www.walmart.com)) to consumers nationwide, including  
9 consumers located within this judicial district. Exemplars of the Le Labo Accused  
10 Products below:



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26 81. The Le Labo Accused Products are not genuine Le Labo products.

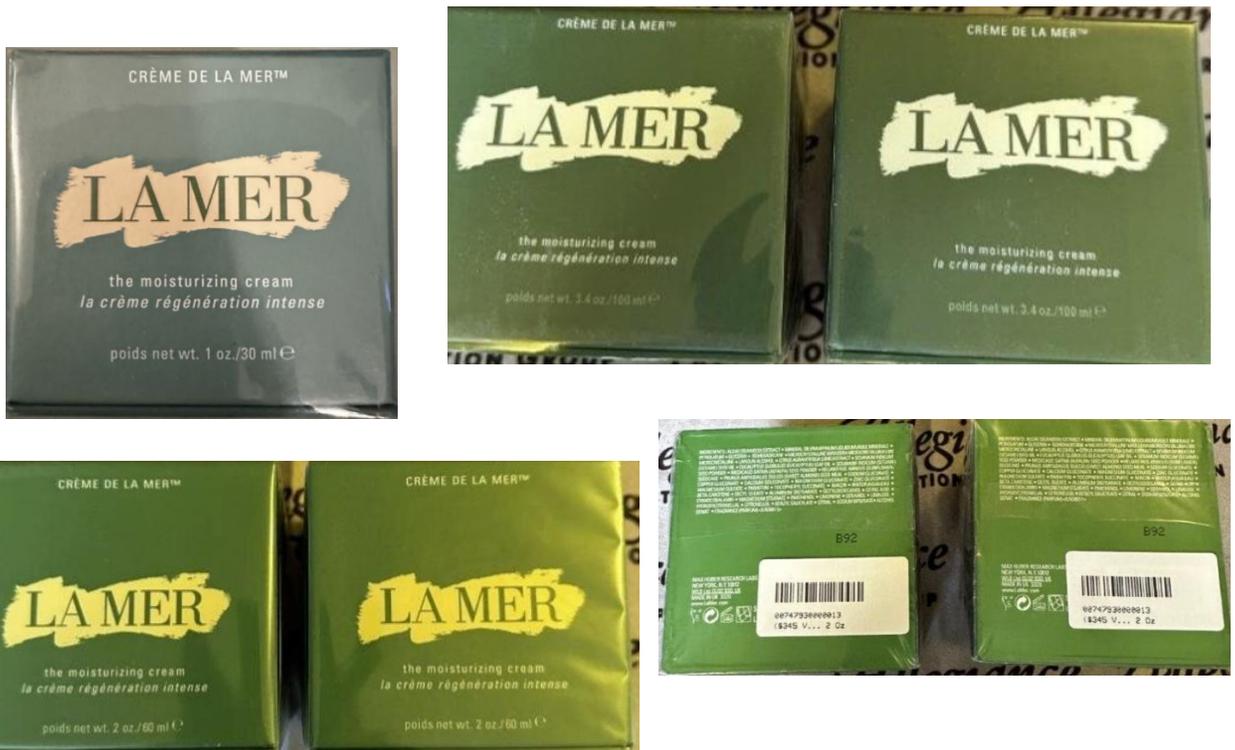
27 82. The Le Labo Accused Products that Defendants sold and shipped to various  
28 consumers within this District are very likely to cause confusion for consumers,

1 including Plaintiffs’ customers, who, at the time of initial interest, sale, and/or in the  
2 post-sale setting are led to believe that the Le Labo Accused Products are genuine  
3 goods originating from, associated with, and/or approved by Le Labo due to the marks  
4 being identical, substantially indistinguishable, or confusingly similar to the Le Labo  
5 Marks.

6 83. Upon information and belief, Defendants’ unlawful acts have misled and  
7 confused, and were intended to cause confusion, or to cause mistake, or to deceive as  
8 to the origin, affiliation, or association of the Le Labo Accused Products with Le Labo,  
9 and the sponsorship or approval of the Le Labo Accused Products by Le Labo.

10 **3. Defendant’s Infringement of the La Mer Marks.**

11 84. Plaintiffs are informed, believe, and thereon allege that Defendant imported  
12 into the U.S., advertised, marketed, offered for sale, and/or sold at least the Accused  
13 Products identified below (the “La Mer Accused Products”) through Walmart’s website  
14 ([www.walmart.com](http://www.walmart.com)) to consumers nationwide, including consumers located within this  
15 judicial district. Exemplars of the La Mer Accused Products below:



1 85. The La Mer Accused Products are not genuine La Mer products.

2 86. The La Mer Accused Products that Defendants sold and shipped to various  
3 consumers within this District are very likely to cause confusion for consumers,  
4 including Plaintiffs’ customers, who, at the time of initial interest, sale, and/or in the  
5 post-sale setting are led to believe that the La Mer Accused Products are genuine goods  
6 originating from, associated with, and/or approved by La Mer due to the marks being  
7 identical, substantially indistinguishable, or confusingly similar to the La Mer Marks.

8 87. Upon information and belief, Defendants’ unlawful acts have misled and  
9 confused, and were intended to cause confusion, or to cause mistake, or to deceive as  
10 to the origin, affiliation, or association of the La Mer Accused Products with La Mer,  
11 and the sponsorship or approval of the La Mer Accused Products by La Mer.

12 **4. Defendant’s Infringement of the Clinique Marks.**

13 88. Plaintiffs are informed, believe, and thereon allege that Defendant imported  
14 into the U.S., advertised, marketed, offered for sale, and/or sold at least the Accused  
15 Products identified below (the “Clinique Accused Products”) through Walmart’s  
16 website ([www.walmart.com](http://www.walmart.com)) to consumers nationwide, including consumers located  
17 within this judicial district. Exemplars of the Clinique Accused Products below:



1 89. The Clinique Accused Products are not genuine Clinique products.

2 90. The Clinique Accused Products that Defendants sold and shipped to various  
3 consumers within this District are very likely to cause confusion for consumers,  
4 including Plaintiffs' customers, who, at the time of initial interest, sale, and/or in the  
5 post-sale setting are led to believe that the Clinique Accused Products are genuine  
6 goods originating from, associated with, and/or approved by Clinique due to the marks  
7 being identical, substantially indistinguishable, or confusingly similar to the Clinique  
8 Marks.

9 91. Upon information and belief, Defendants' unlawful acts have misled and  
10 confused, and were intended to cause confusion, or to cause mistake, or to deceive as  
11 to the origin, affiliation, or association of the Clinique Accused Products with Clinique,  
12 and the sponsorship or approval of the Clinique Accused Products by Clinique.

13 **5. Defendant's Infringement of the AVEDA® Mark**

14 92. Plaintiffs are informed, believe, and thereon allege that Defendant imported  
15 into the U.S., advertised, marketed, offered for sale, and/or sold at least the Accused  
16 Products identified below (the "Aveda Accused Products") through Walmart's website  
17 ([www.walmart.com](http://www.walmart.com)) to consumers nationwide, including consumers located within this  
18 judicial district. Exemplars of the Aveda Accused Products below:



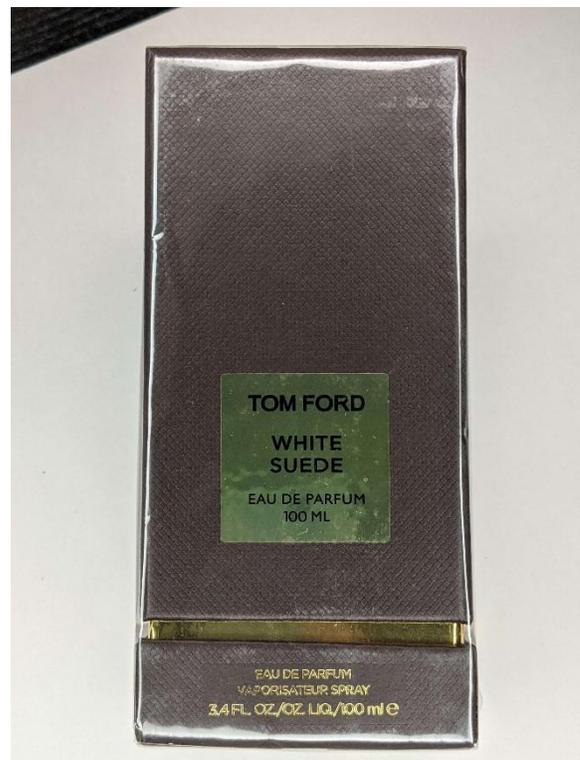
27 93. The Aveda Accused Products are not genuine Aveda products.  
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1 94. The Aveda Accused Products that Defendants sold and shipped to various  
2 consumers within this District are very likely to cause confusion for consumers,  
3 including Plaintiffs' customers, who, at the time of initial interest, sale, and/or in the  
4 post-sale setting are led to believe that the Aveda Accused Products are genuine goods  
5 originating from, associated with, and/or approved by Aveda due to the marks being  
6 identical, substantially indistinguishable, or confusingly similar to the Aveda Marks.

7 95. Upon information and belief, Defendants' unlawful acts have misled and  
8 confused, and were intended to cause confusion, or to cause mistake, or to deceive as  
9 to the origin, affiliation, or association of the Aveda Accused Products with Aveda, and  
10 the sponsorship or approval of the Aveda Accused Products by Aveda.

11 **6. Defendant's Infringement of the Tom Ford Mark**

12 96. Plaintiffs are informed, believe, and thereon allege that Defendant imported  
13 into the U.S., advertised, marketed, offered for sale, and/or sold at least the Accused  
14 Products identified below (the "Tom Ford Accused Products") through Walmart's  
15 website ([www.walmart.com](http://www.walmart.com)) to consumers nationwide, including consumers located  
16 within this judicial district. Exemplars of the Tom Ford Accused Products below:



1 97. The Tom Ford Accused Products are not genuine Tom Ford products.

2 98. The Tom Ford Accused Products that Defendants sold and shipped to various  
3 consumers within this District are very likely to cause confusion for consumers,  
4 including Plaintiffs' customers, who, at the time of initial interest, sale, and/or in the  
5 post-sale setting are led to believe that the Tom Ford Accused Products are genuine  
6 goods originating from, associated with, and/or approved by Tom Ford due to the marks  
7 being identical, substantially indistinguishable, or confusingly similar to the Tom Ford  
8 Mark.

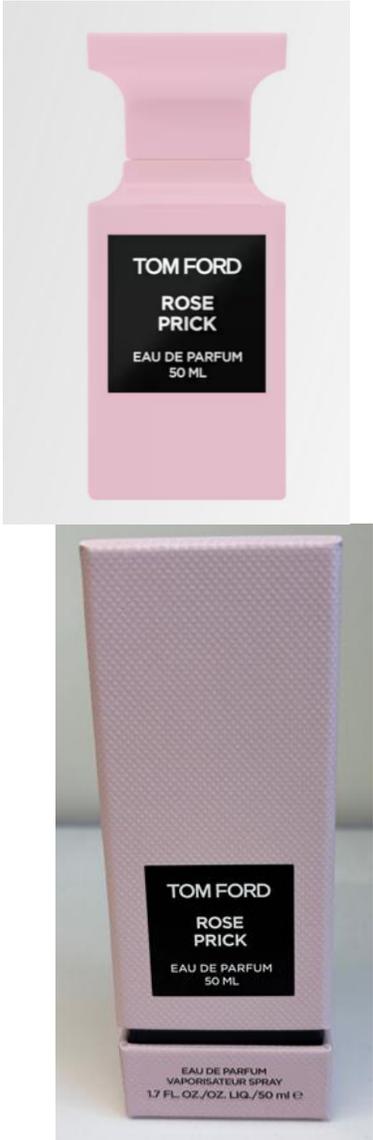
9 99. Upon information and belief, Defendants' unlawful acts have misled and  
10 confused, and were intended to cause confusion, or to cause mistake, or to deceive as  
11 to the origin, affiliation, or association of the Tom Ford Accused Products with Tom  
12 Ford, and the sponsorship or approval of the Tom Ford Accused Products by Tom Ford.

13 **7. Defendant's Infringement of the Private Blend Collection Trade Dress**

14 100. Plaintiffs are informed, believe, and thereon allege that Defendant  
15 imported into the U.S., advertised, marketed, offered for sale, and/or sold at least the  
16 Accused Products identified below (which are copycat versions of Tom Ford's "Rose  
17 Prick," "Electric Cherry," "Fucking Fabulous," "Tobacco Vanille," and "Bitter Peach"  
18 fragrances, including their distinctive color schemes - an element of the Private Blend  
19 Collection Trade Dress) (the "Private Blend Collection Accused Products") through  
20 Walmart's website ([www.walmart.com](http://www.walmart.com)) to consumers nationwide, including  
21 consumers located within this judicial district. Exemplars of the Private Blend  
22 Collection Accused Products, along with the corresponding Tom Ford Private Blend  
23 Fragrances below:

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25 **[Intentionally Left Blank]**  
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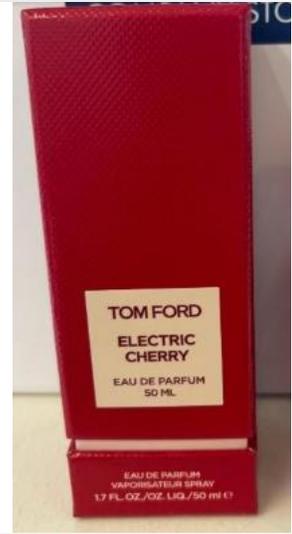
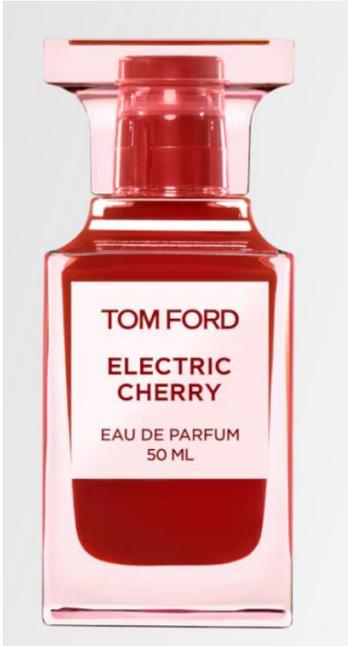
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Private Blend Collection Accused Products	Tom Ford Products
 <p>The image shows a light pink rectangular box and a matching perfume bottle for 'Picky Rose'. The box has a black label with 'PICKY ROSE' in white, bold, sans-serif font, and 'EAU DE PARFUM' below it. The bottle is a similar light pink color with a black label that reads 'PICKY ROSE' and 'EAU DE PARFUM 80ml'. Below the box, there is a smaller white label with the text: 'EAU DE PARFUM VAPORISATEUR SPRAY e 80 ml / 80%Vol. / 2.7 FL.OZ.'. A small blue link text 'Click to see full view' is positioned below the box.</p>	 <p>The image shows two views of Tom Ford 'Rose Prick' perfume. The top view is a light pink bottle with a black label that reads 'TOM FORD ROSE PRICK' and 'EAU DE PARFUM 50 ML'. The bottom view is a light pink box with a black label that reads 'TOM FORD ROSE PRICK' and 'EAU DE PARFUM 50 ML'. Below the box, there is a smaller white label with the text: 'EAU DE PARFUM VAPORISATEUR SPRAY 1.7 FL. OZ./OZ. LIQ./50 ml e'.</p>

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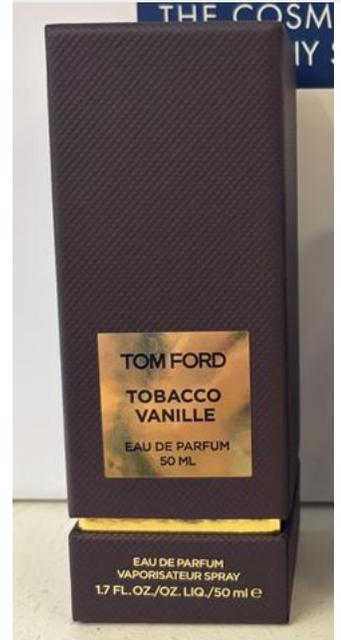
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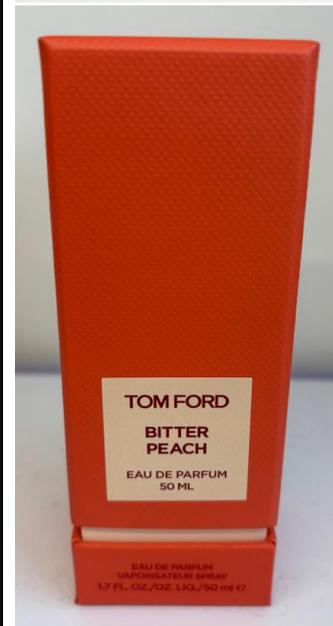
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101. The Private Blend Collection Accused Products that Defendants sold and shipped to various consumers within this District are very likely to cause confusion for consumers, including Plaintiffs' customers, who, at the time of initial interest, sale, and/or in the post-sale setting are led to believe that the Private Blend Collection

1 Accused Products are genuine goods originating from, associated with, and/or  
2 approved by Tom Ford due to the marks being identical, substantially  
3 indistinguishable, or confusingly similar to the Tom Ford Marks, including the Private  
4 Blend Collection Trade Dress.

5 102. As evidenced by the comparisons above, Defendant has directly copied the  
6 Private Blend Collection Trade Dress. Such direct copying raises a strong inference  
7 that the Private Blend Collection Trade Dress has acquired secondary meaning.

8 103. Plaintiffs are informed, believe, and thereon allege that Defendant is a  
9 competitor of Tom Ford and Defendant introduced the Private Blend Collection  
10 Accused Products into the stream of commerce to exploit Tom Ford's goodwill and the  
11 reputation of Tom Ford's Private Blend fragrances.

12 104. Upon information and belief, Defendants' unlawful acts have misled and  
13 confused, and were intended to cause confusion, or to cause mistake, or to deceive as  
14 to the origin, affiliation, or association of the Private Blend Collection Accused  
15 Products with Tom Ford, and the sponsorship or approval of the Private Blend  
16 Collection Accused Products by Tom Ford.

17 105. With regard to all of the foregoing Accused Products, Plaintiffs are  
18 informed and believe and thereon alleges that Defendant is a competitor of Plaintiffs'  
19 and Defendant introduced the Accused Products into the stream of commerce in an  
20 effort to exploit Plaintiffs' goodwill and the reputation of Plaintiffs' trademarks and the  
21 Private Blend Collection Trade Dress. Furthermore, Plaintiffs allege that that the  
22 Accused Products are deliberate copies of Plaintiffs' goods created to confuse  
23 consumers into believing that the Accused Products were authentic products, or  
24 otherwise manufactured, offered, sponsored, authorized, licensed by or otherwise  
25 connected with Plaintiffs or come from the same source as Plaintiffs' goods when they  
26 in fact do not.

**FIRST CAUSE OF ACTION**

**(Trademark Infringement Under the Lanham Act, 15 U.S.C. § 1114  
-Estée Lauder Marks)**

1  
2  
3  
4 106. Plaintiffs incorporate by reference each and every one of the preceding  
5 paragraphs as though fully set forth herein.

6 107. This is an action for trademark infringement and/or counterfeiting against  
7 Defendants under 15 U.S.C. § 1114 based on their use of counterfeit and confusingly  
8 similar imitations of the Estée Lauder Marks in commerce in connection with  
9 Defendants' promotion, distribution, manufacturing, offer for sale, sale, marketing,  
10 and/or advertising of the Estée Lauder Accused Products.

11 108. The Estée Lauder Marks are nationally recognized, including within the  
12 Central District of California, as being affixed to goods and merchandise of the highest  
13 quality, with Estée Lauder being the exclusive source of all such products.

14 109. The specific U.S. registrations to the Estée Lauder Marks identified herein  
15 are in full force and effect, and each one has been in continuous use since their  
16 respective first dates of use. Indeed, three of the U.S. registrations identified in  
17 paragraph 20, namely Reg. Nos. 3217192, 3126881, and 6166738 are incontestable by  
18 virtue of their registrations and continuous use in commerce for more than five years.

19 110. The Estée Lauder Accused Products bear counterfeit marks that are  
20 identical or substantially indistinguishable to the Estée Lauder Marks based on how the  
21 marks appear in the marketplace to a consumer. The marks on the Estée Lauder Accused  
22 Products are spurious because Estée Lauder has examined the marks and confirmed  
23 they are inauthentic. Due to the identical or substantially indistinguishable appearance  
24 of the marks compared to the Estée Lauder Marks, consumers are likely to be confused,  
25 mistaken, or deceived, as to the origin of the marks on the Estée Lauder Accused  
26 Products.

27 111. The Estée Lauder Accused Products bear marks that are confusingly  
28 similar to the Estée Lauder Marks based on how the marks appear in the marketplace to

1 a consumer such that it is likely to cause confusion, mistake, or deception as to the  
2 origin of the marks on the Estée Lauder Accused Products.

3 112. The identical or substantially indistinguishable or confusingly similar  
4 marks on the Estée Lauder Accused Products are likely to lead to and result in  
5 consumers believing that Estée Lauder produced, sponsored, authorized, licensed or is  
6 otherwise connected or affiliated with Defendants' commercial and business activities,  
7 all to the detriment of Estée Lauder.

8 113. Defendants' promotion, marketing, advertising, offering for sale, selling,  
9 manufacturing, and/or distribution of the Estée Lauder Accused Products and marks  
10 within is without Estée Lauder' permission or authority and in total disregard of Estée  
11 Lauder' rights to control its intellectual property.

12 114. Upon information and belief, Defendants' acts are deliberate and intended  
13 to confuse the public as to the source of Defendants' goods or services and to injure  
14 Estée Lauder and reap the benefit of Estée Lauder' goodwill associated with the Estée  
15 Lauder Marks.

16 115. As a direct and proximate result of Defendants' infringing conduct, Estée  
17 Lauder has been injured and will continue to suffer injury to its business and reputation  
18 unless Defendants are enjoined by this Court from advertising, selling, and offering for  
19 sale products bearing the Estée Lauder Marks that are not in fact authentic Estée  
20 Lauder® products.

21 116. Estée Lauder has no adequate remedy at law.

22 117. In light of the foregoing, Estée Lauder is entitled to injunctive relief  
23 prohibiting Defendants from using any of the Estée Lauder Marks, and/or any marks  
24 identical, substantially indistinguishable, or confusingly similar thereto, and to recover  
25 from Defendants all damages, including attorneys' fees, that Estée Lauder has sustained  
26 and will sustain as a result of such infringing acts, and all gains, profits and advantages  
27 obtained by Defendants as a result thereof, in an amount not yet known, attorneys' fees  
28

1 and treble damages, as well as the costs of this action pursuant to 15 U.S.C. § 1117(a)-  
2 (b), and/or statutory damages pursuant to 15 U.S.C § 1117(c).

3 **SECOND CAUSE OF ACTION**

4 **(Trademark Infringement Under the Lanham Act, 15 U.S.C. § 1114**  
5 **-Le Labo Marks)**

6 118. Plaintiffs incorporate by reference each and every one of the preceding  
7 paragraphs as though fully set forth herein.

8 119. This is an action for trademark infringement and/or counterfeiting against  
9 Defendants under 15 U.S.C. § 1114 based on their use of counterfeit and confusingly  
10 similar imitations of the Le Labo Marks in commerce in connection with Defendants'  
11 promotion, distribution, manufacturing, offer for sale, sale, marketing, and/or  
12 advertising of the Le Labo Accused Products.

13 120. The Le Labo Marks are nationally recognized, including within the Central  
14 District of California, as being affixed to goods and merchandise of the highest quality,  
15 with Le Labo being the exclusive source of all such products.

16 121. The specific U.S. registrations to the Le Labo Marks identified herein are  
17 in full force and effect, and each one has been in continuous use since their respective  
18 first dates of use. Indeed, two of the U.S. registrations identified in paragraph 26,  
19 namely Reg. Nos. 4659715 and 4659463 are incontestable by virtue of their  
20 registrations and continuous use in commerce for more than five years.

21 122. The Le Labo Accused Products bear counterfeit marks that are identical or  
22 substantially indistinguishable to the Le Labo Marks based on how the marks appear in  
23 the marketplace to a consumer. The marks on the Le Labo Accused Products are  
24 spurious because Le Labo has examined the marks and confirmed they are inauthentic.  
25 Due to the identical or substantially indistinguishable appearance of the marks  
26 compared to the Le Labo Marks, consumers are likely to be confused, mistaken, or  
27 deceived, as to the origin of the marks on the Le Labo Accused Products.

1           123. The Le Labo Accused Products bear marks that are confusingly similar to  
2 the Le Labo Marks based on how the marks appear in the marketplace to a consumer  
3 such that it is likely to cause confusion, mistake, or deception as to the origin of the  
4 marks on the Le Labo Accused Products.

5           124. The identical or substantially indistinguishable or confusingly similar  
6 marks on the Le Labo Accused Products are likely to lead to and result in consumers  
7 believing that Le Labo produced, sponsored, authorized, licensed or is otherwise  
8 connected or affiliated with Defendants' commercial and business activities, all to the  
9 detriment of Le Labo.

10           125. Defendants' promotion, marketing, advertising, offering for sale, selling,  
11 manufacturing, and/or distribution of the Le Labo Accused Products and marks within  
12 is without Le Labo's permission or authority and in total disregard of Le Labo's rights  
13 to control its intellectual property.

14           126. Upon information and belief, Defendants' acts are deliberate and intended  
15 to confuse the public as to the source of Defendants' goods or services and to injure Le  
16 Labo and reap the benefit of Le Labo' goodwill associated with the Le Labo Marks.

17           127. As a direct and proximate result of Defendants' infringing conduct, Le  
18 Labo has been injured and will continue to suffer injury to its business and reputation  
19 unless Defendants are enjoined by this Court from advertising, selling, and offering for  
20 sale products bearing the Le Labo Marks that are not in fact authentic Le Labo products.

21           128. Le Labo has no adequate remedy at law.

22           129. In light of the foregoing, Le Labo is entitled to injunctive relief prohibiting  
23 Defendants from using any of the Le Labo Marks, and/or any marks identical,  
24 substantially indistinguishable, or confusingly similar thereto, and to recover from  
25 Defendants all damages, including attorneys' fees, that Le Labo has sustained and will  
26 sustain as a result of such infringing acts, and all gains, profits and advantages obtained  
27 by Defendants as a result thereof, in an amount not yet known, attorneys' fees and treble  
28

1 damages, as well as the costs of this action pursuant to 15 U.S.C. § 1117(a)-(b), and/or  
2 statutory damages pursuant to 15 U.S.C § 1117(c).

3 **THIRD CAUSE OF ACTION**

4 **(Trademark Infringement Under the Lanham Act, 15 U.S.C. § 1114**  
5 **-La Mer Marks)**

6 130. Plaintiffs incorporate by reference each and every one of the preceding  
7 paragraphs as though fully set forth herein.

8 131. This is an action for trademark infringement and/or counterfeiting against  
9 Defendants under 15 U.S.C. § 1114 based on their use of counterfeit and confusingly  
10 similar imitations of the La Mer Marks in commerce, in connection with Defendants'  
11 promotion, distribution, manufacturing, offer for sale, sale, marketing, and/or  
12 advertising of the La Mer Accused Products.

13 132. The La Mer Marks are nationally recognized, including within the Central  
14 District of California, as being affixed to goods and merchandise of the highest quality,  
15 with La Mer being the exclusive source of all such products.

16 133. The specific U.S. registrations to the La Mer Marks identified herein are  
17 in full force and effect, and each one has been in continuous use since their respective  
18 first dates of use. Indeed, the U.S. registrations identified in paragraph 31 are  
19 incontestable by virtue of their registrations and continuous use in commerce for more  
20 than five years.

21 134. The La Mer Accused Products bear counterfeit marks that are identical or  
22 substantially indistinguishable to the La Mer Marks based on how the marks appear in  
23 the marketplace to a consumer. The marks on the La Mer Accused Products are  
24 spurious because La Mer has examined the marks and confirmed they are inauthentic.  
25 Due to the identical or substantially indistinguishable appearance of the marks  
26 compared to the La Mer Marks, consumers are likely to be confused, mistaken, or  
27 deceived, as to the origin of the marks on the La Mer Accused Products.

1           135. The La Mer Accused Products bear marks that are confusingly similar to  
2 the La Mer Marks based on how the marks appear in the marketplace to a consumer  
3 such that it is likely to cause confusion, mistake, or deception as to the origin of the  
4 marks on the La Mer Accused Products.

5           136. The identical or substantially indistinguishable or confusingly similar  
6 marks on the La Mer Accused Products are likely to lead to and result in consumers  
7 believing that La Mer produced, sponsored, authorized, licensed or is otherwise  
8 connected or affiliated with Defendants' commercial and business activities, all to the  
9 detriment of La Mer.

10           137. Defendants' promotion, marketing, advertising, offering for sale, selling,  
11 manufacturing, and/or distribution of the La Mer Accused Products and marks within  
12 is without La Mer' permission or authority and in total disregard of La Mer' rights to  
13 control its intellectual property.

14           138. Upon information and belief, Defendants' acts are deliberate and intended  
15 to confuse the public as to the source of Defendants' goods or services and to injure La  
16 Mer and reap the benefit of La Mer' goodwill associated with the La Mer Marks.

17           139. As a direct and proximate result of Defendants' infringing conduct, La Mer  
18 has been injured and will continue to suffer injury to its business and reputation unless  
19 Defendants are enjoined by this Court from advertising, selling, and offering for sale  
20 products bearing the La Mer Marks that are not in fact authentic LA MER® products.

21           140. La Mer has no adequate remedy at law.

22           141. In light of the foregoing, La Mer is entitled to injunctive relief prohibiting  
23 Defendants from using any of the La Mer Marks, and/or any marks identical,  
24 substantially indistinguishable, or confusingly similar thereto, and to recover from  
25 Defendants all damages, including attorneys' fees, that La Mer has sustained and will  
26 sustain as a result of such infringing acts, and all gains, profits and advantages obtained  
27 by Defendants as a result thereof, in an amount not yet known, attorneys' fees and treble  
28

1 damages, as well as the costs of this action pursuant to 15 U.S.C. § 1117(a)-(b), and/or  
2 statutory damages pursuant to 15 U.S.C § 1117(c).

3 **FOURTH CAUSE OF ACTION**

4 **(Trademark Infringement Under the Lanham Act, 15 U.S.C. § 1114**  
5 **-Clinique Marks)**

6 142. Plaintiffs incorporate by reference each and every one of the preceding  
7 paragraphs as though fully set forth herein.

8 143. This is an action for trademark infringement and/or counterfeiting against  
9 Defendants under 15 U.S.C. § 1114 based on their use of counterfeit and confusingly  
10 similar imitations of the Clinique Marks in commerce, in connection with Defendants'  
11 promotion, distribution, manufacturing, offer for sale, sale, marketing, and/or  
12 advertising of the Clinique Accused Products.

13 144. The Clinique Marks are nationally recognized, including within the  
14 Central District of California, as being affixed to goods and merchandise of the highest  
15 quality, with Clinique being the exclusive source of all such products.

16 145. The specific U.S. registrations to the Clinique Marks identified herein are  
17 in full force and effect, and each one has been in continuous use since their respective  
18 first dates of use. Indeed, seven of the U.S. registrations identified in paragraph 37,  
19 namely Reg. Nos. 4209127, 2178066, 1626589, 0892987, 4284957, 4594306, and  
20 5985339 are incontestable by virtue of their registrations and continuous use in  
21 commerce for more than five years.

22 146. The Clinique Accused Products bear counterfeit marks that are identical or  
23 substantially indistinguishable to the Clinique Marks based on how the marks appear in  
24 the marketplace to a consumer. The marks on the Clinique Accused Products are  
25 spurious because Clinique has examined the marks and confirmed they are inauthentic.  
26 Due to the identical or substantially indistinguishable appearance of the marks  
27 compared to the Clinique Marks, consumers are likely to be confused, mistaken, or  
28 deceived, as to the origin of the marks on the Clinique Accused Products.

1           147. The Clinique Accused Products bear marks that are confusingly similar to  
2 the Clinique Marks based on how the marks appear in the marketplace to a consumer  
3 such that it is likely to cause confusion, mistake, or deception as to the origin of the  
4 marks on the Clinique Accused Products.

5           148. The identical or substantially indistinguishable or confusingly similar  
6 marks on the Clinique Accused Products are likely to lead to and result in consumers  
7 believing that Clinique produced, sponsored, authorized, licensed or is otherwise  
8 connected or affiliated with Defendants' commercial and business activities, all to the  
9 detriment of Clinique.

10           149. Defendants' promotion, marketing, advertising, offering for sale, selling,  
11 manufacturing, and/or distribution of the Clinique Accused Products and marks within  
12 is without Clinique's permission or authority and in total disregard of Clinique's rights  
13 to control its intellectual property.

14           150. Upon information and belief, Defendants' acts are deliberate and intended  
15 to confuse the public as to the source of Defendants' goods or services and to injure  
16 Clinique and reap the benefit of Clinique's goodwill associated with the Clinique  
17 Marks.

18           151. As a direct and proximate result of Defendants' infringing conduct,  
19 Clinique has been injured and will continue to suffer injury to its business and reputation  
20 unless Defendants are enjoined by this Court from advertising, selling, and offering for  
21 sale products bearing the Clinique Marks that are not in fact authentic Clinique®  
22 products.

23           152. Clinique has no adequate remedy at law.

24           153. In light of the foregoing, Clinique is entitled to injunctive relief prohibiting  
25 Defendants from using any of the Clinique Marks, and/or any marks identical,  
26 substantially indistinguishable, or confusingly similar thereto, and to recover from  
27 Defendants all damages, including attorneys' fees, that Clinique has sustained and will  
28 sustain as a result of such infringing acts, and all gains, profits and advantages obtained

1 by Defendants as a result thereof, in an amount not yet known, attorneys' fees and treble  
2 damages, as well as the costs of this action pursuant to 15 U.S.C. § 1117(a)-(b), and/or  
3 statutory damages pursuant to 15 U.S.C § 1117(c).

4 **FIFTH CAUSE OF ACTION**

5 **(Trademark Infringement Under the Lanham Act, 15 U.S.C. § 1114**  
6 **-Aveda Mark)**

7 154. Plaintiffs incorporate by reference each and every one of the preceding  
8 paragraphs as though fully set forth herein.

9 155. This is an action for trademark infringement and/or counterfeiting against  
10 Defendants under 15 U.S.C. § 1114 based on their use of counterfeit and confusingly  
11 similar imitations of the Aveda Mark in commerce, in connection with Defendants'  
12 promotion, distribution, manufacturing, offer for sale, sale, marketing, and/or  
13 advertising of the Aveda Accused Products.

14 156. The Aveda Mark is nationally recognized, including within the Central  
15 District of California, as being affixed to goods and merchandise of the highest quality,  
16 with Aveda being the exclusive source of all such products.

17 157. The specific U.S. registration to the Aveda Mark identified in paragraph  
18 44 is in full force and effect, and has been in continuous use since its first date of use.  
19 Indeed, the Aveda Mark is incontestable by virtue of its registration and continuous use  
20 in commerce for more than five years.

21 158. The Aveda Accused Products bear counterfeit marks that are identical or  
22 substantially indistinguishable to the Aveda Mark based on how the marks appear in  
23 the marketplace to a consumer. The marks on the Aveda Accused Products are spurious  
24 because Aveda has examined the marks and confirmed they are inauthentic. Due to the  
25 identical or substantially indistinguishable appearance of the marks compared to the  
26 Aveda Mark, consumers are likely to be confused, mistaken, or deceived, as to the  
27 origin of the marks on the Aveda Accused Products.  
28

1           159. The Aveda Accused Products bear marks that are confusingly similar to  
2 the Aveda Mark based on how the marks appear in the marketplace to a consumer such  
3 that it is likely to cause confusion, mistake, or deception as to the origin of the marks  
4 on the Aveda Accused Products.

5           160. The identical or substantially indistinguishable or confusingly similar  
6 marks on the Aveda Accused Products are likely to lead to and result in consumers  
7 believing that Aveda produced, sponsored, authorized, licensed or is otherwise  
8 connected or affiliated with Defendants' commercial and business activities, all to the  
9 detriment of Aveda.

10           161. Defendants' promotion, marketing, advertising, offering for sale, selling,  
11 manufacturing, and/or distribution of the Aveda Accused Products and marks within is  
12 without Aveda' permission or authority and in total disregard of Aveda' rights to control  
13 its intellectual property.

14           162. Upon information and belief, Defendants' acts are deliberate and intended  
15 to confuse the public as to the source of Defendants' goods or services and to injure  
16 Aveda and reap the benefit of Aveda' goodwill associated with the Aveda Mark.

17           163. As a direct and proximate result of Defendants' infringing conduct, Aveda  
18 has been injured and will continue to suffer injury to its business and reputation unless  
19 Defendants are enjoined by this Court from advertising, selling, and offering for sale  
20 products bearing the Aveda Mark that are not in fact authentic AVEDA® products.

21           164. Aveda has no adequate remedy at law.

22           165. In light of the foregoing, Aveda is entitled to injunctive relief prohibiting  
23 Defendants from using any of the Aveda Mark, and/or any marks identical, substantially  
24 indistinguishable, or confusingly similar thereto, and to recover from Defendants all  
25 damages, including attorneys' fees, that Aveda has sustained and will sustain as a result  
26 of such infringing acts, and all gains, profits and advantages obtained by Defendants as  
27 a result thereof, in an amount not yet known, attorneys' fees and treble damages, as well  
28

1 as the costs of this action pursuant to 15 U.S.C. § 1117(a)-(b), and/or statutory damages  
2 pursuant to 15 U.S.C § 1117(c).

3 **SIXTH CAUSE OF ACTION**

4 **(Trademark Infringement Under the Lanham Act, 15 U.S.C. § 1114**

5 **-Tom Ford Mark)**

6 166. Plaintiffs incorporate by reference each and every one of the preceding  
7 paragraphs as though fully set forth herein.

8 167. This is an action for trademark infringement and/or counterfeiting against  
9 Defendants under 15 U.S.C. § 1114 based on their use of counterfeit and confusingly  
10 similar imitations of the Tom Ford Mark in commerce, in connection with Defendants'  
11 promotion, distribution, manufacturing, offer for sale, sale, marketing, and/or  
12 advertising of the Tom Ford Accused Products.

13 168. The Tom Ford Mark is nationally recognized, including within the Central  
14 District of California, as being affixed to goods and merchandise of the highest quality,  
15 with Tom Ford being the exclusive source of all such products.

16 169. The specific U.S. registration to the Tom Ford Mark identified in  
17 paragraph 54 is in full force and effect, and has been in continuous use since its first  
18 date of use. Indeed, the Tom Ford Mark is incontestable by virtue of its registration and  
19 continuous use in commerce for more than five years.

20 170. The Tom Ford Accused Products bear counterfeit marks that are identical  
21 or substantially indistinguishable to the Tom Ford Mark based on how the marks appear  
22 in the marketplace to a consumer. The marks on the Tom Ford Accused Products are  
23 spurious because Tom Ford has examined the marks and confirmed they are inauthentic.  
24 Due to the identical or substantially indistinguishable appearance of the marks  
25 compared to the Tom Ford Mark, consumers are likely to be confused, mistaken, or  
26 deceived, as to the origin of the marks on the Tom Ford Accused Products.

27 171. The Tom Ford Accused Products bear marks that are confusingly similar  
28 to the Tom Ford Mark based on how the marks appear in the marketplace to a consumer

1 such that it is likely to cause confusion, mistake, or deception as to the origin of the  
2 marks on the Tom Ford Accused Products.

3 172. The identical or substantially indistinguishable or confusingly similar  
4 marks on the Tom Ford Accused Products are likely to lead to and result in consumers  
5 believing that Tom Ford produced, sponsored, authorized, licensed or is otherwise  
6 connected or affiliated with Defendants' commercial and business activities, all to the  
7 detriment of Tom Ford.

8 173. Defendants' promotion, marketing, advertising, offering for sale, selling,  
9 manufacturing, and/or distribution of the Tom Ford Accused Products and marks within  
10 is without Tom Ford' permission or authority and in total disregard of Tom Ford' rights  
11 to control its intellectual property.

12 174. Upon information and belief, Defendants' acts are deliberate and intended  
13 to confuse the public as to the source of Defendants' goods or services and to injure  
14 Tom Ford and reap the benefit of Tom Ford' goodwill associated with the Tom Ford  
15 Mark.

16 175. As a direct and proximate result of Defendants' infringing conduct, Tom  
17 Ford has been injured and will continue to suffer injury to its business and reputation  
18 unless Defendants are enjoined by this Court from advertising, selling, and offering for  
19 sale products bearing the Tom Ford Mark that are not in fact authentic TOM FORD®  
20 products.

21 176. Tom Ford has no adequate remedy at law.

22 177. In light of the foregoing, Tom Ford is entitled to injunctive relief  
23 prohibiting Defendants from using any of the Tom Ford Mark, and/or any marks  
24 identical, substantially indistinguishable, or confusingly similar thereto, and to recover  
25 from Defendants all damages, including attorneys' fees, that Tom Ford has sustained  
26 and will sustain as a result of such infringing acts, and all gains, profits and advantages  
27 obtained by Defendants as a result thereof, in an amount not yet known, attorneys' fees  
28

1 and treble damages, as well as the costs of this action pursuant to 15 U.S.C. § 1117(a)-  
2 (b), and/or statutory damages pursuant to 15 U.S.C § 1117(c).

3  
4 **SEVENTH CAUSE OF ACTION**

5 **(False Designation of Origin and False Descriptions – 15 U.S.C. § 1125(a)**  
6 **-Estée Lauder Marks)**

7 178. Estée Lauder incorporates by reference each and every one of the  
8 preceding paragraphs as though fully set forth herein.

9 179. Defendants’ unauthorized use of marks identical or substantially  
10 indistinguishable or confusingly similar to the Estée Lauder Marks on its merchandise,  
11 in interstate commerce and advertising relating to same, constitutes false designation of  
12 origin and a false representation that the goods are manufactured, offered, sponsored,  
13 authorized, licensed by or otherwise connected with Estée Lauder or come from the  
14 same source as Estée Lauder’ goods when they in fact do not.

15 180. Defendants’ use of the Estée Lauder Marks is without Estée Lauder’s  
16 permission or authority and in total disregard of Estée Lauder’s rights to control its  
17 trademarks.

18 181. Defendants’ activities are likely to lead to and result in confusion, mistake  
19 or deception, and are likely to cause the public to believe that Estée Lauder has  
20 produced, sponsored, authorized, licensed or is otherwise connected or affiliated with  
21 Defendants’ commercial and business activities, all to the detriment of Estée Lauder.

22 182. Estée Lauder has no adequate remedy at law.

23 183. In light of the foregoing, Estée Lauder is entitled to injunctive relief  
24 prohibiting Defendants from using any of the Estée Lauder Marks, and/or any marks  
25 identical, substantially indistinguishable, or confusingly similar thereto, and to recover  
26 from Defendants all damages, including attorneys’ fees, that Estée Lauder has sustained  
27 and will sustain as a result of such infringing acts, and all gains, profits and advantages  
28 obtained by Defendants as a result thereof, in an amount not yet known, attorneys’ fees

1 and treble damages, as well as the costs of this action pursuant to 15 U.S.C. § 1117(a)-  
2 (b), and/or statutory damages pursuant to 15 U.S.C § 1117(c).

3 **EIGHTH CAUSE OF ACTION**

4 **(False Designation of Origin and False Descriptions – 15 U.S.C. § 1125(a)**  
5 **-Le Labo Marks)**

6 184. Le Labo incorporates by reference each and every one of the preceding  
7 paragraphs as though fully set forth herein.

8 185. Defendants’ unauthorized use of marks identical or substantially  
9 indistinguishable or confusingly similar to the Le Labo Marks on its merchandise, in  
10 interstate commerce and advertising relating to same, constitutes false designation of  
11 origin and a false representation that the goods are manufactured, offered, sponsored,  
12 authorized, licensed by or otherwise connected with Le Labo or come from the same  
13 source as Le Labo’ goods when they in fact do not.

14 186. Defendants’ use of the Le Labo Marks is without Le Labo’s permission or  
15 authority and in total disregard of Le Labo’s rights to control its trademarks.

16 187. Defendants’ activities are likely to lead to and result in confusion, mistake  
17 or deception, and are likely to cause the public to believe that Le Labo has produced,  
18 sponsored, authorized, licensed or is otherwise connected or affiliated with Defendants’  
19 commercial and business activities, all to the detriment of Le Labo.

20 188. Le Labo has no adequate remedy at law.

21 189. In light of the foregoing, Le Labo is entitled to injunctive relief prohibiting  
22 Defendants from using any of the Le Labo Marks, and/or any marks identical,  
23 substantially indistinguishable, or confusingly similar thereto, and to recover from  
24 Defendants all damages, including attorneys’ fees, that Le Labo has sustained and will  
25 sustain as a result of such infringing acts, and all gains, profits and advantages obtained  
26 by Defendants as a result thereof, in an amount not yet known, attorneys’ fees and treble  
27 damages, as well as the costs of this action pursuant to 15 U.S.C. § 1117(a)-(b), and/or  
28 statutory damages pursuant to 15 U.S.C § 1117(c).

**NINTH CAUSE OF ACTION**

**(False Designation of Origin and False Descriptions – 15 U.S.C. § 1125(a)  
-La Mer Marks)**

190. La Mer incorporates by reference each and every one of the preceding paragraphs as though fully set forth herein.

191. Defendants’ unauthorized use of marks identical or substantially indistinguishable or confusingly similar to the La Mer Marks on its merchandise, in interstate commerce and advertising relating to same, constitutes false designation of origin and a false representation that the goods are manufactured, offered, sponsored, authorized, licensed by or otherwise connected with La Mer or come from the same source as La Mer’ goods when they in fact do not.

192. Defendants’ use of the La Mer Marks is without La Mer’s permission or authority and in total disregard of La Mer’s rights to control its trademarks.

193. Defendants’ activities are likely to lead to and result in confusion, mistake or deception, and are likely to cause the public to believe that La Mer has produced, sponsored, authorized, licensed or is otherwise connected or affiliated with Defendants’ commercial and business activities, all to the detriment of La Mer.

194. La Mer has no adequate remedy at law.

195. In light of the foregoing, La Mer is entitled to injunctive relief prohibiting Defendants from using any of the La Mer Marks, and/or any marks identical, substantially indistinguishable, or confusingly similar thereto, and to recover from Defendants all damages, including attorneys’ fees, that La Mer has sustained and will sustain as a result of such infringing acts, and all gains, profits and advantages obtained by Defendants as a result thereof, in an amount not yet known, attorneys’ fees and treble damages, as well as the costs of this action pursuant to 15 U.S.C. § 1117(a)-(b), and/or statutory damages pursuant to 15 U.S.C § 1117(c).

**TENTH CAUSE OF ACTION**

**(False Designation of Origin and False Descriptions – 15 U.S.C. § 1125(a))**

**-Clinique Marks)**

196. Clinique incorporates by reference each and every one of the preceding paragraphs as though fully set forth herein.

197. Defendants' unauthorized use of marks identical or substantially indistinguishable or confusingly similar to the Clinique Marks on its merchandise, in interstate commerce and advertising relating to same, constitutes false designation of origin and a false representation that the goods are manufactured, offered, sponsored, authorized, licensed by or otherwise connected with Clinique or come from the same source as Clinique' goods when they in fact do not.

198. Defendants' use of the Clinique Marks is without Clinique's permission or authority and in total disregard of Clinique's rights to control its trademarks.

199. Defendants' activities are likely to lead to and result in confusion, mistake or deception, and are likely to cause the public to believe that Clinique has produced, sponsored, authorized, licensed or is otherwise connected or affiliated with Defendants' commercial and business activities, all to the detriment of Clinique.

200. Clinique has no adequate remedy at law.

201. In light of the foregoing, Clinique is entitled to injunctive relief prohibiting Defendants from using any of the Clinique Marks, and/or any marks identical, substantially indistinguishable, or confusingly similar thereto, and to recover from Defendants all damages, including attorneys' fees, that Clinique has sustained and will sustain as a result of such infringing acts, and all gains, profits and advantages obtained by Defendants as a result thereof, in an amount not yet known, attorneys' fees and treble damages, as well as the costs of this action pursuant to 15 U.S.C. § 1117(a)-(b), and/or statutory damages pursuant to 15 U.S.C § 1117(c).

**ELEVENTH CAUSE OF ACTION**

**(False Designation of Origin and False Descriptions – 15 U.S.C. § 1125(a)**

**-Aveda Mark)**





1 won the *Allure* Best of Beauty Award in 2021. The Private Blend fragrance collection,  
2 markets and features the design elements protected under the “Private Blend Collection  
3 Trade Dress.” The Private Blend Collection Trade Dress is unique and comprised of the  
4 following non-functional elements:

- 5 a. A rectangular-like bottle shape with defined corners;
- 6 b. A flared bottle neck with a flared lid;
- 7 c. A cap design with a flat square top that connects to a tapered column  
8 with concave sides (which forms the neck of the bottle);
- 9 d. The cap of the bottle connects to the base of the bottle about two-  
10 thirds of the way down the tapered column;
- 11 e. A monochrome color scheme between the bottle, lid, and fragrance  
12 that evokes the scent of the fragrance;
- 13 f. A rectangular plaque, featuring the name of the fragrance in a  
14 capitalized block typeface.
- 15 g. Each of the Private Blend fragrances feature these unique and  
16 distinctive elements. Though the Private Blend fragrances all clearly  
17 embody the Private Blend Collection Trade Dress, they are readily  
18 distinguishable from each other, because an element of the Private  
19 Blend Collection Trade Dress is that each fragrance has its own  
20 distinctive color scheme that evokes the scent of the fragrance. For  
21 example:
  - 22 i. The “Rose Prick” fragrance is in a matte, soft pink bottle, with  
23 the Private Blend plaque in black, with white lettering;
  - 24 ii. The “Electric Cherry” fragrance itself is red, in a red-tinted  
25 glass bottle with red components (such as the atomizer). The  
26 Private Blend plaque is in a complimentary light pink, with  
27 cut out lettering;
  - 28 iii. The “Fucking Fabulous” fragrance is in a black matte bottle,

1 and the Private Blend plaque is black with black lettering;

2 iv. The “Tobacco Vanille” fragrance is in a dark brown glass  
3 bottle, with the Private Blend plaque in gold, and cut out  
4 lettering;

5 v. The “Bitter Peach” fragrance itself is orange, in an orange-  
6 tinted glass bottle with orange components (such as the  
7 atomizer). The Private Blend plaque is in a complimentary  
8 lighter orange, with cut out lettering.

9 216. The Private Blend Collection Trade Dress, which is a composite of the  
10 above-referenced features, is non-functional in its entirety, visually distinctive, and  
11 unique in the fragrance industry, examples of its distinctive appearance as a whole are  
12 shown in the photographs below:



21  
22 217. The design of the Private Blend Collection Trade Dress is neither essential  
23 to its use or purpose, nor does it affect the cost or quality of the fragrance. There are  
24 numerous other designs available that are equally feasible and efficient, none of which  
25 necessitate copying or imitating the Private Blend Collection Trade Dress. The  
26 combination of features comprising the Private Blend Collection Trade Dress provides  
27 no cost advantages to the manufacturer or utilitarian advantages to the consumer. These  
28 features, in combination, serve only to render the Private Blend fragrances, the

1 embodiment of the Private Blend Collection Trade Dress, as a distinct product  
2 originating solely from Tom Ford.

3 218. The Private Blend fragrance line, the embodiment of the Private Blend  
4 Collection Trade Dress, is one of the most well-recognized and commercially successful  
5 fragrance lines, having been featured in many of Tom Ford's advertising and  
6 promotional materials as well as in various fashion and lifestyle publications. The  
7 Private Blend fragrances have received a large volume of unsolicited media attention.

8 219. The worldwide recognition as a luxury brand and the overwhelming  
9 popularity of the Tom Ford brand and Private Blend fragrances is due to Tom Ford's  
10 continuous commitment to quality and excellence, and the significant time, effort, and  
11 money Tom Ford has spent in designing, developing, advertising, and promoting the  
12 TOM FORD® brand and fragrances embodying the Private Blend Collection Trade  
13 Dress.

14 220. Due to its long use, extensive sales, and significant advertising and  
15 promotional activities, the Private Blend Collection Trade Dress has achieved  
16 widespread acceptance and recognition among the consuming public and trade  
17 throughout the United States and the world. Accordingly, the Private Blend Collection  
18 Trade Dress has achieved a high degree of consumer recognition and secondary  
19 meaning, which serves to identify Tom Ford as the exclusive source of fragrances  
20 embodying said trade dress.

21 221. Upon information and belief, Defendant is a competitor of Tom Ford and  
22 Defendant introduced the Tom Ford Accused Products into the stream of commerce in  
23 an effort to exploit Tom Ford's goodwill and the reputation of the Private Blend  
24 Fragrances. Furthermore, Plaintiff alleges that that the Accused Products are deliberate  
25 copies of Plaintiffs' goods created to confuse consumers into believing that Accused  
26 Products were authentic TOM FORD® products, or otherwise manufactured, offered,  
27 sponsored, authorized, licensed by or otherwise connected with Tom Ford or come from  
28 the same source as Tom Ford' goods when they in fact do not.

1           222. The Tom Ford Accused Products manufactured, imported, distributed,  
2 advertised, offered for sale, and/or sold by Defendant bear confusingly similar  
3 reproductions of the Private Blend Collection Trade Dress, such as to cause a likelihood  
4 of confusion as to the source, sponsorship, or approval of the Tom Ford Accused  
5 Products by Tom Ford.

6           223. Defendant's use of the Private Blend Collection Trade Dress is without  
7 Plaintiffs' permission or authorization, and in total disregard of Plaintiffs' rights to  
8 control its intellectual property. There are numerous other designs and names in the  
9 fragrance industry, yet Defendants chose to copy the Private Blend Collection Trade  
10 Dress and include names similar to Plaintiffs' products in a willful attempt to deceive  
11 consumers.

12           224. Defendant directly copied the Private Blend Collection Trade Dress. Such  
13 direct copying raises a strong inference that the Private Blend Collection Trade Dress  
14 has acquired secondary meaning.

15           225. Defendant's use of the Private Blend Collection Trade Dress is likely to  
16 lead to and result in confusion, mistake, or deception, and is likely to cause the public  
17 to believe that the Tom Ford Accused Products are produced, sponsored, authorized, or  
18 licensed by or are otherwise connected or affiliated with Tom Ford.

19           226. As a direct and proximate result of the foregoing acts, Tom Ford has  
20 suffered and will continue to suffer significant injuries in an amount to be determined  
21 at trial. Tom Ford is entitled to recover all damages, including attorneys' fees, that it  
22 has sustained and will sustain, and all gains, profits, and advantages obtained by  
23 Defendant as a result of its infringing acts.

24           227. Furthermore, unless Defendant's unlawful acts are enjoined by this Court,  
25 there is no adequate remedy at law that can fully compensate Tom Ford for the harm  
26 caused by Defendant's infringement, which is ongoing. Accordingly, Tom Ford is  
27 entitled to injunctive relief prohibiting Defendant from continuing to infringe the  
28 Private Blend Collection Trade Dress, or any designs confusingly similar thereto.

**FOURTEENTH CAUSE OF ACTION**

**(Common Law Trademark Infringement and Unfair Competition  
- All Accused Products)**

228. Plaintiffs incorporate by reference each and every one of the preceding paragraphs as though fully set forth herein.

229. Plaintiffs own and enjoy common law trademark rights to the ELC Trademarks in California and throughout the United States. Tom Ford owns and enjoys common law trade dress rights to the Private Blend Collection Trade Dress.

230. Defendants' misappropriation of Plaintiffs' common law trademarks and Tom Ford's Private Blend Collection Trade Dress was intended to capitalize on Plaintiffs' goodwill for Defendant's own pecuniary gain. Plaintiffs have expended substantial time, resources and effort to obtain an excellent reputation for themselves and their respective trademarks and trade dress. As a result of Plaintiffs' efforts, Defendants are now unjustly enriched and are benefiting from property rights that rightfully belong to Plaintiffs.

231. Defendants' unauthorized use of the ELC Trademarks and the Private Blend Collection Trade Dress has caused and is likely to cause confusion as to the source of Defendant's products due to the marks appearing identical, substantially indistinguishable, or confusingly similar to the ELC Trademarks and the Private Blend Collection Trade Dress, all to the detriment of Plaintiffs.

232. Defendants' acts are willful, deliberate, and intended to confuse the public and to injure Plaintiffs.

233. Defendants' acts constitute unfair competition under California common law.

234. Plaintiffs have no adequate remedy at law to compensate them fully for the damages that have been caused and which will continue to be caused by Defendants' infringing conduct unless it is enjoined by this Court.



1 from Defendants all damages, including attorneys' fees, that Plaintiffs have sustained  
2 and will sustain as a result of such infringing acts, and all gains, profits and advantages  
3 obtained by Defendants as a result thereof, in an amount not yet known, attorneys' fees  
4 and treble damages, as well as the costs of this action pursuant to 15 U.S.C. § 1117(a)-  
5 (b), and/or statutory damages pursuant to 15 U.S.C § 1117(c).  
6

7 **PRAYER FOR RELIEF**

8 **WHEREFORE**, Plaintiffs respectfully pray that this Court enter judgment in  
9 their favor and against Defendants as follows:

10 1. Entry of an ORDER granting temporary, preliminary and permanent  
11 injunctive relief restraining and enjoining Defendants, their officers, agents, employees,  
12 and attorneys, and all those persons or entities in active concert or participation with  
13 them from:

- 14 a. manufacturing, importing, advertising, marketing, promoting,  
15 supplying, distributing, offering for sale, or selling Accused  
16 Products and/or any other products that bear the ELC Trademarks,  
17 or any other marks identical, substantially indistinguishable, or  
18 confusingly similar thereto;
- 19 b. engaging in any other activity constituting unfair competition with  
20 Plaintiffs, or acts and practices that deceive consumers, the public,  
21 and/or trade, including without limitation, the use of designations  
22 and design elements associated with Plaintiffs;
- 23 c. committing any other act which falsely represents or which has the  
24 effect of falsely representing that the goods and services of  
25 Defendants are licensed by, authorized by, offered by, produced by,  
26 sponsored by, or in any other way associated with Plaintiffs;

27 2. Entry of an ORDER directing Defendants to recall from any distributors and  
28 retailers and to destroy all remaining inventory of the Accused Products, in

1 addition to any other goods that infringe upon Plaintiffs' rights to the ELC  
2 Trademarks, including all advertisements, promotional and marketing  
3 materials therefore, as well as means of making same in their possession or  
4 under their control;

5 3. Entry of an ORDER directing Defendants to disclose their supplier(s) and  
6 manufacturer(s) of the Accused Products and provide all documents, correspondence,  
7 receipts, and invoices associated with the purchase of the Accused Products;

8 4. Entry of an ORDER directing Defendants to file with this Court and serve on  
9 Plaintiffs within thirty (30) days after entry of the injunction a report in writing, under  
10 oath setting forth in detail the manner and form in which Defendants have complied  
11 with the injunction;

12 5. Entry of an ORDER for an accounting by Defendants of all gains, profits,  
13 and/or advantages derived from their infringing acts pursuant to 15 U.S.C. § 1117(a);

14 6. Awarding treble damages in the amount of Defendants' profits or Plaintiffs'  
15 damages, whichever is greater, for willful infringement pursuant to 15 U.S.C. § 1117(b);

16 7. Awarding Plaintiffs statutory damages pursuant to 15 U.S.C. § 1117(c);

17 8. An award of enhanced damages due to Defendants' willful infringement;

18 9. An award of applicable interest amounts, costs, disbursements, and/or  
19 attorneys' fees, as an exceptional case under 15 U.S.C. § 1117 or otherwise;

20 10. An award of fees and punitive damages to the full extent available in  
21 connection with Plaintiffs' claims under California law; and

22 11. Any such other relief that may be just and proper.

23 Dated: February 9, 2026

BLAKELY LAW GROUP

24  
25 By: /s/ Victoria E. Mulvey  
26 Brent H. Blakely  
27 Victoria E. Mulvey  
28 ***Attorneys for Plaintiffs***

**DEMAND FOR JURY TRIAL**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs  
Estée Lauder, Inc; Le Labo Holding LLC; La Mer Technology, Inc.; Clinique  
Laboratories, LLC; Aveda Corporation; and 001 Del LLC d/b/a Tom Ford hereby  
demand a trial by jury as to all claims in this litigation.

Dated: February 9, 2026

BLAKELY LAW GROUP

By: /s/ Victoria E. Mulvey  
Brent H. Blakely  
Victoria E. Mulvey  
***Attorneys for Plaintiffs  
Estée Lauder, Inc; Le Labo Holding  
LLC; La Mer Technology, Inc.; Clinique  
Laboratories, LLC; Aveda Corporation;  
and 001 Del LLC d/b/a Tom Ford***

# **EXHIBIT A**

**Int. Cl.: 3**

**Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52**

**Reg. No. 3,126,881**

**United States Patent and Trademark Office**

**Registered Aug. 8, 2006**

**TRADEMARK  
PRINCIPAL REGISTER**

**ADVANCED NIGHT REPAIR**

ESTEE LAUDER INC. (DELAWARE CORPORATION)  
767 FIFTH AVENUE  
NEW YORK, NY 10153

FOR: NON-MEDICATED SKIN CARE PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 12-3-1990; IN COMMERCE 12-3-1990.

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

OWNER OF U.S. REG. NO. 1,415,492.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ADVANCED", APART FROM THE MARK AS SHOWN.

SEC. 2(F) AS TO "NIGHT REPAIR".

SER. NO. 78-708,207, FILED 9-7-2005.

SAMUEL E. SHARPER JR., EXAMINING ATTORNEY

Int. Cls.: 3, 21 and 35

Prior U.S. Cls.: 1, 2, 4, 6, 13, 23, 29, 30, 33,  
40, 50, 51, 52, 100, 101 and 102

Reg. No. 3,217,192

United States Patent and Trademark Office

Registered Mar. 13, 2007

Amended

OG Date Oct. 14, 2008

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

ESTEE LAUDER

ESTEE LAUDER, INC. (DELAWARE  
CORPORATION)  
767 FIFTH AVENUE  
NEW YORK, NY 10105

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

OWNER OF U.S. REG. NOS. 530,305,  
1,297,116 AND OTHERS.

FOR: COSMETICS, TOILET PREPARA-  
TIONS AND PERFUMERY PRODUCTS,  
NAMELY, LIPSTICKS, LIP GLOSS, LIP  
LINERS, LIP BALMS, LIP PALETTES;  
EYE SHADOWS, EYE LINING PENCILS,  
LIQUID EYE LINERS, EYE MAKEUP,  
MASCARA, EYEBROW PENCILS, ARTI-  
FICIAL EYELASHES, EYE PALETTES;  
BLUSHERS, MULTI-USE COSMETIC  
STICKS, FOUNDATION MAKEUP,  
PRESSED POWDER, LOOSE POWDER,  
MAKEUP REMOVER, CONCEALERS,  
MULTI-USE COLORED CREAMS, POW-  
DERS AND GELS FOR USE ON FACE,  
CLEANSERS, NAMELY, FACIAL  
CLEANSERS AND SKIN CLEANSERS;  
EXFOLIATORS, NAMELY, SKIN AND  
FACIAL EXFOLIATORS; MOISTURIZERS  
FOR THE FACE AND BODY, MASKS

FOR THE FACE AND BODY, TONERS,  
EYE CREAMS, SKIN CLEANSING  
WIPES; NON-MEDICATED SKIN CARE  
CREAMS, LOTIONS, OILS, SPRAYS, AND  
GELS FOR THE FACE AND BODY;  
ANTI-CELLULITE AND BODY FIRING  
CREAMS, LOTIONS, SERUMS AND  
SPRAYS FOR THE FACE AND BODY;  
NAIL POLISH, NAIL ENAMEL, [ NAIL  
POLISH REMOVER; ] FRAGRANCES  
FOR PERSONAL USE; SUNCARE LO-  
TIONS, BRONZERS, TANNING LOTIONS,  
SUNSCREENS, SELF TANNERS, AFTER  
SUN SOOTHERS AND REHYDRATORS,  
NAMELY, SUN CREAMS, LOTIONS AND  
GELS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50,  
51 AND 52).

FIRST USE 11-2-1946; IN COMMERCE  
11-2-1946.

FOR: COSMETIC BRUSHES, APPLICA-  
TORS, PUFFS, DUSTERS, WIPES, [ AND  
SPONGES; HAIR BRUSHES AND COMBS;  
] EYEBROW AND EYELASH BRUSHES  
AND COMBS [ ; NAIL BRUSHES ], IN  
CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33,  
40 AND 50).

FIRST USE 1-1-1965; IN COMMERCE  
1-1-1965.

*In testimony whereof I have hereunto set my hand  
and caused the seal of The Patent and Trademark  
Office to be affixed on Oct. 14, 2008.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

FOR: RETAIL STORES FEATURING COSMETIC, TOILETRY, PERFUMERY, AND BEAUTY TREATMENT PRODUCTS AND ACCESSORIES; ONLINE RETAIL STORE SERVICES FEATURING COSMETIC, TOILETRY, PERFUMERY, AND BEAUTY TREATMENT PRODUCTS AND ACCESSORIES, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-31-1948; IN COMMERCE 12-31-1948.

SER. NO. 78-728,237, FILED 10-6-2005.

*In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on Oct. 14, 2008.*

**DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE**

# United States of America

## United States Patent and Trademark Office



**Reg. No. 6,166,738**

**Registered Oct. 06, 2020**

**Int. Cl.: 3**

**Trademark**

**Principal Register**

ESTEE LAUDER INC. (DELAWARE CORPORATION)  
767 Fifth Avenue  
767 Fifth Avenue  
New York, NEW YORK 10153

CLASS 3: Non-medicated skin care preparations

FIRST USE 7-31-2013; IN COMMERCE 7-31-2013

The color(s) BROWN AND GOLD is/are claimed as a feature of the mark.

The mark consists of a three-dimensional configuration comprising a brown bottle with the gold words "ESTEE LAUDER" on one face; a gold and brown horizontally striped cap with lines on the top and the words "ESTEE LAUDER" on one gold stripe; the dropper shown in broken lines is not part of the mark and serves only to show the position of placement on the mark. The color white represents background, outlining, shading, and/or transparent areas and is not part of the mark. The thin lines in the drawing represent the curves of the bottle and are not part of the mark.

OWNER OF U.S. REG. NO. 3217192, 1119604, 1297116

SEC. 2(F) as to "the shape of the bottle"

SER. NO. 88-264,229, FILED 01-16-2019



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office



**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

# **EXHIBIT B**

**United States of America**  
United States Patent and Trademark Office

# LE LABO

**Reg. No. 4,659,463**

LE LABO HOLDING INC (DELAWARE CORPORATION)  
232 ELIZABETH STREET  
NEW YORK, NY 10012

**Registered Dec. 23, 2014**

**Int. Cls.: 3 and 4**

FOR: PERFUMES, AFTERSHAVES AND COLOGNES, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

**TRADEMARK**

FIRST USE 2-25-2006; IN COMMERCE 2-25-2006.

**PRINCIPAL REGISTER**

FOR: SCENTED CANDLES , IN CLASS 4 (U.S. CLS. 1, 6 AND 15).

FIRST USE 2-25-2006; IN COMMERCE 2-25-2006.

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

THE ENGLISH TRANSLATION OF "LE LABO" IN THE MARK IS "THE LAB".

SER. NO. 86-279,834, FILED 5-13-2014.

JAMES STEIN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***  
**What and When to File:**

**First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

**Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**United States of America**  
United States Patent and Trademark Office

# LE LABO

**Reg. No. 4,659,715**

LE LABO HOLDING INC. (DELAWARE CORPORATION)  
232 ELIZABETH STREET

**Registered Dec. 23, 2014**

NEW YORK, NY 10012

**Int. Cls.: 3 and 35**

FOR: FRAGRANCES; HAIR CARE PREPARATIONS; NON-MEDICATED SKIN CARE PREPARATIONS; NON-MEDICATED BATH CARE PREPARATIONS; SCENTED ROOM SPRAYS; SOAPS AND DETERGENTS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

**TRADEMARK**

FIRST USE 2-25-2006; IN COMMERCE 2-25-2006.

**SERVICE MARK**

**PRINCIPAL REGISTER**

FOR: ON-LINE RETAIL STORE SERVICES FEATURING FRAGRANCES, PERFUMES, AFTERSHAVES, AND COLOGNES, NON-MEDICATED SKIN CARE PREPARATIONS, NON-MEDICATED BATH CARE PREPARATIONS, HAIR CARE PREPARATIONS, CANDLES, SOAPS AND DETERGENTS, AND SCENTED ROOM SPRAYS; RETAIL STORE SERVICES FEATURING FRAGRANCES, PERFUMES, AFTERSHAVES, AND COLOGNES, NON-MEDICATED SKIN CARE PREPARATIONS, NON-MEDICATED BATH CARE PREPARATIONS, HAIR CARE PREPARATIONS, CANDLES, SOAPS AND DETERGENTS, AND SCENTED ROOM SPRAYS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 2-25-2006; IN COMMERCE 2-25-2006.

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

THE ENGLISH TRANSLATION OF "LE LABO" IN THE MARK IS "THE LAB".

SER. NO. 86-336,535, FILED 7-14-2014.

JAMES STEIN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***  
**What and When to File:**

**First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

**Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

# United States of America

United States Patent and Trademark Office

## SANTAL 33

**Reg. No. 6,806,693**

**Registered Aug. 02, 2022**

**Int. Cl.: 3**

**Trademark**

**Principal Register**

LE LABO HOLDING LLC (DELAWARE LIMITED LIABILITY COMPANY)

233 Elizabeth Street  
New York, NEW YORK 10012

CLASS 3: Fragrances; Laundry detergent; Non-medicated skin care preparations; Non-medicated toiletry preparations

FIRST USE 12-31-2010; IN COMMERCE 12-31-2010

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

No claim is made to the exclusive right to use the following apart from the mark as shown: "SANTAL"

The English translation of "SANTAL" in the mark is "SANDALWOOD".

SER. NO. 90-749,463, FILED 06-02-2021



*Katherine Kelly Vidal*

Director of the United States  
Patent and Trademark Office



**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

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**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

**United States of America**  
United States Patent and Trademark Office

**LE LABO**  
**GRASSE - NEW YORK**

**Reg. No. 7,303,674**

**Registered Feb. 13, 2024**

**Int. Cl.: 3, 4, 35**

**Service Mark**

**Trademark**

**Principal Register**

LE LABO HOLDING LLC (DELAWARE LIMITED LIABILITY COMPANY)

233 Elizabeth Street  
New York, NEW YORK 10012

CLASS 3: Fragrances; Hair care preparations; Non-medicated skin care preparations; Non-medicated toiletry preparations

FIRST USE 2-26-2006; IN COMMERCE 2-26-2006

CLASS 4: Candles

FIRST USE 2-26-2006; IN COMMERCE 2-26-2006

CLASS 35: On-line retail store services featuring fragrances, perfumes, aftershaves, and colognes, non-medicated skin care preparations, non-medicated bath care preparations, hair care preparations, candles, soaps and detergents, and scented room sprays; Retail store services featuring fragrances, perfumes, aftershaves, and colognes, non-medicated skin care preparations, non-medicated bath care preparations, hair care preparations, candles, soaps and detergents, and scented room sprays

FIRST USE 2-26-2006; IN COMMERCE 2-26-2006

The mark consists of of the words "LE LABO" in large block lettering with a faded effect, above the wording "GRASSE - NEW YORK" in smaller stylized block lettering.

OWNER OF U.S. REG. NO. 4659463, 4659715, 4882718

No claim is made to the exclusive right to use the following apart from the mark as shown: "GRASSE" and "NEW YORK"

The English translation of "LE LABO" in the mark is "the lab".

SER. NO. 97-757,825, FILED 01-17-2023

*Katherine Kelly Vidal*

Director of the United States  
Patent and Trademark Office



**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

# **EXHIBIT C**

Int. Cls.: 3 and 5

Prior U.S. Cls.: 18 and 51

Reg. No. 1,339,888

**United States Patent and Trademark Office** Registered June 11, 1985

**TRADEMARK  
PRINCIPAL REGISTER**

**LA MER**

HUBER; MAXIMILIAN A. (UNITED STATES  
CITIZEN), T.A. MAX HUBER RESEARCH  
LABORATORIES  
21822 SHERMAN WAY  
CANOGA PARK, CA 91303

FOR: COSMETICS—NAMESLY, SKIN CREME  
AND SKIN MOISTURIZER, IN CLASS 3 (U.S.  
CL. 51).

FIRST USE 12-0-1981; IN COMMERCE  
12-0-1981.

FOR: PHARMACEUTICAL PRODUCTS—  
NAMESLY, SKIN SOFTENING/MOISTURIZING

PREPARATION FOR DERMATOLOGICAL  
MEDICAL USE, IN CLASS 5 (U.S. CL. 18).

FIRST USE 12-0-1981; IN COMMERCE  
12-0-1981.

OWNER OF U.S. REG. NO. 1,245,722.

THE WORD "LA MER" IS FRENCH FOR  
THE SEA.

SER. NO. 408,371, FILED 1-6-1983.

MICHELLE S. WISEMAN, EXAMINING AT-  
TORNEY

**Int. Cl.: 3**

**Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52**

**Reg. No. 2,276,149**

**United States Patent and Trademark Office**

**Registered Sep. 7, 1999**

**TRADEMARK  
PRINCIPAL REGISTER**

**LA MER**

LA MER TECHNOLOGY, INC. (DELAWARE CORPORATION)  
767 FIFTH AVENUE  
NEW YORK, NY 10153

FOR: COSMETICS, NAMELY, SKIN CARE PREPARATIONS, SKIN CLEANSING LOTION, SKIN CLEANSING GEL, SKIN TONIC, SKIN MOISTURIZING CREAM AND LOTION, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 12-0-1981; IN COMMERCE 5-2-1995.

OWNER OF U.S. REG. NOS. 125,722 AND 1,339,888.

THE ENGLISH TRANSLATION OF THE TERM "LA MER" IS "THE SEA".

SER. NO. 75-546,478, FILED 9-2-1998.

EDWARD NELSON, EXAMINING ATTORNEY

**Int. Cl.: 3**

**Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52**

**Reg. No. 2,276,149**

**United States Patent and Trademark Office**

**Registered Sep. 7, 1999**

**TRADEMARK  
PRINCIPAL REGISTER**

**LA MER**

LA MER TECHNOLOGY, INC. (DELAWARE CORPORATION)  
767 FIFTH AVENUE  
NEW YORK, NY 10153

FOR: COSMETICS, NAMELY, SKIN CARE PREPARATIONS, SKIN CLEANSING LOTION, SKIN CLEANSING GEL, SKIN TONIC, SKIN MOISTURIZING CREAM AND LOTION, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 12-0-1981; IN COMMERCE 5-2-1995.

OWNER OF U.S. REG. NOS. 125,722 AND 1,339,888.

THE ENGLISH TRANSLATION OF THE TERM "LA MER" IS "THE SEA".

SER. NO. 75-546,478, FILED 9-2-1998.

EDWARD NELSON, EXAMINING ATTORNEY

**Int. Cl.: 3**

**Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52**

**Reg. No. 2,751,557**

**United States Patent and Trademark Office**

**Registered Aug. 19, 2003**

**TRADEMARK  
PRINCIPAL REGISTER**

**CREME DE LA MER**

LA MER TECHNOLOGY, INC. (DELAWARE  
CORPORATION)  
767 FIFTH AVENUE  
NEW YORK, NY 10153

NO CLAIM IS MADE TO THE EXCLUSIVE  
RIGHT TO USE "CREME", APART FROM THE  
MARK AS SHOWN.

FOR: COSMETICS, NAMELY, SKIN CARE PRE-  
PARATIONS, SKIN CLEANSING LOTION, SKIN  
CLEANSING GEL, SKIN TONIC, SKIN MOISTUR-  
IZING CREAM AND LOTION, IN CLASS 3 (U.S. CLS.  
1, 4, 6, 50, 51 AND 52).

THE ENGLISH TRANSLATION OF THE TERM  
"CREME DE LA MER" IS "CREAM OF THE SEA".

FIRST USE 4-0-1978; IN COMMERCE 12-0-1995.

SER. NO. 75-547,219, FILED 9-2-1998.

OWNER OF U.S. REG. NOS. 125,722 AND 1,339,888.

EDWARD NELSON, EXAMINING ATTORNEY

**Int. Cl.: 3**

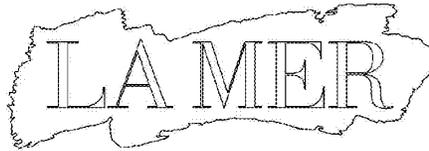
**Prior U.S. Cls.: 1, 4, 6, 50, 51 and 52**

**Reg. No. 3,440,482**

**United States Patent and Trademark Office**

**Registered June 3, 2008**

**TRADEMARK  
PRINCIPAL REGISTER**



LA MER TECHNOLOGY, INC. (DELAWARE CORPORATION)  
767 FIFTH AVENUE  
NEW YORK, NY 10153

FOR: COSMETICS; NON-MEDICATED SKIN CARE PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 12-31-1984; IN COMMERCE 12-31-1984.

OWNER OF U.S. REG. NOS. 1,245,722, 2,276,149 AND OTHERS.

THE FOREIGN WORDING IN THE MARK TRANSLATES INTO ENGLISH AS THE SEA.

SER. NO. 77-316,185, FILED 10-29-2007.

LINDA ORNDORFF, EXAMINING ATTORNEY

**Int. Cls.: 3, 35 and 44**

**Prior U.S. Cls.: 1, 4, 6, 50, 51, 52, 100, 101 and 102**

**Reg. No. 3,637,492**

**United States Patent and Trademark Office**

**Registered June 16, 2009**

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**

**LA MER**

LA MER TECHNOLOGY, INC. (DELAWARE CORPORATION)  
767 FIFTH AVENUE  
NEW YORK, NY 10153

FOR: NON-MEDICATED SKIN CARE PREPARATIONS; COSMETICS; BODY AND BEAUTY CARE COSMETICS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 12-31-1981; IN COMMERCE 12-31-1981.

FOR: RETAIL STORE SERVICES FEATURING PERSONAL CARE PRODUCTS, COSMETICS, TOILETRIES, BATH AND BODY PRODUCTS, SKIN CARE PRODUCTS, AND BEAUTY TREATMENTS; ONLINE RETAIL STORE SERVICES FEATURING PERSONAL CARE PRODUCTS, COSMETICS, TOILETRIES, BATH AND BODY PRODUCTS, SKIN CARE PRODUCTS, AND BEAUTY TREATMENTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 7-1-2000; IN COMMERCE 7-1-2000.

FOR: BEAUTY CONSULTATION SERVICES IN THE FIELD OF SELECTION AND USE OF COSMETICS, TOILETRIES, BATH AND BODY PRO-

DUCTS, SKIN CARE PRODUCTS, BEAUTY TREATMENTS AND PERSONAL APPEARANCE; SKIN CARE SALONS; PROVIDING INFORMATION REGARDING THE SELECTION AND USE OF COSMETICS, TOILETRIES, SKIN CARE PRODUCTS, BATH AND BODY PRODUCTS, BEAUTY TREATMENTS AND PERSONAL APPEARANCE; PROVIDING SERVICES RELATING TO SKIN CARE, NAMELY, FACIALS, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 7-1-2000; IN COMMERCE 7-1-2000.

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

OWNER OF U.S. REG. NOS. 1,245,722, 2,276,149 AND OTHERS.

THE FOREIGN WORDING IN THE MARK TRANSLATES INTO ENGLISH AS "THE SEA".

SER. NO. 77-401,121, FILED 2-20-2008.

EMILY CARLSEN, EXAMINING ATTORNEY

# **EXHIBIT D**

# United States Patent Office

892,987  
Registered June 16, 1970

## PRINCIPAL REGISTER Trademark

Ser. No. 325,842, filed Apr. 29, 1969



Clinique Laboratories, Inc. (Delaware corporation)  
350 Park Ave.  
New York, N.Y. 10022

For: COSMETIC CREAMS, LOTIONS AND OILS—  
NAMELY, CLEANSING CREAMS, LOTIONS AND  
OILS; MOISTURIZING LOTIONS AND CREAMS;  
MAKE-UP—NAMELY, FACE POWDER, FOUNDA-

TION MAKE-UP BASES; ROUGES; EYE MAKE-UP  
PREPARATIONS—NAMELY, M A S C A R A, EYE  
LINER, EYE SHADOW, EYEBROW PENCIL, AND  
EYE MAKEUP REMOVER; LIPSTICKS; ANTIPER-  
SPIRANS; HAIR SPRAYS AND BATH OILS—in  
CLASS 51 (INT. CLS. 3 and 5).

First use Mar. 15, 1968; in commerce Mar. 15, 1968.  
Owner of Reg. No. 859,445.

**Int. Cl.: 3**

**Prior U.S. Cls.: 51 and 52**

**United States Patent and Trademark Office** **Reg. No. 1,626,589**  
Registered Dec. 11, 1990

**TRADEMARK  
PRINCIPAL REGISTER**

**CLINIQUE**

CLINIQUE LABORATORIES, INC. (DELA-  
WARE CORPORATION)  
767 FIFTH AVENUE  
NEW YORK, NY 10153

FOR: COSMETICS - NAMELY, CLEANSERS,  
MOISTURIZERS, FACE TONICS, FACE MASKS,  
FACE POWDER, FOUNDATION, BLUSHERS,  
MASCARA, EYESHADOW, EYELINER, EYE-  
MAKEUP REMOVER, LIPSTICK, LIP PENCIL,  
NAIL ENAMEL, NAIL TREATMENT, SUN  
BLOCK, AFTER SUN BALM, HAIR SHAMPOO,

HAIR CREAM RINSE, HAIR SPRAY, DEDOR-  
ANT AND ANTI-PERSPIRANT, PERFUME  
AND COLOGNE, IN CLASS 3 (U.S. CLS. 51  
AND 52).

FIRST USE 9-30-1968; IN COMMERCE  
9-30-1968.

OWNER OF U.S. REG. NOS. 859,445, 904,834  
AND OTHERS.

SER. NO. 74-038,780, FILED 3-15-1990.

JOHN MICHOS, EXAMINING ATTORNEY

Int. Cls.: 3, 35 and 42

Prior U.S. Cls.: 1, 4, 6, 50, 51, 52, 100, 101 and 102

Reg. No. 2,178,066

**United States Patent and Trademark Office**

Registered Aug. 4, 1998

**TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER**



CLINIQUE LABORATORIES, INC. (DELA-  
WARE CORPORATION)  
767 FIFTH AVENUE  
NEW YORK, NY 10153

FOR: COSMETIC CREAMS, LOTIONS AND OILS, NAMELY, SKIN CLEANSING CREAMS, LOTIONS, MASKS AND OILS; SKIN MOISTURIZING LOTIONS AND CREAMS; MAKEUP, NAMELY, FACE POWDER, FOUNDATION MAKEUP BASES; ROUGES, BLUSHERS, EYE SHADOW; MAKEUP REMOVERS; SKIN EXFOLIATING CREAMS; NON-MEDICATED ANTI-ACNE TREATMENT GELS; LIP BALMS AND LOTIONS; SKIN SOAPS, AND BODY WASHES, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 4-15-1968; IN COMMERCE 4-15-1968.

FOR: RETAIL STORE FEATURING COSMETICS, TOILETRIES, PERFUMERY AND BEAUTY TREATMENTS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-15-1968; IN COMMERCE 4-15-1968.

FOR: CONSULTATION IN THE SELECTION AND USE OF COSMETICS, TOILETRIES, PERFUMERY AND BEAUTY TREATMENT, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 4-15-1968; IN COMMERCE 4-15-1968.

# United States of America

## United States Patent and Trademark Office



**Reg. No. 4,284,957**

**Registered Feb. 5, 2013**

**Int. Cl.: 3**

**TRADEMARK**

**PRINCIPAL REGISTER**

CLINIQUE LABORATORIES, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
767 FIFTH AVENUE  
NEW YORK, NY 10153

FOR: COSMETICS; NON-MEDICATED SKIN CARE PREPARATIONS; NON-MEDICATED SUN CARE PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 8-31-1968; IN COMMERCE 8-31-1968.

OWNER OF U.S. REG. NO. 2,104,575.

THE COLOR(S) GREEN IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF A SHADE OF CELADON GREEN OR PALE JADE GREEN COLOR WHICH IS USED ON BOXES. THE MATTER SHOWN IN BROKEN LINES REPRESENTS BOXES OF VARIOUS SIZES AND SERVES TO SHOW THE POSITIONING OF THE MARK. NO CLAIM IS MADE TO THE SHAPE OF THE BOX.

SEC. 2(F).

SER. NO. 85-497,427, FILED 12-16-2011.

TASNEEM HUSSAIN, EXAMINING ATTORNEY



*Lisa Street Lee*

Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***  
**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

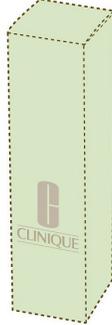
**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.**

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**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,209,127**

**Registered Sep. 18, 2012**

**Int. Cl.: 3**

**TRADEMARK**

**PRINCIPAL REGISTER**

CLINIQUE LABORATORIES, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
767 FIFTH AVENUE  
NEW YORK, NY 10153

FOR: COSMETICS; NON-MEDICATED SKIN CARE PREPARATIONS; NON-MEDICATED SUN CARE PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 8-31-1968; IN COMMERCE 8-31-1968.

OWNER OF U.S. REG. NOS. 859,445, 1,417,809 AND OTHERS.

THE COLOR(S) GREEN AND SILVER IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE LETTER "C" IN SILVER ABOVE THE WORD "CLINIQUE" IN SILVER THAT IS BETWEEN TWO HORIZONTAL LINES IN SILVER. THIS WORDING IS ALL ON A GREEN BACKGROUND. THE DOTTED LINES REPRESENT THE SHAPE OF A BOX AND SERVE TO SHOW THE POSITIONING OF THE MARK ON A BOX. NO CLAIM IS MADE TO THE SHAPE OF THE BOX.

SER. NO. 85-497,461, FILED 12-16-2011.

LINDSEY RUBIN, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***  
**What and When to File:**

**First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

**Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**United States of America**  
United States Patent and Trademark Office

**CLINIQUE SMART**

**Reg. No. 4,594,306**

CLINIQUE LABORATORIES, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
767 FIFTH AVENUE  
NEW YORK, NY 10153

**Registered Aug. 26, 2014**

**Int. Cl.: 3**

FOR: NON-MEDICATED SKIN CARE PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

**TRADEMARK**

FIRST USE 6-8-2014; IN COMMERCE 6-8-2014.

**PRINCIPAL REGISTER**

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

OWNER OF U.S. REG. NOS. 878,877, 904,834, AND 1,626,589.

SN 86-045,125, FILED 8-22-2013.

JENNIFER MARTIN, EXAMINING ATTORNEY



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***  
**What and When to File:**

**First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

**Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.\*  
*See* 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.**

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

# United States of America

## United States Patent and Trademark Office

### CLINIQUE SMART CLINICAL

**Reg. No. 5,985,339**

**Registered Feb. 11, 2020**

**Int. Cl.: 3**

**Trademark**

**Principal Register**

Clinique Laboratories, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
767 Fifth Avenue  
New York, NEW YORK 10153

CLASS 3: Cosmetics; Non-medicated skin care preparations

FIRST USE 4-1-2019; IN COMMERCE 9-1-2019

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

OWNER OF U.S. REG. NO. 4594306

No claim is made to the exclusive right to use the following apart from the mark as shown:  
"CLINICAL"

SER. NO. 88-030,155, FILED 07-09-2018



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office



**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

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**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

# United States of America

United States Patent and Trademark Office



**Reg. No. 6,216,106**

**Registered Dec. 08, 2020**

**Int. Cl.: 3**

**Trademark**

**Principal Register**

Clinique Laboratories, LLC (DELAWARE LIMITED LIABILITY COMPANY)

767 Fifth Avenue  
New York, NEW YORK 10153

CLASS 3: Cosmetics; Non-medicated skin care preparations; Non-medicated toiletry preparations

FIRST USE 9-30-1968; IN COMMERCE 9-30-1968

The mark consists of the letter "C" above the word "CLINIQUE" which is between two horizontal lines, all appearing in the color black.

OWNER OF U.S. REG. NO. 4324494, 0859445, 0892987

SER. NO. 88-920,453, FILED 05-18-2020



*Andrei Iancu*

Director of the United States  
Patent and Trademark Office



**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

# United States of America

## United States Patent and Trademark Office

### CLINIQUE SMART CLINICAL REPAIR

**Reg. No. 6,660,611**

**Registered Mar. 01, 2022**

**Int. Cl.: 3**

**Trademark**

**Principal Register**

Clinique Laboratories LLC (DELAWARE LIMITED LIABILITY COMPANY)  
767 FIFTH AVENUE  
NEW YORK, NEW YORK 10153

CLASS 3: Cosmetics; Non-medicated skin care preparations

FIRST USE 5-1-2021; IN COMMERCE 8-1-2021

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

OWNER OF U.S. REG. NO. 4969358, 4594306, 5985339

No claim is made to the exclusive right to use the following apart from the mark as shown: "CLINICAL REPAIR"

SER. NO. 90-064,083, FILED 07-21-2020



A handwritten signature in black ink, appearing to read "Dennis Hanford".

Performing the Functions and Duties of the  
Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office



**REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***

**What and When to File:**

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***

**What and When to File:**

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.**

**NOTE: A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.**

# **EXHIBIT E**

**Int. Cls.: 4, 5, 18, 21, and 30**

**Prior U.S. Cls.: 1, 2, 3, 6, 13, 15, 18, 22, 23, 29, 30, 33, 40, 41, 44, 46, 50, 51, and 52**

**Reg. No. 3,326,598**

**United States Patent and Trademark Office**

Registered Oct. 30, 2007

**TRADEMARK  
PRINCIPAL REGISTER**

**AVEDA**

AVEDA CORPORATION (DELAWARE CORPORATION)  
4000 PHEASANT RIDGE DRIVE  
MINNEAPOLIS, MN 55449

FOR: CANDLES; CANDLES FOR LIGHTING; PERFUMED CANDLES; SCENTED CANDLES, IN CLASS 4 (U.S. CLS. 1, 6 AND 15).

FIRST USE 12-31-1984; IN COMMERCE 12-31-1984.

FOR: MEDICATED SKIN CARE PREPARATIONS, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 6-30-2006; IN COMMERCE 6-30-2006.

FOR: COSMETIC BAGS SOLD EMPTY; COSMETIC CASES SOLD EMPTY; TOTE BAGS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 12-31-1997; IN COMMERCE 12-31-1997.

FOR: COSMETIC BRUSHES; HAIR BRUSHES, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 2-28-2005; IN COMMERCE 2-28-2005.

FOR: TEA, IN CLASS 30 (U.S. CL. 46).

FIRST USE 12-31-1988; IN COMMERCE 12-31-1988.

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

OWNER OF U.S. REG. NOS. 1,229,134, 1,693,912, AND OTHERS.

SN 78-701,370, FILED 8-26-2005.

EDWARD FENNESSY, EXAMINING ATTORNEY

# **EXHIBIT F**

**Int. Cl.: 3**

**Prior U.S. Cls.: 1, 4, 6, 50, 51, and 52**

**Reg. No. 3,127,260**

**United States Patent and Trademark Office**

**Registered Aug. 8, 2006**

**TRADEMARK  
PRINCIPAL REGISTER**

**TOM FORD**

FORD, THOMAS C. (UNITED STATES INDIVIDUAL)  
2906 THOUSAND OAKS DRIVE  
AUSTIN, TX 78746

FIRST USE 10-27-2005; IN COMMERCE 11-24-2005.

SN 76-409,713, FILED 5-17-2002.

FOR: PERFUME, EAU DE PARFUM, EAU DE TOILETTE AND COLOGNE, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

TERESA M. RUPP, EXAMINING ATTORNEY