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

Proceeding	91206960
Party	Plaintiff BeautyBank Inc.
Correspondence Address	JESSICA HEISS THE ESTEE LAUDER COMPANIES INC 767 FIFTH AVENUE, LEGAL DEPARTMENT NEW YORK, NY 10153 UNITED STATES jheiss@estee.com, uspto@estee.com
Submission	Response to Board Order/Inquiry
Filer's Name	MARK D. PASSLER
Filer's e-mail	ip@akerman.com
Signature	/Mark D. Passler/
Date	02/23/2015
Attachments	10647-2.pdf(349183 bytes )

In the Matter of Application Serial No. 85/489,368 for the mark FLIRTRESS  
Application filed on December 7, 2011  
Published in the *Official Gazette* on May 15, 2012  
Opposition No. 91206960 filed on September 12, 2012

George C. Pologeorgis, Interlocutory Attorney  
United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Opposer respectfully submits that the District Court has issued a decision in favor of Opposer in that civil action. A copy of the Judgment and Order of District Court is attached. The time period for the Applicant to file an appeal in the civil action has expired, and no appeal was filed.

Dated: February 23, 2015

**AKERMAN LLP**  
**(f/k/a AKERMAN SENTERFITT LLP)**

Ira S. Sacks  
666 Fifth Avenue, 20<sup>th</sup> Floor  
New York, NY 10103  
Telephone: (212) 880-3800  
Fax: (212) 905-6458

ATTORNEYS FOR OPPOSER

## CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2015, a true and complete copy of the foregoing Response to TTAB Order, Mailed February 6, 2015, was served on Applicant, Kumar Ramani, via first class mail, postage prepaid, to:

Kumar Ramani  
P.O. Box 805  
Princeton Junction  
New Jersey 08550-0805  
United States

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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
BEAUTYBANK, INC.,

Plaintiff,

10 **CIVIL** 955 (KPF)

-against-

**JUDGMENT**

HARVEY PRINCE LLP, et al.,

Defendants.  
-----X

Whereas the above-entitled action having been assigned to the Honorable Katherine Polk Failla, United States District Judge, and the matter thereafter having been brought to trial on October 16, 2013, and at the conclusion of the trial, on October 23, 2013, the jury having reached a verdict in favor of Plaintiff as against Defendants, awarding Plaintiff compensatory damages in the amount of \$ 120,000.00, and punitive damages in the amount of \$1,100,000.00; and,

Whereas, on April 1, 2014, at the conclusion of a Court conference, the court issued a decision on the post-trial motions filed by Plaintiff and Defendant Ramani; denying in its entirety, Defendant Ramani's post-trial motions seeking judgment as a matter of law under Fed. R. Civ. P. (50)(b), a new trial under Fed. R. Civ. P. 59, and a declaratory judgment under Fed.R. Civ. P. 60; and in the April 1, 2014 decision, the Court (i) ordering the seizure and destruction of all infringing Eau Flirt Goods (as defined in the Court's April 22, 2014 Order) pursuant to 15 U.S.C. § 1118; (ii) permanently enjoining and restraining Defendants from selling their infringing Eau Flirt Goods and disseminating the false advertisements relating to their Eau Flirt fragrance pursuant to 15 U.S.C. § 1116 and GBL § 349; (iii) enhancing Plaintiff's compensatory damages award to \$360,000 pursuant to 15 U.S.C. §1117(a); and (iv) awarding Plaintiff attorneys' fees in the amount of \$1,130,739.23; and

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