

Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	85638213
LAW OFFICE ASSIGNED	LAW OFFICE 113
MARK SECTION	
MARK FILE NAME	http://tmng-al.uspto.gov/resting2/api/img/85638213/large
LITERAL ELEMENT	YR YVES ROCHER SENSITIVE V É G É T A L
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
ARGUMENT(S)	
<p>This is in response to the Office Action issued on April 12, 2016, wherein the Examining Attorney objected to the registration of Applicant's mark on the basis that the specimen submitted contained several marks, and the mark in the drawing did not match the mark shown in the specimen. Applicant has amended the filing basis of this application to rely on its prior EUTM Reg. No. 010554384, a copy of which is being submitted with this response. Accordingly, Applicant respectfully requests that the Examining Attorney withdraw the refusal and approve the application for registration.</p> <p>Should the Examining Attorney have any questions, a telephone call to the undersigned is requested.</p>	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	003
DESCRIPTION	
Non-medicated cosmetic skin, face and body care preparations; non-medicated skin-care preparations for moisturizing, cleansing, vitalizing, purifying and improving the appearance of the body and the face; non-medicated beauty creams for the body, face or skin; lotions for the body, face or skin; cosmetic milks; skin toners; non-medicated skin, body and facial care preparations, namely, gels; emulsions for the body, face or skin; bath foams; body masks; facial masks; skin masks; body scrubs; facial scrubs; skin scrubs; non-medicated anti-wrinkly, anti-blemish, anti-aging and wrinkle reducer skin preparations, namely, creams, lotions, gels, pre-moistened cosmetic wipes and refreshing non-medicated disposable skin cleansing wipes, and patches containing cellulite reduction creams, lotions and gels; face and sun tanning preparations; self-tanning preparations; sunscreens; suntan lotions and sprays; non-medicated hand and foot preparations for moisturizing, cleansing, comforting, relaxing, massaging and improving the appearance of hands and feet, namely, pre-moistened cosmetic hand wipes, hand and foot sprays, hand and foot scrubs, hand and foot gels, hand and foot creams, body oils for the hands and feet, body milks for the hands and feet, hand and foot balms, and hand and foot lotions; cosmetic foundations; cosmetic powders for the face, hands, body and foot	
FIRST USE ANYWHERE DATE	At least as early as 05/00/2015
FIRST USE IN COMMERCE DATE	At least as early as 05/00/2015
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	003
DESCRIPTION	
Non-medicated cosmetic skin, face and body care preparations; non-medicated skin-care preparations for moisturizing, cleansing, vitalizing, purifying and improving the appearance of the body and the face; non-medicated beauty creams for the body, face or skin; lotions for the body, face or skin; cosmetic milks; skin toners; non-medicated skin, body and facial care preparations, namely, gels; emulsions for the body, face or skin; bath foams; body masks; facial masks; skin masks; body scrubs; facial scrubs; skin scrubs; non-medicated anti-wrinkly, anti-blemish,	

anti-aging and wrinkle reducer skin preparations, namely, creams, lotions, gels, pre-moistened cosmetic wipes and refreshing non-medicated disposable skin cleansing wipes, and patches containing cellulite reduction creams, lotions and gels; face and sun tanning preparations; self-tanning preparations; sunscreens; suntan lotions and sprays; non-medicated hand and foot preparations for moisturizing, cleansing, comforting, relaxing, massaging and improving the appearance of hands and feet, namely, pre-moistened cosmetic hand wipes, hand and foot sprays, hand and foot scrubs, hand and foot gels, hand and foot creams, body oils for the hands and feet, body milks for the hands and feet, hand and foot balms, and hand and foot lotions; cosmetic foundations; cosmetic powders for the face, hands, body and foot

FIRST USE ANYWHERE DATE	At least as early as 05/00/2015
FIRST USE IN COMMERCE DATE	At least as early as 05/00/2015
DELETED FILING BASIS	1(b)
FILING BASIS	Section 44(e)
FOREIGN REGISTRATION NUMBER	010554384
FOREIGN REGISTRATION COUNTRY	European Community - CTM
FOREIGN REGISTRATION DATE	05/23/2012
FOREIGN EXPIRATION DATE	01/11/2022
FOREIGN REGISTRATION FILE NAME(S)	
ORIGINAL PDF FILE	FRU0-388922434-095556743 . EU Reg - YVES ROCHER SENSITIVE VEGETAL _ Design.pdf
CONVERTED PDF FILE(S) (3 pages)	\\TICRS\EXPORT17\IMAGEOUT17\856\382\85638213\xml1\RFR0002.JPG
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	\\TICRS\EXPORT17\IMAGEOUT17\856\382\85638213\xml1\RFR0004.JPG
STANDARD CHARACTERS OR EQUIVALENT	NO
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Herbert H. Finn/
SIGNATORY'S NAME	Herbert H. Finn
SIGNATORY'S POSITION	Attorney of record, Illinois bar member
SIGNATORY'S PHONE NUMBER	312.456.8400
DATE SIGNED	10/06/2016
RESPONSE SIGNATURE	/Herbert H. Finn/
SIGNATORY'S NAME	Herbert H. Finn
SIGNATORY'S POSITION	Attorney of record, Illinois bar member
SIGNATORY'S PHONE NUMBER	312.456.8400
DATE SIGNED	10/06/2016
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Oct 06 11:17:22 EDT 2016
TEAS STAMP	USPTO/RFR-XX.XX.XXX.XX-20 161006111722379120-856382 13-5708a1025d9cdbcd8bad71

bdab84fc086b6e5b4ecd96650
c3491cacf749df7f113-N/A-N
/A-20161006095556743684

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO Form 1960 (Rev 10/2011)

OMB No. 0651-0050 (Exp 07/31/2017)

Request for Reconsideration after Final Action

To the Commissioner for Trademarks:

Application serial no. **85638213** YR YVES ROCHER SENSITIVE V É G É T A L (Stylized and/or with Design, see <http://tmng-al.uspto.gov/resting2/api/img/85638213/large>) has been amended as follows:

ARGUMENT(S)

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

This is in response to the Office Action issued on April 12, 2016, wherein the Examining Attorney objected to the registration of Applicant's mark on the basis that the specimen submitted contained several marks, and the mark in the drawing did not match the mark shown in the specimen. Applicant has amended the filing basis of this application to rely on its prior EUTM Reg. No. 010554384, a copy of which is being submitted with this response. Accordingly, Applicant respectfully requests that the Examining Attorney withdraw the refusal and approve the application for registration.

Should the Examining Attorney have any questions, a telephone call to the undersigned is requested.

CLASSIFICATION AND LISTING OF GOODS/SERVICES

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

Current: Class 003 for Non-medicated cosmetic skin, face and body care preparations; non-medicated skin-care preparations for moisturizing, cleansing, vitalizing, purifying and improving the appearance of the body and the face; non-medicated beauty creams for the body, face or skin; lotions for the body, face or skin; cosmetic milks; skin toners; non-medicated skin, body and facial care preparations, namely, gels; emulsions for the body, face or skin; bath foams; body masks; facial masks; skin masks; body scrubs; facial scrubs; skin scrubs; non-medicated anti-wrinkly, anti-blemish, anti-aging and wrinkle reducer skin preparations, namely, creams, lotions, gels, pre-moistened cosmetic wipes and refreshing non-medicated disposable skin cleansing wipes, and patches containing cellulite reduction creams, lotions and gels; face and sun tanning preparations; self-tanning preparations; sunscreens; suntan lotions and sprays; non-medicated hand and foot preparations for moisturizing, cleansing, comforting, relaxing, massaging and improving the appearance of hands and feet, namely, pre-moistened cosmetic hand wipes, hand and foot sprays, hand and foot scrubs, hand and foot gels, hand and foot creams, body oils for the hands and feet, body milks for the hands and feet, hand and foot balms, and hand and foot lotions; cosmetic foundations; cosmetic powders for the face, hands, body and foot

Original Filing Basis:

Filing Basis: Section 1(b), Intent to Use: For a trademark or service mark application: As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services in the application. **For a collective trademark, collective service mark, or collective membership mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. **For a certification mark application:** As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant.

In International Class 003, the mark was first used at least as early as 05/00/2015 and first used in commerce at least as early as 05/00/2015 .

Proposed: Class 003 for Non-medicated cosmetic skin, face and body care preparations; non-medicated skin-care preparations for moisturizing, cleansing, vitalizing, purifying and improving the appearance of the body and the face; non-medicated beauty creams for the body, face or skin; lotions for the body, face or skin; cosmetic milks; skin toners; non-medicated skin, body and facial care preparations, namely, gels; emulsions for the body, face or skin; bath foams; body masks; facial masks; skin masks; body scrubs; facial scrubs; skin scrubs; non-medicated anti-wrinkly,

anti-blemish, anti-aging and wrinkle reducer skin preparations, namely, creams, lotions, gels, pre-moistened cosmetic wipes and refreshing non-medicated disposable skin cleansing wipes, and patches containing cellulite reduction creams, lotions and gels; face and sun tanning preparations; self-tanning preparations; sunscreens; suntan lotions and sprays; non-medicated hand and foot preparations for moisturizing, cleansing, comforting, relaxing, massaging and improving the appearance of hands and feet, namely, pre-moistened cosmetic hand wipes, hand and foot sprays, hand and foot scrubs, hand and foot gels, hand and foot creams, body oils for the hands and feet, body milks for the hands and feet, hand and foot balms, and hand and foot lotions; cosmetic foundations; cosmetic powders for the face, hands, body and foot

Deleted Filing Basis: 1(b)

In International Class 003, the mark was first used at least as early as 05/00/2015 . and first used in commerce at least as early as 05/00/2015 .

Filing Basis: Section 44(e), Based on Foreign Registration:*For all applications:* The applicant attaches a copy of [European Community - CTM registration number 010554384 registered 05/23/2012 with a renewal date of _____ and an expiration date of 01/11/2022], and translation thereof, if appropriate. *For a trademark or service mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to use the mark in commerce on or in connection with the identified goods/services. *For a collective trademark, collective service mark, or collective membership mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by members on or in connection with the identified goods/services/collective membership organization. *For a certification mark application:* As of the application filing date, the applicant had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce by authorized users on or in connection with the identified goods/services, and the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods or services that meet the certification standards of the applicant.

Original PDF file:

[FRU0-388922434-095556743 . EU Reg - YVES ROCHER SENSITIVE VEGETAL Design.pdf](#)

Converted PDF file(s) (3 pages)

[Foreign Registration-1](#)

[Foreign Registration-2](#)

[Foreign Registration-3](#)

SIGNATURE(S)

Declaration Signature

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or allegation of use (AOU) unsigned, all statements in the application or AOU and this submission based on the signatory's own knowledge are true, and all statements in the application or AOU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AOU: If the applicant filed an unsigned application under 15 U.S.C. §1051(a) or AOU under 15 U.S.C. §1051(c), the signatory additionally believes that: the applicant is the owner of the mark sought to be registered; the mark is in use in commerce and was in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AOU on or in connection with the goods/services/collective membership organization in the application or AOU; *for a collective trademark, collective service mark, collective membership mark application, or certification mark application*, the applicant is exercising legitimate control over the use of the mark in commerce and was exercising legitimate control over the use of the mark in commerce as of the filing date of the application or AOU; *for a certification mark application*, the applicant is not engaged in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION AND FOR SECTION 66(a)

COLLECTIVE/CERTIFICATION MARK APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. §§ 1051(b), 1126(d), and/or 1126(e), or filed a collective/certification mark application under 15 U.S.C. §1141f(a), the signatory additionally believes that: *for a trademark or service mark application*, the applicant is entitled to use the mark in commerce on or in connection with the goods/services specified in the application; the applicant has a bona fide intention to use the mark in commerce and had a bona fide intention to use the mark in commerce as of the application filing date; *for a collective trademark, collective service mark, collective membership mark, or certification mark application*, the applicant has a bona fide intention, and is entitled, to exercise legitimate control over the use of the mark in commerce and had a bona fide intention, and was entitled, to exercise legitimate control over the use of the mark in commerce as of the application filing date; the signatory is properly authorized to execute the declaration on behalf of the applicant; *for a certification mark application*, the applicant will not engage in the production or marketing of the goods/services to which the mark is applied, except to advertise or promote recognition of the

certification program or of the goods/services that meet the certification standards of the applicant. **To the best of the signatory's knowledge and belief, no other persons, except, if applicable, authorized users, members, and/or concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services/collective membership organization of such other persons, to cause confusion or mistake, or to deceive.**

Signature: /Herbert H. Finn/ Date: 10/06/2016
Signatory's Name: Herbert H. Finn
Signatory's Position: Attorney of record, Illinois bar member
Signatory's Phone Number: 312.456.8400

Request for Reconsideration Signature

Signature: /Herbert H. Finn/ Date: 10/06/2016
Signatory's Name: Herbert H. Finn
Signatory's Position: Attorney of record, Illinois bar member

Signatory's Phone Number: 312.456.8400

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 owner's/holder'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 owner/holder in this matter: (1) the owner/holder 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 owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder'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 filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 85638213
Internet Transmission Date: Thu Oct 06 11:17:22 EDT 2016
TEAS Stamp: USPTO/RFR-XX.XX.XXX.XX-20161006111722379
120-85638213-5708a1025d9cdbc8bad71bdab8
4fc086b6e5b4ecd96650c3491cacf749df7f113-
N/A-N/A-20161006095556743684



Enregistré / Registered 23/05/2012

No 010554384

**OHMI – OFFICE DE L'HARMONISATION DANS LE
MARCHÉ INTÉRIEUR
MARQUES, DESSINS ET MODÈLES**

CERTIFICAT D'ENREGISTREMENT

Le présent Certificat d'Enregistrement est délivré pour la marque communautaire identifiée ci-joint. Les mentions et les renseignements qui s'y rapportent ont été inscrits au Registre des Marques Communautaires.

**OHIM – OFFICE FOR HARMONIZATION IN THE
INTERNAL MARKET
TRADE MARKS AND DESIGNS**

CERTIFICATE OF REGISTRATION

This Certificate of Registration is hereby issued for the Community Trade Mark identified below. The corresponding entries have been recorded in the Register of Community Trade Marks.



YVES ROCHER

sensitive
v é g é t a l

Le Président / The President

António Campinos



210 010554384
220 11/01/2012
400 14/02/2012
151 23/05/2012
450 25/05/2012
186 11/01/2022
541 YVES ROCHER sensitive végétal
521 0
546



YVES ROCHER

sensitive
végétal

531 26.1.3
26.1.18
26.1.24
27.5.22
27.99.18
27.99.25
732 Laboratoires de Biologie Végétale Yves Rocher, S.A.
La Croix des Archers-La Gacilly
56200 La Gacilly
FR
740 Laboratoires de Biologie Végétale Yves Rocher, S.A.
Minelle, Frédérique
3, allée de Grenelle
92444 Issy-les-Moulineaux
FR
270 FR EN
300 FR - 12/12/2011 - 11 3881001
511 **BG** - 3
Сапуни; Етерични масла; Козметични препарати за грижи за тялото и лицето; Козметични препарати за душ и вана; Соларни продукти за козметични цели; Козметични продукти за обгрижване на краката и ръцете.
ES - 3
Jabones; Aceites esenciales; Productos cosméticos para el cuidado de la cara y el cuerpo; Preparaciones cosméticas para el baño y la ducha; Productos solares para uso cosmético; Productos cosméticos para el cuidado de los pies y de las manos.
CS - 3
Mýdla; Vonné oleje; Kosmetické přípravky k péči o tělo a obličej; Kosmetické přípravky do koupele; Ochranné prostředky proti slunci ke kosmetickým účelům; Kosmetické přípravky k péči o chodidla a ruce.

DA - 3
Sæbe; Æteriske olier; Kosmetiske præparater til krops- og ansigtspleje; Kosmetiske præparater til bad og brusebad; Solpræparater til kosmetisk brug; Kosmetiske præparater til pleje af fødder og hænder.

DE - 3
Seifen; Ätherische Öle; Körper- und Gesichtspflegemittel; Kosmetische Bade- und Duschpräparate; Sonnenschutzmittel für kosmetische Zwecke; Kosmetische Mittel zur Pflege der Füße und der Hände.

ET - 3
Seebid; Eeterlikud õlid; Kosmeetikavahendid keha ja näo hoolduseks; Vannipreparaadid (kosmeetilised); Kosmeetilised päevitusvahendid; Kosmeetilised jala- ja kätehooldusvahendid.

EL - 3
Σαπούνια· Αιθέρια έλαια· Καλλυντικά προϊόντα για τη φροντίδα του σώματος και του προσώπου· Καλλυντικά παρασκευάσματα για το ντους και το μπάνιο· Αντηλιακά προϊόντα για καλλυντική χρήση· Καλλυντικά προϊόντα για την περιποίηση των ποδιών και των χεριών.

EN - 3
Soaps; Essentials oils; Cosmetic preparations for care of body and face; Cosmetic bath and shower preparations; Sun preparations for cosmetics use; Cosmetics for feet and hand care.

FR - 3
Savons; huiles essentielles; produits cosmétiques pour le soin du corps et du visage; produits cosmétiques pour le bain et la douche; produits solaires à usage cosmétique; produits cosmétiques pour le soin des pieds et des mains.

IT - 3
Saponi; Oli essenziali; Prodotti cosmetici per la cura del corpo e del viso; Prodotti cosmetici per il bagno e la doccia; Prodotti solari per uso cosmetico; Prodotti cosmetici per la cura di piedi e mani.

LV - 3
Zīpes; Ēteriskās eļļas; Kosmētiski līdzekļi ķermeņa un sejas kopšanai; Kosmētiskie līdzekļi vannām; Kosmētiski iedeguma līdzekļi; Kosmētiski līdzekļi roku un kāju kopšanai.

LT - 3
Muilas; Eteriniai aliejai; Kosmetiniai preparatai kūno ir veido priežiūrai; Vonių kosmetiniai preparatai; Įdegio preparatai kosmetikos reikmėms; Kosmetiniai preparatai pėdų ir rankų priežiūrai.

HU - 3
Szappanok; Eszenciaolajok; Kozmetikai termékek test- és arcápolásra; Kozmetikai készítmények fürdőkhöz; Napozási termékek kozmetikai használatra; Kozmetikai termékek kéz- és lábápolásra.

MT - 3
Spapen; Żjut essenzjali; Prodotti kosmetiċi għall-kura tal-gisem u tal-wiċċ; Preparazzjonijiet kozmetiċi għall-banjijiet; Prodotti għall-kura kontra r-raġġi tax-xemx għal użu kosmetiku; Prodotti kosmetiċi għall-kura tas-saqajn u ta' l-idejn.

NL - 3
Zepen; Etherische oliën; Cosmetische middelen voor verzorging van het lichaam en het gezicht; Cosmetische bad- en doucheproducten; Zonnebrandmiddelen voor cosmetisch gebruik; Cosmetische producten voor de verzorging van voeten en handen.

PL - 3
Mydła; Olejki eteryczne; Środki kosmetyczne do pielęgnacji ciała i twarzy; Kapieli (preparaty kosmetyczne do -); Środki do opalania do celów kosmetycznych; Środki kosmetyczne do pielęgnacji stóp i rąk.



PT - 3

Sabões; Óleos essenciais; Produtos cosméticos para os cuidados do corpo e do rosto; Preparações cosméticas para banho e duche; Produtos solares para uso cosmético; Produtos cosméticos para os cuidados dos pés e das mãos.

RO - 3

Săpunuri; Uleiuri esențiale; Produse cosmetice pentru îngrijirea corpului și a feței; Preparate cosmetice pentru baie și pentru dus; Produse solare de uz cosmetic; Produse cosmetice pentru îngrijirea picioarelor și mainilor.

SK - 3

Mydlá; Základné pomôcky; Kozmetické prípravky na ošetrovanie tela a tváre; Kozmetické prípravky do kúpeľa; Prípravky na opaľovanie na kozmetické využitie; Kozmetické prípravky na ošetrovanie chodidiel a rúk.

SL - 3

Mila; Eterična olja; Kozmetični izdelki za nego telesa in obraza; Kozmetični preparati za kopeli; Izdelki za sončenje za kozmetično rabo; Kozmetični izdelki za nego stopal in rok.

FI - 3

Saippuat; Eteeriset öljyt; Kosmeettiset vartalonhoitotuotteet ja kasvojenhoitotuotteet; Kosmeettiset kylpy- ja suihkuvalmisteet; Auringonotto tuotteet kosmetiikkakäyttöön; Kosmeettiset jalkojen- ja käsienhoitotuotteet.

SV - 3

Tvål; Eteriska oljor; Kosmetiska produkter för vård av kroppen och ansiktet; Kosmetiska preparat för bad och dusch; Solprodukter för kosmetisk användning; Kosmetiska preparat för fot- och handvård.