

Victoria's Secret is Out

By Reg P. Wydeven
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Victoria's Secret may be out – the lingerie conglomerate allegedly steals great ideas and markets them as its own.

First came the lawsuit filed by Katerina Plew, a 38-year-old mother of four, who claimed that Victoria's Secret stole her idea for a bra that's straps can be worn in different ways. The suit, which was filed in the U.S. District Court in Manhattan, seeks unspecified damages and an injunction to prevent the company from infringing on her patent for the bra.

Plew claims that in 1999 she invented the bra, with straps that can be detached and reattached in different ways to hide them under an outer garment, after she became frustrated that she could not always hide her bra straps. Being a paralegal, she knew to file for a patent for the bra in 2002, which she received in 2004.

In 2006, Plew e-mailed Victoria's Secret a mock-up of the bra and scheduled a meeting with the company to demonstrate it. But the meeting was a bust as Victoria's Secret cancelled it at the last minute. A year later Plew discovered Victoria's Secret was marketing a strapless convertible bra that has three sets of straps that hook into eyelets to wear 100 ways.

Recognizing the design as her own, Plew filed suit.

While lawyers for Victoria's Secret were in Manhattan's U.S. District Court, they filed papers challenging a recent federal Trademark Trial and Appeal Board ruling that the company's "So Sexy" hair products create confusion with rival Sexy Hair Concepts LLC's family of trademarks.

In April of 2007, the board concluded that consumers were likely to confuse Victoria's Secrets' "So Sexy" trademark for Sexy Hair Concepts' trademarked products that use the word "sexy." Sexy Hair Concepts applied to protect its trademarks for the "sexy" product line in November 2001, before Victoria's Secret began testing of its "So Sexy" products in April 2003.

A federal judge will review the evidence and will solely consider whether the board ruled correctly.

As a consumer, I don't care if my hair is sexy or not, as long as it doesn't fall out.