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Subject: U.S. TRADEMARK APPLICATION NO. 85771993 - SKIN LAUNDRY - 119933-2 - Request for Reconsideration Denied - Return to TTAB - Message 1 of 29

Attachment Information:

Count: 23

Files: laundry-1.jpg, laundry-2.jpg, skin-1.jpg, skin-2.jpg, skin-3.jpg, skin-4.jpg, skin-5.jpg, skin-6.jpg, cosmetics-1.jpg, cosmetics-2.jpg, Aveeno 1.jpg, Aveeno 2.jpg, Aveeno 3.jpg, Avon 1.jpg, Avon 2.jpg, Avon 3.jpg, Avon 4.jpg, Avon 5.jpg, Avon 6.jpg, Avon 7.jpg, Avon 8.jpg, Avon 9.jpg, 85771993.doc

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

U.S. APPLICATION SERIAL NO. 85771993

MARK: SKIN LAUNDRY



CORRESPONDENT ADDRESS:

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GENERAL TRADEMARK INFORMATION:

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APPLICANT: SKIN LAUNDRY HOLDINGS, INC.

CORRESPONDENT'S REFERENCE/DOCKET NO:

119933-2

CORRESPONDENT E-MAIL ADDRESS:

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REQUEST FOR RECONSIDERATION DENIED

ISSUE/MAILING DATE: 5/31/2015

The trademark examining attorney has carefully reviewed applicant's request for reconsideration and is denying the request for the reasons stated below. See 37 C.F.R. §2.63(b)(3); TMEP §§715.03(a)(ii)(B), 715.04(a). The following refusal made final in the Office action dated November 22, 2014 is maintained and continues to be final: Section 2(d) refusal for a likelihood of confusion with a registered mark. See TMEP §§715.03(a)(ii)(B), 715.04(a).

In the present case, applicant's request has not resolved all the outstanding issue, nor does it raise a new issue or provide any new or compelling evidence with regard to the outstanding issue in the final Office action. In addition, applicant's analysis and arguments are not persuasive nor do they shed new light on the issues. Accordingly, the request is denied.

If applicant has already filed a timely notice of appeal with the Trademark Trial and Appeal Board, the Board will be notified to resume the appeal. See TMEP §715.04(a).

If no appeal has been filed and time remains in the six-month response period to the final Office action, applicant has the remainder of the response period to (1) comply with and/or overcome any outstanding final requirement(s) and/or refusal(s), and/or (2) file a notice of appeal to the Board. TMEP §715.03(a)(ii)(B); see 37 C.F.R. §2.63(b)(1)-(3). The filing of a request for reconsideration does not stay or extend the time for filing an appeal. 37 C.F.R. §2.63(b)(3); see TMEP §§715.03, 715.03(a)(ii)(B), (c).

In its request for reconsideration, applicant contends that its mark – SKIN LAUNDRY – is not confusingly similar to the registered marks – LAUNDRY BY SHELLI SEGAL (U.S. Registration Nos. 4502196 and 4401823) – because applicant's mark includes the word "SKIN" and registrant's marks include the wording "BY SHELLI SEGAL." According to applicant, the "BY SHELLI SEGAL" portion of the registered marks is the dominant portion. The trademark examining attorney is not convinced by the argument.

First, both marks include the identical word "LAUNDRY." As explained in previous actions, marks may be confusingly similar in appearance where similar terms or phrases or similar parts of terms or phrases appear in the compared marks and create a similar overall commercial impression. See *Crocker Nat'l Bank v. Canadian Imperial Bank of Commerce*, 228 USPQ 689, 690-91 (TTAB 1986), *aff'd sub nom. Canadian Imperial Bank of Commerce v. Wells Fargo Bank, Nat'l Ass'n*, 811 F.2d 1490, 1495, 1 USPQ2d 1813, 1817 (Fed. Cir. 1987) (finding COMMCASH and COMMUNICASH confusingly similar); *In re Corning Glass Works*, 229 USPQ 65, 66 (TTAB 1985) (finding CONFIRM and CONFIRMCELLS confusingly similar); *In re Pellerin Milnor Corp.*, 221 USPQ 558, 560 (TTAB 1983) (finding MILTRON and MILLTRONICS confusingly similar); TMEP §1207.01(b)(ii)-(iii).

In addition, the marks both create the same overall commercial impression because of this shared wording. "Laundry" generally refers to the action or process of washing clothes and linens. See the

attached evidence from Oxford Dictionaries. As applied to the respective goods, the marks both convey the impression that the goods cleanse the body and skin.

Although the marks each contain additional different wording, “LAUNDRY” is the most dominant elements of the marks because it is arbitrary, or at the very least suggestive, with respect to the goods. Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. See *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat’l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Greater weight is often given to this dominant feature when determining whether marks are confusingly similar. See *In re Nat’l Data Corp.*, 753 F.2d at 1058, 224 USPQ at 751. In this case, the dominant portion of the marks is identical as to appearance, sound and meaning

The trademark examining attorney is not persuaded by applicant’s argument that the word “SKIN” is suggestive of the goods, rather than descriptive. A mark is suggestive if some imagination, thought, or perception is needed to understand the nature of the goods and/or services described in the mark; whereas a descriptive term immediately and directly conveys some information about the goods and/or services. See *Stoncor Grp., Inc. v. Specialty Coatings, Inc.*, 759 F.3d 1327, 1332, 111 USPQ2d 1649, 1652 (Fed. Cir. 2014) (citing *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251-52, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012)); TMEP §1209.01(a).

“SKIN” is “the thin layer of tissue forming the natural outer covering of the body of a person or animal.” See the attached definition from Oxford Dictionaries. Applicant’s goods are medicated and non-medicated *skin* care products, particularly “non-medicated skin serum, skin cleansers, skin creams, skin moisturizer, and skin toners” as well as “medicated skin care preparations, medicinal creams for skin care, and medicated cosmetics.” “Cosmetics” are substances applied to the skin to make a person more attractive. See the attached definition from Macmillan Dictionary. Therefore, “SKIN” in applicant’s mark is not suggestive, as applicant contends, because no thought or imagination is needed to understand the nature of the goods from this wording. Rather, the wording immediately informs consumers that applicant’s goods are skin care products.

Please note that although applicant lists alternate definitions of the word “skin” (but provides no attached evidence of such definitions), descriptiveness is considered in relation to the relevant goods and/or services – here, skin care products. *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1254, 103 USPQ2d 1753, 1757 (Fed. Cir. 2012). “That a term may have other meanings in

different contexts is not controlling.” *In re Franklin Cnty. Historical Soc’y*, 104 USPQ2d 1085, 1087 (TTAB 2012) (citing *In re Bright-Crest, Ltd.*, 204 USPQ 591, 593 (TTAB 1979)); TMEP §1209.03(e).

Moreover, applicant has already conceded the descriptive nature of this wording, as it disclaimed this wording in its response filed on July 3, 2013.

Although marks are compared in their entireties, one feature of a mark may be more significant or dominant in creating a commercial impression. See *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012); *In re Nat’l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985); TMEP §1207.01(b)(viii), (c)(ii). Disclaimed matter that is descriptive of or generic for a party’s goods and/or services is typically less significant or less dominant when comparing marks. See *In re Dixie Rests., Inc.*, 105 F.3d 1405, 1407, 41 USPQ2d 1531, 1533-34 (Fed. Cir. 1997); *In re Nat’l Data Corp.*, 753 F.2d at 1060, 224 USPQ at 752; TMEP §1207.01(b)(viii), (c)(ii). This is because consumers are accustomed to not placing much weight on descriptive or generic terminology when determining source given their frequent use and prevalence in the marketplace in other marks.

While it is true that the registered marks also include the wording “BY SHELLI SEGAL,” adding a house mark to an otherwise confusingly similar mark will not obviate a likelihood of confusion under Section 2(d). Indeed, the addition of a house mark to one of two otherwise confusingly similar marks may actually increase, rather than lessen, the likelihood of confusion. See *In re Rexel Inc.*, 223 USPQ 830 (1984); *In re Fiesta Palms LLC*, 85 USPQ2d 1360, 1366-67 (TTAB 2007) (finding CLUB PALMS MVP and MVP confusingly similar); *In re Christian Dior, S.A.*, 225 USPQ 533, 534 (TTAB 1985) (finding LE CACHET DE DIOR and CACHET confusingly similar); TMEP §1207.01(b)(iii); *In re Apparel Ventures Inc.*, 229 USPQ 225, 226 (TTAB 1986) (finding SPARKS and SPARKS BY SASSAFRAS confusingly similar; “The words ‘by sassafras’ indicate to prospective purchasers that ‘sassafras’ is the name of the entity which is the source of the ‘SPARKS’ brand clothing. Prospective purchasers do not necessarily know or care which business calls itself ‘sassafras,’ but they would assume that when ‘SPARKS’ appears on two similar products they both come from the same source. . . . Those already familiar with registrant’s use of its mark in connection with its goods, upon encountering applicant’s mark on applicant’s goods, could easily assume that ‘sassafras’ is some sort of house mark that may be used with only some of the ‘SPARKS’ goods. Conversely, those familiar with only applicant’s mark would, upon encountering the registered mark on related goods, assume that all ‘SPARKS’ products come from a single source, and that the source was in some instances further identified with the words ‘by sassafras.’”); *In re Dennison Manufacturing Company*, 229 USPQ 141 (TTAB 1986) (finding that GLUE STIC and UHU GLU STIC confusingly similar; “It is a general rule that the addition of extra matter such as a house mark or trade name to one of two otherwise confusingly similar marks will not serve to avoid a likelihood of confusion between them.”); *In re Dennison Manufacturing Company*, 220 USPQ 1015 (TTAB 1983) (finding that KANGAROO BY DENNISON and KANGAROO are confusingly similar); *In re Cosvetic Laboratories Inc.*, 202

USPQ 842 (TTAB 1979) (finding HEAD START COSVETIC and HEAD START confusingly similar). Thus, it is likely that goods sold under these marks would be attributed to the same source. See *In re Chica, Inc.*, 84 USPQ2d 1845, 1848-49 (TTAB 2007). This is especially true in light of the fact that, when comparing marks, the test is not whether the marks can be distinguished in a side-by-side comparison, but rather whether the marks are sufficiently similar in terms of their overall commercial impression that confusion as to the source of the goods and/or services offered under the respective marks is likely to result. *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012); *In re Davia*, 110 USPQ2d 1810, 1813 (TTAB 2014); TMEP §1207.01(b). The proper focus is on the recollection of the average purchaser, who retains a general rather than specific impression of trademarks. *United Global Media Grp., Inc. v. Tseng*, 112 USPQ2d 1039, 1049, (TTAB 2014); *L’Oreal S.A. v. Marcon*, 102 USPQ2d 1434, 1438 (TTAB 2012); TMEP §1207.01(b).

Accordingly, in the present case, the marks are confusingly similar.

“LAUNDRY” is also the more dominant portion of the registered mark because it appears first in the mark. Generally, consumers are more inclined to focus on the first word, prefix, or syllable in any trademark or service mark. See *Palm Bay Imps., Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F. 3d 1369, 1372, 73 USPQ2d 1689, 1692 (Fed. Cir. 2005); *Presto Prods., Inc. v. Nice-Pak Prods., Inc.*, 9 USPQ2d 1895, 1897 (TTAB 1988) (“it is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered” when making purchasing decisions). Greater weight is often given to this dominant feature when determining whether marks are confusingly similar. See *In re Nat’l Data Corp.*, 753 F.2d at 1058, 224 USPQ at 751.

Please note that while “LAUNDRY” is not the first word in applicant’s mark, it is still the dominant portion because, as explained above, “SKIN” is merely descriptive with respect to applicant’s goods, and “LAUNDRY” is arbitrary (or at the very least, suggestive) with respect to the goods.

Furthermore, as explained in the previous action, the marketplace evidence from Christian Dior (as to Poison, Hypnotic Poison and Pure Poison), Neutrogena (as to Ageless Essentials, Ageless Intensives and Ageless Restoratives, and as to Visibly Even and Visibly Bright), and Mary Kay (as to TimeWise and TimeWise Repair) show that it is common for house brands in the cosmetics/skin care industry to have separate product lines using similar names. This evidence is hereby incorporated by reference. In addition, the evidence attached to the current action from Aveeno (as to a variety of “Positively” skin and body products), Avon (as to Anew skin products) and L’Oreal (as to Magic, True Match, Visible Lift, and Voluminous products) further demonstrate that it is common for house brands to use the same terms in various products.

Thus, even if potential purchasers realize the apparent differences between the marks, they could still reasonably assume, due to the overall similarities in appearance, connotation, and commercial impression in the respective marks, that applicant's goods sold under the "SKIN LAUNDRY" mark constitute a new or additional product line from the same source as the goods sold under the "LAUNDRY BY SHELLI SEGAL" marks with which they are acquainted or familiar, and that applicant's mark is merely a variation of the registrant's marks. *See, e.g., SMS, Inc. v. Byn-Mar Inc.*, 228 USPQ 219, 220 (TTAB 1985) (applicant's marks ALSO ANDREA and ANDREA SPORT were "likely to evoke an association by consumers with opposer's preexisting mark [ANDREA SIMONE] for its established line of clothing.").

In addition, the word "BY" does not significantly distinguish the marks, as applicant contends, as it is merely a preposition and does not create a different or new impression. See the attached evidence from Merriam-Webster's Online Dictionary.

The trademark examining attorney also is not persuaded by applicant's argument that the marks are not confusingly similar because the word "LAUNDRY" appears in other registered marks. In support of its argument, applicant has submitted a list of registrations, but did not attach any registrations to its request for reconsideration. The mere submission of a list of registrations or a copy of a private company search report does not make such registrations part of the record. *In re Promo Ink*, 78 USPQ2d 1301, 1304 (TTAB 2006); TBMP §1208.02; TMEP §710.03.

To make third party registrations part of the record, an applicant must submit copies of the registrations, or the complete electronic equivalent from the USPTO's automated systems, prior to appeal. *In re Jump Designs LLC*, 80 USPQ2d 1370, 1372-73 (TTAB 2006); *In re Ruffin Gaming*, 66 USPQ2d, 1924, 1925 n.3 (TTAB 2002); TBMP §1208.02; TMEP §710.03. Therefore, the trademark examining attorney objects to applicant's third-party registrations.

The trademark examining attorney also reminds applicant that in any likelihood of confusion determination, two key considerations are similarity of the marks and similarity or relatedness of the goods and/or services. *Syndicat Des Proprietaires Viticulteurs De Chateauneuf-Du-Pape v. Pasquier DesVignes*, 107 USPQ2d 1930, 1938 (TTAB 2013) (citing *Federated Foods, Inc. v. Fort Howard Paper Co.*, 544 F.2d 1098, 1103, 192 USPQ 24, 29 (C.C.P.A. 1976)); *In re Iolo Techs., LLC*, 95 USPQ2d 1498, 1499 (TTAB 2010); see TMEP §1207.01. That is, the marks are compared in their entireties for similarities in appearance, sound, connotation, and commercial impression. *In re Viterra Inc.*, 671 F.3d 1358, 1362, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012) (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d 1357, 1361, 177 USPQ 563, 567 (C.C.P.A. 1973)); TMEP §1207.01(b)-(b)(v). Additionally, the goods and/or services are compared to determine whether they are similar or commercially related or travel in the same trade channels. *See Coach Servs., Inc. v. Triumph Learning LLC*, 668 F.3d 1356, 1369-71, 101

USPQ2d 1713, 1722-23 (Fed. Cir. 2012); *Herbko Int'l, Inc. v. Kappa Books, Inc.*, 308 F.3d 1156, 1165, 64 USPQ2d 1375, 1381 (Fed. Cir. 2002); TMEP §1207.01, (a)(vi).

Thus, the goods and/or services in the marks that applicant lists in its response must be closely related to the goods at issue in this case to be relevant to applicant's argument. Applicant has provided no such argument.

Finally, please note that while marks must be compared in their entireties and should not be dissected, a trademark examining attorney may weigh the individual components of a mark to determine its overall commercial impression. *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1322, 110 USPQ2d 1157, 1161 (Fed. Cir. 2014) (quoting *In re Nat'l Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 751 (Fed. Cir. 1985) (“[I]n articulating reasons for reaching a conclusion on the issue of confusion, there is nothing improper in stating that, for rational reasons, more or less weight has been given to a particular feature of a mark, provided the ultimate conclusion rests on consideration of the marks in their entireties.”)). In this case, the dominant portion of the marks is “LAUNDRY,” which is identical in appearance, sound and meaning in the marks.

In sum, the dominant portions of the marks are identical in terms of appearance, sound and meaning. While the marks do contain some differences in wording, these differences do not negate the likelihood of confusion. Additionally, it should be noted that where the goods and/or services of an applicant and registrant are “similar in kind and/or closely related,” the degree of similarity between the marks required to support a finding of likelihood of confusion is not as great as in the case of diverse goods and/or services. *In re J.M. Originals Inc.*, 6 USPQ2d 1393, 1394 (TTAB 1987); see *Shen Mfg. Co. v. Ritz Hotel Ltd.*, 393 F.3d 1238, 1242, 73 USPQ2d 1350, 1354 (Fed. Cir. 2004); TMEP §1207.01(b).

Here, applicant's goods are non-medicated skin care products (skin serum, skin cleanser, skin creams, skin moisturizer, and skin toner) and medicated skin care products (skin care preparations, medicinal skin creams, and medicated cosmetics), and registrant's goods are various types of bath, body and hair care products (bath and shower gel, bath lotion, bath powder, bath soap, bubble bath, cosmetics, hair shampoo and conditioner, deodorant, body lotions, body powder, body scrub, face powder, skin moisturizer, soaps, hair styling products, sun care products, and perfumes).

When analyzing an applicant's and registrant's goods and/or services for similarity and relatedness, that determination is based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. See *Octocom Sys. Inc. v. Hous. Computers*

Servs. Inc., 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990); *see also Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d 1261, 1267, 62 USPQ2d 1001, 1004 (Fed. Cir. 2002).

Absent restrictions in an application and/or registration, the identified goods and/or services are presumed to travel in the same channels of trade to the same class of purchasers. *Citigroup Inc. v. Capital City Bank Grp., Inc.*, 637 F.3d 1344, 1356, 98 USPQ2d 1253, 1261 (Fed. Cir. 2011); *Hewlett-Packard Co. v. Packard Press Inc.*, 281 F.3d at 1268, 62 USPQ2d at 1005. Additionally, unrestricted and broad identifications are presumed to encompass all goods and/or services of the type described. *See In re Jump Designs*, 80 USPQ2d 1370, 1374 (TTAB 2006); *In re Linkvest S.A.*, 24 USPQ2d 1716, 1716 (TTAB 1992).

In this case, the identifications set forth in the application and U.S. Registration No. 4502196 are identical as to “skin moisturizer.” Accordingly, these goods are considered related for purposes of the likelihood of confusion analysis.

“Cosmetics” are defined as preparations that are applied externally to change or enhance the beauty of one’s skin. See the previously attached evidence from Wordnik and The American Heritage Dictionary of the English Language, as well as the evidence attached to the current action from Macmillan Dictionary. The previously attached evidence is hereby incorporated by reference. As such, registrant’s broadly worded “cosmetics” encompass applicant’s medicated cosmetics as well as its medicated and non-medicated skin care products, as skin care products are intended to improve one’s skin. See the previously attached evidence from SkinMedica, Cleveland Clinic and Summit Plastic Surgery & Skin Care Center, which are incorporated by reference. The attached evidence from Allure, SkinCeuticals, Nivea, and Clarins, further demonstrate that skin care products generally are intended to improve the appearance of one’s skin.

Applicant’s and registrant’s respective goods are also closely related because they are commonly manufactured and provided by the same source under the same mark. Specifically, the previously attached evidence from Philosophy, Neutrogena, Aveeno, Clinique, Lancôme, Kiehl’s, Lush, Fresh, Arbonne, and Paula’s Choice Skincare show that the same sources typically make and provide skin care products, including moisturizers, serums, cleansers, creams, and toners (both non-medicated and medicated), and a variety of bath and body products, including soaps, bath and shower gels, body lotion, body scrub, hair care products, sun protection products, and fragrances. The previously attached evidence is hereby incorporated by reference.

In addition, the evidence attached to the current action from L'Occitane, Olay, Aubrey, Nurture My Body, Boots, Estée Lauder, Shiseido, and Pacifica show that the same entities make and provide skin care products (including skin serums, cleansers, creams, moisturizers and toners) as well as bath and body care products, hair care products, and/or perfumes.

Applicant does not contest the relatedness of its non-medicated skin care products and registrant's goods, but instead argues that the goods are not closely related because it also provides medicated skin care products. "Medicated" simply refers to something that contains a medicine or something that helps people to feel or look better. See the attached definitions from Oxford Dictionaries and Macmillan Dictionary.

The previously attached evidence from Arbonne and Paula's Choice Skincare, and the attached evidence from Deb, DermaDoctor, Dr. Cynthia Bailey Skin Care, HempSense, and Serious Skincare show that the same entities make and provide medicated skin care products/cosmetics (that is, skin care products that are treated with medicines or substances to improve the appearance of skin) as well as body products, such as body lotions, creams and/or scrubs. The previously attached evidence is incorporated by reference.

The trademark examining attorney has also attached evidence from the USPTO's X-Search database consisting of a number of third-party marks registered for use in connection with the same or similar goods as those of both applicant and registrant in this case. This evidence shows that the goods listed therein, namely non-medicated skin serums, cleansers, creams, moisturizers and toners, medicated skin care preparations and cosmetics, various bath and body products such as body lotions, creams and scrubs, shower and bath gels, soaps, hair products such as shampoo and conditioner, sun care preparations, and perfumes, are of a kind that may emanate from a single source under a single mark. *See In re Anderson*, 101 USPQ2d 1912, 1919 (TTAB 2012); *In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); *In re Mucky Duck Mustard Co.*, 6 USPQ2d 1467, 1470 n.6 (TTAB 1988); TMEP §1207.01(d)(iii). These third-party registrations are in addition to the third-party registrations attached to the previous actions, which are incorporated by reference and also show that the relevant goods are typically of a kind that emanate from a single source under a single mark.

The goods are also closely related because they commonly travel through the same channels of trade to the same class of consumers. Specifically, the above-referenced evidence attached to the current action, the previously attached evidence referenced in this action, and the previously attached evidence from Sephora, Ulta, Birchbox, Blue Mercury, Beauty Bay and Beauty.com – which is all incorporated by reference – show that applicant's and registrant's respective goods are commonly sold in the same

trade channels to the same type of purchasers. Furthermore, the attached evidence from SkinCareRX, Bath & Body Works, and B-Glowing also show that various skin care products, bath and body products, sun care products, and hair care products are sold in the same stores to the same type of consumers – namely, ordinary purchasers. As a result, consumers will encounter the relevant goods in the same trade channels under very similar marks and are likely to mistakenly believe that the goods come from a common origin or are somehow connected.

Applicant also contends that the relevant purchasers are sophisticated, which mitigates the likelihood of confusion. The trademark examining attorney is not persuaded by this argument. First, as the above evidence shows, the typical purchasers of the goods at issue are ordinary consumers, rather than consumers that require specialized or advanced knowledge of the goods. Second, the identifications have no restrictions as to nature, type, channels of trade, or classes of purchasers. Therefore, it is presumed that these goods travel in all normal channels of trade, and are available to the same class of purchasers. See *Midwestern Pet Foods, Inc. v. Societe des Produits Nestle S.A.*, 685 F.3d 1046, 1053, 103 USPQ2d 1435, 1440 (Fed. Cir. 2012). Third, the fact that purchasers may be sophisticated or knowledgeable in a particular field does not necessarily mean that they are sophisticated or knowledgeable in the field of trademarks or immune from source confusion. TMEP §1207.01(d)(vii); see, e.g., *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1325, 110 USPQ2d 1157, 1163-64 (Fed. Cir. 2014); *Top Tobacco LP v. N. Atl. Operating Co.*, 101 USPQ2d 1163, 1170 (TTAB 2011).

Applicant also contends that the goods are not closely related because registrant's goods started out as a dress collection. However, the fact that registrant's brand original started out as a dress collection is irrelevant to the issue of likelihood of confusion. With respect to applicant's and registrant's goods and/or services, the question of likelihood of confusion is determined based on the description of the goods and/or services stated in the application and registration at issue, not on extrinsic evidence of actual use. See *Stone Lion Capital Partners, LP v. Lion Capital LLP*, 746 F.3d 1317, 1323, 110 USPQ2d 1157, 1162 (Fed. Cir. 2014) (quoting *Octocom Sys. Inc. v. Hous. Computers Servs. Inc.*, 918 F.2d 937, 942, 16 USPQ2d 1783, 1787 (Fed. Cir. 1990)). In this case, registrant's identified goods are skin care products, bath and body products, sun care preparations, cosmetics, hair care products, and fragrances. As explained above, these goods are closely related to applicant's goods.

The trademark examining attorney also is not persuaded by applicant's argument that LAUNDRY BY SHELLI SEGAL would only be associated with fashion or apparel, as it is common in the fashion industry for entities to make apparel and skin care products. See the attached evidence from Christian Dior, Chanel/Vestiaire Collective and Sephora and Shopstyle (as to Givenchy).

For the forgoing reasons, applicant's request for reconsideration is DENIED.

/Meredith Maresca/

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HOME > US ENGLISH > LAUNDRY

laundry



See definition in Oxford Advanced Learner's Dictionary

Syllabification: laun-dry
Pronunciation: /ˈlɑːndri/

Definition of *laundry* in English:
noun (plural **laundries**)

1 **Clothes and linens that need to be washed or that have been newly washed:**
'piles of dirty laundry'

MORE EXAMPLE SENTENCES
SYNONYMS

1.1 **The action or process of washing clothes and linens:**
'I talked her into letting me help Ben with the rest of the laundry'

MORE EXAMPLE SENTENCES

2 **A room in a house, hotel, or institution where clothes and linens can be washed and ironed.**

EXAMPLE SENTENCES
SYNONYMS

2.1 **A business that washes and irons clothes and linens commercially.**

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Related Words

- laundry
- wash one's dirty linen in public
- laundry list
- wash one's dirty laundry in public in dirty

Nearby words

laundress

EXAMPLE SENTENCES

Origin

Early 16th century: contraction of Middle English *lavendry*, from Old French *lavanderie*, from *lavandier* 'person who washes linen' (see *launder*).

Definition of laundry in:

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skin

See definition in Oxford Advanced Learner's Dictionary

Syllabification: skin
Pronunciation: /skin/



Definition of skin in English:
noun

1 The thin layer of tissue forming the natural outer covering of the body of a person or animal:
'I use body lotion to keep my skin soft'
'a flap of skin'

MORE EXAMPLE SENTENCES

SYNONYMS

1.1 The skin of a dead animal with or without the fur, used as material for clothing or other items:
'Is this real crocodile skin?'

MORE EXAMPLE SENTENCES

SYNONYMS

1.2 A container made from the skin of an animal such as a goat, used for holding liquids.

EXAMPLE SENTENCES

2 An outer layer or covering, in particular.

EXAMPLE SENTENCES

2.1 The peel or outer layer of certain fruits or vegetables.

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How do you pronounce scone?

- 21 **the peel or outer layer of certain fruits or vegetables.**
EXAMPLE SENTENCES
SYNONYMS
- 22 **The thin outer covering of a sausage.**
EXAMPLE SENTENCES
- 23 **A thin layer forming on the surface of certain hot liquids, such as milk, as they cool.**
EXAMPLE SENTENCES
SYNONYMS
- 24 **The outermost layer of a structure such as a building or aircraft.**
EXAMPLE SENTENCES
SYNONYMS
- 25 **Computing** A customized graphic user interface for an application or operating system: *'music, reviews, and attitude all wrapped up in the skin of a catalog'*
MORE EXAMPLE SENTENCES
- 26 **(usually **skins**)** A strip of sealskin or other material attached to the underside of a ski to prevent a skier from slipping backward while climbing.
EXAMPLE SENTENCES
- 3 **informal** A skinhead.
EXAMPLE SENTENCES
- 4 **(usually **skins**)** **informal** (Especially in jazz) a drum or drum head.
EXAMPLE SENTENCES
- 5 **[US SPOKEN]** **informal** Relating to or denoting pornographic literature or films: *'the skin trade'*
MORE EXAMPLE SENTENCES

verb (**skins, skinning, skinned**) Back to top



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Map: many songs for the Eurovision Song Contest

WORD OF THE DAY
alliteration
Find out what it means

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- skin
 - skin-deep
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- skimp
 - skimpy
 - skin

- 1 **[WITH OBJECT]** Remove the skin from (an animal or a fruit or vegetable).
EXAMPLE SENTENCES ▼
SYNONYMS ▼

- 1.1 (In hyperbolic use) punish severely.
*'Dad would **skin me alive** if I forgot it'*
MORE EXAMPLE SENTENCES ▼

- 1.2 Scratch or scrape the skin off (a part of one's body):
*'he scrambled down from the tree with **such** haste that he **skinned his knees**'*
MORE EXAMPLE SENTENCES ▼
SYNONYMS ▼

- 1.3 **informal** Take money from or swindle (someone).
EXAMPLE SENTENCES ▼

- 2 **[WITH OBJECT]** **archaic**: Cover with skin:
*'the wound was **skinned**, but the **strength** of his leg was not **restored**'*

- 2.1 **[NO OBJECT]** (Of a wound) form new skin:
*'the **hole** in his skull **skinned over**'*
MORE EXAMPLE SENTENCES ▼

Phrases

- be skin and bones**
- 1 (Of a person or animal) be very thin.
EXAMPLE SENTENCES ▼

- by the skin of one's teeth**
- 2 By a very narrow margin, barely:
*'I only got away **by the skin of my teeth**'*
[From a misquotation of Job 19:20: 'I am escaped with the skin of my teeth' (i.e., and nothing else). Current use reflects a different sense]
MORE EXAMPLE SENTENCES ▼

DRIVE

- skin beetle
- skin diving

SYNONYMS

get under someone's skin

informal

1 Annoy or irritate someone intensely.

"It was the sheer effrontery of them that got under my skin"

MORE EXAMPLE SENTENCES

2 Fill someone's mind in a compelling and persistent way.

EXAMPLE SENTENCES

SYNONYMS

3 Reach or display a deep understanding of someone.

"movies that get under the skin of our national character"

MORE EXAMPLE SENTENCES

give someone (some) skin

4 *US black slang* Shake or slap hands together as a gesture of friendship or solidarity.

EXAMPLE SENTENCES

have a thick (or thin) skin

5 Be insensitive (or oversensitive) to criticism or insults.

EXAMPLE SENTENCES

have skin in the game

informal

Have a personal investment in an organization or undertaking, and therefore a vested interest in its success.

EXAMPLE SENTENCES

it's no skin off my nose (or off my back)

7 *informal* (Usually spoken with emphasis on "my") used to indicate that one is not offended or adversely affected by something.

"It's no skin off my nose if you don't want dessert"

MORE EXAMPLE SENTENCES

SYNONYMS

keep (or sleep in) a whole skin

⁸ **archaic** Escape being wounded or injured.

EXAMPLE SENTENCES

make someone's skin (or flesh) crawl (or creep)

⁹ Cause someone to feel fear, horror, or disgust:

'a person dying in a fire—doesn't it make your skin crawl?'

MORE EXAMPLE SENTENCES

save someone's skin

¹⁰ see *save*¹.

there's more than one way to skin a cat

¹¹ **proverb** There's more than one way of *achieving* one's aim.

EXAMPLE SENTENCES

under the skin

¹² In reality, as opposed to superficial appearances:

'he still believes that all women are goddesses under the skin'

MORE EXAMPLE SENTENCES

Derivatives

skinless

¹ **Pronunciation:** /'skinləs/
adjective

EXAMPLE SENTENCES

Origin

Late Old English *scinn*, from Old Norse *skinn*, related to Dutch *schinden* 'flay, peel' and German *schinden*.

MORE

Words that rhyme with skin

agin, akin, begin, Berlin, bin, Boleyn, Bryn, chin, chin-chin, Corinne, din, fin, Finn, Flynn, gaijin, Glyn, grin, Oweyn, herein, Ho Chi Minh, in, inn, Jin, jinn, kin, Kweilin, linn, Lynn, mandolin, mandoline, Min, no-win, pin, Pinyin, quin, shin, sin, spin, therein, thin, Tientsin, tin, Tonkin, Turin, twin, underpin, Vietminh, violin, wherein, whin, whipper-in, win, within, Wynne, yin

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a meal served in the evening which consists of foods traditionally eaten at breakfast

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Word of the Day

carp
a large fish that lives in lakes and rivers

Open Dictionary

troll factory
a company that pays its employees to write online comments in favour or against somebody or something posing as ordinary internet users

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