

UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION

U.S. APPLICATION SERIAL NO. 79234482

MARK: ENDESSENCE

79234482

CORRESPONDENT ADDRESS:

O.V. Shterz
P.O. box 242
RU-630132 Novosibirsk
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CLICK HERE TO RESPOND TO THIS LETTER:

http://www.uspto.gov/trademarks/teas/response_form.jsp

APPLICANT: Obshchestvo s ogranichennoi otvetstvenno ETC.

CORRESPONDENT'S REFERENCE/DOCKET NO:

N/A

CORRESPONDENT E-MAIL ADDRESS:

OFFICE ACTION

INTERNATIONAL REGISTRATION NO. 1407613

STRICT DEADLINE TO RESPOND TO THIS NOTIFICATION: TO AVOID PARTIAL ABANDONMENT OF THE REQUEST FOR EXTENSION OF PROTECTION OF THE INTERNATIONAL REGISTRATION, THE USPTO MUST RECEIVE A COMPLETE RESPONSE TO THIS PROVISIONAL PARTIAL REFUSAL NOTIFICATION **WITHIN 6 MONTHS** OF THE "DATE ON WHICH THE NOTIFICATION WAS SENT TO WIPO (MAILING DATE)" LOCATED ON THE WIPO COVER LETTER ACCOMPANYING THIS NOTIFICATION.

In addition to the Mailing Date appearing on the WIPO cover letter, a holder (hereafter "applicant") may confirm this Mailing Date using the USPTO's Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. To do so, enter the U.S. application serial number for this application and then select "Documents." The Mailing Date used to calculate the response deadline for this provisional partial refusal is the "Create/Mail Date" of the "IB-1st Refusal Note."

This is a **PROVISIONAL PARTIAL REFUSAL** of the request for extension of protection of the mark in the above-referenced U.S. application that applies to only the following goods in the application: "Abrasives; ammonia [volatile alkali] [detergent]; antiperspirants [toiletries]; aromatics [essential oils]; balms, other than for medical purposes; bases for flower perfumes; bleaching preparations [decolorants] for cosmetic purposes; cake flavorings [essential oils]; color-brightening chemicals for household purposes [laundry]; color-removing preparations; cosmetic dyes; cosmetic kits; detergents, other than for use in manufacturing operations and for medical purposes; flavorings for beverages [essential oils]; food flavourings [essential oils]; fumigation preparations [perfumes]; refurbishing preparations; geraniol; heliotropine; herbal extracts for cosmetic purposes; laundry preparations; laundry soaking preparations; leather bleaching preparations; neutralizers for permanent waving; non-slipping liquids for floors; oils for toilet purposes; potpourris [fragrances]; preservatives for leather [polishes]; preparations to make the leaves of plants shiny; saffron; scented water; shaving stones [astringents]; shining preparations [polish]; smoothing preparations [starching]; soap*; sun-tanning preparations [cosmetics]; teeth whitening strips; toiletry preparations*" in International Class 3, and "Adhesive plasters; albuminous foodstuffs for medical purposes; albuminous preparations for medical purposes; antioxidant pills; barks for pharmaceutical purposes; biological preparations for medical purposes; capsules for medicines; cachets for pharmaceutical purposes; chemico-pharmaceutical preparations; corn remedies; compresses; decoctions for pharmaceutical purposes; deodorants, other than for human beings or for animals; depuratives; dietary fiber; dietetic substances adapted for medical use; dressings, medical; drugs for medical purposes; elixirs [pharmaceutical preparations]; gelatine for medical purposes; hematogen; linseed for pharmaceutical purposes; lotions for pharmaceutical purposes; magnesia for pharmaceutical purposes medicinal infusions; medicine cases, portable, filled; medicines for human purposes; mud for baths; nervines; nutraceutical preparations for therapeutic or medical purposes; ointments for pharmaceutical purposes; panty liners [sanitary]; pastilles for pharmaceutical purposes; pharmaceuticals; pharmaceutical preparations; preparations of trace elements for human and animal use; remedies for perspiration; salts for medical purposes; salts for mineral water baths; serums; slimming pills; sunburn ointments; syrups for pharmaceutical purposes; tanning pills; thermal water; therapeutic preparations for the bath; tinctures for medical purposes; tissues impregnated with pharmaceutical lotions; tonics [medicines]" in International Class 5. See 15 U.S.C. §1141h(c). See below in this notification (hereafter "Office action") for details regarding the provisional partial refusal.

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

Results of Trademark Act Section 2(d) Search

The trademark examining attorney has searched the Office's database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). TMEP §704.02; see 15 U.S.C. §1052(d).

Summary of Issues that Applicant Must Address

1. Requirement to Clarify the Identification of Goods

Requirement to Clarify the Identification of Goods

The identification of goods requires clarification because it includes language that is indefinite and/or too broad, as indicated below. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1402.03(a).

The identification of goods contains brackets. Generally, applicants should *not* use parentheses and brackets in identifications in their applications so as to avoid confusion with the USPTO's practice of using parentheses and brackets in registrations to indicate goods and/or services that have been deleted from registrations or in an affidavit of incontestability to indicate goods and/or services not claimed. *See* TMEP §1402.12. The only exception is that parenthetical information is permitted in identifications in an application if it serves to explain or translate the matter immediately preceding the parenthetical phrase in such a way that it does not affect the clarity or scope of the identification, e.g., "fried tofu pieces (abura-age)." *Id.* Therefore, applicant must remove the brackets from the identification and incorporate any bracketed information into the description of the goods.

Proper punctuation in identifications is necessary to delineate explicitly each product or service within a list and to avoid ambiguity. Commas, semicolons, and apostrophes are the only punctuation that should be used in an identification of goods and/or services. TMEP §1402.01(a). An applicant should *not* use colons, periods, exclamation points, and question marks in an identification. *Id.* In addition, applicants should not use symbols in the identification such as asterisks (*), at symbols (@), or carets. *Id.* **Therefore, applicant must delete the asterisks (*) that appear in the International Class 3 and Class 5 identifications.**

In general, **commas** should be used in an identification (1) to separate a series of related items identified within a particular category of goods or services, (2) before and after "namely," and (3) between each item in a list of goods or services following "namely" (e.g., personal care products, namely, body lotion, bar soap, shampoo). *Id.* **Semicolons** generally should be used to separate a series of distinct categories of goods or services within an international class (e.g., personal care products, namely, body lotion; deodorizers for pets; glass cleaners). *Id.*

Particular wording in the identification in the application is indefinite and must be clarified because it does not appear to describe any goods in the identified international class. *See* 37 C.F.R. §2.32(a)(6); TMEP §§1402.01, 1904.02(c)(iii). Generally, a trademark examining attorney will recommend language to replace unacceptable wording in identifications of goods and/or services. *See* TMEP §1402.01(e). However, in this case, the trademark examining attorney is unable to suggest alternative wording because the text that follows in International Class 3 is indefinite and does not appear to describe any goods in the class: "safrol." *See* TMEP §1904.02(c)(iii).

Applicant may respond by amending this wording to clarify the nature of the goods; however, any amendment to the identification must identify goods in International Class 3 and be within the scope of the wording in the initial application. *See* TMEP §§1402.01(c), 1402.07(a), 1904.02(c)(iii). The scope of the identification for purposes of permissible amendments is limited by the international class(es) assigned by the International Bureau of the World Intellectual Property Organization (International Bureau). 37 C.F.R. §2.85(f); TMEP §§1402.07(a), 1904.02(c). If an applicant amends to goods and/or services that are in a class other than that assigned by the International Bureau, the amendment will not be accepted because it would exceed the scope and those goods and/or services would no longer have a basis for registration under U.S. law. TMEP §§1402.01(c), 1904.02(c).

Alternatively, applicant may delete this unacceptable wording from the identification. *See* TMEP §1904.02(c)(iii)-(iv). However, once an application has been expressly amended to delete goods and/or services, those items generally may not later be re-inserted. *See* TMEP §1402.07(e).

If applicant believes the classification assigned by the International Bureau was in error, applicant may contact the International Bureau and request correction of, or recordation of a limitation to, the international registration. TMEP §1904.02(c)(iii)-(iv), (e)(i)-(e)(ii). However, filing such a request with the International Bureau is not considered a formal response to this Office action. *See* TMEP §1904.02(c)(iv), (e)(iii). Applicant must also file a timely and complete response to this Office action, stating that applicant has filed a request for a correction or to record a limitation with the International Bureau that will resolve the outstanding issue. *See* 15 U.S.C. §1062(b); 37 C.F.R. §2.62(a); TMEP §§711, 718.03, 1904.02(c)(iii)-(iv), (e)(iii). The response should include (1) a copy of the request for correction or limitation filed with the International Bureau and (2) a request to suspend action on the application, which will normally be granted under such circumstances. *See* TMEP §§716.02(g), 1904.02(c)(iii)-(iv).

Scope Advisory

Applicant's goods and/or services may be clarified or limited, but may not be expanded beyond those originally itemized in the application or as acceptably narrowed. *See* 37 C.F.R. §2.71(a); TMEP §§1402.06, 1904.02(c)(iv). Applicant may clarify or limit the identification by inserting qualifying language or deleting items to result in a more specific identification; however, applicant may not substitute different goods and/or services or add goods and/or services not found or encompassed by those in the original application or as acceptably narrowed. *See* TMEP §1402.06(a)-(b). The scope of the goods and/or services sets the outer limit for any changes to the identification and is generally determined by the ordinary meaning of the wording in the identification. TMEP §§1402.06(b), 1402.07(a)-(b). Any acceptable changes to the goods and/or services will further limit scope, and once goods and/or services are deleted, they are not permitted to be reinserted. TMEP §1402.07(e). Additionally, for applications filed under Trademark Act Section 66(a), the scope of the identification for purposes of permissible amendments is limited by the international class assigned by the International Bureau of the World Intellectual Property Organization (International Bureau); and the classification of goods and/or services may not be changed from that assigned by the International Bureau. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b). Further, in a multiple-class Section 66(a) application, classes may not be added or goods and/or services transferred from one existing class to another. 37 C.F.R. §2.85(d); TMEP §1401.03(d).

Suggested Amendments

Applicant should note that any wording in **bold** or in *bold italics* below offers guidance and/or shows the changes being proposed for the identification of goods and/or services. If there is wording in applicant's version of the identification of goods and/or services that should be removed, it will be shown in bold with a line through it such as this: ~~strike through~~. Applicant should enter its amendments in standard font. If applicant wishes to accept the suggested deletions, applicant must manually delete the struck through wording in any USPTO response form. Copying and pasting the language below will not result in deletion of the struck through wording, which will remain within the identification.

Applicant may adopt the following identification of goods, if accurate:

International Class 3: Abrasives, **namely, {specify nature of the goods in Class 3, e.g., *flexible abrasives, abrasive sheets*}**; abrasive cloth; adhesives for cosmetic purposes; after-shave lotions; air fragrancings preparations; almond milk for cosmetic purposes; aloe vera preparations for cosmetic purposes; **detergents, namely, ammonia {~~volatile alkali~~} {~~detergent~~} for {specify purpose in Class 3, e.g., *cleaning purposes*}**; antiperspirant soap; **toiletries, namely, antiperspirants {~~toiletries~~}**; antistatic preparations for household purposes; aromatics, **namely, {~~essential oils~~}** **essential oils**; astringents for cosmetic purposes; balms, other than for medical purposes, **namely, {specify types in Class 3, e.g., *after-shave balms*}**; bases for flower perfumes, **namely, {clarify nature of goods, e.g., *extracts of flower being perfumes*}**; bath preparations, not for medical purposes; bath salts, not for medical purposes; beauty masks; **decolorants, namely, bleaching preparations {~~decolorants~~}** for cosmetic purposes; breath freshening sprays; breath freshening strips; cake flavorings **{~~essential oils~~} being essential oils**; cakes of toilet soap; canned pressurized air for cleaning and dusting purposes; cleaning chalk; cleansing milk for toilet purposes; cleansers for intimate personal hygiene purposes, non medicated; cleaning preparations; cloths impregnated with a detergent for cleaning; collagen preparations for cosmetic purposes; color-brightening **laundry chemicals for household purposes {~~laundry~~}**; color-removing preparations for **{clarify use in Class 3, e.g., *hair*}**; cosmetics; cosmetic creams; cosmetic dyes, **namely, {specify type in Class 3, e.g. *hair dyes*}**; cosmetic kits comprised of **{indicate non-medicated cosmetics, e.g., *lipstick, lip gloss, mascara*}**; cosmetic pencils; cosmetic preparations for baths; cosmetic preparations for eyelashes; cosmetic preparations for skin care; cosmetic preparations for slimming purposes; cotton sticks for cosmetic purposes; cotton wool for cosmetic purposes; decorative transfers for cosmetic purposes; degreasers, other than for use in manufacturing processes; dental bleaching gels; dentifrices **{note: deleted * symbol}**; deodorants for human beings or for animals; deodorant soap; depilatories; depilatory wax; descaling preparations for household purposes; detergents, other than for use in manufacturing operations and for medical purposes, **namely, {specify types in Class 3, e.g., *dish detergents, laundry detergents, detergents for household use*}**; dry-cleaning preparations; dry shampoos **{note: deleted * symbol}**; eau de Cologne; essential oils; ethereal essences; eyebrow cosmetics; eyebrow pencils; eye-washes, not for medical purposes; fabric softeners for laundry use; false eyelashes; false nails; flavorings for beverages **{~~essential oils~~} being essential oils**; food flavourings **{~~essential oils~~} being essential oils**; fumigation preparations **in the nature of {~~perfumes~~}** **perfumes**; furbishing preparations **in the nature of {clarify nature of goods, e.g., *cleaning preparations*}**; geraniol **being {clarify nature/function of the goods, e.g., *alcohol for cleaning purposes*}**; greases for cosmetic purposes; hair conditioners; hair dyes; hair lotions **{note: deleted * symbol}**; hair spray; hair straightening preparations; hair waving preparations; heliotropine **being {clarify nature/function of the goods, e.g., *perfume*}**; **{clarify nature, e.g., *topical*}** herbal extracts for cosmetic purposes; joss sticks; lacquer-removing preparations; laundry glaze; laundry bleaching preparations; laundry preparations, **namely, {specify types in Class 3, e.g., *cleaning and washing preparations*}**; laundry soaking preparations, **namely, {specify types in Class 3, e.g., *laundry pre-soak*}**; leather bleaching preparations for **{specify purpose in Class 3, e.g., *household purposes*}**; lip glosses; lipsticks; lotions for cosmetic purposes; make-up powder; make-up preparations; make-up removing preparations; mascara; massage gels, other than for medical purposes; mint for perfumery; mouthwashes, not for medical purposes; mustache wax; nail art stickers; nail care preparations; nail polish; nail varnish removers; neutralizers for permanent waving **being {clarify nature/function of the goods, e.g., *hair waving preparations*}**; non-slipping liquids for floors, **namely, {clarify nature in Class 3, e.g., *cleaning preparations featuring abrasives*}**; non-slipping wax for floors; oils for cleaning purposes; oils for cosmetic purposes; oils for perfumes and scents; oils for toilet purposes, **namely, {specify type in Class 3, e.g., *essential oils*}**; oil of turpentine for degreasing; paint stripping preparations; perfumery; perfumes; petroleum jelly for cosmetic purposes; phytocosmetic preparations; polishing creams; polish for furniture and flooring; polishing paper; polishing preparations; polishing stones; polishing wax; pomades for cosmetic purposes; **fragrances being potpourris {~~fragrances~~}**; preservatives for leather, **namely, {~~polishes~~}** **leather preserving polishes**; preparations to make the leaves of plants shiny, **namely, {specify types in Class 3, e.g., *cleaning and shining preparations for plant leaves*}**; sachets for perfuming linen; ~~safrol~~; scented **{specify nature in Class 3, e.g., *linen*}** water; scented wood; scouring solutions; shampoos **{note: deleted * symbol}**; shaving preparations; shaving soap; shaving stones **{~~astringents~~} being astringents for {clarify function, e.g., *cosmetic purposes*}**; shining preparations **{~~polish~~} being polish**; shoe cream; shoe wax; shoemakers' wax; smoothing preparations, **{~~starching~~}** **namely, {clarify type of starching preparation, e.g., *laundry starch*}**; **{specify type in Class 3, e.g., *non-medicated*}** soap **{note: deleted * symbol}**; soap for brightening textile; stain removers; starch glaze for laundry purposes; sunscreen preparations; sun-tanning preparations **{~~cosmetics~~}** **for cosmetic use**; tailors' wax; teeth whitening strips **{further clarify nature of goods, e.g., *impregnated with teeth whitening preparations*}**; tissues impregnated with cosmetic lotions; tissues impregnated with make-up removing preparations; **{specify type in Class 3, e.g., *non-medicated*}** toiletry preparations **{note: deleted * symbol}**; toilet water; vaginal washes for personal sanitary or deodorant purposes; volcanic ash for cleaning; waxes for leather; windshield cleaning liquids

International Class 5: Adhesive plasters for **{indicate purpose in Class 5, e.g., *medical purposes*}**; adhesive tapes for medical purposes; acne treatment preparations; air deodorising preparations; air purifying preparations; albumin dietary supplements; albuminous foodstuffs adapted for medical purposes; albuminous preparations **in the nature of {indicate nature of goods in Class 5, e.g., *nutritional supplements*}** for medical purposes; alginate dietary supplements; almond milk for pharmaceutical purposes; aloe vera preparations for pharmaceutical purposes; amino acids for medical purposes; anaesthetics; analgesics; antibacterial handwashes; antibacterial soap; antioxidant pills **{clarify nature of goods, e.g., *being food supplements*}**; antiseptics; antiseptic cotton; anti-uric preparations; appetite suppressant pills; appetite suppressants for medical purposes; asthmatic tea; babies' diapers; **{specify type, e.g., *conduran*}** barks for pharmaceutical purposes; bath salts for medical purposes; biological preparations for medical purposes for **{specify what conditions the goods treat or prevent, e.g., *treatment of cancer*}**; candy for medical purposes; candy, medicated; casein dietary supplements; capsules for medicines, **namely, {clarify nature of goods, e.g., *capsules sold empty for pharmaceuticals*}**; cachets **in the nature of {clarify goods, e.g., *capsules sold empty*}** for pharmaceutical purposes; chemico-pharmaceutical preparations for **{specify what conditions the goods treat or prevent, e.g., *treatment of cancer*}**; chewing gum for medical purposes; chilblain preparations; cod liver oil; collagen for medical purposes; collyrium; contact lens cleaning preparations; corn remedies, **namely, {specify types in Class 5, e.g., *corn plasters, corn pads*}**; compresses, **namely, {specify types in Class 5, e.g., *medicated compresses, eye compresses*}**; decoctions for pharmaceutical purposes for

{specify what conditions the goods treat or prevent, e.g., *treatment of cancer*}; deodorants for clothing and textiles; deodorants, other than for human beings or for animals, namely, {specify types in Class 5, e.g., *room deodorants*}; depuratives for the body {note: added to clarify nature of the goods}; dietetic beverages adapted for medical purposes; dietetic foods adapted for medical purposes; dietary fiber for {indicate purpose, e.g., *aiding digestion*}; dietetic substances adapted for medical use, namely, {specify types in Class 5, e.g., *dietary supplements for medical use*}; digestives for pharmaceutical purposes; disinfectants for hygiene purposes; disinfectant soap; medical dressings, ~~medical~~ {note: rewritten for clarification}; drugs for medical purposes for {specify what conditions the goods treat or prevent, e.g., *treatment of cancer*}; elixirs ~~[pharmaceutical preparations]~~ being pharmaceutical preparations for {specify what conditions the goods treat or prevent, e.g., *treatment of cancer*}; enzyme dietary supplements; enzyme preparations for medical purposes; eucalyptus for pharmaceutical purposes; febrifuges; ferments for pharmaceutical purposes; flour for pharmaceutical purposes; food for babies; freeze-dried food adapted for medical purposes; frostbite salve for pharmaceutical purposes; fumigation preparations for medical purposes; gauze for dressings; gelatine for medical purposes for treatment of {specify what conditions the goods treat or prevent, e.g., *arthritis*}; glucose dietary supplements; glucose for medical purposes; ~~hematogen~~ {specify generic name for the goods, e.g., *multi-vitamin preparations for treating or preventing low blood levels of iron and vitamin B12*}; hemostatic pencils; herbal teas for medicinal purposes; homogenized food adapted for medical purposes; immunostimulants; infant formula; lacteal flour for babies; lactose for pharmaceutical purposes; laxatives; lecithin dietary supplements; liniments; linseed {clarify nature, e.g., *meal*} for pharmaceutical purposes; linseed oil dietary supplements; {clarify nature, e.g., *skin*} lotions for pharmaceutical purposes; magnesia for pharmaceutical purposes; medical preparations for slimming purposes; medicated after-shave lotions; medicated dentifrices; medicated dry shampoos; medicated eye-washes; medicated hair lotions; medicated shampoos; medicated soap; medicated toiletry preparations; medicinal drinks; medicinal hair growth preparations; medicinal herbs; medicinal infusions for {specify what conditions the goods treat or prevent, e.g., *treatment of cancer*}; medicinal mud; medicinal oils; medicinal roots; medicinal tea; medicine cases, portable, filled with pharmaceutical preparations for {specify what conditions the goods treat or prevent, e.g., *treatment of pain*}; medicines for alleviating constipation; medicines for human purposes for {specify what conditions the goods treat or prevent, e.g., *treatment of joint pain*}; milk ferments for pharmaceutical purposes; mineral food supplements; mineral waters for medical purposes; mouthwashes for medical purposes; {indicate type, e.g., *medicinal*} mud for baths; mustard plasters; nervines being {clarify nature of the goods, e.g., *herbal preparations for treatment of conditions of the nervous system*}; nutritional supplements; nutraceutical preparations for therapeutic or medical purposes for the treatment of {specify condition, e.g., *low blood iron*}; ointments for pharmaceutical purposes, namely, {specify types in Class 5, e.g., *antibiotic ointments*}; opotherapy preparations; sanitary panty liners ~~[sanitary]~~; {specify nature, e.g., *cough*} pastilles for pharmaceutical purposes; pearl powder for medical purposes; personal sexual lubricants; petroleum jelly for medical purposes; pharmaceuticals for {specify what conditions the goods treat or prevent, e.g., *treatment of cancer*}; pharmaceutical preparations for skin care; pharmaceutical preparations for treating dandruff; pharmaceutical preparations for treating sunburn; phytotherapy preparations for medical purposes; plant extracts for pharmaceutical purposes; pollen dietary supplements; pomades for medical purposes; powdered milk for babies; preparations of trace elements in the nature of {clarify nature of goods, e.g., *mineral supplements*} for human and animal use; preparations for the treatment of burns; propolis dietary supplements; propolis for pharmaceutical purposes; protein dietary supplements; purgatives; remedies for perspiration, namely, {specify types in Class 5, e.g., *medicated antiperspirant soap*}; royal jelly dietary supplements; royal jelly for pharmaceutical purposes; {specify type, e.g., *mineral*} salts for medical purposes; salts for mineral water baths for {clarify purpose in Class 5, e.g., *medical use*}; sanitary towels; sea water for medicinal bathing; sedatives; {clarify type in Class 5, e.g., *medicated*} serums for the treatment of {specify nature, e.g., *hair and skin*}; sexual stimulant gels; slimming pills for {clarify purpose in Class 5, e.g., *medical purposes*}; solutions for contact lenses; styptic preparations; sugar for medical purposes; {clarify type in Class 5, e.g., *medicated*} sunburn ointments; suppositories; {clarify type in Class 5, e.g., *cough*} syrups for pharmaceutical purposes; medicated tanning pills for the purpose of {indicate use, e.g., *darkening skin color*}; thermal water for {clarify function/use, e.g., *medical use for treating dermatological conditions*}; {clarify type in Class 5, e.g., *medicated*} therapeutic preparations for the bath; {clarify type in Class 5, e.g., *herbal*} tinctures for medical purposes; tissues impregnated with pharmaceutical lotions for the treatment of {indicate what is being treated, e.g., *dermatological conditions*}; tonics, namely, ~~[medicines]~~ medicines for the treatment of {indicate what condition is being treated, e.g., *cough and common cold*}; vitamin preparations {note: deleted * symbol}; wadding for medical purposes; wheat germ dietary supplements; yeast dietary supplements; yeast for pharmaceutical purposes

For assistance with identifying goods in trademark applications, please see the USPTO's online searchable [*U.S. Acceptable Identification of Goods and Services Manual*](#). See TMEP §1402.04.

General Response Information

FAILING TO RESPOND WILL RESULT IN PARTIAL ABANDONMENT OF APPLICATION: If applicant does not respond to this Office action within the six-month period for response, the goods International Classes 3 and 5 identified above, in the beginning of this Office action, will be **deleted from the application**.

In such case, the application will then proceed only with the following goods only:

International Class 3: Abrasive cloth; adhesives for cosmetic purposes; after-shave lotions; air fragrancings preparations; almond milk for cosmetic purposes; aloe vera preparations for cosmetic purposes; antiperspirant soap; antistatic preparations for household purposes; astringents for cosmetic purposes; bath preparations, not for medical purposes; bath salts, not for medical purposes; beauty masks; breath freshening sprays; breath freshening strips; cakes of toilet soap; canned pressurized air for cleaning and dusting purposes; cleaning chalk; cleansing milk for toilet purposes; cleansers for intimate personal hygiene purposes, non medicated; cleaning preparations; cloths impregnated with a detergent for cleaning; collagen preparations for cosmetic purposes; cosmetics; cosmetic creams; cosmetic pencils; cosmetic preparations for baths; cosmetic preparations for eyelashes; cosmetic preparations for skin care; cosmetic preparations for slimming purposes; cotton sticks for cosmetic purposes; cotton wool for cosmetic purposes; decorative transfers for cosmetic purposes; degreasers, other than for use in manufacturing processes; dental bleaching gels; dentifrices; deodorants for human beings or for animals; deodorant soap; depilatories; depilatory wax; descaling preparations for household purposes; dry-cleaning preparations; dry shampoos; eau de Cologne; essential oils; ethereal essences; eyebrow cosmetics; eyebrow pencils; eye-washes, not for medical purposes; fabric softeners for laundry use; false eyelashes; false nails; greases for cosmetic purposes; hair conditioners; hair dyes; hair lotions; hair spray; hair straightening preparations; hair waving preparations; joss sticks; lacquer-removing preparations; laundry glaze; laundry bleaching preparations; lip glosses; lipsticks;

lotions for cosmetic purposes; make-up powder; make-up preparations; make-up removing preparations; mascara; massage gels, other than for medical purposes; mint for perfumery; mouthwashes, not for medical purposes; mustache wax; nail art stickers; nail care preparations; nail polish; nail varnish removers; non-slipping wax for floors; oils for cleaning purposes; oils for cosmetic purposes; oils for perfumes and scents; oil of turpentine for degreasing; paint stripping preparations; perfumery; perfumes; petroleum jelly for cosmetic purposes; phytocosmetic preparations; polishing creams; polish for furniture and flooring; polishing paper; polishing preparations; polishing stones; polishing wax; pomades for cosmetic purposes; sachets for perfuming linen; scented wood; scouring solutions; shampoos; shaving preparations; shaving soap; shoe cream; shoe wax; shoemakers' wax; soap for brightening textile; stain removers; starch glaze for laundry purposes; sunscreen preparations; tailors' wax; tissues impregnated with cosmetic lotions; tissues impregnated with make-up removing preparations; toilet water; vaginal washes for personal sanitary or deodorant purposes; volcanic ash for cleaning; waxes for leather; windshield cleaning liquids

International Class 5: Adhesive tapes for medical purposes; acne treatment preparations; air deodorising preparations; air purifying preparations; albumin dietary supplements; alginate dietary supplements; almond milk for pharmaceutical purposes; aloe vera preparations for pharmaceutical purposes; amino acids for medical purposes; anaesthetics; analgesics; antibacterial handwashes; antibacterial soap; antiseptics; antiseptic cotton; anti-uric preparations; appetite suppressant pills; appetite suppressants for medical purposes; asthmatic tea; babies' diapers; bath salts for medical purposes; candy for medical purposes; candy, medicated; casein dietary supplements; chewing gum for medical purposes; chilblain preparations; cod liver oil; collagen for medical purposes; collyrium; contact lens cleaning preparations; deodorants for clothing and textiles; dietetic beverages adapted for medical purposes; dietetic foods adapted for medical purposes; digestives for pharmaceutical purposes; disinfectants for hygiene purposes; disinfectant soap; enzyme dietary supplements; enzyme preparations for medical purposes; eucalyptus for pharmaceutical purposes; febrifuges; ferments for pharmaceutical purposes; flour for pharmaceutical purposes; food for babies; freeze-dried food adapted for medical purposes; frostbite salve for pharmaceutical purposes; fumigation preparations for medical purposes; gauze for dressings; glucose dietary supplements; glucose for medical purposes; hemostatic pencils; herbal teas for medicinal purposes; homogenized food adapted for medical purposes; immunostimulants; infant formula; lacteal flour for babies; lactose for pharmaceutical purposes; laxatives; lecithin dietary supplements; liniments; linseed oil dietary supplements; medical preparations for slimming purposes; medicated after-shave lotions; medicated dentifrices; medicated dry shampoos; medicated eye-washes; medicated hair lotions; medicated shampoos; medicated soap; medicated toiletry preparations; medicinal drinks; medicinal hair growth preparations; medicinal herbs; medicinal mud; medicinal oils; medicinal roots; medicinal tea; medicines for alleviating constipation; milk ferments for pharmaceutical purposes; mineral food supplements; mineral waters for medical purposes; mouthwashes for medical purposes; mustard plasters; nutritional supplements; opotherapy preparations; pearl powder for medical purposes; personal sexual lubricants; petroleum jelly for medical purposes; pharmaceutical preparations for skin care; pharmaceutical preparations for treating dandruff; pharmaceutical preparations for treating sunburn; phytotherapy preparations for medical purposes; plant extracts for pharmaceutical purposes; pollen dietary supplements; pomades for medical purposes; powdered milk for babies; preparations for the treatment of burns; propolis dietary supplements; propolis for pharmaceutical purposes; protein dietary supplements; purgatives; royal jelly dietary supplements; royal jelly for pharmaceutical purposes; sanitary towels; sea water for medicinal bathing; sedatives; sexual stimulant gels; solutions for contact lenses; styptic preparations; sugar for medical purposes; suppositories; vitamin preparations; wadding for medical purposes; wheat germ dietary supplements; yeast dietary supplements; yeast for pharmaceutical purposes

See 37 C.F.R. §2.65(a)-(a)(1); TMEP §718.02(a).

WHO IS PERMITTED TO RESPOND TO THIS PROVISIONAL PARTIAL REFUSAL: Any response to this provisional refusal must be personally signed by an individual applicant, all joint applicants, or someone with legal authority to bind a juristic applicant (e.g., a corporate officer or general partner). 37 C.F.R. §§2.62(b), 2.193(e)(2)(ii); TMEP §712.01. If applicant hires a qualified U.S. attorney to respond on his or her behalf, then the attorney must sign the response. 37 C.F.R. §§2.193(e)(2)(i), 11.18(a); TMEP §§611.03(b), 712.01. Qualified U.S. attorneys include those in good standing with a bar of the highest court of any U.S. state, the District of Columbia, Puerto Rico, and other U.S. commonwealths or U.S. territories. See 37 C.F.R. §§2.17(a), 2.62(b), 11.1, 11.14(a); TMEP §§602, 712.01. Additionally, for all responses, the proper signatory must personally sign the document or personally enter his or her electronic signature on the electronic filing. See 37 C.F.R. §2.193(a); TMEP §§611.01(b), 611.02. The name of the signatory must also be printed or typed immediately below or adjacent to the signature, or identified elsewhere in the filing. 37 C.F.R. §2.193(d); TMEP §611.01(b).

In general, foreign attorneys are not permitted to represent applicants before the USPTO (e.g., file written communications, authorize an amendment to an application, or submit legal arguments in response to a requirement or refusal). See 37 C.F.R. §11.14(c), (e); TMEP §§602.03-.03(b), 608.01.

DESIGNATION OF DOMESTIC REPRESENTATIVE: The USPTO encourages applicants who do not reside in the United States to designate a domestic representative upon whom any notice or process may be served. TMEP §610; see 15 U.S.C. §§1051(e), 1141h(d); 37 C.F.R. §2.24(a)(1)-(2). Such designations may be filed online at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

If applicant has any questions about this Office action, please contact the undersigned examining attorney.

/Linda Lavache/
Trademark Examining Attorney
Law Office 106
p. 571.272.7187
f. 571.272.9106
linda.lavache@uspto.gov (informal inquiries only)

TO RESPOND TO THIS LETTER: Go to http://www.uspto.gov/trademarks/teas/response_forms.jsp. Please wait 48-72 hours from the issue/ mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

All informal e-mail communications relevant to this application will be placed in the official application record.

WHO MUST SIGN THE RESPONSE: It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

PERIODICALLY CHECK THE STATUS OF THE APPLICATION: To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at TrademarkAssistanceCenter@uspto.gov or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS: Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.