

DECLARATION IN SUPPORT OF ACQUIRED
DISTINCTIVENESS UNDER SECTION 2(f)

1. I, Christian Louboutin, a French citizen, make this declaration in support of my trademark application for my trademark comprising the shiny, red-lacquered sole for women's high-fashion designer footwear. I make this declaration based on my own knowledge and on information provided to me by my employees.

2. I am a footwear designer and launched the CHRISTIAN LOUBOUTIN brand in 1991 in France. I opened my first boutique in Paris in 1992. My shoes are luxury items and were immediately spotted by the fashion industry and the cognoscenti.

3. In 1992 I incorporated the red sole into the design of my shoes. This happened by accident as I felt that the shoes lacked energy so I applied red nail polish to the sole of a shoe. This was such a success that it became a permanent fixture. The red sole is not a by-product of the manufacturing process; adding red lacquer to the soles of the shoes is more expensive than producing lacquer-less soles. The shiny red color of the soles has no function other than to identify to the public that the shoes are mine. I selected the color red because it is engaging, flirtatious, memorable and the color of passion. It attracts men to the women who wear my shoes. The red-soled shoes were an immediate sensation, and clients specifically came in to my stores looking for my red-soled shoes. The red sole quickly became my signature. My footwear is instantly recognizable by the immaculately lacquered red soles; upon seeing the red sole of the shoe, because it is so well known, people know that the shoes are designed by me. All of my shoes have had my signature red soles since 1992, and have continuously featured this device since then.

4. My shoes are worn by many famous actresses, musicians and other celebrities including royalty. In the U.S., famous wearers of the CHRISTIAN LOUBOUTIN red-soled shoes include Madonna, Halle Berry, Salma Hayek, Kate Hudson, Jennifer Lopez, Sarah Jessica Parker, Mishca Barton, Jessica Simpson, Mary Kate Olsen, Cameron Diaz, Gwyneth Paltrow, Kirsten Dunst, Angelina Jolie, Gwen Stefani, Destiny's Child, Tina Turner and Janet Jackson. Other celebrities who wear the red-soled CHRISTIAN LOUBOUTIN shoes include Diane von Furstenberg, Nicole Kidman, Catherine Deneuve, Cate Blanchett and Princess Caroline of Monaco.

5. Due to the success of the CHRISTIAN LOUBOUTIN brand, my shoes receive much editorial exposure. This often focuses on the red soles of my shoes being my trademark. As stated in the International Herald Tribune on December 20 2005, "*...the flash of scarlet sends out a subliminal message to shoe princesses everywhere: Christian Louboutin.*". As stated on DallasNews.com on November 29 2006, "*Attention Gents: When that beautiful woman walks by and the soles of her shoes are lipstick red, compliment her for wearing **Christian Louboutin** shoes*". On www.californiastyle.blogspot.com on April 26 2006, it was stated that "*The 'IT' shoes are those designed by Christian Louboutin who is well known for his signature red soles*". My shoes were referred to as classic items of fashion in The Boston Globe on October 12 2006: "*Besides, anyone who truly knows fashion – regardless of their income – doesn't need a label or logo to spot a real classic – whether it's an Hermes bag or the red sole of a Christian Louboutin heel*".

6. I own two stores in New York and one in Los Angeles, as well as flagship stores in Paris, London and Moscow. As well as being sold via my own stores, the CHRISTIAN

LOUBOUTIN red-soled shoe is sold internationally by many world-famous department stores. In the U.S., the red-soled shoes are stocked by Nieman Marcus, Barney's, Saks, Bergdorf-Goodman, Net-a-Porter, Diane von Furstenberg, Jeffrey (Georgia and New York), Amarees (California), Bob Ellis (South Carolina and North Carolina), Coco Paris (New Jersey), Coplon's (North Carolina and Virginia), Diane Fursten (Ohio), Elise Walker (California), Footcandy (California), Fred Segal Feet (California), Gerhard (California), Hirshleifer (New York), Imelda's (Colorado), Joseph (Tennessee), Janet Brown (New York), Joan Shepp (Pennsylvania), Marios (Washington), Nordstrom (California, New Jersey, Texas), Shari's Place (New York), Sebastian's (Texas), Stanley Korshak (Texas), Wilkes Bashford (California) and Wynn Resorts (Nevada).

7. At Exhibit A, I attach examples of U.S. press editorial comment dating from 1999 regarding my shoes, specifically mentioning the red soles or showing photographs of them. By way of example only, my shoes have been featured in the following publications: *The International Herald Tribune*, *DallasNews.com*, *The Atlanta Journal-Constitution*, *Sarasota-Herald Tribune*, *The Miami Herald*, *The Dallas Morning News*, *Pittsburgh Tribune Review*, *The Sunday Oregonian*, *The Washington Post*, *The San Francisco Chronicle*, *The Boston Globe*, *The Houston Chronicle*, *Harper's Bazaar*, *Newhouse News Service*, *Plain Dealer (Cleveland)*, *Detroit Free Press*, *The New York Post*, *The Boston Herald*, *The Seattle Post-Intelligence* and *The Los Angeles Times*. I also attach examples of comments on websites including *www.footwearnews.com*, *www.glam.com*, *www.flare.com*, *www.bagsnob.com*, *www.footcandyshoes.com*, *www.californiastyle.blogspot.com*, *www.somelikeithaute.com*, and *www.shoebunny.com*. I also attach print-outs from the eBay website and the first page of a search conducted on the Google website for the terms "red soles" in conjunction with "Louboutin".

These all mention that my shoes all have red soles. In many cases, the red sole of the shoe is referred to as my trademark or my signature.

8. My company, Christian Louboutin S.A., contributes to advertising costs with department stores to promote my signature red-soled shoes. Per year, my company contributes up to Euros 203,000, which is approximately \$263,000, to the U.S. stores Nieman Marcus, Barney's, Saks and Bergdorf-Goodman.

9. At Exhibit B, I attach a breakdown of the annual sales of my shoes to the U.S. for the years 2004-2006, as shown in the attached spreadsheet attached as Exhibit B. "S/S" stands for "Spring/Summer" and "F/W" stands for "Fall/Winter". Figures are given in the Euros currency but a translation into Dollars at the current exchange rate is written alongside. These figures are wholesale value. In the year 2006, the value of exports of my shoes to the U.S. for retail amounted to almost Euros 15,000,000, which is approximately \$19,435,000.

10. My shoes cost in the range of \$400 to \$3,100. Thus, my customers are sophisticated, deliberately seeking out my red-soled shoes because of the cachet and instant recognition they bring to the wearer. Because of the high value of my shoes, consumers take care over their purchase. Buying a pair of shoes that generally costs in excess of \$1,000 would not be an impulse purchase.

11. At Exhibit C, I attach a statement of Roland Mouret, the famous French-born London-based women's wear designer. He showcases his collections only at New York Fashion Week. Roland Mouret and I have worked together in the past regarding shoes for his catwalk shows. The shoes were credited as being by CHRISTIAN LOUBOUTIN for Roland Mouret, and in all editorial coverage the shoes were referred to in this way. In his statement, Roland Mouret explains that the red soles of my shoes are my trademark and that he would not use red

on the soles of any shoes that he may produce in the future because red soles are my trademark.

12. At Exhibit D, I attach examples of my current stationery including business cards, note cards and envelopes. These business documents all feature the logo of a red sole as this is my trademark and an indication that the stationery originates from me.

13. I have used the red-soled shoe in commerce for the goods in this application since at least as early as early 1992. This use in commerce has been substantially exclusive and continuous.

14. The mark has become distinctive of my footwear through my substantially exclusive and continuous use in commerce for at least the five years immediately before the date of this statement.

15. Based on the prolonged use of this mark since 1992, enormous sales, extensive promotion, celebrity endorsements, significant and favorable editorial notice and global success of the signature red sole on women's high-fashion designer footwear, I believe that the red-soled shoe has become a well-known trademark to consumers of the shoes covered by this application and that such persons understand that it exclusively denotes me, Christian Louboutin, as the source of the shoes.

16. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true. Further, these statements have been made with the knowledge that willful false statements or the like are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any registration resulting therefrom.

Christian Louboutin

Signature:

C/ouboutin

Dated:

03/14/2007

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