

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court Southern District of New York on the following Patents or Trademarks:

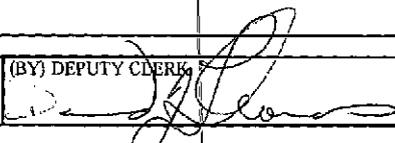
DOCKET NO. 08cv5532 (SHS)	DATE FILED 6/18/2008	U.S. DISTRICT COURT Southern District of New York
PLAINTIFF Unilever Supply Chain, Inc., et al		DEFENDANT Clinere Products Inc., et al
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 0309,256	1/9/1934	Unilever Supply Chain
2 0591,736	6/22/1654	" " "
3 2,809,256	1/27/2004	" " "
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT NOTICE OF DISMISSAL

CLERK J. Michael McMahon	(BY) DEPUTY CLERK 	DATE 9/30/2008
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Copy 1—Upon initiation of action, mail this copy to Director Copy 2—Upon termination of action, mail this copy to Director
 Copy 3—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

CLOSED, ECF

**U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-05532-SHS
Internal Use Only**

Unilever Supply Chain, Inc. et al v. Clinere Products Inc. et al
Assigned to: Judge Sidney H. Stein
Cause: 15:1051 Trademark Infringement

Date Filed: 06/18/2008
Date Terminated: 09/26/2008
Jury Demand: Plaintiff
Nature of Suit: 840 Trademark
Jurisdiction: Federal Question

Plaintiff

Unilever Supply Chain, Inc.

represented by **Christopher James Rooney**
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Plaintiff

Conopco, Inc.
doing business as
Unilever

represented by **Christopher James Rooney**
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V.

Defendant

Clinere Products Inc.

Defendant

Richard Carl Olson

Date Filed	#	Docket Text
06/18/2008	<u>1</u>	COMPLAINT against Clinere Products Inc., Richard Carl Olson. (Filing Fee \$ 350.00, Receipt Number 654524) Document filed by Unilever Supply Chain, Inc., Conopco, Inc.. (mbe) (Additional attachment(s) added on 6/30/2008: # <u>1</u> Exhibit 2-3, # <u>2</u> Exhibit 4-7) (mbe). (Entered: 06/23/2008)
06/18/2008		SUMMONS ISSUED as to Clinere Products Inc., Richard Carl Olson. (mbe) (Entered: 06/23/2008)
06/18/2008		Magistrate Judge Douglas F. Eaton is so designated. (mbe) (Entered: 06/23/2008)
06/18/2008		Case Designated ECF. (mbe) (Entered: 06/23/2008)
06/18/2008	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Unilever N.V. and Unilever PLC as Corporate Parents. Document filed by Unilever Supply Chain, Inc., Conopco, Inc..(mbe) (mbe). (Entered: 06/23/2008)
06/23/2008		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney for noncompliance with Section (3) of the S.D.N.Y. 3rd Amended Instructions For Filing An Electronic Case or Appeal and Section 1(d) of the S.D.N.Y. Procedures For Electronic Case Filing. E-MAIL the PDF for Document <u>2</u> Rule 7.1 Corporate Disclosure Statement, <u>1</u> Complaint to: case_openings@nysd.uscourts.gov. (mbe) (Entered: 06/23/2008)

07/01/2008	<u>3</u>	ORDER FOR INITIAL PRETRIAL CONFERENCE: Initial Conference set for 9/26/2008 at 11:30 AM in Courtroom 23A, 500 Pearl Street, New York, NY 10007 before Judge Sidney H. Stein. (Signed by Judge Sidney H. Stein on 6/30/08) (tro) (Entered: 07/01/2008)
09/26/2008	<u>4</u>	NOTICE OF VOLUNTARY DISMISSAL Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) and or their counsel(s), hereby give notice that the above-captioned action is voluntarily dismissed, without prejudice against the defendant(s) all defendants. Document filed by all plaintiffs. (Gulia, Gregory) (Entered: 09/26/2008)
09/26/2008	<u>5</u>	ENDORSED LETTER addressed to Judge Sidney H. Stein from Gregory P. Gulia dated 9/25/08 re: Counsel requests that the court cancel the initial conference in the above referenced action. ENDORSEMENT: Conf. Adjourned to Oct. 3 at 10 A.M. unless stip of discontinuance is filed prior to 10/3., (Initial Conference set for 10/3/2008 at 10:00 AM before Judge Sidney H. Stein.) (Signed by Judge Sidney H. Stein on 9/26/08) (mme) (Entered: 09/26/2008)
09/26/2008		(Court only) ***Civil Case Terminated.*** (dt) (Entered: 09/29/2008)

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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X
UNILEVER SUPPLY CHAIN, INC. and
CONOPCO, INC. d/b/a UNILEVER

Plaintiffs,

-against-

CLINERE PRODUCTS INC. and
RICHARD CARL OLSON

Defendants.
-----X

Civil Action No. 08-cv-5532
ECF Case

NOTICE OF DISMISSAL

Plaintiffs Unilever Supply Chain, Inc. and Conopco, Inc. d/b/a Unilever by their attorneys, Duane Morris LLP, hereby dismiss the above action, without prejudice and without costs against any Party, pursuant to Rule 41(a)(i) of the Federal Rules of Civil Procedure.

Dated: New York, New York
September 26, 2008

Respectfully submitted,

DUANE MORRIS LLP

By: 

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Attorneys for Plaintiffs
Unilever Supply Chain, Inc. and
Conopco, Inc. d/b/a Unilever

SO ORDERED:

Dated: _____

United States District Judge

11. Upon information and belief, Defendant Richard Carl Olson ("Olson") is the Co-owner and President of Clinere. Upon information and belief, Olson may be contacted at the following address: 28965 North Lemon Road, Mundelein, Illinois 60060.

FACTS COMMON TO ALL CLAIMS FOR RELIEF

A. Plaintiffs' Intellectual Property

12. Conopco is a leading manufacturer, distributor and seller of cotton swabs and other personal care products. Conopco distributes and sells its cotton swab products throughout the country under its famous Q-TIPS® Mark.

13. Plaintiffs and their predecessors have sold cotton swabs and other personal care products under the Q-TIPS® Mark continuously in interstate commerce since at least as early as 1926. The famous Q-TIPS® Mark has appeared on product packaging, advertising, promotional materials, displays and the like.

14. Plaintiff Unilever Supply Chain is the owner of the following valid, subsisting and incontestable U.S. trademark registrations for the mark Q-TIPS®:

MARK	REGISTRATION NO. AND DATE	GOODS
Q-TIPS	0309,256 January 9, 1934	Swabs consisting of sanitary absorbent cotton, attached to the end of a small piece of wood
Q-TIPS	0591,736 June 22, 1954	Swabs consisting of small sticks of wood or paper having wads of cotton twisted about one or both their ends and intended for use primarily as a cosmetic aid and dressing table adjunct

MARK	REGISTRATION NO. AND DATE	GOODS
	2,809,256 January 27, 2004	Cotton swabs

These incontestable registrations serve as conclusive evidence of Plaintiffs' exclusive right to use the marks on the goods cited therein. Copies of the Certificates of Registration are attached hereto as Exhibit I and are incorporated herein by reference.

15. Since long prior to the acts of Defendants complained of herein, Plaintiffs and their predecessors have sold and continue to sell Q-TIPS® brand cotton swabs in distinctive product trade dress. This trade dress includes the following elements:

- The Q-TIPS® mark is depicted in solid, stylized white lettering and printed at an upward-pointing angle to the right.
- Underneath the Q-TIPS® mark, the words "Cotton Swabs" appear in solid, stylized white lettering.
- A distinctive blue color used on all Q-TIPS® brand products is featured as a prominent color.
- Underneath the Q-TIPS® mark, the distinctive blue color appears a shade lighter than the blue color found on the rest of the product packaging.

The Q-TIPS® product packaging and the distinctive design elements incorporated therein shall hereinafter collectively be referred to as the "Q-TIPS® Trade Dress." Annexed hereto as Exhibit 2 are copies of digital photographs of representative samples of Plaintiffs' Q-TIPS® brand cotton swabs showing Plaintiffs' distinctive Q-TIPS® Trade Dress. The Q-TIPS® Mark and Q-TIPS® Trade Dress are hereinafter referred to as the "Q-TIPS® Intellectual Property."