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A&H Sportswear Inc v. Victorias Secret

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Filed February 24, 1999

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 97-1541

A&H SPORTSWEAR INC.; MAINSTREAM SWIMSUITS, INC.

v.

VICTORIA'S SECRET STORES, INC.;
VICTORIA'S SECRET CATALOGUE, INC.

Appellants

On Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. No. 94-cv-07408)
(District Judge: Hon. Franklin S. VanAntwerpen)

Argued May 19, 1998

Before: SLOVITER, GREENBERG and GIBSON,*
Circuit Judges

Submitted en banc December 14, 1998

Before: BECKER, Chief Judge, SLOVITER, STAPLETON,
MANSMANN, GREENBERG, SCIRICA, NYGAARD, ALITO,
ROTH, LEWIS, MCKEE, and RENDELL Circuit Judges

ORDER AMENDING OPINION

It is ordered that the slip opinion in the above case, filed
on January 21, 1999 be amended as follows:

* Hon. John R. Gibson, United States Senior Circuit Judge for the
United States Court of Appeals for the Eighth Circuit, sitting by
designation.

Page 2, that the opinion be amended to reflect the fact that Mr. Snyder is actually affiliated with Seidel, Gonda, Lavorgna & Monaco:

Michael F. Snyder
Seidel, Gonda, Lavorgna & Monaco
Philadelphia, PA 19102

Page 6, lines 13-16, the sentence be amended to read:

In February 1995, the Patent and Trademark Office (PTO) refused the registration on the basis of A&H's prior registration of the MIRACLESUIT. FF 31.

By the Court,

/s/ Dolores K. Sloviter
Circuit Judge

Dated: 24 February 1999

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Teste:

Clerk of the United States Court of Appeals
for the Third Circuit