

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

## Request for Reconsideration after Final Action

The table below presents the data as entered.

| Input Field   | Entered   |
|---|---|
| <b>SERIAL NUMBER</b>  | 77443774  |
| <b>LAW OFFICE ASSIGNED</b>  | LAW OFFICE 102  |
| <b>MARK SECTION (no change)</b>                                       |   |
| <b>ARGUMENT(S)</b>  |   |
| Please see actual argument text attached within the Evidence section. |   |
| <b>EVIDENCE SECTION</b>   |   |
| <b>EVIDENCE FILE NAME(S)</b>  |   |
| <b>ORIGINAL PDF FILE</b>  | <a href="http://tgate/PDF/RFR/2009/07/06/20090706162350785839-77443774-002_001/evi_206532382-152039765_._Request_for_Reconsideration_8405-65.pdf">http://tgate/PDF/RFR/2009/07/06/20090706162350785839-77443774-002_001/evi_206532382-152039765_._Request_for_Reconsideration_8405-65.pdf</a> |
| <b>CONVERTED PDF FILE(S)<br/>(8 pages)</b>                            | <a href="\\TICRS\EXPORT\IMAGEOUT\774\43\77443774\xml1\RFR0002.JPG">\\TICRS\EXPORT\IMAGEOUT\774\43\77443774\xml1\RFR0002.JPG</a>   |
|   | <a href="\\TICRS\EXPORT\IMAGEOUT\774\43\77443774\xml1\RFR0003.JPG">\\TICRS\EXPORT\IMAGEOUT\774\43\77443774\xml1\RFR0003.JPG</a>   |
|   | <a href="\\TICRS\EXPORT\IMAGEOUT\774\43\77443774\xml1\RFR0004.JPG">\\TICRS\EXPORT\IMAGEOUT\774\43\77443774\xml1\RFR0004.JPG</a>   |
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|   | <a href="\\TICRS\EXPORT\IMAGEOUT\774\43\77443774\xml1\RFR0007.JPG">\\TICRS\EXPORT\IMAGEOUT\774\43\77443774\xml1\RFR0007.JPG</a>   |
|   | <a href="\\TICRS\EXPORT\IMAGEOUT\774\43\77443774\xml1\RFR0008.JPG">\\TICRS\EXPORT\IMAGEOUT\774\43\77443774\xml1\RFR0008.JPG</a>   |
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|   | <a href="http://tgate/PDF/RFR/2009/07/06/20090706162350785839-">http://tgate/PDF/RFR/2009/07/06/20090706162350785839-</a>   |

|   |  |
|---|--|
| <b>ORIGINAL PDF FILE</b>                        | 77443774-002_002/evi_206532382-152039765 . Chart of Co-existing Belleza and Belle marks_8405-65.pdf  |
| <b>CONVERTED PDF FILE(S) (6 pages)</b>          | \\TICRS\EXPORT\IMAGEOUT\774\43\77443774\xml1\RFR0010.JPG   |
|   | \\TICRS\EXPORT\IMAGEOUT\774\43\77443774\xml1\RFR0011.JPG   |
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|   | \\TICRS\EXPORT\IMAGEOUT\774\43\77443774\xml1\RFR0013.JPG   |
|   | \\TICRS\EXPORT\IMAGEOUT\774\43\77443774\xml1\RFR0014.JPG   |
|   | \\TICRS\EXPORT\IMAGEOUT\774\43\77443774\xml1\RFR0015.JPG   |
| <b>DESCRIPTION OF EVIDENCE FILE</b>             | Actual argument text and a chart of co-existing "Belleza" and "Belle" based marks  |
| <b>GOODS AND/OR SERVICES SECTION (current)</b>  |  |
| <b>INTERNATIONAL CLASS</b>                      | 003  |
| <b>DESCRIPTION</b>                              | indoor tanning preparations  |
| <b>FILING BASIS</b>                             | Section 1(b)   |
| <b>GOODS AND/OR SERVICES SECTION (proposed)</b> |  |
| <b>INTERNATIONAL CLASS</b>                      | 003  |
| <b>DESCRIPTION</b>                              | indoor skin tanning preparations distributed and marketed for sale and use in indoor tanning salons  |
| <b>FILING BASIS</b>                             | Section 1(b)   |
| <b>SIGNATURE SECTION</b>                        |  |
| <b>DECLARATION SIGNATURE</b>                    | The filing Attorney has elected not to submit the signed declaration, believing no supporting declaration is required under the <i>Trademark Rules of Practice</i> . |
| <b>RESPONSE SIGNATURE</b>                       | /Charles J. Meyer/   |
| <b>SIGNATORY'S NAME</b>                         | Charles J. Meyer   |
| <b>SIGNATORY'S POSITION</b>                     | Attorney of Record   |
| <b>DATE SIGNED</b>                              | 07/06/2009   |

|                                   |   |
|-----------------------------------|---|
| AUTHORIZED SIGNATORY              | YES   |
| CONCURRENT APPEAL NOTICE FILED    | NO  |
| <b>FILING INFORMATION SECTION</b> |   |
| SUBMIT DATE                       | Mon Jul 06 16:23:50 EDT 2009  |
| TEAS STAMP                        | USPTO/RFR-206.53.238.2-20<br>090706162350785839-774437<br>74-43055b48e468638ffe9376<br>5fc4aefd4b1-N/A-N/A-20090<br>706152039765081 |

PTO Form 1930 (Rev 9/2007)

OMB No. 0651-0050 (Exp. 4/30/2009)

### Request for Reconsideration after Final Action

#### To the Commissioner for Trademarks:

Application serial no. **77443774** has been amended as follows:

#### ARGUMENT(S)

**In response to the substantive refusal(s), please note the following:**

Please see actual argument text attached within the Evidence section.

#### EVIDENCE

Evidence in the nature of Actual argument text and a chart of co-existing "Belleza" and "Belle" based marks has been attached.

#### Original PDF file:

[http://tgate/PDF/RFR/2009/07/06/20090706162350785839-77443774-002\\_001/evi\\_206532382-152039765\\_.Request\\_for\\_Reconsideration\\_8405-65.pdf](http://tgate/PDF/RFR/2009/07/06/20090706162350785839-77443774-002_001/evi_206532382-152039765_.Request_for_Reconsideration_8405-65.pdf)

**Converted PDF file(s)** (8 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

#### Original PDF file:

[http://tgate/PDF/RFR/2009/07/06/20090706162350785839-77443774-002\\_002/evi\\_206532382-152039765\\_.Chart\\_of\\_Co-existing\\_Belleza\\_and\\_Belle\\_marks\\_8405-65.pdf](http://tgate/PDF/RFR/2009/07/06/20090706162350785839-77443774-002_002/evi_206532382-152039765_.Chart_of_Co-existing_Belleza_and_Belle_marks_8405-65.pdf)

**Converted PDF file(s)** (6 pages)

Evidence-1  
Evidence-2  
Evidence-3  
Evidence-4  
Evidence-5  
Evidence-6

**CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 003 for indoor tanning preparations

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**Proposed:** Class 003 for indoor skin tanning preparations distributed and marketed for sale and use in indoor tanning salons

**Filing Basis: Section 1(b), Intent to Use:** The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

**SIGNATURE(S)**

**Declaration Signature**

I hereby elect to bypass the submission of a signed declaration, because I believe a declaration is not required by the rules of practice. I understand that the examining attorney could still, upon later review, require a signed declaration.

**Request for Reconsideration Signature**

Signature: /Charles J. Meyer/ Date: 07/06/2009

Signatory's Name: Charles J. Meyer

Signatory's Position: Attorney of Record

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77443774

Internet Transmission Date: Mon Jul 06 16:23:50 EDT 2009

TEAS Stamp: USPTO/RFR-206.53.238.2-20090706162350785

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FILED ELECTRONICALLY  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 77443774  
Applicant: Designer Skin, LLC  
Filing Date: December 3, 2008  
Law Office: 102  
Examiner: Clark, Nancy  
Attorney Docket No.: 008405-000065  
Mark: BELLEZZA

**REQUEST FOR RECONSIDERATION**  
**RESPONSE AFTER FINAL OFFICE ACTION**

BOX RESPONSE NO FEE  
Commissioner for Trademarks  
P.O. Box 1451  
Arlington, VA 22313-1451

Dear Sir:

In response to the Final Office Action emailed January 22, 2009, reconsideration is respectfully requested in view of the following amendment and remarks.

**IN THE SPECIFICATION**

Please amend the recitation of goods to the following:

“indoor skin tanning preparations distributed and marketed for sale and use in indoor tanning salons, in International Class 3.”

**REMARKS**

**Identification of Goods**

Applicant has amended the recitation of goods to more clearly define Applicant's channels of trade.

### Likelihood of Confusion

The Office Action rejects the present application on the mark BELLEZZA for “indoor tanning preparations” under §2(d) alleging that there is a likelihood of confusion between the application and trademark registration No. 2,858,193 for the design mark BELLEZA NATURAL for “Non-medication hair care preparations, hair shampoos and hair conditioners, and skin care products, namely, skin clarifiers, skin cleansers, skin cleansing cream, skin cleansing lotion, skin cream, skin emollients, skin lighteners, skin lotion, skin masks and skin moisturizer masks.” Applicant respectfully submits that there is no reasonable likelihood of confusion between the present mark and the cited registration and respectfully requests that this rejection be withdrawn.



### The Marks Are Not Sufficiently Similar

The first point of comparison for a likelihood of confusion analysis is to compare the marks as a whole. In comparing the marks in appearance, sound, connotation and commercial impression, the test is “whether the marks are sufficiently similar in terms of their overall commercial impression so that confusion as to the source of the goods offered under the respective marks is likely to result.” *In re SL&E Training Stable Inc.*, 88 U.S.P.Q.2d 1216, 1219 (TTAB 2008).

The marks must be compared in their entireties. *In re Dixie Restaurants Inc.*, 41 U.S.P.Q. 1531 (Fed. Cir. 1997). “The proper focus is on the recollection of the average customer, who retains a general rather than specific impression of the marks.” *In re SL&E Training Stable*, 88 U.S.P.Q.2d at 1219. Although the two marks are similar and overlap in a direct comparison between terms “BELLEZZA” and “BELLEZA,” there are substantial

differences in sight, sound, meaning and commercial impression between BELLEZZA and the design mark BELLEZZA NATURAL when considered in a crowded field of similar marks. Applicant respectfully asserts that it is unlikely that the average consumer will encounter the mark BELLEZZA and a later time, remember or consider it as confusingly similar to the stylized mark BELLEZZA NATURAL, or vice versa.

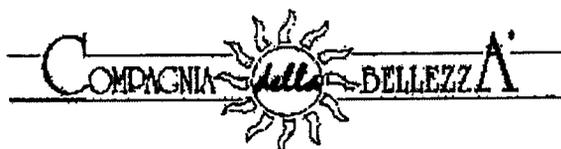
The Office Action asserts that the words are spelled almost identically and their meanings are identical based on a translation of the words meaning "beauty." Applicant respectfully submits that the field of marks which incorporate the "BELLEZZA" base in class 3 is crowded with previously coexisting registrations and applications found not-confusing. When the base of "belle" meaning beauty is considered, even more marks coexist in this crowded field. Applicant submits herewith a multi-page list of coexisting registered or applications found not-confusing where the marks are based on the root BELLEZZA and BELLE in class 3. Examples of these include SANTUARIO DI BELLEZZA, LIZ ALEXANDRA BELLEZA SALUD & Design, COSMETOBELLEZZA IM, EMBELLEZE, COMPAGANIA DELLA BELLEZZA & Design and IL LABORATORIO DI BELLEZZA.

Notably, none of these include indoor tanning preparations marketed for sale in indoor tanning salons, but which many of them do have other goods, such as hair care and other skin care products which overlap between each other and the goods of the BELLEZZA NATURAL & Design registration. Logically, if the mere overlap of the "BELLEZZA" base translated as "beauty" in class 3 by itself was sufficient to support a likelihood of confusion, all of these applications and registrations would need to be considered confusingly similar to each other. However, since these marks coexist and are not deemed confusingly similar by the Trademark Office, it indicates a crowded field where marks that merely overlap with the "BELLEZZA"

base can coexist and are sufficiently distinguished by other elements such that there is no likelihood of confusion.

The Office Action asserts the "BELLEZA" is the dominant portion of the cited registration BELLEZA NATURAL and that the design aspect and word "NATURAL" can be considered a modifying descriptive word of less significance. As such the Office Action essentially discounts and ignores the word "NATURAL" and the design elements for comparison purposes. At the same time, the Office Action asserts that several of the coexisting third-party BELLEZZA marks are distinguishable because they *contain* other elements such as words and design elements. Applicant respectfully submits that these positions are inherently inconsistent. As illustrated in the translation statements, SANTUARIO DI BELLEZZA translates as "sanctuary of beauty," "IL LABORATORIO DI BELLEZZA" translates as "laboratory of beauty" and "Compagnia Della Bellezza" translates as "country of beauty." These marks include descriptive wording modifying the term BELLEZZA. The same logic of the Office Action which would discount NATURAL would similarly need to discount SANTUARIO DI, IL LABORATORIO DI and COMPAGNIA DELLA leaving a direct comparison of the word BELLEZZA as the dominant portions. However, because these registrations do coexist, it indicates that such differences cannot be discounted and are sufficient to allow the marks to coexist without there being a likelihood of confusion.

Similarly, the Office Action discounts the highly stylized font and design elements of the BELLEZA NATURAL registration in a comparison. Applicant respectfully submits this is inconsistent with the logic used in relying on design elements to distinguish other BELLEZZA marks. For example, in each of the following design marks BELLEZZA or BELLEZA appears as a dominant portion of the marks:



The same logic of the Office Action which would discount the design and word elements in BELLEZA NATURAL would similarly need to discount the design and modifying word elements in these two registrations as less prominent, leaving a direct comparison of the word BELLEZZA. However, because these registrations do coexist, it indicates that such differences cannot be discounted and are sufficient to allow the marks to coexist without there being a likelihood of confusion.

The Office Action also references that in at least one case the word "bellezza" has been disclaimed. Applicant respectfully submits that such a disclaimer supports the ability to distinguish Applicant's mark from the cited mark and various third-party marks. Specifically, a disclaimer disclaims the exclusive right to use a particular word. As a corollary, a disclaimed word indicates weak trademark rights in the word and thus a narrow scope of protection attributable to the disclaimed word. Here, the disclaimer is recognition that others may use the term bellezza and that a mere facial overlap of such a term between two marks does not, by itself, support the conclusion that there is a likelihood of confusion.

Still further, in a portion of the analysis the Office Action relies on phonetic similarity in ignoring the design elements and modifying words to assert that, "consumers calling for the cited registrant's goods would be more likely to ask for BELLEZA or BELLEZA NATURAL products than to ask for products bearing a rectangular design." (and a stylized word)

Applicant respectfully submits that in a phonetic comparison, the field of "belle" sounding marks

is even more crowded in class 3 than in a visual comparison. A phonetic consideration would

Response After Office Action

BELLEZZA TM Application

Serial No. 771773774

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involve comparisons to additional marks which overlap phonetically with elements of the cited registration such as EMBELLEZE, BELLECI, BELEGENZA, BELLISIMADE, BELLEVOIR and BELLISSIMA REGENERATING CREME among others. However, because these other marks do coexist with each other for overlapping goods, it indicates that consumers differentiate based upon other considerations and a phonetic comparison should be discounted.

Applicant respectfully submits that when compared as a whole, the marks contain noticeable differences which would be perceived by average consumers. Applicant respectfully submits that when considered as a whole in the context of a field which is crowded with marks having similar sights, sounds and meanings, the differences when comparing BELLEZZA to the wording and the highly stylized design aspects of BELLEZZA NATURAL outweigh the suggested similarity.

**Indoor Tanning Preparations Are Different From The Cited Goods**

As amended, Applicant's BELLEZZA mark is intended to be used to sell "indoor skin tanning preparations distributed and marketed for sale and use in indoor tanning salons." In contrast, the cited mark is for "Non-medication hair care preparations, hair shampoos and hair conditioners, and skin care products, namely, skin clarifiers, skin cleansers, skin cleansing cream, skin cleansing lotion, skin cream, skin emollients, skin lighteners, skin lotion, skin masks and skin moisturizer masks." The Office Action broadly characterizes these as "beauty products" that travel in the same or similar channels of trade. Applicant respectfully disagrees.

Hair care preparations, skin clarifiers, skin cleaners and the other listed products would be considered substantially different from indoor tanning preparations by most consumers. Indoor tanning salons typically have a primary emphasis of providing tanning services, i.e., providing ultraviolet tanning beds or booths in which a customer obtains a tan, and the sale of

indoor tanning preparations is a complimentary product to promote and facilitate these services. Non-tanning related goods do not normally travel in tanning salons as a channel of trade. Indeed the listed good "skin lighteners" would be the exact opposite of the typical reason to visit a tanning salon - which is to obtain a darker skin.

Still further, even if the goods can broadly be construed as "beauty products" and could be sold in the same store, that factor is not dispositive. "It has long been held that the mere fact that two different items can be found in a supermarket, department store, drugstore or mass merchandiser store is not a sufficient basis for a finding that the goods are related." *Morgan Creek Productions, Inc. v. Foria International, Inc.*, Opposition No. 91173806 (June 11, 2009) [precedential]. "As has long been held, the presence of goods in the same store does not necessarily lead to the conclusion that confusion would arise under such conditions." *7-Eleven Inc. v. HEB Grocery Co. LP*, 83 U.S.P.Q.2d 1257, 1263 (TTAB 2007) [nonprecedential] Given the actual differences between the listed goods and tanning products, confusion is unlikely even if they were sold in the same outlets.

Finally and for consistency, the Applicant respectfully submits that the Trademark Office has previously accepted that the differences in the goods and channels of trade between other types of broadly categorized "beauty products" such as hair care preparations or skin cleansers and indoor tanning products sold for use in indoor tanning salons are sufficient to avoid any reasonable likelihood of confusion. Applicant directs the Examining Attorney to registrations and applications handled by the undersigned including PRICELESS, Registration No. 3,336,939; STUNNING, Registration No. 3,576,841, PURE BRILLIANCE (published Dec. 16, 2008), Application No. 77/439,958; BOHEMIA (published April 28, 2009), Application No. 78/601,795; BETRAYAL (published April 14, 2009) Application No. 77/631,278 and

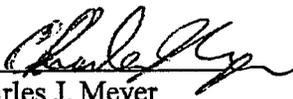
APHRODISIAC (published June 9, 2009) Application No. 77/625,571, which were each allowed over prior registrations on goods which could be broadly construed as "beauty products" based on similar distinctions in the listed goods and the channels of trade. For example, in a situation highly similar to this case, the PRICELESS registration was specifically allowed on these grounds over a prior registration on hair styling sprays, gels and mousse. Applicant respectfully submits that this is persuasive authority to allow the present application.

When considered on the basis of all of the relevant facts, the goods and the channels of trade for Applicant's indoor tanning preparations differ substantially from the channels of trade of the goods of the cited mark such that reasonable, average consumers are unlikely to be confused.

#### **Conclusion**

In view of these remarks and amendments, Applicant respectfully requests withdrawal of the rejection. Applicant accordingly submits that the mark is in condition for publication and allowance, and action towards such is respectfully requested. If there are any questions with regard to the application or this response, the Examining Attorney is invited to telephone the undersigned to expedite this application.

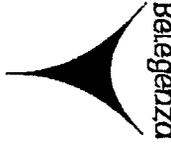
Respectfully submitted

By:   
Charles J. Meyer  
Woodard, Emhardt, Moriarty  
McNett & Henry LLP  
111 Monument Circle, Suite 3700  
Indianapolis, Indiana 46204-5137  
(317) 634-3456

COEXISTING "BELLEZA" AND "BELLE" BASED MARKS

| Trademark/SN/RN   | Status/Key Dates   | Full Goods/Services   | Owner   | Translation  |
|---|--|---|---|--|
| SANTUARIO DI BELLEZZA   | Registered<br>December 18, 2007                                    | (Int'l Class: 3) Aromatherapy lotions, potpourri, scented oils used to produce aromas when heated, scented room sprays, scented bath salts<br>(Int'l Class: 4) Candles and scented candles  | Wesson, Connie<br>(United States Citizen)<br>890 Lagasca Place<br>Chula Vista,<br>California 91910  | The english translation of the word "santuario di bellezza" is "sanctuary of beauty."                              |
| SN:77-019110<br>RN:3,354,885  |  |   |   |  |
| LIZ ALEXANDRA BELLEZA SALUD and Design  | Allowed - Intent to Use Notice of Allowance Issued<br>May 12, 2009 | (Int'l Class: 3) Shampoos, hair conditioners, face and body creams<br>(Int'l Class: 5) Nutritional supplement   | Beauty & Health Corporation<br>(Florida Corp.)<br>22003 Sw 100 Place<br>Miami, Florida 33190  | The foreign wording in the mark translates into english as "beauty health".  |
|  |  |   |   |  |
| SN:77-538549  |  |   |   |  |
| COMPAGNIA DELLA BELLEZZA and Design   | Pending - Non-Final Action<br>Mailed<br>December 16, 2008          | (Int'l Class: 3) Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soap products, perfumes and all perfumery and beauty products, essential oils, cosmetics, hair products, dentifrices<br>(Int'l Class: 42) Hairdressing services for men and women; hairdressing salons for women; massage parlors, personal cosmetic and beauty care services  | Compagnia Della Bellezza S.R.L.<br>(Italy S.R.L.)<br>Via Scuto Costarelli,<br>47<br>I-95129 Catania<br>Italy  | Office Action suggests: "The English translation of 'Compagnia Della Bellezza' in the mark is 'Company of Beauty'" |
| SN:79-061702  |  |   |   |  |
| EMBELLEZE   | Registered<br>November 9, 2004                                     | (Int'l Class: 3) Hair products, namely, shampoos, conditioners, styling gels, hair sprays, hair bleaching preparations, hair coloring preparations, depilatory preparations; deodorants for personal use; cosmetics, namely, lipstick, foundation, blush, eye shadow, mascara, eyeliner, lipstick liner; skin treatment products, namely, cleanser, toner, moisturizer, eye cream, makeup remover, beauty masks; fragrance products, namely, cologne, eau de toilette, perfume; shaving products, namely, after shave, shaving cream, shaving gel, shaving lotion | Vargas Marcas E Participacoes Ltda<br>(Brazil Corp.)<br>Rua Dr Waldir<br>Pecanha No 156 Sala<br>207<br>25802-180 Tres Rios<br>Rio DE Janeiro Brazil |  |
| SN:78-205145<br>RN:2,902,326  |  |   |   |  |

| Trademark/SN/RN   | Status/Key Dates                                | Full Goods/Services   | Owner   | Translation  |
|---|---|---|---|--|
| BELLEVOIR (Stylized)<br>SN:77-362168<br>RN:3,472,071          | Renewed 8 & 15<br>October 29, 2006              | (Int'l Class: 3) Skin care products, namely cleansing cream, toner, moisturizer, facial mask, facial scrub, body lotions, eye and neck cream, makeup, blush, eye shadow, eyeliner, mascara, bleaching cream, sunblock, hair spray, exfoliating gel, alpha-hydroxy acid gel, facial powder, and lipstick   | Liu, Teresa<br>(United States<br>Citizen)<br>2334 Sandra Glen<br>Drive<br>Rowland Heights,<br>California 91748    | The english<br>translation of<br>the word<br>"bellevoir" in<br>the mark is<br>"beautiful to<br>see".       |
| IL LABORATORIO DI<br>BELLEZZA<br>SN:78-537778<br>RN:3,029,050 | Registered<br>December 13, 2005                 | (Int'l Class: 3) Non-medicated skin care preparations, namely, anti-aging cream, anti-wrinkle cream, astringent for cosmetic purposes, body cream, body emulsion, body lotion, body milk, body oil, body scrub, body spray, exfoliants for skin, eye cream, eye gel, facial cleanser, facial cream, facial emulsions, facial masks, facial scrub, hand cream, hand lotion, hand soap, moisturizing milks, non-medicated body soak, non-medicated foot cream, shower gel, skin clarifiers, skin cleansers, skin cleansing cream, skin cleansing lotion, skin conditioners, skin cream, skin emollients, skin lotion, skin masks, skin moisturizer, skin soap, skin toter, soap for cosmetic purposes; shaving preparations, namely, shaving balm, shaving cream, shaving foam, shaving gel, shaving lotion, shaving soap, after-shave gel, after-shave lotion; bath additives, namely, bath beads, bath crystals, bath foams, bath gels, bath milk, bath oils, bath pearls, bubble bath, non-medicated bath salts; fragrances, namely, essential oils for personal use, potpourri, scented linen sprays, scented room sprays, perfume, eau de toilette; non-medicated hair care preparations, namely, hair conditioners, hair dressings for men, hair emollients, hair gel, hair mousse, hair pomades, hair rinses, hair shampoo, hair spray, hair styling preparations; household cleaning preparations, namely, dish detergents, laundry detergents, glass cleaning preparations, cleaner for use on countertops | Nedboy, Robin L<br>(United States<br>Citizen)<br>Suite 2320<br>60 East 42nd Street<br>New York, New York<br>10165 | The english<br>translation of il<br>laboratorio di<br>bellezza is the<br>laboratory of<br>New York beauty. |
| BELEGENZA and<br>Design                                       | Registered<br>January 8, 2008<br>Int'l Class: 3 | (Int'l Class: 3) Non-medicated hair care preparations, non-medicated skin care preparations and soaps   | Belegenza, Llc<br>(Texas Limited<br>Liability Company)<br>5851 Westheimer -                                       |  |

| Trademark/SN/RN   | Status/Key Dates  | Full Goods/Services   | Owner  | Translation  |
|---|---|---|--|--|
| <br>Belegenza<br>SN:76-662648<br>RN:3,366,328                      | First Use:<br>January 14, 2006<br>Filed:<br>July 5, 2006<br>Published:<br>February 20,<br>2007<br>Allowed:<br>May 15, 2007                        |   | Owner<br>Suite E<br>Houston, Texas<br>77057  |  |
| <br>COSMETOBELLEZA<br>IM and Design<br>SN:77-329671<br>RN:3,466,733 | Registered<br>July 15, 2008<br>Int'l Class: 3<br>First Use:<br>October 10, 2007<br>Filed:<br>November 14,<br>2007<br>Published:<br>April 29, 2008 | (Int'l Class: 3) Body soap with kelp and botanical extracts, astringent facial soap, hair shining oil, blush with rose petals, eyelash mascara, cosmetic cream for use on eyelashes, silicone mascara, mascara with mamey oil, makeup remover, body gel with grapefruit and botanical extracts, body contouring cream, moisturizing cream, moisturizing cream with collagen, rice face powder, royal jelly cream with collagen and vitamin e for cosmetic purpose, cosmetic cream, namely, mother of pearl cream with vitamin e | Cosmetobelleza<br>Natural Im, S.A. De<br>C.V.<br>(Mexico Corp.)<br>Col. Iztacchuatl<br>Martin Luis Guzman<br>N 215<br>Del. Benito Juarez<br>03520 Mexico | CM - The<br>wording<br>"cosmetobelleza" has no<br>meaning in a<br>foreign<br>language. |
| BBBBLLB<br>SN:76-019511<br>RN:2,562,992   | Registered 8 & 15<br>March 4, 2008  | (Int'l Class: 3) Baby shampoo, baby hair conditioner, baby lotion, baby powder, baby oil, baby wipes<br>(Int'l Class: 10) Baby bottles; baby bottle nipples; baby nursers<br>(Int'l Class: 21) Hair combs for babies, hair brushes for babies, baby trainers, baby bathtubs   | Volume Distributors,<br>Inc.<br>(California Corp.)<br>4199 Bandini<br>Boulevard<br>Vernon, California<br>90023   |  |
| BELLE & BIANCA<br>belle & bianca<br>SN:78-822290<br>RN:3,263,172  | Registered<br>July 10, 2007   | (Int'l Class: 3) Bath gels; bath lotion; bath salts; bath soaps in liquid, solid or gel form; bathing lotions; beauty creams for body care; body lotions; body scrub; face and body lotions; lotions for face and body care; make-up products for the face and body; shower and bath gel  | Aaron, Dianna M<br>(United States<br>Citizen)<br>9 Pheasant Hill Street<br>Westwood,<br>Massachusetts 02090  |  |
| BELLE CRU<br>Belle Cru<br>SN:78-822290<br>RN:3,263,172  | Published<br>April 14, 2009   | (Int'l Class: 3) Skincare products, namely, lotions, body scrubs, body oils, soaps, body washes, tanning lotions, sunscreens, shampoos, conditioners, hair treatments, facial soaps/washes, facial lotions, facial toners, facial treatments, moisturizers, make up removers, make up removing wipes; cosmetics, namely, eye shadows, eyeliners, gel eyeliners, mascaras, brow definers, foundations, powders, powder foundations, tinted moisturizers, blushes, cream blushes, bronzers, lipsticks, lip                        | Belle Cru<br>(Wisconsin Limited<br>Liability Company)<br>1306 Chandler Street<br>Madison, Wisconsin<br>53715   | The foreign<br>wording in the<br>mark translates<br>into english as<br>"beautiful".    |

| Trademark/SN/RN                             | Status/Key Dates  | Full Goods/Services   | Owner   | Translation  |
|---|---|---|---|--|
| SN:77-630662                                |   | glosses, lip treatments, lip scrubs   |   |  |
| BELLE DE JOUR<br>(Stylized)                 | Pending - Final<br>Refusal Mailed<br>May 28, 2009                                     | (Int'l Class: 3) Cosmetics, namely, face cream  | Kenzo S.A.<br>(France)<br>18 Rue Vivienne<br>F-75002 Paris France   | The english translation of "Belle de jour" in the mark is day beauty.  |
| SN:79-054993                                |   |   |   |  |
| BELLE VISAGE<br><i>Belle Visage</i>         | Pending - Non-Final Action<br>Mailed Principal Register - Sec. 2(F)<br>April 20, 2009 | (Int'l Class: 44) Skincare and nail care salons; medical services<br>(Int'l Class: 3) Skincare products, namely, non-medicated lotions, face creams, body creams, moisturizers, shampoos, conditioners, serums, hair care preparations, styling gels, cleansers, toners   | Belle Visage Day Spa, Inc.<br>(California Corp.)<br>13207 Ventura Blvd.<br>Studio City,<br>California 91604     | The english translation of "belle visage" in the mark is my pet bella's face. The wording "belle visage" has no meaning in a foreign language. |
| SN:76-688604                                |   |   |   |  |
| BELLE TERRE<br>SN:78-523586<br>RN:3,035,639 | Registered<br>December 27, 2005   | (Int'l Class: 3) Non-medicated skin care preparations, namely, anti-aging cream, anti-wrinkle cream, astringent for cosmetic purposes, body cream, body emulsion, body lotion, body milk, body oil, body scrub, body spray, exfoliants for skin, eye cream, eye gel, facial cleanser, facial cream, facial emulsions, facial masks, facial scrub, hand cream, hand lotion, hand soap, moisturizing milks, non-medicated body soak, non-medicated foot cream, shower gel, skin clarifiers, skin cleansers, skin cleansing cream, skin cleansing lotion, skin conditioners, skin cream, skin emollients, skin lotion, skin masks, skin moisturizer, skin soap, skin toner, soap for cosmetic purposes; shaving preparations, namely, shaving balm, shaving cream, shaving foam, shaving gel, shaving lotion, shaving soap, after-shave gel, after-shave lotion; bath additives, namely, bath beads, bath crystals, bath foams, bath gels, bath milk, bath oils, bath pearls, bubble bath, non-medicated bath salts; fragrances, namely, essential oils for personal use, potpourri, scented linen sprays, scented room sprays, perfume, eau de toilette; non-medicated hair care preparations, namely, hair conditioners, hair dressings for men, hair emollients, hair gel, hair mousse, hair pomades, hair rinses, hair shampoo, hair spray, hair styling preparations; household cleaning preparations, namely, dish detergents, laundry detergents; glass cleaning preparations, cleaner for use on countertops | Nedboy, Robin L.<br>(United States Citizen)<br>Suite 2320<br>60 East 42nd Street<br>New York, New York<br>10165 | The english translation of belle terre is beautiful earth.   |
| BELLE MARIE<br>COSMETICS                    | Pending - Non-Final Action<br>Mailed<br>June 27, 2009                                 | (Int'l Class: 3) Cosmetics and skin care products, namely, face and body topical beauty lotions and creams, gels, serums, oils, milks, cleansers, facial beauty masks, essential oils for the use in the manufacture of scented products and skin care products for cosmetic purposes; make-up and accessories, namely, eye-  | Marin, Shirley<br>(United States Citizen)<br>6611 Greenspring   | Office Action requests translation of "belle"  |

| Trademark/SN/RN                | Status/Key Dates  | Full Goods/Services   | Owner  | Translation   |
|--------------------------------|---|---|--|---|
| Belle Marie Cosmetics          |   | shadows, blushers   | Arlington, Texas<br>76016  |   |
| SN:77-709955                   |   |   |  |   |
| BELLE ESSENCE BE<br>and Design | Pending - Non-<br>Final Action<br>Mailed<br>June 18, 2009 | (Int'l Class: 3) Beauty creams for body care; beauty lotions; body lotion; body lotions; face and body lotions; facial lotion; hand lotions; lotions for cosmetic purposes; lotions for face and body care; skin and body topical lotions, creams and oils for cosmetic use; skin lotion; skin toners   | Belle Essence, Llc<br>(New Mexico Limited<br>Liability Company)<br>121 Camino<br>Miramonte<br>Española, New<br>Mexico 87532              | The english<br>translation of<br>belle essence<br>in the mark is<br>beautiful<br>essential oil. |
| SN:77-698744                   |   |   |  |   |
| BELLE-AIMEE                    | Registered<br>March 11, 2008                              | (Int'l Class: 3) Skin clarifiers; skin conditioners; skin creams; skin lightening creams; skin moisturizer; skin texturizers; skin toners; sunscreen creams; wrinkle removing skin care preparations; after sun creams; age spot reducing creams; anti-aging cream; anti-irritate creams; anti-wrinkle creams; beauty creams for body care; cleansing creams cosmetic; creams for cellulite reduction; exfoliant creams; lotions for cellulite reduction; lotions for face and body care; make-up removing lotions; make-up removing milk, gel, lotions and creams; medicated soaps; skin cleansers; skin lotions; skin soap                                      | Belle-Aimee, Inc.<br>(California Corp.)<br>Suite C<br>14281 Brookhurst St.<br>Garden Grove,<br>California 92843                          | The foreign<br>wording in the<br>mark translates<br>into english as<br>"beautiful-<br>loved".   |
| SN:78-706802<br>RN:3,396,005   |   | (Int'l Class: 5) Acne treatment preparations; multi-vitamin preparations; nutritional supplements; vitamins; diet capsules; diet pills; vitamin and mineral preparations for medical use; vitamin and mineral supplements; vitamin c preparations; vitamin preparations   |  |   |
| ULTRA BELLE                    | Renewed 8 & 15<br>July 29, 2007                           | (Int'l Class: 3) Hair care preparations   | Dlc Laboratories, Inc.<br>(California Corp.)<br>7008 Marcelle Street<br>Paramount, California<br>90723                                   |   |
| SN:74-695967<br>RN:2,084,574   |   |   |  |   |
| BELLIS FABULA                  | Pending - Non-<br>Final Action<br>Mailed<br>June 3, 2009  | (Int'l Class: 3) Soaps, essential oils, hair lotions, cosmetics, make-up removing preparations, beauty masks, liquid soap, bath soap, shaving soap, cosmetic soap in solid form, shampoos, shampoos for babies, soap in the form of sheet, hand cleaner, hand cleaning preparations, perfumed soap, hair rinses, cosmetic soaps, baby oils, baby powders, perfumed power, shower and bath gel, shower gels, shower cream, shower and bath foam, shaving lotion, shaving cream, skin cleanser, cosmetic preparations for skin care, cosmetic creams for skin care, hand lotions, hair lotions, hair conditioners, cosmetic bath powder, oils for cosmetic purposes | Kunbi Cosmetics<br>Co., Ltd.<br>(Republic of Korea<br>Corp.)<br>294-11, Jamsil-Dong,<br>Songpa-Gu<br>Seoul, 138-220<br>Republic of Korea |   |
| SN:77-669560                   |   |   |  |   |
| BELLISMADE                     | Registered<br>December 23, 2008                           | (Int'l Class: 3) Beauty creams; beauty creams for body care; beauty gels; beauty lotions; beauty masks; beauty milks; beauty serums; body and beauty care   | Davis, Philip M., and<br>Denise S, Philip  | The wording<br>"bellismade"   |

| Trademark/SN/RN   | Status/Key Dates               | Full Goods/Services  | Owner   | Translation                           |
|---|--------------------------------|--|---|---------------------------------------|
| <b>Bellissimade</b><br>SN:77-462924<br>RN:3,549,638                 |                                | cosmetics; face and body beauty creams; facial beauty masks; aromatherapy body care products, namely, body lotion, shower gel, cuticle cream, shampoo, conditioner, non-medicated lip balm, soap, body polish, body and foot scrub and non-medicated foot cream; body scrub; facial scrubs; foot scrubs; hand scrubs; after shave lotions; after-sun lotions; age retardant lotion; aromatherapy lotions; baby lotion; bath lotion; bathing lotions; body lotion; body mask lotion; cosmetic suntan lotions; eye lotions; face and body lotions; face milk and lotions; facial lotion; hair care lotions; hair lotion; hair lotions; hair waving lotion; hand lotions; lotions for beards; lotions for cellulite reduction; lotions for cosmetic purposes; lotions for face and body care; lotions for strengthening the nails; make-up removing lotions; make-up removing milk, gel, lotions and creams; non-medicated diaper rash ointments and lotions; non-medicated foot lotions; non-medicated hair restoration lotions; non-medicated skin care preparations, namely, creams, lotions, gels, toners, cleansers and peels; non-medicated stimulating lotions for the skin; scented body lotions and creams; shaving lotions; skin and body topical lotions, creams and oils for cosmetic use; skin cleansing lotion; skin lotion; skin lotions; styling lotions; sun care lotions; sun tan lotion; sun-block lotions; sun-tanning oils and lotions; teeth cleaning lotions; tissues impregnated with cosmetic lotions; toning lotion, for the face, body and hands | Martin Davis, United States Citizen, Denise Schiavoni Davis, United States Citizen (Husband and Wife), Dba Bellissimo Salon (California Sole Proprietorship) 1033 E. Grand Ave. Arroyo Grande, California 93420 | has no meaning in a foreign language. |
| BELLISSIMA<br>REGENERATING<br>CREME<br>SN:75-941386<br>RN:3,155,427 | Registered<br>October 17, 2006 | (Int'l Class: 3) Skin care preparations namely, moisturizers, lotions, creams and hydrators  | Parrinello, Vincene (United States Citizen)<br>18368 Locksley Street<br>San Diego, California<br>92128  |                                       |