

## Henri Bendel, Inc. v. Sears, Roebuck and Co.

25 F. Supp. 2d 198, 48 U.S.P.Q.2d 1948 (S.D.N.Y. 1998)

We obtained summary judgment dismissing claims by Henri Bendel that green and white striped cosmetic bags that were otherwise essentially copies of Henri Bendel's signature brown and white striped cosmetic bags infringed plaintiff's trade dress in those bags. More

25 F. Supp. 2d 198, 48 U.S.P.Q.2d 1948 (S.D.N.Y. 1998)

We obtained summary judgment dismissing claims by Henri Bendel thatgreen and white striped cosmetic bags that were otherwise essentially copies of Henri Bendel's signature brown and white striped cosmetic bags infringed plaintiff's trade dress in those bags. The Court adopted defendants' argument that, except for plaintiff's brown and white color scheme, the bag designs werenon-distinctive and/or functional.