

ESTTA Tracking number: **ESTTA1044526**

Filing date: **03/24/2020**

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

Proceeding	86670074
Applicant	QVC, Inc.
Applied for Mark	DENIM & CO.
Correspondence Address	KIERAN G DOYLE COWAN LIEBOWITZ & LATMAN PC 114 WEST 47TH STREET NEW YORK, NY 10036-1525 UNITED STATES trademark@cll.com, rxa@cll.com, kgd@cll.com 212-790-9200
Submission	Appeal to District Court
Attachments	Applicants Notice of Civil Action.pdf(718971 bytes)
Filer's Name	Kieran G. Doyle / Dasha Chestukhin
Filer's email	trademark@cll.com, rxa@cll.com, kgd@cll.com, dxc@cll.com
Signature	/Dasha Chestukhin/
Date	03/24/2020

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

In re Application of QVC, Inc.

Mark: **DENIM & CO.**

Class: **25**

Serial No. 86/670,074

Filed: June 22, 2015

Examining Attorney: David I, Law Office 114

**APPLICANT'S
NOTICE OF CIVIL ACTION**

PLEASE TAKE NOTICE that, pursuant to 15 U.S.C. § 1071(b), 37 C.F.R. § 2.145(c)(2) and Trademark Trial and Appeal Board Manual of Procedure § 903, Applicant QVC, Inc. (“Applicant”) hereby notifies the Board that, on March 23, 2020, Applicant filed a complaint in the United States District Court for the Eastern District of Virginia, under the caption QVC, Inc. v. Iancu, Case No. 1:20-cv-00319, a copy of which is attached hereto as Exhibit 1, seeking judicial review of the Board’s decision dated January 21, 2020 affirming the partial refusal of the above-captioned Application (TTABVue No. 18) (the “Decision”), including the findings, determinations, orders, decisions, rulings and opinions contained in the Decision.

Dated: New York, New York
March 24, 2020

Respectfully submitted,
COWAN LIEBOWITZ & LATMAN, P.C.
Attorneys for Applicant QVC, Inc.

By: 

Kieran G. Doyle
Dasha Chestukhin
114 West 47th Street
New York, New York 10036
(212) 790-9200

Exhibit 1

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

QVC, Inc.)	
)	
1200 Wilson Drive)	
West Chester, PA 19380)	
Plaintiff,)	
)	
vs.)	CASE NO. _____
)	
ANDREI IANCU,)	
In his official capacity as Director of the)	
United States Patent and Trademark Office,)	
)	
600 Dulany Street, Madison East)	
Concourse Level)	
Alexandria, VA 22314)	
Defendant.)	

COMPLAINT

QVC, Inc. (“Plaintiff” or “QVC”), by counsel, as and for its Complaint against Defendant, Andrei Iancu, in his capacity as the Director of the United States Patent and Trademark Office (the “Director”), alleges as follows:

PARTIES, JURISDICTION AND VENUE

1. QVC, Inc. is a Delaware Corporation with its principal headquarters at 1200 Wilson Drive, West Chester, Pennsylvania 19380.
2. Andrei Iancu is the Director of the U.S. Patent and Trademark Office with an

address at 600 Dulany Street, Madison East, Concourse Level, Alexandria, VA 22314.

3. This Court has jurisdiction over the subject matter of this action pursuant to Section 21(b) of the U.S. Trademark Act of 1946 (the “Lanham Act”), as amended, 15 U.S.C. § 1071(b), which provides that a party dissatisfied with a final decision of the Trademark Trial and Appeal Board (“TTAB”) may institute a new civil action in a Federal District Court challenging such decision. This Court also has subject matter jurisdiction pursuant to 28 U.S.C. § 1331.

4. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e)(1)(A).

FACTUAL BACKGROUND

QVC, Inc.

5. QVC is one of the world’s largest multimedia retailers and broadcasters. Headquartered in the United States, QVC offers direct response retail services primarily by means of television, including cable, satellite and over-the-air broadcasts, as well as via the Internet.

6. QVC was founded in 1986 by entrepreneur Joseph Segel, who saw an opportunity for a new kind of retail service built upon technology, yet guided by three customer-focused principles: quality, value and convenience.

7. Within its first year of operations, QVC set a new record for first full-year fiscal sales by a new public company in the U.S., garnering over U.S. \$112 million in revenue.

8. The first live QVC broadcast took place in the U.S. on November 24, 1986. Initially, QVC’s live broadcast ran for 16 hours per day. Today, QVC’s live programs in the U.S. are now broadcast 24 hours per day, 7 days per week, and are live 364 days out of the year.

9. QVC now has three television networks: QVC, QVC2, and QVC3.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.