

actress/writer Cassandra Peterson, Elvira has carved out a niche in popular culture that is sure to endure for decades to come.

7. Plaintiff and its licensees market and sell a variety of Elvira branded products, including apparel such as t-shirts and sweatshirts, prints, magnets, pins, posters and other merchandise bearing Plaintiff's ELVIRA, MISTRESS OF THE DARK, and ELVIRA MISTRESS OF THE DARK trademarks (collectively, "Elvira Products"). Elvira Products have become enormously popular and even iconic, driven by Plaintiff's quality standards and innovative designs. Among the purchasing public, Elvira Products are instantly recognizable as such. Elvira Products are distributed and sold to consumers by Plaintiff and its licensees through authorized

8. Plaintiff has used the ELVIRA, MISTRESS OF THE DARK, and ELVIRA MISTRESS OF THE DARK trademarks for many years and has continuously sold products under its trademarks (collectively, the "Elvira Trademarks"). As a result of this long-standing use, strong common law trademark rights have amassed in the Elvira Trademarks. Plaintiff's use of the marks has also built substantial goodwill in the Elvira Trademarks. The Elvira Trademarks are famous marks and valuable assets of Plaintiff. Elvira Products also typically include at least one of the Elvira Trademarks.

9. The Elvira Trademarks are registered with the United States Patent and Trademark Office and are included below.

Registration Number	Trademark	Registration Date	Goods and Services
1,330,838	ELVIRA	Apr. 16, 1985	For: T-Shirts, Costumes without Masks in class 025. For: Entertainment Services in the Nature of Hosting a Television

			Show and Variety Performances in class 041.
5,315,637	ELVIRA MISTRESS OF THE DARK	Oct. 24, 2017	For: Calendars; Graphic prints; Graphic representations; Pictures; Posters; Mounted posters in class 016. For: Pouches for holding make-up, keys and other personal items; Purses; All-purpose carrying bags in class 018. For: Bobble head dolls; Collectable toy figures; Costume masks; Dolls; Pinball games; Pinball machines; Slot machines; Doll costumes; Play figures; Toy figures in class 028.
4,175,886	MISTRESS OF THE DARK	Jul. 17, 2012	For: Clothing, namely, T-shirts; Halloween costumes in class 025. For: Entertainment services, namely, hosting of television shows and hosting of entertainment shows presented by webcast, podcast and by the Internet; Production and distribution of motion picture films distributed by theatrical distribution, television, cable television and the Internet; entertainment services, namely, providing temporary use of non-downloadable films and television programs via a video-on-demand service and the Internet; Entertainment services, namely, providing a web site featuring entertainment, namely, musical performances, musical videos, related film clips, photographs, and other multimedia materials in class

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10. The U.S. registrations for the Elvira Trademarks are valid, subsisting, in full force and effect, and Registration Nos. 1,330,838 and 4,175,886 are incontestable pursuant to 15 U.S.C. § 1065. The registrations for the Elvira Trademarks constitute *prima facie* evidence of their validity and of Plaintiff's exclusive right to use the Elvira Trademarks pursuant to 15 U.S.C. § 1057(b). True and correct copies of the United States Registration Certificates for the Elvira Trademarks are attached hereto as **Exhibit 1**.

11. The Elvira Trademarks are exclusive to Plaintiff and are displayed extensively on Elvira Products and in marketing and promotional materials. The Elvira Trademarks are also distinctive when applied to Elvira Products, signifying to the purchaser that the products come from Plaintiff, or its licensees, and are manufactured to Plaintiff's quality standards. Whether Plaintiff manufactures the products itself or contracts with others to do so, Plaintiff has ensured that products bearing the Elvira Trademarks are manufactured to the highest quality standards.

12. The Elvira Trademarks are famous marks, as that term is used in 15 U.S.C. § 1125(c)(1), and have been continuously used and never abandoned. The success of Elvira, in addition to the marketing of Elvira Products, has enabled the Elvira brand to achieve widespread recognition and fame and has made the Elvira Trademarks some of the most well-known marks in the entertainment industry. The widespread fame, outstanding reputation, and significant goodwill associated with the Elvira brand have made the Elvira Trademarks valuable assets of Plaintiff.

13. Products bearing the Elvira Trademarks have been the subject of substantial and continuous marketing and promotion. Plaintiff and its licensees have marketed and promoted, and continue to market and promote, products bearing the Elvira Trademarks in the industry and to