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**To:** Davies Gate LLC ([docketing@trademarkgroup.com](mailto:docketing@trademarkgroup.com))  
**Subject:** TRADEMARK APPLICATION NO. 78761852 - DAVIES GATE SUGAR PLUM - T12482US0  
**Sent:** 3/19/2007 6:47:36 PM  
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**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 78/761852

**APPLICANT:** Davies Gate LLC



**CORRESPONDENT ADDRESS:**  
Marnie Wright Barnhorst, Esq  
The Trademark Group, APLC  
1200 Prospect Street, Suite G-100  
La Jolla CA 92037

**RETURN ADDRESS:**  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

**MARK:** DAVIES GATE SUGAR PLUM

**CORRESPONDENT'S REFERENCE/DOCKET NO:** T12482US0

Please provide in all correspondence:

**CORRESPONDENT EMAIL ADDRESS:**  
[docketing@trademarkgroup.com](mailto:docketing@trademarkgroup.com)

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address..

Serial Number 78/761852

The trademark examining attorney has carefully reviewed the request for reconsideration and is not persuaded by applicant's arguments. No new issue has been raised and no new compelling evidence has been presented with regard to the point(s) at issue in the final action. TMEP §715.03(a). Therefore, the request for reconsideration is **denied** and the final requirement is continued. 37 C.F.R. §2.64(b); TMEP §715.04.

The applicant was required to disclaim the wording "sugar plum" for the "skin soap; liquid soap for hands, face and body; cream for the hands, face and body; shower and bath gel; skin lotion, non-medicated bath preparations; bath and body powders" because it merely describes the color and/or scent of the goods. The examining attorney refers to the online description of the applicant's goods as advertised on the Internet. See for example,

- Davies Gate Sugar Plum Purse Essentials Kit – "Fragrant with the blend of ripe plums with light notes of luscious peach and hints of sugar sweet vanilla."
- Davies Gate Sugar Plum Moisture Rich Body Lotion - "Infused with the scent of ripe Plums blended with light notes of luscious Peach and sugar sweet Vanilla."
- Davies Gate Sugar Plum Soothing Shower Gel - "Infused with the Scent of ripe plums, with light notes of luscious peach and sugar-sweet vanilla."
- Davies Gate Bath Fizz Pop with Body Oil Filling – Scented with a blend of ripe plums, light notes of luscious peach and sugar-sweet vanilla."

Therefore, based on the above evidence the applicant's own products describe the goods as containing ripe plums and sugar sweet vanilla. Thus, the goods can be described as having the scent of "sugar plums." Therefore, the wording "sugar plum" is descriptive and must be disclaimed.

The filing of a request for reconsideration does *not* extend the time for filing a proper response to the final action, which runs from the date the final action was mailed. 37 C.F.R. §2.64(b); TMEP §§715.03 and 715.03(c).

Mrs. A.D. Saunders  
/Mrs. A. D. Saunders/  
Trademark Attorney  
LO 109  
(571) 272-9349  
(571) 273-9109 (formal responses only)

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DAVIES GATE

**Sugar Plum Purse Essentials Kit**  
by Davies Gate

Includes a convenient travel size of Sugar Plum Nourishing Hand Cream to condition and hydrate hands, and a full size Sugar Plum Lip Gloss that's long-lasting, never sticky, and makes lips look fuller. Fragrant with the blend of ripe plums with light notes of luscious peach and hints of sugar sweet vanilla.

Country of Origin: USA

Usually ships within 1 - 3 days  
Item# 27177

BUY



**Sugar Plum Purse Essentials Kit**  
by Davies Gate  
Your Price: \$14.00

**About Davies Gate:**

Davies Gate draws inspiration for their products from the natural environment. They use only the highest-quality natural ingredients in their products. In addition to providing their customers with fabulous soaps, bath salts, and lotions, Davies Gate hopes that their collections will revitalize the human body and spirit and inspire a need for daily rituals that create balance in life.

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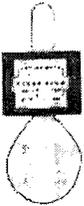


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### Davies Gate Sugar Plum Bath Fizz Pop



Two spa products on a stick. Drop the Sugar Plum Bath Fizz Pop in your bath water and enjoy an effervescent pool of nourishing oils. You'll find a special treat attached to the stick: A fragrant pillow of hydrating body oil. Allow this pillow to warm up in the bath water and gently massage into skin after bath. Skin will be soft and infused with the scent of ripe Plums blended with light notes of luscious Peach and sugar-sweet Vanilla. 5.7 oz.

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**Bath Fizz Pop Ingredients:** Sodium Bicarbonate (Baking Soda), Citric Acid, Sodium Chloride (Sea Salt), Sucrose (Sugar), Glycine Soya (Sobean) Oil, Sesamum Indicum (Sesame) Seed Oil, Helianthus Annus (Sunflower Seed) Oil, Prunus Amygdalus Dulcis (Sweet Almond) Oil, Macadamia Ternifolia Seed Oil, Alourites Moluccana (Candleberry) Seed Oil, Magnesium Sulfate, Hamamelis Virginiana (Witch Hazel) Distillate, F, D & C Colors and Fragrance Oils (Parfum).

**Body Oil Ingredients:** Glycine Soya (Sobean) Oil, Sesamum Indicum (Sesame) Seed Oil, Helianthus Annus (Sunflower Seed) Oil, Prunus Amygdalus Dulcis (Sweet Almond) Oil, Macadamia Ternifolia Seed Oil, Alourites Moluccana (Candleberry) Seed Oil and Fragrance Oils (Parfum).

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### Davies Gate Sugar Plum Sheer Color Lip Gloss (NEW!)



Glide on a whole new kind of lip color! As sparkling as it is sweet, this gloss makes lips look extra full while it moisturizes with three powerful emollients: Shea Butter, Jojoba Oil and Vitamin E. A triple wonder that softens lips, makes them extra full with light color and deliciously flavors them with Sugar Plum. 0.29 fl. oz.

DG5897 \$12.00

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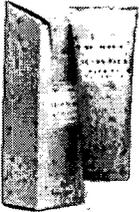


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### Davies Gate Sugar Plum Warming Shave Cream (NEW!)



This unique shaving and cleansing formulation warms on contact with your skin to help open pores for the smoothest shave possible. Contains a moisturizing, certified organic blend of Sunflower Seed Oil and other plant extracts, leaving your skin velvet soft and Sugar Plum sweet. 10.6 oz.

DG5817 \$20.00  [add to basket](#)

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### Davies Gate Sugar Plum Powder Sugar Bath Soak (NEW!)



A charming tin full of sweetness! Sugar, Sea Salt and Vitamin E help nourish and condition the skin. Aloe Vera, comfrey and other herb extracts soften and soothe to provide an unforgettable, relaxing bath. 18 oz.

DG5837 \$21.00

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### Davies Gate Sugar Plum Moisture Rich Body Lotion (NEW!)



A creamy blend of certified organic jojoba, sweet almond, olive and sesame oils that absorbs quickly to treat the driest areas of your body. Certified organic Aloe Vera and other botanical extracts work with Vitamin E to retain moisture as well as heal and soothe dry skin. Infused with the scent of ripe Plums blended with light notes of luscious Peach and sugar sweet vanilla. 9.25 fl. oz.

DG5847 \$18.00

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### Davies Gate Sugar Plum Soothing Shower Gel (NEW!)



A gentle formulation that is non-drying and perfect for daily cleansing. Protects and maintains your skin's natural moisture balance with Vitamins A and E, and certified organic botanical extracts. Creates abundant lather infused with the scent of ripe Plums blended with light notes of luscious Peach and sugar sweet Vanilla. 8.5 fl. oz.

DG5867 \$18.00  add to basket

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### Davies Gate Bath Fizz Pop with Body Oil Filling Sugar Plum

Two spa products on a stick. Drop the Bath Fizz Pop in your bath water and enjoy an effervescent pool of nourishing oils. You'll find a special treat attached to the stick: A fragrant pillow of hydrating body oil. Allow it to warm up in the bath water and gently massage into skin after bath. Scented with a blend of ripe plums, light notes of luscious peach and sugar-sweet vanilla. Domestic.

- Two spa products in one! A nourishing bath soak and a soothing body moisturizer
- Hydrates and conditions skin with a proprietary blend of sweet almond, sunflower seed and candleberry oils

Orig: \$12.00

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SIZE: 5.7 oz/161 g QTY:

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