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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91209825
Party	Plaintiff Kiss My Face, LLC
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Attachments	42343 Opposer's Request to Correct the Record 4-30-15.pdf(11973 bytes) Redacted Testimony for Plaintiff Transcript of Jean Fufidio.pdf(1929342 bytes) Exhibits 1-4 to Transcript of Jean Fufidio 4-30-15.pdf(665942 bytes) Opposer's Exhibit 5 Fufidio Deposition.pdf(3494900 bytes) Opposer's Exhibit 6 Fufidio Deposition.pdf(4707344 bytes) Applicant Exhibits A-F Fufidio Deposition.pdf(3898902 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

KISS MY FACE, LLC,)
)
 Opposer,)
 v.)
) Opposition No. 91209825
)
 PYR LESS GROUP, LLC,)
)
 Applicant.)

OPPOSER’S REQUEST TO CORRECT THE RECORD

It has come to Kiss My Face, LLC’s (“Opposer”) attention that page 19 of the testimony documents filed by it at Docket Entry No. 23 inadvertently included confidential, trade secret information, which should have been redacted. Attached is Opposer’s testimony with the confidential, trade secret information redacted. Opposer requests that the testimony that was originally filed as Docket No. 23 be replaced with the attached redacted version.

Opposer has concurrently filed the page that was redacted as Supplemental Confidential Testimony For Plaintiff.

Dated: April 30, 2015

Respectfully submitted,

/s/ Carrie A. Johnson
Carrie A. Johnson
FRASER CLEMENS MARTIN & MILLER LLC
28366 Kensington Lane
Perrysburg, Ohio 43551
Email: johnson@fraser-ip.com, firm@fraser-ip.com
Date: April 30, 2015
Attorney for Opposer

CERTIFICATE OF SERVICE

I certify that on April 30, 2015, the foregoing Opposer's Request to Correct the Record was served on counsel for the Applicant via U.S. Mail addressed as follows:

Burdett, Morgan, Williamson & Boykin, LLP
Attention: Christian D. Stewart, Esq.
3423 Soncy Road, Suite 300
Amarillo, Texas 79119

A courtesy copy was also sent via email to Mr. Stewart.

/s/ Carrie A. Johnson _____
Carrie A. Johnson
FRASER CLEMENS MARTIN & MILLER LLC
28366 Kensington Lane
Perrysburg, Ohio 43551
Attorney for the Opposer

ORIGINAL

TRADEMARK, TRIAL & APPEAL BOARD

-----X

KISS MY FACE, LLC,
Opposer,

-against-

TTAB Opposition No.:
91209825

PYR LESS GROUP, LLP,
Applicant.

-----X

DATE: November 17, 2014
Gardiner, New York
10:08 A.M. - 12:27 P.M.

Laura Evans, Reporter

DEPOSITION

OF

JEAN FUFIDIO

(A Witness produced on behalf
of the Opposer)

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APPEARANCES:

FRASER, CLEMENS, MARTIN & MILLER
Attorneys for the Opposer
28366 Kensington Lane
Perrysburg, Ohio 43551
BY: CARRIE A. JOHNSON, ESQ.

APPEARING VIA TELECONFERENCE:

BURDETT, MORGAN, WILLIAMSON & BOYKIN, LLP
Attorneys for the Applicant
3423 Soncy Road, Suite 300
Amarillo, Texas 79119
BY: CHRIS STEWART, ESQ.

ALSO PRESENT:

Naomi Aubain, Kiss My Face

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BY MS. JOHNSON: I have some documents to be marked.

(DOCUMENTS RECEIVED AND MARKED AS OPPOSER'S EXHIBITS 1 THROUGH 6 FOR IDENTIFICATION)

JEAN FUFIDIO, a Witness produced on behalf of the Opposer herein, having been first duly sworn by a Notary Public within and for the State of New York, was examined and testified as follows:

DIRECT EXAMINATION BY

MS. JOHNSON:

Q. My name is Carrie Johnson. I'm here with Fraser, Clemens, Martin & Miller on behalf of the Opposer, Kiss My Face, LLC. This is the deposition of Jean Fufidio. The parties have stipulated that counsel for the Applicant may appear by telephone. Jean, please state your full name and complete title.

FUFIDIO

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2 A. Jean Fufidio, Chief Marketing
3 Officer of Kiss My Face, 144 Main Street,
4 Gardiner, New York 12525.

5 Q. Have you given a deposition
6 before?

7 A. No.

8 Q. The court reporter needs you to
9 answer verbally, so try not to nod or say
10 uh-huh, okay?

11 A. Okay.

12 Q. How long have you been the Chief
13 Marketing Officer for Kiss My Face?

14 A. Since March, 2013.

15 Q. What are your job
16 responsibilities in this position?

17 A. I'm responsible for brand
18 strategy and maintenance, and under that
19 would be developing innovation, developing
20 marketing communications, and managing our
21 trademarks.

22 Q. With respect to managing
23 trademarks, can you tell us more specifically
24 what types of activities you oversee?

25 A. We actually have one or two

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2 people here that oversee the trademark -- I
3 don't know the right word you'd call it --
4 but as things come through the system, we
5 manage and oversee it and work very closely
6 with counsel in helping to make sure that
7 people are not violating or infringing upon
8 our trademark.

9 Q So you oversee enforcement
10 efforts?

11 A. Yes.

12 Q. Do you also oversee selection of
13 trademarks?

14 A. Yes. Actually, when we design
15 what name -- something we might want to
16 call -- we actually oversee going out and
17 coming up with the new trademark names.

18 Q. Did you review some documents to
19 prepare yourself for this deposition?

20 A. Yes.

21 Q. What types of documents?

22 A. Some of our current trademarks,
23 some of our market share and sales reports,
24 some past research studies, advertising,
25 promotion.

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Q. Based upon your position as Chief Marketing Officer and your review of these documents, are you knowledgeable about the sales and marketing of Kiss My Face branded goods?

A. Yes.

Q. Are you also knowledgeable about the company's use of the mark Kiss My Face?

A. Yes.

Q. Let's discuss this first exhibit. This is an exhibit I've entered into the record as Exhibit 1. It is an assignment. It's dated in 2010. I'm handing you what's been marked Exhibit 1. Have you reviewed this document before?

A. Yes.

Q. Can you tell us what it is?

A. Sure. This is a trademark assignment based on Kiss My Face Corporation changing its operating company to Kiss My Face, LLC back in November of 2010. And it's just an assignment of trademark from Corporation to the LLC.

Q. That document also indicates

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that the marks have been in use, I believe, since the 1970s. Is that date correct?

A. I think it's 1981, but I could be wrong about that.

Q. In either case, have the marks been in use since at least as early as 1981?

A. Yes.

Q. What products are currently offered under the mark Kiss My Face?

A. All of our products. Do you want me to list the types?

Q. Sure.

A. We have moisturizers; we have lip balms; we have bar soaps -- it all started with our bar soaps, by the way; we have moisture shaves; we have facial moisturizers; we have sun care; kids products; men's products. It's a whole litany of personal care aids.

Q. Are all of those goods branded with the Kiss My Face mark on the front, the forward facing label?

A. Yes. As well as in the back, we also have our company name, but yes, it's on

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the front.

Q. Can you tell us about the Potent & Pure line?

A. Sure. It's a great line. It's a line of facial care, moisturizers -- it's actually a whole system. So we have a cleanser, we have a toner, we have a masque. We have serums and we have moisturizers, depending upon your skin type. I don't know how long it's been with the business, but it's been a long time. We have a very loyal, true following as well.

Q. Are those goods also all marked with the Kiss My Face trademark?

A. Yes, they are.

Q. And the sub-brand, can you tell us the sub-brand on those products?

A. Potent & Pure?

Q. Yes.

A. A lot of our products have sub-brands, because we want to make sure when our consumers go and look for the product, it's a Kiss My Face product that they're looking for, and then they can identify with

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2 the sub-brand. This happens to be called
3 Potent & Pure. We have some brands called
4 Bare Naked. We have a sunscreen line. It's
5 a way for consumers to look for what they
6 want.

7 Q. Is the Kiss My Face the largest
8 trademark on the package?

9 A. Yes.

10 Q. Let's talk about brick and
11 mortar retail establishments where Kiss My
12 Face products are offered. Can you talk to
13 us about those?

14 A. Sure. We have distribution and
15 placement in stores that are food, drug, and
16 mass merchant discount stores. And I would
17 explain those as like a Stop & Shop, a
18 Kroger, a Walgreens drug store, Target, as an
19 example. We also have distribution in what
20 we call natural stores, which would be
21 Sprouts, Whole Foods Market is one of our big
22 retailers. So we have a national presence in
23 brick and mortar stores.

24 Q. Are goods offered in -- you
25 mentioned I think Walgreens, is that correct?

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A. Yes.

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Q. I wanted to cover that. If we're in Kroger or Target, where would I find Kiss My Face goods?

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A. It depends on the store. In some cases, they have a natural section. You'd find Kiss My Face in the natural section of that store. In some cases, it's intertwined with the regular health and beauty aids department. It depends upon the store. Most stores, the natural section is right next to the conventional HBC section.

Q. And HBC stands for?

A. Health and beauty aid or health and beauty -- I forget what the "C" is. Cosmetics maybe?

Q. Tell me about on-line retail environments that sell Kiss My Face products.

A. We sell our products at KissMyFace.com which is our own website. We also set at Amazon and DrugStore.com, Amazon being a very, very big customer for us.

Q. Are these products offered just in the United States?

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A. No. 90 percent of our business is in the US, 10 percent is between Canada and other export countries.

Q. I want to move on and talk about sales.

BY MS. JOHNSON: Can we go off the record for a minute?

(OFF THE RECORD DISCUSSION)

Q. I want to talk about the document that has been entered as Exhibit 2 to this deposition. This document and this portion of the transcript are trade secret/commercially sensitive pursuant to the protective order. Have you seen this document before?

A. Yes.

Q. Can you tell me what Exhibit 2 is, what this document is?

A. These are our sales, total sales for Kiss My Face over the past five years, inclusive of outside the US.

Q. Who created this document?

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2 A. Alessandra LoBiondo, who is our
3 financial and operations analyst here at Kiss
4 My Face.

5 Q. What do these sales represent,
6 what kind of goods?

7 A. These are our total sales for
8 all of our products that ship out of Kiss My
9 Face warehouse. So these are what I would
10 call factory sales. This is not the retail
11 sales. This is what we send out to our
12 customers.

13 Q. Is it fair to call it wholesale?

14 A. No. I would call it gross
15 sales. We have a different name for
16 wholesale, which means it's different
17 pricing. This would be sales at our list
18 price.

19 Q. Does this include only sales of
20 Kiss My Face branded goods?

21 A. Yes.

22 Q. And does this include sales
23 outside of the US?

24 A. Yes.

25 Q. What portion of the sales on

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this sheet are US?

A. About 90 percent.

Q. For each year listed?

A. I'd have to go back to
doublecheck. For 2014 and 2013, it's 90.

Q. Is 2014 an estimation, or is
this a year-to-date number?

A. I don't know the answer to that.

Q. Is there a way to calculate,
based upon these numbers, retail sales?

A. Yes. This usually represents
less the markup. Usually retailers will mark
this up by 45 or 50 percent above this
number. So what you would expect to pay at a
store or supermarket would be 40 percent or
so more than this.

Q. I'd like to move onto Exhibit 3.

BY MS. JOHNSON: Can we go off
the record for a moment?

(OFF THE RECORD DISCUSSION)

Q. I'd like to talk about the
document that's been identified as Exhibit 3

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2 to this deposition. This document starts
3 with a summary that's titled, "Natural Health
4 and Beauty Aids Attitudes & Usage Study,
5 Executive Summary -- October 2011." That
6 document is 12 pages long. Then there is the
7 actual "Natural Product Attitudes & Usage
8 Study" behind that executive summary. Jean,
9 can you tell me, what is the study that was
10 done in 2011?

11 A. Sure. It was a study done...

12 Q. Actually, could I stop you for
13 one moment? I wanted to make sure this
14 portion of the transcript is still marked
15 trade secret/commercially sensitive. Exhibit
16 2 also needs to be similarly designated as
17 trade secret/commercially sensitive. Sorry
18 to interrupt you. Go back to telling us what
19 this study covered.

20 A. This study was done in order to
21 identify what we call attitudes and usage of
22 consumers. And what this was was across
23 1,300 or so consumers across the country was
24 a survey -- I think it was a 20-minute
25 interview survey done -- asking women about

FUFIDIO

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2 their attitudes and usage of natural
3 products. And so, for Kiss My Face, the
4 reason why this was done was, at the time, it
5 was just kind of under new ownership and
6 wanting to develop, you know, going forward
7 with plans and strategies and how we come out
8 with innovation or anything we do with the
9 business. And it was a way of understanding
10 consumers' attitudes about not only the
11 category, which is the natural personal care
12 category, but also attitudes and awareness of
13 the brand and its competitors, as well as
14 what people thought about the brand Kiss My
15 Face. When you say Kiss My Face, what does
16 that mean to you? How many people know about
17 Kiss My Face? It was kind of done to figure
18 out how deeply rooted Kiss My Face was in the
19 industry.

20 Q. Was this a study that was
21 commissioned by the company?

22 A. It was commissioned by Kiss My
23 Face and it was a third-party independent
24 company called CDC. I don't remember what
25 the CDC acronym is for, but CDC does a lot of

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2 consumer research, and they're well-known in
3 the industry.

4 Q. I'd like to take a look at
5 specifically a page within the actual natural
6 product attitudes and usage study, which is
7 separately paginated. I'd like to look at
8 page 52 of the study and a couple pages after
9 that. It's entitled, "KMF Awareness/Usage &
10 Brand Ratings." So we're going to look at 52
11 and 53. We'll just start with those pages.
12 Looking at 53, Jean, can you tell me what
13 study results are indicated on page 53?

14 A. Sure. This is what we call
15 brand aided awareness, and it's a question
16 that's asked of the 1,297 total sample. And
17 you see the total sample number in the
18 left-hand column, and underneath that you see
19 percentages. And next to that, you see
20 natural products usage and heavy, moderate,
21 and light users. What this says is that 57
22 percent of people asked in this study are
23 aware of the Kiss My Face brand name. And
24 that is considered to be a very strong
25 awareness score, meaning they've heard of

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2 Kiss My Face and they're aware of the brand.
3 And you think about that compared to, you
4 know, Tom's of Maine at 67 percent. We're in
5 really good company with people who really
6 know the brand. And this was done back in
7 2011 -- 2010, 2011 -- so before we even
8 started with some of our public relations and
9 advertising. So you can see how high it
10 scores in terms of some smaller brands that
11 have very, very low awareness. So basically
12 this says to us that people really know about
13 the business, they know the brand name.

14 BY MR. STEWART: Carrie, I just
15 got a copy of the report.

16 BY MS. JOHNSON: Do you want to
17 take a few minutes to look at page 53
18 of the report?

19 BY MR. STEWART: Yeah. But
20 first, tell me again where this goes
21 into Exhibit 3?

22 BY MS. JOHNSON: Take your
23 current Exhibit 3 and place it on top
24 of this document, so we have the
25 executive summary first. Let's go off

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the record.

(OFF THE RECORD DISCUSSION)

BY MS. JOHNSON: Back on the record. Jean just discussed page 53 of the study.

BY MR. STEWART: Got it. I'm ready. You may proceed.

BY MS. JOHNSON:

Q. I'd like to look at page 59 of the study. Jean, can you tell me what this data represents?

A. Yes. This represents the way people would describe the Kiss My Face brand. It's the words that they would use, it's what we call brand association. When you think of the name, the brand name Kiss My Face, describe some of the attributes of Kiss My Face. So basically, you see that people think of Kiss My Face as having good quality, with 68 percent of the people saying that: all natural, good-smelling products, earth friendly. And basically these are the words

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2 that people have used to describe the brand,
3 that we're reliable and honest and earth
4 friendly and all natural.

5 Q. Let's discuss advertising. Can
6 you tell me what Kiss My Face's approximate
7 annual advertising budget is?

8 A. We spend about [REDACTED] to
9 support the brand, and that's both in store
10 and out of store.

11 Q. I want to go ahead and talk
12 about the document that's been entered as an
13 exhibit to this deposition, Exhibit 4. This
14 goes along with advertising. Can you tell us
15 what Exhibit 4 is, Jean?

16 A. Yeah. This is our public
17 relations and social media coverage. Should
18 I explain the next page?

19 Q. Before you do, this exhibit is
20 also going to be marked trade
21 secret/commercially sensitive. Okay, go
22 ahead and tell us what the next page is,
23 Jean.

24 A. The next page is what we would
25 use as a summary to show the type of coverage

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2 that we've gotten through -- I think this is
3 year-to-date through October. And what this
4 shows is that, on the left-hand side, it's
5 all of -- it's a snapshot of some of our
6 public relations efforts. The caption of
7 over \$5 million in advertising equivalency,
8 up 93 percent with over 500 million
9 impressions, represents that, with all of our
10 public relations coverage that we get -- we
11 get coverage in some of these major
12 magazines, you know, nationally, both on-line
13 and hard books -- that it represents over
14 \$5 million worth of advertising equivalency.
15 We work with a public relations company
16 called LaForce and Stevens, and LaForce works
17 with all of the editors, both on-line and
18 hard magazine editors, for coverage and
19 support for the brand. And it's their number
20 that equalises the coverage that you get
21 into what the advertising dollars would be
22 worth. So what this says is that, from
23 January through October, the end of October,
24 we got not only \$5 million in equivalency,
25 but 500 million impressions, meaning

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2 500 million eyeballs actually saw the brand
3 mentioned in magazines. That's the left-hand
4 side of the page. The right-hand side of the
5 page shows the social media support that we
6 have on the brand. We're up 30 percent
7 versus a year ago. We have nearly 100,000
8 Facebook fans. That just shows the growth --
9 and one million impressions. And that's
10 supported by our promotions that we had this
11 year. And then at the bottom of the page is
12 representation of some of the couponing that
13 we do at point of sale, and also some beach
14 sampling efforts that we did this year.

15 Q. Who prepared this document?

16 A. The marketing department
17 prepared the document, and this is what we
18 used for our sales organization to sell the
19 brand as they go in and talk to the
20 retailers. But the information that's
21 populated on here was provided to the
22 marketing group here by agencies.

23 Q. You said that this data
24 represents what time frame?

25 A. January through October.

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Q. 2014?

A. Yes.

Q. I'd like to note for the record that we no longer need this portion of the transcript to be trade secret/commercially sensitive. I want to take a look at the document that's been entered as Exhibit 5 to this deposition transcript. I just want to flip through some pages with you, showing some advertisements. Looking at the first page of Exhibit 5, which is KMF28, can you tell us about this, Jean?

A. Well, this is a good example of the efforts of our PR agency getting us coverage. This was Teen Vogue magazine, and in this instance, Teen Vogue rated Potent & Pure one of their top five natural acne spot treatments. That's what's featured on the middle of the page there.

Q. Has Kiss My Face been written up or mentioned in Teen Vogue or Vogue other times other than this?

A. Yes, we have.

Q. And then we're moving onto the

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document that is labeled KMF29. This is Women's Running. Can you tell us about this?

A. Yes, sure. Very similar. You can see Kiss My Face bar soap there, and you can see in the editorial in the middle of the page how some consumers are saying that this is their favorite olive oil bar soap. Again, this is the result of our PR efforts.

Q. Then pages KMF30 and KMF31, it looks like that feature goes for a couple pages, for three pages, from KMF30 to KMF32.

A. This is another example of, again, LaForce and Stevens getting our messaging out on our behalf. And this was supporting some of our gift baskets during -- I think this was Mother's Day, "Make Her Up." And you can see how the little girl is kissing her mom gently on her face. This is all about the brand, you know, kissably soft skin, and this is what we promote. And this is our Mother's Day insertion, again, for Kiss My Face on behalf of our agency.

Q. Let's skip forward to the document that is marked KMF35 in the bottom

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corner. It says Women's Health at the top.

A. So again, our bar soaps were featured, our olive oil bar soaps were featured in this Women's Health magazine. Again, it's all about whatever the editors want to talk about. In this case, they wanted to talk about Kiss My Face in terms of a soap smackdown. It was very timely for them. They called it their "loyal bar-ista," their little twist on a story.

Q. Flip forward. Go ahead and tell us about KMF36.

A. Again, this is some on-line coverage that we got. And you can see that Kiss My Face pure olive oil soap gets a lot of coverage, and this is another example of it. This is, again, something that POPSUGAR wanted to feature. They featured our olive oil soap, you know, the fact that it leaves your skin moisturized and supple, not dry and not irritated. This is how the company started, with this olive oil soap back in 1981, and a lot of our editors really like talking about this product.

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Q. There's KMF37.

A. Again, same. Very similar coverage.

Q. Let's talk about the document that says KMF399 on the bottom.

A. So this is Oprah's magazine, and again, same coverage. We point our agency in the direction of what we want them to focus on in our brand. This happened to be summertime and we were focusing on our face product. We have a lot of business with facial products. Again, you can see our sun care Face Factor is a popular item for us, and it was Oprah magazine that picked up on that, along with some other conventional brands, but there you see our Face Factor.

Q. Has Kiss My Face been mentioned in Oprah's magazine more than this example?

A. Yes.

Q. Do you know the circulation numbers for the Oprah magazine?

A. I believe it's over two million circulation, not counting the pass along rate after that, just the actual subscriber.

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Q. Turn to the next page, which is Prevention. It has the number KMF403 in the bottom corner. Tell us about that.

A. Yes. Again, this Prevention editor wanted to talk about which sunscreen was right for you. And they selected Kiss My Face as one of the top 10 best sunscreens for your skins. We were one of nine others. Again, PR efforts at work.

Q. Has Kiss My Face been mentioned in Prevention magazine?

A. Yes.

Q. Do you know the circulation of Prevention magazine?

A. I think it's also over 2 million.

Q. Let's go back to KMF399. This appears to be the on-line version of O Magazine. Has Kiss My Face been in the actual O Magazine as well?

A. Yes, we have.

Q. Just wanted to clarify. Let's move onto the page marked KMF404, which is the last page in this exhibit, and it says

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Redbook at the top. Can you tell me about this page?

A. Again, it was rated from Redbook's editors as the best all natural sunscreen. It's our Kiss My Face natural mineral sunscreen, which again was featured in their story. You can see they have the best of -- that's the moisturizer, best body wash -- and we were rated as the best natural sunscreen for Redbook. I believe that was either last year or this year.

Q. Has Kiss My Face been in the actual Redbook magazine?

A. Yes.

Q. And do you know the circulation of Redbook magazine?

A. Again, I think it's over 2 million.

Q. Can you think of any other major magazines that have mentioned Kiss My Face products in a similar manner?

A. Sure. Cosmopolitan magazine; Self magazine, we've gotten some awards at Self; Glamour; InStyle. There's a long list

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of magazines, but those are the most popular ones. Then of course on-line as well.

Q. Does Kiss My Face market its goods via social media?

A. Yes.

Q. Tell me about that.

A. We have near 100,000 -- I believe the number is either 94- or 95,000, give or take, because it changes by the week -- Facebook fans on our Facebook page. I think it's up 26 percent versus a year ago. We have about 95,000 e-mail subscribers where we send them two or three times a month e-mails and letters on Kiss My Face, about where they can buy the product, about the product. We educate them on the benefits of the product, the ingredients. We are really a company that believes in our values, so anything that we can talk about to tell our consumers about our products, how good they are for you and how they're great for your skin is the important part, we always want to make sure we communicate that to our fans and our e-mail subscribers. So from a social

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2 media standpoint, we primarily spend the
3 majority of our efforts on Facebook, very,
4 very little on Twitter, but mostly Facebook,
5 and a little Instagram.

6 Q. Can you tell us what the
7 approximate suggested retail price is for
8 Kiss My Face goods?

9 A. It depends on the category. If
10 it's sunscreen, it's between 6.99 and 19.99.
11 If it's a moisturizer for your skin, it's
12 between 6.99 and 11.99. If it's for your
13 face, our Potent & Pure line averages between
14 15.99 and 21.99. Moisture shade is about
15 7.99. Deodorant is about 5.99. It depends
16 on the category.

17 Q. How would you describe the
18 customers, and I'm talking about the end
19 users of the products?

20 A. Our consumers?

21 Q. Consumers.

22 A. Our target market is women 24 to
23 39 years old, who we consider them to be --
24 who they consider themselves to be natural
25 thinking consumers. They're women who like

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2 natural products, understand the benefits of
3 the product, and want products that are good
4 and healthy for your skin. They usually have
5 a higher income because natural products are
6 a little bit more expensive, so that's who
7 we're talking to.

8 Q. I'd like to take a look at and
9 discuss the document labeled as Exhibit 6 and
10 is a part of this deposition. In connection
11 with these documents, what is Kiss My Face's
12 overall approach to advertising?

13 A. Well, our positioning in the
14 market is, we are the brand that is naturally
15 effective and leaves your skin kissably soft
16 from head to toe and a few stops in between.
17 That's how we like to talk about our
18 products. So what's really important is
19 always showing what I like to call skin on
20 skin, because Kiss My Face is that brand that
21 makes you feel kissably soft. What we try to
22 do is we try to communicate to our readers or
23 our consumers how your skin is going to feel
24 or look once you use Kiss My Face products.
25 So in our advertising efforts, years ago, we

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2 used to talk about it as naturally effective
3 and passionately -- naturally and
4 passionately effective and kissably soft
5 skin. Now we talk about kissably soft skin.
6 And you'll see of late, "One kiss is all it
7 takes" is sort of our new tag line.

8 Q. Take a moment to page through
9 Exhibit 6. Is this representative of Kiss My
10 Face advertising?

11 A. Yes, absolutely. So the first
12 thing you see here is how we talk about our
13 facial care system where it gives you -- you
14 know, it's a very naturally effective system
15 for all your skin types, five easy steps.
16 And this was really our support behind the
17 brand. And this was the Potent & Pure line,
18 if you will, a couple years back.

19 BY MR. STEWART: Carrie, I'm
20 sorry to interrupt. You lost me in
21 your last transition. What document
22 are you on?

23 BY MS. JOHNSON: No problem.
24 We're looking at Exhibit 6, and she's
25 looking at page 1 of Exhibit 6, which

1 FUFIDIO

2 is actually marked at the bottom as
3 KMF7.

4 BY MR. STEWART: I'm sorry I
5 interrupted.

6 BY MS. JOHNSON:

7 Q. Jean, just page through the
8 documents that are included in Exhibit 6 and
9 tell us if they're consistent with Kiss My
10 Face's advertising approach.

11 A. So Kiss My Face's advertising
12 approach is all about showing -- it's hard to
13 show you products in use, so we show you the
14 benefit of the product, and that is our
15 approach. And the benefit of the product is
16 what we like to call kissably soft skin.
17 Again, we like to feature skin on skin, be as
18 naked as possible, but not always. So we're
19 being fun and cheeky. So you see on the
20 first page, you see someone kissing someone
21 on their neck and face. The next one shows
22 two people in the shower, you see toes on top
23 of toes. And again, it's the moisturizing
24 and the feel that you get whenever you touch
25 someone else's skin. The next one shows a

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2 little girl kissing her mom, and again, the
3 touchable skin that we like to talk about.
4 The one after that...

5 Q. Let me clarify for the record,
6 we're now looking at the page that says
7 KMF38.

8 A. So KMF38 is the same as KMF7,
9 it's just another example of the same
10 execution in a little bit of a brochure. So
11 it's not just advertising, but it's also in
12 our brochures. And KMF40, it's one of our
13 brochures that would go to our sales force
14 and they go sell our products to their
15 retailers. Again, it's "From head to toe and
16 everywhere in between," with couples kissing,
17 and again, to show the benefits of the
18 product. What happens to be in the middle of
19 KMF40 is a picture of -- it says a message
20 from Bob and Steve. That's just the
21 founders. On KMF42, the same thing, "From
22 head to toe and a few stops in between." And
23 now you see in the middle of the page a
24 picture of our founders a little bit older
25 than they were on the page before that.

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2 KMF56, "After we KMF we look as good as we
3 feel." KMF was one of our slogans: We love
4 to KMF in the shower, we love to KMF at the
5 beach. It was our way of having a little fun
6 with the brand name. But we want to make
7 sure that you saw, again, people using the
8 product, and again, skin on skin. "Get out
9 and stay out" was KMF64, and that is again
10 our sun care brochure. Again, you can see
11 the pattern here is always showing the
12 touchable, kissable skin. "Splash in the
13 surf." You go through these, 172, 395.
14 "Head out for a hike." Again, two couples,
15 you see the toes, toes on toes again. "We
16 love to KMF at the in-laws, just don't get
17 caught." Again, it's all about that
18 emotional connection that women have with
19 their significant other, or men have with
20 their significant other when they use the
21 brand. It's that emotional connection with
22 the brand and how it makes your skin feel.

23 Q. We're close to wrapping up here.
24 I just wanted to ask as one final question
25 before we turn it over to Chris, what kind of

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2 impact do you think it would have if Touch My
3 Face personal care products were offered on
4 the market?

5 A. I think it would be very
6 confusing for consumers. There are some
7 brands out there, I'll give a good example,
8 there is a brand called Yes To. It's called
9 Yes To Carrots, Yes To Cucumbers, Yes To
10 Blueberries, so it's a brand that uses a
11 different word to describe their brand. But
12 the consumers know that it's their Yes To
13 brand. So if there's a brand called Touch My
14 Face, I think consumers might be thinking
15 that it's Kiss My Face because, again, it's
16 very similar to it. In the same aisle of the
17 store, they can buy a Yes To something else.
18 So I think there's -- I think consumers would
19 be very confused by that, especially given
20 the fact that the Kiss My Face stands for
21 this really kissably soft, touchably soft
22 skin.

23 BY MS. JOHNSON: Chris, that's
24 all I have for the direct exam. Do you
25 want to take a few minutes to review

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the brand documents that we produced
today before cross?

BY MR. STEWART: Yes, that would
be great. I'd appreciate that. We can
go off the record.

(BREAK TAKEN)

CROSS EXAMINATION

BY MR. STEWART:

Q. Good morning, Jean.

A. Good morning.

Q. My name is Chris Stewart, and I
represent -- I'm the attorney for the PYR
Less Group out here that Amarillo, Texas. I
appreciate your time today. You talked quite
a bit about the emotional connection that you
want consumers to make with your brand.
Would you agree with me that the point of a
trademark and advertising is to create and
solidify consumer association with your
brand?

A. Yes.

Q. And you feel like your company

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does that successfully?

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A. Yes.

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Q. One of the associations you want consumers to draw with your brand is that your product creates kissably soft skin?

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A. Yes.

8

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Q. And you feel your products do that?

10

A. Yes.

11

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Q. Do you feel like your advertising reinforces this notion of kissably soft skin?

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A. We have a few messages that we put out there. Naturally effective is one strong message we want to make sure that we communicate, and the way we try to do that is through words and pictures. And then we also try to incorporate the soft, sensual skin whenever we can.

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22

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Q. And one of those messages then is that the skin is going to be kissably soft?

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A. It may not be exactly those words because we have the name Kiss My Face

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2 in the brand, but as long as we're showing
3 skin and skin being held, skin on skin, the
4 words don't have to say kissably soft in the
5 message. We just want to make sure we
6 communicate that as much as possible whenever
7 it makes sense.

8 Q. Is kissably soft skin an
9 emotional connection you hope consumers make
10 with your brand?

11 A. Yes.

12 Q. Is that emotional connection
13 often symbolized in your advertising by a
14 picture of people kissing?

15 A. Not necessarily, no. It could
16 be touching. So the toes, you don't
17 necessarily see people kissing, but you can
18 sort of see what might be peeked above the
19 covers if you will. A lot of it is -- like,
20 we want to try to create an image in their
21 mind, or awareness. And really, at the end
22 of the day, it's making sure that their skin
23 feels great.

24 Q. In your advertising, do you ever
25 try to capture this brand connection with a

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picture of people kissing?

A. Yes, we do.

Q. It's a very consistent theme in your marketing and advertising.

A. No, not just kissing. It's also touching.

Q. You've shown us several ads today that show people kissing, correct?

A. As well as touching.

Q. Would you agree with me that you have several ads that show people kissing?

A. Yes.

Q. And that's -- the notion of kissably soft skin is a marketing concept that you want to impress upon your consumers?

A. Not just kissably soft skin, but skin that feels great.

Q. I don't mean to put words in your mouth. Did you -- I just want to make sure that one emotional connection that you hope consumers draw with your brand is this notion of kissably soft skin?

A. That's one connection. There's also the connection of having your skin feel

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good from head to toe and a few stops in between, so it's not just kissing.

Q. You're responsible for brand management for the company?

A. Yes.

Q. As far as the rights that your company claims in this term kiss, how far do those rights extend as far as you're concerned?

A. Do you mean by class of goods?

Q. Yes.

A. We have class 3.

Q. And do you have problems or issues with anyone who's registering a mark in class 3 that has the term kiss?

A. Just the word kiss? No.

Q. Help me understand where the line drawing occurs. Is it marks that have the words "kiss my"?

A. Yes. "Kiss my" or something "my face."

Q. And you understand that my client's trademark does not have the word kiss in it?

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A. I understand that.

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Q. So let's talk about the word
face.

5

A. "My face."

6

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Q. Yeah, let's talk about the words
"my face." Your company also then has issues
with anyone trying to register anything
that's got "my face" in it in class 3?

10

A. I would, yes.

11

12

Q. Does the word kiss have an
ordinary meaning to you?

13

14

A. Does it have an ordinary
meaning? Can you elaborate?

15

16

Q. You know what the word kiss
means?

17

18

A. Embrace, touch, putting lips on
something.

19

20

Q. Would you agree with me that
kiss is something you do with your lips?

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A. Not always. You can do it with
your eyelashes, butterfly kisses; you can do
it with air, an air kiss; you can do it with
your fingertips, a light -- I forget what
it's called; you can do it with your tongue,

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a tongue kiss.

Q. Do you have advertising that highlights the fact that you can kiss with your eyelashes?

A. We don't have advertising that I can recall that shows kissing with your eyelashes, but we also have advertising that doesn't show kissing at all but just touching. Toes on toes is a good example of that. We also have products that we talk about where we actually have a rich kiss and an air kiss.

Q. Is that reflected in advertising?

A. Air kiss would be reflected in social media.

Q. Have you submitted any documents related to that?

A. No.

Q. Are you aware of any?

A. We have some on our Facebook page that talks about our air kissed moisturizers.

Q. In your opinion, does the word

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touch have a broader connotation than kiss,
or no?

A. I don't know. I would think
it's probably similar in terms of its range.

Q. I think of a kiss as almost like
a sub-category of a touch. Would you agree
with that?

A. Not necessarily.

Q. Okay, explain.

A. Because you could touch, you
could kiss -- well, I actually don't know.

Q. You can touch somebody without
kissing them?

BY MS. JOHNSON: I'm going to
object to the form of the question. Is
that a question, Chris?

BY MR. STEWART: It is.

Q. Can you touch someone without
kissing them?

A. Yes, you can. Emotionally, you
can touch someone without kissing them.

Q. Sure. Do you believe most
consumers would appreciate the difference
between a kiss and a touch?

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A. Would they appreciate a kiss versus a touch?

Q. Yes.

A. I don't know. Depends on the person.

Q. Are you thinking in the eye of most consumers, a kiss and a touch are the same thing?

A. I think some people love to be hugged and some people love to be kissed. I know some people who don't like to be kissed. I know some people who don't like to be touched. I think it depends on the person.

Q. And I understand that. My question is, do you think consumers appreciate that there's a difference between a touch and a kiss?

A. I don't think so.

Q. You think they're one and the same?

A. I think they would think that.

Q. Do you think Kiss My Face and Touch My Face have the same meaning?

A. I think they do.

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Q. Why do you think that?

A. Because in the world that we live in, when you see our photos, you're not necessarily seeing a kiss. In some cases, you're seeing a touch. So we've created this image around the brand where it's just not about kissing.

Q. You'd agree a significant piece of your marketing, though, centers around kissing?

A. I would say that it's also around touching. Our whole campaign of 2013, there wasn't a whole lot of kissing. There was a whole lot touching. We love to KMF at the beach, in the shower. It's not an exhibit here, we can probably send it your way, but there's a couple at the beach that you don't even see their faces. You just see toes in the sand touching.

Q. What do you call people who buy your products?

A. Women, 24 to 39.

Q. Do you ever call them kissers?

A. Yup.

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Q. Why do you call them kissers?

A. On Facebook, we call them
kissers.

Q. Why?

A. Because it is one of the first
words of the brand.

Q. It reinforces the brand, doesn't
it?

A. It reinforces the brand, yes, it
does.

Q. You sometimes refer to your
founders as your chief kissers?

A. Yes, we do.

Q. It reinforces the brand?

A. Yes.

Q. You don't call them chief
touchers, do you?

A. No.

Q. Do you call your brand followers
on Facebook, do you ever call them touchers?

A. We've called them a few things.
In some of our categories, in toothpaste, we
may call them something different, I think we
call them chief tasters. We kind of change

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what we call them sometimes depending upon

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our category.

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Q. My question is do you ever call them touchers?

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A. No. I'm sorry, I didn't understand your question. No, we don't.

7

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Q. Do you ever call your consumers facers?

9

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A. No.

11

Q. Do you ever call your founders chief facers?

12

13

A. Nope.

14

Q. I have a hard time personally seeing how Touch My Face is a threat to your brand. And that editorializing aside, that's not a question. But I have difficulty seeing the issue with Touch My Face when we've got a registered trademark for Love My Face by a much bigger player in the industry. And my question is, are you familiar with this Love My Face brand?

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A. No, I'm not.

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Q. Are you familiar with something called Revlon?

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A. I am.

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Q. But you're not familiar with their federal trademark?

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A. I'm not familiar with Love My Face.

7

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Q. Are you aware of any instances where your brand has been confused with Love My Face?

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A. I'm not aware, but I would still say that kiss and touch are closer.

12

13

Q. Than love?

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Q. And are you aware that the trademark offices required Kiss My Face to disclaim rights on the term face in association with some of its trademark registrations?

19

A. I'm not aware.

20

21

22

Q. Are you aware of a brand trademark for the term kiss by a company called Kiss Nail Products?

23

A. Yes, I am.

24

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Q. Do you run into this company on a frequent basis in your marketing?

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A. No, we do not.

Q. I've been provided with some interrogatories with answers that reference various third-party websites in which your product is promoted. And would it surprise you -- are you aware of the fact that when you type the word kiss into, for example, Walgreens' search engines, you find multiple other products that have the term kiss?

A. That doesn't surprise me.

Q. It's a fairly common term in the health and beauty industry, would you agree with that?

A. I would.

Q. Would you agree that touch is a common term in the health and beauty industry?

A. I don't know.

Q. Do you have any reason to believe that my client adopted this Touch My Face name because it was attempting in some sort of bad faith to trade off the goodwill of your company?

A. I would have no way of knowing

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that.

Q. You don't have any documents that indicate that, do you?

A. Not to my knowledge.

Q. Do you believe that the goods bearing your Kiss My Face mark, do you believe they travel in the same channels of distribution as my client's Touch My Face mark?

A. I think that they do since they're both sold on-line, and there's no wall between a store when you're on-line.

Q. So the fact that my client sells his product on his own website, you believe there's the same channel of distribution?

A. I believe it's on-line and there's no wall. When you're sitting in front of your computer, you can shop from one place to another very easily.

Q. Is it your opinion, then, that any business that advertises on-line is in the same channel of distribution as any other business that advertises on-line?

A. I know that it's very easy for

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on-line shoppers to navigate between websites with the click of a button. So that's the only response I would have to that.

Q. Are you aware of any instances of that actually happening in this case?

A. Meaning that consumers, that on-line shoppers, can click from one website to another? I have no idea. I'm not sitting in their home or at their computer when they are shopping or purchasing.

Q. So no, you're not aware of any such instances?

A. I'm not aware one way or the other.

Q. Are you aware of any instances where a person has been actually confused between Kiss My Face and Touch My Face?

A. No.

Q. Are you aware of any instances of misdirected mail?

A. No.

Q. E-mails?

A. Not to my knowledge.

Q. Have people made any inquiries

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1
2 as to whether there's a connection between
3 Kiss My Face and Touch My Face?

4 A. I'm not aware.

5 Q. Have you received any phone
6 calls that were intended for Touch My Face?

7 A. Not aware.

8 Q. Are you aware of whether any
9 consumers have inquired as to whether there's
10 a connection between Touch My Face and Kiss
11 My Face?

12 A. Not aware.

13 BY MR. STEWART: Carrie, did you
14 get those documents?

15 BY MS. JOHNSON: You know, I
16 just did. Off the record.

17
18 (OFF THE RECORD DISCUSSION)

19
20 BY MR. STEWART: Carrie, can you
21 pull your Exhibit 4 that we went over
22 earlier? We'll start there.

23 BY MS. JOHNSON: We've got it.

24 BY MR. STEWART: Thank you.

25 Q. Jean, do you have Exhibit 4 in

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front of you?

A. I do.

Q. I'd like to ask you some questions about that. The first page I'd like to talk to you about is the third page of that exhibit, KMF381.

A. Okay.

Q. Do you have that page?

A. I do.

Q. Let's talk about Kiss Across America, it's there in the right-hand column. Do you see that?

A. I do.

Q. Tell me about Kiss Across America. What was it?

A. It was a summer promotion that tied into -- it was a May through August, one-time summer promotion that tied into our Swim Across America partnership, which was a non-profit organization. And it was a contest for our consumers to enter to win various prizes on our website. You know, we're very proud of the fact that it tied in with a non-profit organization, and Kiss

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Across America was the name of our campaign.

3

Q. Was it a successful campaign?

4

A. It was moderately successful.

5

Q. What makes a campaign

6

successful?

7

A. Well, this was meant to help

8

build the brand's fan acquisition on Facebook

9

as well as create strong consumer engagement

10

with the brand.

11

Q. What kind of photos would folks

12

submit as part of this photo contest?

13

A. They would submit videos or

14

photos of those close-up and personal moments

15

with their friends, significant others. We

16

asked them to send in photos with them with

17

their friends where they're either kissing or

18

hugging their friends, their family. So we

19

put together a video that connected across

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America that had them sort of kissing each

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other on the cheek, if you will, or hugging,

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depending on who sent it in. Some people

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sent in pictures of hugging, some people sent

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in pictures of kissing. Some people sent in

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pictures of them with their kitten, you know.

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Q. Did you name this campaign?

A. Yes, we did.

Q. How did you come up with the name Kiss Across America?

A. It was a combination of Kiss My Face and Swim Across America.

Q. To reinforce the brand?

A. To reinforce the kissing and summer campaign, yes.

Q. Those pictures that are submitted as part of the Kiss Across America, are those still available to be viewed on-line?

A. I believe they are on our Facebook page.

Q. The name of the program, Kiss Across America, reinforced the brand, didn't it?

A. Yes. The brand's campaign.

Q. Did you consider calling it Touch Across America?

A. No.

Q. Face Across America?

A. We might have, actually.

FUFIDIO

- 1
- 2 Q. Do you know that you did?
- 3 A. We might have.
- 4 Q. You don't remember one way or
- 5 the other?
- 6 A. We had a couple of ideas that we
- 7 kicked around.
- 8 Q. But you felt that Kiss Across
- 9 America best represented the brand of the
- 10 choices you considered?
- 11 A. We felt it best represented the
- 12 idea for the campaign.
- 13 Q. Do you sometimes see third-party
- 14 advertisers use plays on the word kiss in
- 15 their own stories, articles, and features on
- 16 your products?
- 17 A. I would imagine yes. I'm not
- 18 sure.
- 19 Q. Let's look at AMF30.
- 20 A. I don't know where you are now,
- 21 I'm sorry.
- 22 Q. I'm sorry, sorry Jean. I'm on
- 23 Exhibit 5.
- 24 A. Okay, I'm there. "Make Her Up"?
- 25 Q. Yes, very good. That one. Is

FUFIDIO

1
2 this something that -- is this third-party
3 stuff, or is this your -- and by "your," I
4 mean Kiss My Face -- ad copy?

5 A. This would be an editor taking
6 whatever they were provided and creating this
7 page. So it would be a third-party creation.

8 Q. Let me put a finer point on it.
9 If you look at the top of that, this kind of
10 looks like it may be a blog. I'm not sure.
11 But on this web page, there's a title, "Give
12 Mom a Kiss This Mother's Day." Do you see
13 that?

14 A. I do see that.

15 Q. Is that Kiss My Face ad copy or
16 is that third-party ad copy?

17 A. I'm not sure actually. I'm not
18 sure if they took our headline and created it
19 on what looks like to be a consumer blog.
20 I'm not totally certain.

21 Q. Whether this came from the third
22 party or you, would you agree with me this is
23 an instance in which the term kiss is kind of
24 used in a play on the word kiss in your brand
25 to promote your product?

FUFIDIO

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A. I don't know if it's promoting just our products. I'd have to look at the exhibit to see. It looks like they're promoting just our product on this.

Q. So by using that as a title, it's a reference that you would approve of to your brand?

A. Yeah, one of many I would approve, but yes.

Q. Sure. Same with this, under the picture of presumably a mom and daughter kissing, it says, "May 12th will be here before you know it and what better gift to give mom than a kiss!" Do you see that?

A. I do see that.

Q. Once again, a reference to the brand and the prominence of the word kiss in the brand?

A. Yes. But also, on the second picture, you'll see where we talk about mom nourishing her skin. So there's many things we talk about.

Q. And that ties into this idea of kissable skin that you told us about

FUFIDIO

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previously, right?

A. No, it ties into having skin that's nourished and feels good, too.

Q. But kissable skin, those were your words, weren't they?

A. That's one of the ways we talk about the brand.

Q. And kissable from head to toe is another way you talk about the brand, right?

A. Except that you wouldn't see the words kissable from head to toe. I think it says, "Makes you feel good from head to toe and a few stops in between." So I don't think you'd see kissable skin in many places. That's just the way we think about it here. But you'll see, the way that we talk about it in some of these examples, "It makes you feel good from head to toe and a few stops in between" was what you'd see more often.

Q. Let's look at -- I think I'm in the same exhibit, Jean. It would be page 36.

A. Okay, 36 with the olive soap?

Q. Do you have that, POPSUGAR Beauty?

FUFIDIO

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A. Yes.

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Q. I think you referenced this in your earlier testimony. Am I right?

5

A. Yes.

6

7

Q. Do you consider this to be one of your flagship products?

8

A. I do.

9

10

11

Q. Is this your ad copy or is this something that would have been written by somebody from this POPSUGAR Beauty?

12

A. They would have written this.

13

14

15

Q. In that last sentence of that paragraph, do you see where it says, "Kiss that irritated skin goodbye"?

16

A. I do.

17

18

Q. Is that a use of phrase that you would approve?

19

A. I would approve that, yes.

20

Q. Because it reinforces the brand?

21

A. Yes.

22

23

Q. It impresses upon the consumer the Kiss My Face brand?

24

A. Yes.

25

Q. Jean, I'm on Exhibit 6 now.

FUFIDIO

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A. I'm there.

Q. We're going to jump around a little bit in this exhibit if you'll forgive me.

BY MS. JOHNSON: Chris, may I interrupt for a moment? I just realized we had some testimony about a trade secret/business sensitive document and did not designate that portion of the transcript as trade secret/commercially sensitive. You had asked Jean to take a look at Exhibit 4 and provide testimony. I just wanted to note for the record that Exhibit 4 and testimony about it are to be considered trade secret/commercially sensitive. I apologize for interrupting.

BY MR. STEWART: No problem.

Q. I'm on Exhibit 6. Jean, could I get you to take a look at KMF40?

A. Okay.

Q. What is KMF40? At first, I thought it was a product label, and then --

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well, I didn't know what it was. Can you tell me what KMF40 is?

A. That's a brochure. It looks to me like page 40 is one of our sales brochures that we use to sell the brand when our sales force goes and talks to their retailers. If you were to fold it, do you see where the perforated lines are?

Q. Yes, ma'am.

A. It looks like a three-sided brochure, and it looks like there might be something printed on the other side that's not shown here. This would have been like the jacket of the brochure.

Q. Who would these have been distributed to?

A. Our sales organization and our brokers, to sell, when they talk about our product lineup.

Q. Thank you. That helps me. I want to draw your attention, I'm on KMF40, and there's a picture to the far right with some text. Do you see that?

A. Yes.

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Q. Can you describe what is in that picture there for the record, please?

A. This says, "From head to toe and in everywhere in between." It's a couple that are very intimate with one another, I would say.

Q. Would you agree that she's kissing him on the nose?

A. I would say that she has her arm around him and she is maybe about to kiss him on the nose. I don't see that they're touching on this picture, the nose to -- I don't see the connection here yet.

Q. Are you on page 40?

A. Yup.

Q. A female is, from the perspective here, upside down?

A. Yes. So you said she's kissing him on the nose. I say that it looks like she's about to.

Q. I guess I don't see a picture of her arm. Am I missing it?

A. Yeah, I guess it's sort of around the side there. You don't necessarily

FUFIDIO

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see it.

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Q. Would you agree with me she's about to kiss him on the face, it appears that way?

6

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A. Yes.

10

11

12

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Q. Then it says, "From head to toe." Is it fair to say that this is a reference to a kiss from head to toe?

A. No, it does not say that.

14

15

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Q. I understand it doesn't say that. What's the head to toe in reference to?

A. Head to toe and everywhere in between, which is the end of the sentence there, refers to the -- it's sort of like a little bit of a double entendre, that our products make you feel good from head to toe and everywhere in between. It makes your skin feel good from head to toe and everywhere in between, and lets your imagination run away with you.

Q. So from head to toe, that's not necessarily limited to the face, correct?

A. Correct.

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Q. It includes the face, but all the way down to the toes. Do I have that right?

A. Correct.

Q. Let's then take a look at a couple pages later, 42?

A. Okay.

Q. Are we going to debate whether these people are kissing?

A. No.

Q. All right. We can agree that they're kissing.

A. We can. We can agree that she's touching his head, too.

Q. We can agree that she's kissing his face, right?

A. Yes.

Q. And we have the same reference here, "From head to toe and a few stops in between"?

A. Yes.

Q. Are you again saying that that is not a reference of kissing from head to toe?

FUFIDIO

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A. It's a double entendre, which is what we do.

3

4

Q. What's the double meaning?

5

6

A. Meaning that you can also use our products from head to toe and a few stops in between, that our products make you feel good, make your skin feel good from head to toe and a few stops in between.

7

8

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Q. So you're saying this is not a reference to kissing someone from head to toe?

11

12

13

A. It is not necessarily meant to do that.

14

15

Q. To use your words, you said there was a double entendre here?

16

17

A. The other one is your imagination of what you can do from head to toe and a few stops in between, not just kissing. It's suggestive.

18

19

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21

Q. All right. So then let's get -- we're going to flip forward a couple pages and let's talk about KMF7.

22

23

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A. In this Exhibit 6, KMF7?

25

Q. Yes.

FUFIDIO

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2 A. Oh, the first one, okay, sorry.
3 I'm there.

4 Q. The two people in this photo,
5 are they kissing?

6 A. He's kissing her.

7 Q. And he's not kissing her on the
8 face.

9 A. Well, his nose is on her chin
10 and his lips are close to her neck.

11 Q. Is this one consistent with the
12 other advertising where you can be kissed
13 from head to toe?

14 A. I didn't say kissed from head to
15 toe. I said it's suggestive of what's from
16 head to toe. If you can see at the bottom,
17 you're cut off here, so you don't know what's
18 down below. Just like some of our other ads,
19 it's cut off at the top where you just see
20 toes touching, so it's suggestive of other
21 things you might be doing from head to toe.
22 Our products are used from head to toe.
23 That's important. We want to make sure we
24 communicate to our consumers that we have
25 products for their entire body, and that's

FUFIDIO

1
2 really what is meant for products from head
3 to toe. That's why it was in our sales
4 brochure, "From head to toe and a few stops
5 in between," to communicate to our retailers
6 that we have products for the entire
7 category. We like to use "From head to toe
8 and a few stops in between," especially when
9 we're talking to our retailers to show that
10 we have a wide range of products.

11 Q. And because those products are
12 to be used or can be used from head to toe,
13 their use is not necessarily limited to the
14 face?

15 A. Correct. But we do have
16 products for face.

17 Q. Your company has a vanity phone
18 number, doesn't it?

19 A. I don't know what that means.

20 Q. Your phone number, you have a
21 corporate phone number that incorporates the
22 term kiss?

23 A. I guess we do.

24 Q. A 1-800 number that incorporates
25 the word kiss, are you aware of it?

FUFIDIO

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A. I might not have been.

3

Q. I'm looking at the exhibit, page

4

38.

5

A. I see it.

6

Q. Do you see that vanity number

7

there?

8

A. I do see it. I don't know

9

whether or not we're still using that number,

10

but we might be.

11

Q. Any reason to believe it wasn't

12

used at one time or another?

13

A. No.

14

Q. And it reinforces the brand,

15

doesn't it?

16

A. It has four numbers that fit

17

within a phone exchange.

18

Q. It doesn't have the word face,

19

does it?

20

A. Correct.

21

Q. But you chose to use the word

22

kiss?

23

A. Correct.

24

Q. There's a lot of references in

25

your advertising to KMF. That stands for

FUFIDIO

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Kiss My Face, right?

A. Yes.

Q. And your advertising plays upon that phrase, KMF, on a pretty regular basis, would you agree with that?

A. Not of late.

Q. It did at one time?

A. Yes.

Q. And you're moving away from KMF?

A. Yes.

Q. How come?

A. Because we don't think consumers know what KMF is. We don't have -- we're not like Kentucky Fried Chicken where they know what KFC is. I didn't think consumers knew what KMF meant.

Q. Is that because they more closely relate the brand to the word kiss?

A. No. I just don't think the brand has had enough time or dollars to tell them what KMF meant. I don't know what KMF means.

Q. Let's look at page 64, KMF64.

A. Are we still in Exhibit 6?

FUFIDIO

- 1
- 2 Q. Yes.
- 3 A. Okay.
- 4 Q. Is this guy kissing this girl?
- 5 A. Yes.
- 6 Q. Is that reinforcing the brand?
- 7 A. Yes.
- 8 Q. Let's take a look at KMF172.
- 9 A. Okay.
- 10 Q. That should be the next page.
- 11 Do you have that in front of you?
- 12 A. I do.
- 13 Q. This looks like a screen shot
- 14 from the Facebook page.
- 15 A. Yes, it does.
- 16 Q. Does Kiss My Face control the
- 17 content of the posts on this page?
- 18 A. Of the post.
- 19 Q. I want to direct your attention
- 20 to the post on October 8th. Do you see that?
- 21 A. Yes.
- 22 Q. There's a reference to, in all
- 23 caps, KISSERS. Do you see that?
- 24 A. Yes.
- 25 Q. Is that a reference to your

FUFIDIO

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consumers, what you call your consumers?

A. No. It's what we call our Facebook fans.

Q. Who came up with that idea, was that your idea?

A. No, it was not, but it was someone in the organization.

Q. Have you continued to call your Facebook fans kissers?

A. Yes, we do.

Q. KMF397 is a couple of pages later. Do you see that page?

A. I do.

Q. Is she kissing this guy?

A. Yes, she is.

Q. Does this picture reinforce the brand?

A. Yes, it does.

Q. KMF401 is a couple pages after that. Do you have that page?

A. I do.

Q. Now, that couple in this picture, they appear to be kissing, is that correct?

FUFIDIO

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A. Yes.

3

Q. Does that picture reinforce your

4

brand?

5

A. Yes.

6

Q. It's got some flags in the upper

7

left- and right-hand corner that say "Goodbye

8

kisses." Do you see those?

9

A. I do.

10

Q. This is a play on the term kiss

11

that's part of your brand?

12

A. Yes.

13

Q. What is KMF401?

14

A. That was a post that we put up

15

on Veteran's Day this year.

16

Q. On your Facebook page?

17

A. Yes.

18

BY MR. STEWART: Carrie?

19

BY MS. JOHNSON: Yes.

20

BY MR. STEWART: I'm getting

21

ready to transition over to the stack

22

of exhibits. Let's go off the record a

23

minute.

24

25

(OFF THE RECORD DISCUSSION)

1 FUFIDIO

2 BY MR. STEWART: Let's mark
3 these exhibits.

4
5 (DOCUMENTS RECEIVED AND MARKED AS APPLICANT'S
6 EXHIBITS A THROUGH F FOR IDENTIFICATION)

7
8 Q. Let's start with Exhibit A. Do
9 you have that in front you?

10 A. Yes.

11 Q. It's got the tag line in the
12 upper left-hand side corner. Can you read
13 that for me, please?

14 A. "Kiss & Makeup."

15 Q. And here's a reference -- you
16 agree with me that this is a reference that
17 reinforces the brand, Kiss My Face?

18 A. Yes.

19 Q. And then also in the narrative,
20 do you see where it says, "Get a kiss of
21 natural color," and then the sentence goes
22 on, do you see that?

23 A. Yes.

24 Q. Is this also a kiss reference
25 that reinforces the brand?

FUFIDIO

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A. Yes.

3

4

Q. And the consumer association with having a kissable face?

5

A. A kiss of natural color, yes.

6

7

Q. I want to show you now what I've marked as Applicant's B, Exhibit B. Do you have that in front of you?

8

9

A. Yes.

10

Q. What is this document?

11

A. I don't know what this is.

12

Q. You've never seen it before?

13

14

A. I can't say I know what this is.

15

I see the content that I've seen before or read before, but I don't know exactly what this document is.

16

17

Q. Where have you seen the content

18

before?

19

A. I may have seen it in some

20

collateral sales material. I'm not exactly

21

sure what this is. The corporate mission,

22

I'm thinking that we might have similar words

23

on our website, but this is very old so I

24

don't know what this is.

25

Q. Do you see the reference there

FUFIDIO

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2

to the Kiss story?

3

A. . Yes.

4

Q. Have you seen this story before?

5

A. Yes.

6

Q. Here, is it fair to say that

7

this is a -- by saying the Kiss story, is

8

that a reference to the brand, Kiss My Face?

9

A. Yes.

10

Q. Do you often call the story, if

11

you will, the Kiss story, in marketing

12

materials?

13

A. We actually call it the Kiss My

14

Face story. That's why this seems to be old.

15

Q. So do you have some examples of

16

the Kiss My Face story?

17

A. I believe we do.

18

Q. Have those been produced to us?

19

A. I don't know.

20

BY MR. STEWART: Can we go off

21

the record for a second?

22

23

(OFF THE RECORD DISCUSSION)

24

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Q. So Jean, now you refer to it

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whenever you present the story, is it referred to, then, as the Kiss My Face story?

A. I think on our website, it's referred to as "about us." I'm not sure exactly.

Q. Let's look at Exhibit C. This is KMF21. Do you have that in front of you?

A. I do.

Q. This is a product called Big Kiss, right?

A. Yes, it is.

Q. And is this a new product line, old product line?

A. No, this is old.

Q. Do you still sell this product?

A. No, we do not.

Q. In the advertising -- let me back up. Do you have other products that have kiss in the name, other than in the phrase Kiss My Face? Like this is Big Kiss, this would be an example of that. Do you have other products that have kiss in the name but it's not Kiss My Face?

A. Let me think a minute.

FUFIDIO

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Q. What about this, what about Face Color, is that yours?

3

4

A. You mean the first Exhibit A?

5

6

Q. No. I'm just asking you if that's a product you guys sell.

7

8

A. What Face Color? Face Color, we don't sell Face Color, no.

9

10

11

12

13

Q. So back to my -- I'm sorry, I started asking you about another one. But are you aware of any products that you sell that have kiss in the name, other than the name Kiss My Face?

14

15

A. We have a light moisturizer that references Air Kiss.

16

17

18

19

20

21

Q. Air Kiss is the product?

A. It's not a product. It's a reference on the package. It's a two-in-one light moisturizer is the product, and we have on the package itself "Air Kiss," but it's not the sub-brand.

22

23

Q. Is that product available on your website?

24

25

A. Yes.

Q. Does the name Air Kiss for that

FUFIDIO

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product reinforce the Kiss My Face brand?

3

A. Yes.

4

Q. Because both share the term

5

kiss?

6

A. Yes.

7

Q. Let's look at the Facebook page

8

that I've marked as Exhibit D. Do you have

9

that in front of you?

10

A. Yes.

11

Q. I'm going to start on page

12

KMF167. It has a picture of presumably the

13

founders up there. Is that a picture of Bob

14

and Steve?

15

A. Yes.

16

Q. And they're the chief kissers?

17

A. Yes.

18

Q. And on the Facebook post that's

19

marked 14 hours ago, do you see that?

20

A. Is it on that page?

21

Q. Yes. It's on page 167. There's

22

a post on the left-hand side. It says "Kiss

23

My Face."

24

A. I see it, yes, I see it.

25

Q. You see a couple references

FUFIDIO

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there to kissers?

3

A. Yes. That's our Facebook fans.

4

5

Q. And then on the right-hand side column, you see #GetKissed? It's right next to the number of Facebook likes.

6

7

A. Yes.

8

9

Q. Was that some sort of a contest or something? What was #GetKissed?

10

11

A. That was a contest for free lip balm.

12

Q. How did you enter the contest?

13

A. I am not sure.

14

15

Q. Did the #GetKissed reinforce your brand?

16

A. Yes.

17

18

Q. Exhibit E, this looks to me to be a picture of your homepage, is that right?

19

20

A. Let me think about this a moment. Yes, it looks like it would be a picture of our homepage at one point.

21

22

Q. Is this a picture of the current homepage?

23

24

A. No.

25

Q. There's some text to the

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right -- well, it's a blank space, then next to it, it says, "Do you love kisses?" Then it says, "So does our CEO." Do you see that?

A. I do.

Q. Is that text that reinforces your brand?

A. Yes.

Q. Along the bar there, there's a tag, it says "Extra Kisses." It looks to me like it would be a link?

A. Yes.

Q. What's Extra Kisses?

A. That would be, I believe that's our gift sets.

Q. Does that title reinforce the brand?

A. Yes.

Q. And then at the very top, there's another link, what looks to me to be a link bar, and it says "Give a Kiss"?

A. Yes.

Q. What's Give a Kiss mean?

A. I have to -- I don't remember actually.

FUFIDIO

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Q. Is that a program whereby you could order product and have it sent to someone else?

A. Possibly.

Q. Is that a phrase that reinforces the brand?

A. Yes, it does. We also have something called Lip Service on our current website where you can go and click on to see people talking about the brand, like public relations.

Q. And Lip Service reinforces the brand too, right?

A. Yes.

Q. Because you kiss with your lips?

A. Yes. But a kiss is also lips touching your skin.

Q. Extra Kisses and Give a Kiss, are they still programs you have in place?

A. I don't know about Give a Kiss, I believe so. Extra Kisses, I believe so.

Q. And are those promoted on your website?

A. Yes, I believe so. I'm not sure

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if Extra Kisses is still exactly there. I'd need to doublecheck that.

Q. How much traffic do you get on your website in a year?

A. We have -- I'm not sure of the exact number. I know we have over 95,000 e-mail subscribers.

Q. I want to show you what I've marked as Exhibit F.

BY MR. STEWART: Do you have that extra page, Carrie?

BY MS. JOHNSON: Yes, we do.

BY MR. STEWART: And the order that I have them in, that page 99 is the third page of the exhibit. Do you have that put together?

BY MS. JOHNSON: Yes, we do.

BY MR. STEWART: It's a total of four pages.

BY MS. JOHNSON: Yes.

BY MR. STEWART:

Q. Jean, why don't you take a look at Exhibit F. And these are pictures of my client's product, old and new labels. Take

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whatever time that you need to look at those.
My question is this, I understand that you've
got issues with the name of our product.

That's a given. I understand that. I'm not
asking about that. My question is, is there
anything else about the way this product is
packaged that you think makes this look like
a Kiss My Face product? An example could be
I think the color scheme is going to trick
people or people might be confused because of
this. Again, you don't need to point out the
name, but if there's anything else about our
packaging, I just want to make sure that I'm
not going to hear later that you think our
packaging is misleading or there's something
we've said or done on our packaging that's
close or similar to what Kiss My Face does
with its packaging.

BY MS. JOHNSON: I'll object to
it being irrelevant, but she can
answer.

BY THE WITNESS:

A. I'm not sure I know the
question.

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BY MR. STEWART:

Q. Is there anything about the label here, other than the name, that you think is going to confuse people and make people think this product came from Kiss My Face?

A. I think the issue is it's the name. When I think of -- especially look at Touch My Face soap, it's a bar soap. We make a bar soap. We have a bar soap called Kiss My Face soap. You can see Kiss My Face on our soap today. It's not always in the square logo, it's sometimes not in a logo, and right now, I see Touch My Face soap and Kiss My Face soap, and I think that's very, very confusing.

BY MR. STEWART: That's all that

I have.

REDIRECT EXAMINATION

BY MS. JOHNSON:

Q. I have a few questions on redirect. Jean, does Kiss My Face offer facial serums and masques?

A. Yes.

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Q. Are they marketed under anything

3

other than the mark Kiss My Face?

4

A. No.

5

Q. Are they marketed just as the

6

word kiss?

7

A. No.

8

Q. Are they branded as just the

9

word kiss?

10

A. No.

11

Q. Does Kiss My Face also offer

12

foot scrub products branded with the mark

13

Kiss My Face?

14

A. Yes.

15

Q. Are those products intended to

16

enhance the consumer's kissing experience?

17

A. Yes.

18

Q. Foot scrubs?

19

A. Yes.

20

Q. How is that?

21

A. Because you're touching skin.

22

It's all about the touchy-feely toes and

23

ankles. Head to toe and a few stops in

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between.

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Q. Does Kiss My Face have a company

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policy with respect to marketing, requiring that kissing be featured?

A. No.

Q. Does Kiss My Face have a company policy with respect to marketing, having to show lips?

A. No.

Q. Are the Kiss My Face goods all branded with the mark Kiss My Face in its entirety?

A. Yes.

BY MS. JOHNSON: That's all I have.

BY MR. STEWART: I have nothing else.

BY MS. JOHNSON: We wanted to have the record reflect that the parties have stipulated that all documents produced during discovery by the Opposer and by the Applicant are authentic and record evidence in this proceeding. Chris, do you agree on behalf of the Applicant?

BY MR. STEWART: Absolutely.

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BY MS. JOHNSON: We're concluded
then.

(WHEREUPON, THE DEPOSITION OF
JEAN FUFIDIO WAS COMPLETED
AT 12:27 P.M.)

X Jean Fufidio
JEAN FUFIDIO

Subscribed and sworn to before me
this 21st day of December 2014.

X G. E. Fufidio
NOTARY PUBLIC

GEORGE E. FUFIDIO JR.
Notary Public, State of New York
No. 4786743
Qualified in Westchester County
Commission Expires August 31, 2017

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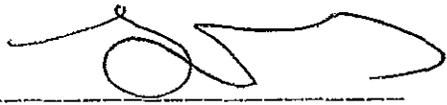
STATE OF NEW YORK)
)SS:
COUNTY OF ORANGE)

I, LAURA EVANS, a Court Reporter
and Notary Public within and for the State of
New York, do hereby certify:

That JEAN FUFIDIO, the witness
whose deposition is hereinbefore set forth,
was duly sworn by me and that such deposition
is a true record of the testimony given by
the witness.

I further certify that I am not
related to any of the parties to this action
by blood or marriage and I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 27th day of November, 2014.

X 
LAURA EVANS

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I N D E X

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2	Total sales for past 5 yrs	3
3	Marketing study	3
4	PR & social media coverage	3
5	ad samples	3
6	ad samples	3

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ACKNOWLEDGMENT OF DEPONENT

I, JEAN FUFIDIO, do hereby acknowledge I have read and examined the foregoing pages of testimony, and the same is a true, correct and complete transcription of the testimony given by me, and any changes or corrections, if any, appear in the attached errata sheet signed by me.

12/26/14
DATE

Jean M Fufidio
JEAN FUFIDIO

Sworn to before me this 26th
day of December, 2014.

X G. E. Fufidio Jr.
Notary Public

GEORGE E. FUFIDIO JR.
Notary Public, State of New York
No. 4786749
Qualified in Westchester County
Commission Expires August 31, 2017

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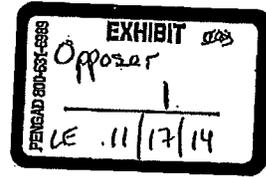
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Kiss My Face, LLC v. PYR Less Group LLC,
TTAB Opposition No. 91209825

EXHIBIT 1

TRADEMARK ASSIGNMENT

Electronic Version v1.1
 Stylesheet Version v1.1

SUBMISSION TYPE:	NEW ASSIGNMENT
NATURE OF CONVEYANCE:	ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

CONVEYING PARTY DATA

Name	Formerly	Execution Date	Entity Type
Kiss My Face Corporation		11/08/2010	CORPORATION: NEW YORK

RECEIVING PARTY DATA

Name:	Kiss My Face, LLC
Street Address:	11706 Wilshire Boulevard
Internal Address:	Suite 850
City:	Los Angeles
State/Country:	CALIFORNIA
Postal Code:	90025-8567
Entity Type:	LIMITED LIABILITY COMPANY: DELAWARE

PROPERTY NUMBERS Total: 71

Property Type	Number	Word Mark
Registration Number:	8309469	3WAY COLOR
Registration Number:	8168588	ACTIVE ATHLETIC
Registration Number:	8248916	ALMOST BUTTER
Registration Number:	2789899	BARE NAKED
Registration Number:	2580420	BIG BODY
Registration Number:	2807480	BIG KISS
Registration Number:	8404832	BREAK OUT
Registration Number:	8418350	OTHE CHANGE
Registration Number:	2805914	OS THE DAY
Registration Number:	2982091	OELL MATE
Registration Number:	2984160	CLEAN FOR A DAY
Serial Number:	78399122	COLD & FLU BATH
Registration Number:	8214537	DO WHAT COMES NATURALLY

OP \$1790.00 3309456

900177512

TRADEMARK
 REEL: 004412 FRAME: 0418

Registration Number:	3500994	DO WHAT COMES NATURALLY
Registration Number:	2300910	EARLY TO BED
Registration Number:	2300911	EARLY TO RISE
Serial Number:	77083395	ECONOMICALLY FRIENDLY
Registration Number:	3006002	FACE FACTOR
Registration Number:	2093327	FILTHY RICH
Registration Number:	2241307	GERMS ASIDE
Registration Number:	2704926	HOT SPOTS
Registration Number:	2217024	HOLD UP!
Registration Number:	3087682	HONEY POT
Registration Number:	3310320	IN THE PINK
Registration Number:	1513297	KISS MY FACE
Registration Number:	2301324	KISS MY FACE
Registration Number:	2700187	KISS MY FACE
Registration Number:	1991808	KISS MY FACE
Registration Number:	3590613	KISS MY FACE MOISTURE SOAP
Serial Number:	65023142	KISS MY FACE PEACE
Registration Number:	3120768	KISS MY FACE TRIPLE ACTION
Registration Number:	3120790	KISS MY FACE WAKE UP
Registration Number:	3120784	KISS MY FACE WHITENING
Registration Number:	3120791	KISS MY FACE WOMEN'S
Registration Number:	1902308	KISS AND GO!
Registration Number:	2005081	KISS KIDS
Registration Number:	2422046	KISS ORGANICS
Registration Number:	3334874	KISSES ON TRIAL
Serial Number:	77386711	LOOK MY FACE
Registration Number:	3547812	LIP ACTION
Registration Number:	2580430	MISS TREATED
Registration Number:	2300470	MISTURIZER
Registration Number:	3109912	MOISTURE SHAVE
Registration Number:	2748882	OBSESSIVELY ORGANIC
Registration Number:	3294016	OBSESSIVELY EYEWITNESS ORGANIC
Registration Number:	3367186	OBSESSIVELY NATURAL
Serial Number:	77828071	OBSESSIVELY NATURAL KIDS
Registration Number:	3420948	OLIVE & ALOE

TRADEMARK
REEL: 004412 FRAME: 0419

Registration Number:	8647974	OLIVE MY BODY
Registration Number:	8306241	PART OF THE EQUIPMENT
Registration Number:	2308794	PEACEFUL PATHOULI
Registration Number:	9476146	PEACHES & OREME
Registration Number:	3473047	ROUGH SEAS
Registration Number:	2563790	ROUGH THYME
Registration Number:	2861408	SALAD BAR
Registration Number:	3684808	SCENTLESS
Registration Number:	3161098	SHEA SOY
Registration Number:	3713021	SHEER ORGANIC SHIMMER
Registration Number:	3713020	SHEER ORGANIC SHINE
Registration Number:	2834677	SO REFINED
Registration Number:	3378458	SPORTS COMPLEX
Registration Number:	3290847	START UP
Registration Number:	3179010	SUDZ
Registration Number:	2270436	SUN SWAT
Registration Number:	2314814	SWYFLOTTER
Registration Number:	2888203	TIGHTEN UP
Registration Number:	3091160	TREATMINT
Registration Number:	2034676	UNDER AGE
Registration Number:	2874012	UPPER MANAGEMENT
Registration Number:	2680429	WHENEVER
Registration Number:	2388442	AROMATHERAPEUTIC

CORRESPONDENCE DATA

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ATTORNEY DOCKET NUMBER:	3309468
NAME OF SUBMITTER:	Rachelle Dubow
Signature:	/rachelle dubow/

TRADEMARK
REG: 0044-12 FRAME: 0420

Date:

11/18/2010

Total Attachments: 11

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TRADEMARK
REEL: 004412 FRAME: 0421

TRADEMARK ASSIGNMENT

THIS TRADEMARK ASSIGNMENT is made and entered into as of the 8th day of November, 2010, by and between Kiss My Face Corporation, a New York corporation, with its principal place of business located at 144 Main Street, Gardiner, New York 12525-5226 ("Assignor"), and Kiss My Face, LLC, a Delaware limited liability company, with its principal place of business located at 11766 Wilshire Boulevard, Suite 850, Los Angeles, California 90025-6567 ("Assignee"),

WHEREAS, Assignor and Assignee are parties to that certain Contribution and Restructuring Agreement dated November 8, 2010 (the "Purchase Agreement");

WHEREAS, Assignor has adopted, is using and is the owner of all right, title, interest and goodwill in and to the trademarks, service marks, trade names and other indicia of origin appearing on SCHEDULE A hereto, including any unregistered or common law rights associated therewith (hereinafter the "Trademarks");

WHEREAS, pursuant to the Purchase Agreement, Assignor has agreed to assign to Assignee the Assignor's rights in such Trademarks; and

WHEREAS, Assignee desires to obtain ownership of the Trademarks in accordance with the terms and conditions set forth in this Assignment and the Purchase Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor, intending to be legally bound hereby, conveys, assigns, sells, transfers, and sets over to Assignee, Assignor's entire right, title, and interest in and to the Trademarks, together with the goodwill of the business symbolized by the Trademarks, the full right to sue for past, present or future infringement of any of the Trademarks, any registrations therefor, and all benefits of the Trademarks, these rights to be held and enjoyed by Assignee, its successors and assigns, as fully as the same would have been held and enjoyed by Assignor had this assignment not been made. Assignor hereby authorizes and requests the United States Patent and Trademark Office, and any foreign trademark offices, to issue all registrations related to the Trademarks to Assignee, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

And for the consideration aforesaid, Assignor agrees that it will, upon request, execute additional lawful papers at no cost to Assignee, and generally do all other lawful acts reasonable and necessary to give effect to and to record this Assignment.

[remainder of page intentionally left blank]

IN WITNESS WHEREOF, Assignor has caused this instrument to be signed by
its authorized officer effective as of the date first indicated above

KISS MY FACE CORPORATION,
a New York corporation

By: [Signature]
Name: Robert Henrichsen
Title: President

STATE OF New York

COUNTY OF New York

On this 4th day of November 2019, before me, a Notary Public,
appeared the person personally appeared Robert Henrichsen,
to me satisfactorily proven to be the person whose name is subscribed to the
above instrument and acknowledges that he/she executed the same for the purposes
above stated.

In witness whereof, I hereunto set my hand and official seal

[Signature]
Notary Public

HERBERT HENRYSON II
Notary Public, State of New York
No. 021180120408
Qualified in New York County
Commission Expires May 8, 2022

IN WITNESS WHEREOF, Assignee has caused this instrument to be signed by a duly authorized officer effective as of the date first indicated above.

KISS MY FACE, LLC,
a Delaware limited liability company

By: [Signature]
Name: Joseph Kenda
Title: Vice President

STATE OF _____

COUNTY OF _____

On this _____ day of November, 2010, before me, a notary public, the undersigned officer, personally appeared _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument and acknowledges that he/she executed the same for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.

Notary Public

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of LOS ANGELES

On 11/02/2010 before me, DONNA KERRY ASHTON
Date Here typed Name and Title of the Officer

personally appeared JEFFREY KENDIG
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature: *[Handwritten Signature]*
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraud, forgery and reattachment of this form to another document.

Description of Attached Document:

Title or Type of Document: _____

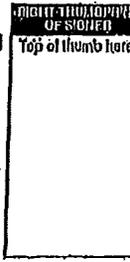
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

- | | |
|--|--|
| <input type="checkbox"/> Corporate Officer — Title(s): _____ | <input type="checkbox"/> Corporate Officer — Title(s): _____ |
| <input type="checkbox"/> Individual | <input type="checkbox"/> Individual |
| <input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General | <input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General |
| <input type="checkbox"/> Attorney in Fact | <input type="checkbox"/> Attorney in Fact |
| <input type="checkbox"/> Trustee | <input type="checkbox"/> Trustee |
| <input type="checkbox"/> Guardian or Conservator | <input type="checkbox"/> Guardian or Conservator |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |



Signer is Representing: _____ Signer is Representing: _____

SCHEDULE A

List of Trademarks

United States Trademarks:

Trademark Name	Registration # or Serial #	Date Issued or (Date Filed)	Comments
3Way Color	3309456	10/9/07	
Alpen 3&4	2680458	1/28/03	Registration Cancelled
Active Athlete	3158568	10/17/06	
Almost Butter	3248615	5/29/07	
Aromatherapeutic	2388442	9/19/00	Not renewed
At-Home-Therapy	2526765	1/8/02	Registration cancelled
Bare Naked	2789894	12/2/03	
Big Body	2580428	6/11/02	
Big Kiss	2807490	1/20/04	
Break Out	3464832	7/8/08	
C the Change	3418350	4/29/08	
C'S The Day	2805914	1/13/04	
Cell Mate	2982091	8/2/05	
Cheap Kisses	2633391	10/8/02	Registration cancelled
Clean For A Day	2984160	08/9/05	
Clear The Air	2818443	02/24/04	Registration cancelled
Cold & Flu Bath	78393122	5/07/06	
Conditioned Response	2374611	05/28/02	Registration cancelled
Do What Comes Naturally - Cosmetics	3214537	3/6/07	
Do What Comes Naturally - General goods	3500994	9/16/08	
Early to Bed	2309910	1/18/00	
Early to Rise	2309911	1/18/00	
Economically Friendly	77683395	(3/4/09)	

Trademark Name	Registration # or Serial #	Date Issued or (Date Filled)	Comments
Face Factor	3005002	10/04/05	
Fifty Rich	2833327	04/13/04	
Germis Aside	2241307	04/20/99	
Hot Spots	2794325	12/16/03	
Hold Up!	2217924	01/12/99	
Honey Pot	3087582	5/2/06	
In The Pink	3319326	10/23/07	
Kiss My Face-Class 3	1513297	11/22/88	
Kiss My Face-Class 3	2301324	12/21/99	
Kiss My Face-Class 25	2706187	04/15/03	
Kiss My Face-Class 42	1991868	08/06/96	
KMP Moisture Soap	3590613	3/17/09	
Kiss My Face Peace	85023142	(4/26/10)	
Kiss My Face Triple Action	3120755	07/25/06	
Kiss My Face Wake Up	3120790	07/25/06	
Kiss My Face Whitening	3120784	7/25/06	
Kiss My Face Women's	3120791	7/25/06	
Kiss And Go!	1902308	07/4/95	
Kiss Kids: Classes 3 & 25	2695981	03/11/03	
Kiss Kids Bubblewash	2516090	12/11/01	Registration cancelled
Kiss Organics	2422646	01/23/01	
Kisses On Trial	3334874	11/13/07	
Lick My Face	77395711	(2/13/08)	
Light Weight	2576768	06/04/02	Registration cancelled
Lip Action	3547612	12/16/08	
Miss Treated	2580480	06/11/02	
Misturizer	2366470	7/11/00	Not renewed
Moisture Shave	3199912	01/16/07	
Moisture Soap	77198143	(6/5/07)	Application abandoned
Obsessively Organic	2748862	08/05/03	

Trademark Name	Registration # or Serial #	Date Issued or (Date Filed)	Comments
Obsessively Eyewitness Organic and Design	3294015	9/18/07	
Obsessively Natural	3357185	12/18/07	
Obsessively Natural Kids	77828071	(9/16/09)	
Olive & Aloe	3420948	4/29/08	
Olive My Body	3547974	12/16/08	
Organic Sudz Company	2803621	01/05/04	Registration cancelled
Part Of The Equipment	3385241	2/19/08	
Peaceful Patchouli	2368794	07/18/00	
Peaches & Creme	3475145	7/29/08	
Rough Sens	3473947	7/22/08	
Rough Thyme	2553790	03/26/02	
Solid Bar	2861406	07/06/04	
Scentsless - body oil	R# 2217922	1/12/99	Registration cancelled
Scentsless - kids products	3634808	6/9/09	
Shea Spz	3161098	10/17/06	
Sheer Organic Shimmer	3713021	11/17/09	
Sheer Organic Shine	3713020	11/17/09	
So Refined	2884677	04/20/04	
Sports Bar	2799409	12/23/03	Registration cancelled
Sports Complex	3379458	2/5/08	
Start Up	3290847	9/11/07	
SUDZ & DESIGN --old	2626664	09/24/02	Registration cancelled
SUDZ & DESIGN --new	3179010	12/05/06	
Sun Synt	2278436	09/14/99	
Swoflatter	2314514	02/01/05	
Tighten Up	2968203	07/12/03	
Treatmint	3091150	05/09/06	
Under Age	2834675	04/20/04	
Upper Management	2574612	05/28/02	
Whenever	2580429	06/11/02	

International Trademarks:

Country/TM Name	REG #	(Date filed) Date Issued/ Renewed	Comments
Argentina/KISS MY FACE	1592993	3/1/96	Not renewed
Argentina/KISS MY FACE	2157638	5/11/97	
Australia/KISS MY FACE	A592643	12/17/92	
Barbados/KISS MY FACE	81/21163	11/17/05	
Belgium/KISS MY FACE	600863	05/13/96	
Brazil	818619481	(06/30/95)	Application abandoned
Bulgaria/KISS MY FACE	81350 (60264)	7/17/07	
Canada/BURNT OUT	1160492	(12/3/02)	Application abandoned
Canada/DOWNTIME	TMA709854	3/18/08	
Canada/ECONOMICALLY FRIENDLY	1448110001	(8/13/09)	
Canada/KISS MY FACE	TMA 298,898	1/4/85	
Canada/KISS MY FACE	140794000	(8/20/08)	
Canada/KISS MY FACE PEACE		(10/26/10)	
Canada/KISS KIDS	TMA 574 850	1/31/03	
Canada/KISS KIDS	140793900	(8/20/08)	
Canada/KMF MOISTURE SOAP	APL 1425700	applied 1/27/09	
Canada/LICK MY FACE	139594100	(5/16/08)	
Canada/LIP ACTION	137545100	(12/11/07)	
Canada/MOISTURE SHAVE	TMA 761301	3/10/10	
Canada/OBSSESSIVELY NATURAL	TMA 728491	11/17/08	
Canada/OBSSESSIVELY NATURAL KIDS	APL 1474172	3/16/10	
Canada/OLIVE MY BODY	APL 1394724	5/8/08	
Canada/WOODIES	434, 958	10/28/94	Registration expunged
Canada/SUDZ (& Design)	656896	01/18/06	
Chile/KISS MY FACE	717506	05/23/06	

Country/TM Name	REG #	(Date Filed) Date Issued/ Renewed	Comments
China: minimal goods list/KISS MY FACE	1080901	8/21/97 issued	
China: extensive goods list/KISS MY FACE	1160216	7/1/05 issued	
China/KISS MY FACE	5649844	11/07/09	
Colombia/KISS MY FACE	6034938	7/6/07	
Costa Rica/KISS MY FACE	159715	6/12/06	
Czech Republic	1832724	8/30/00	CTM registration
Denmark/KISS MY FACE	VR 1994 07238	10/28/04	
Dominican Republic/KISS MY FACE	135683	06/15/03	
Dubai, UAE/ KISS MY FACE	2156295 3092885	(4/30/07 2/08/06- 12/14/14 4/26/05 - 5/31/14)	Applications abandoned (can't register, would violate public morals)
El Salvador/KISS MY FACE	193/81	3/8/07	
European Community - KMF	4342085	3/16/05	
European Community - SUDZ	3092855	3/12/03	
European Commn./KISS KIDS	1831759	08/30/00	Not renewed
European Comm./KISS MY FACE, LOGO	1832724	08/30/00	
Egypt/KISS MY FACE	file #235040	8/18/09	
Finland/KISS MY FACE	143690	04/22/96	
France/KISS MY FACE	93/461838	3/29/03	
Germany/KISS MY FACE	2 059 081	12/31/92	
Ghana/KMF LOGO	31523	11/15/00	Not renewed
Greece/KISS MY FACE	124441	12/17/97	
Guatemala/KISS MY FACE	S# 5601-2001	filed 8/2/01	
Hong Kong/KISS MY FACE	98/07346	07/08/95	
Hong Kong/SUDZ & LOGO	300221606	05/27/04	
Iceland/KISS MY FACE	1082/2004	9/6/04	
India (Bangalore) /KISS MY FACE	1362740	09/06/04	

Country/TM Name	REG #	(Date Filed) Date Issued/ Renewed	Comments
Indonesia/KISS MY FACE	D002007 038081	11/19/07	
Israel/KISS MY FACE	97380	3/3/95	
Italy/KISS MY FACE	1046486 (678620 previous registration)	11/26/93	
Japan/KISS MY FACE	4726564	11/14/03	
Japan SUDZ & LOGO	52999/2004	6/8/04	
Kenya/KISS MY FACE	61403	Filed 6/12/07	
Korea: Class 3/KISS MY FACE	70-2001-266	06/12/07	
Korea: Class 12/KISS MY FACE	340, 981	6/9/03	
Korea: Class 13/KISS MY FACE	353, 691	05/30/01	
Korea: SUDZ & LOGO	40-2004-0008977	2/27/04	Application abandoned
Latvia/KISS MY FACE (and Design)	M48949	1/20/02	
Lebanon/KISS MY FACE	82125	12/29/99	
Mexico/KISS MY FACE	656228	5/30/00	
Mexico; expanded goods/KISS MY FACE	494764	[8/07?]	
New Zealand/KISS MY FACE	238957	12/29/99	
Norway - limited products/KISS MY FACE	172721	5/2/96	
Norway - cosmetics/lip balm/KISS MY FACE	189653	5/30/98	
Norway/KISS MY FACE	243788	01/22/08	
Paraguay/KISS MY FACE	144945	5/3/06	
Peru/KISS MY FACE	20408	04/30/98	
Philippines/KISS MY FACE	4-1995-103279	1/15/02	
Poland/KISS MY FACE	103597	10/20/05	
Russia KMF & LOGO	2000729006	11/15/00	
Saudi Arabia/KISS MY FACE	29972	09/06/05	
Shanghai & Beijing	[?]	11/15/00	Application never filed
Singapore/KISS MY FACE	T9406861F	8/8/04	

Country/TM Name	REG #	(Date Filed) Date Issued/ Renewed	Comments
	T9706166G	5/28/07	
	T0621242Z	10/11/06	
South Africa/KISS MY FACE	2007/11925	7/2/07	
Spain/KISS MY FACE	1966441	7/5/96	
Sweden/KISS MY FACE	0303396	7/14/95	
Sweden/KISS MY FACE - cosmetics/lip balm	97-04533; R330243	5/13/97	Registration cancelled
Sweden/KISS MY FACE -BU Community	004342085	3/16/05	CTM registration
Sweden/KISS MY FACE logo - BU Community	001832724	8/30/00	CTM registration
Taiwan ON BODY	96021161	5/8/07	
Taiwan KISS MY FACE	93028809	6/23/04	
Thailand SUDZ & LOGO	554302	8/1/04	
Thailand/KISS MY FACE	5759333	12/15/04	
Turkey/KISS MY FACE	160580	5/5/95	
United Kingdom/KISS MY FACE	1516967	10/27/92 / 10/27/99	Registration abandoned
United Kingdom/KISS MY FACE	1518557	4/11/92 / 4/11/99	Registration abandoned
Venezuela/KISS MY FACE	0602-002-6389 VEN2	12/10/03	Venezuela, class 3, 1st mark #2003- 000171; 2nd mark #2003- 014538; opposition against 1st is holding up 2nd.

A/73541229,2

A-7

RECORDED: 11/16/2010

TRADEMARK
REEL: 004412 FRAME: 0482

locking under "Additional Information,"

Thank you,

The TEAS support team

Thu Sep 05 12:02:28 EDT 2013

STAMP: USPTO/S08N15-172,16.0.109-20130905120228423065-3290847-
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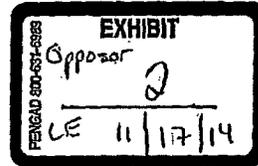


EXHIBIT 2

TTAB Opposition No. 91209825

Exhibit 2 to the Deposition of Ms. Jean Fufidio

This exhibit has been redacted in its entirety. It contains information Kiss My Face, LLC has designated as "TRADE SECRET/COMMERCIALY SENSITIVE PURSUANT TO THE PROTECTIVE ORDER".

A copy of this Exhibit without redaction has been filed as "Confidential."

Both parties have a copy of this Exhibit without redaction.

EXHIBIT
Opposer
3
LE 11/17/14

EXHIBIT 3

TTAB Opposition No. 91209825

Exhibit 3 to the Deposition of Ms. Jean Fufidio

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Both parties have a copy of this Exhibit without redaction.

PENGAD 804-681-6389
EXHIBIT
Opposer
4
LE 11/17/14

EXHIBIT 4

TTAB Opposition No. 91209825

Exhibit 4 to the Deposition of Ms. Jean Fufidio

This exhibit has been redacted in its entirety. It contains information Kiss My Face, LLC has designated as "TRADE SECRET/COMMERCIALY SENSITIVE PURSUANT TO THE PROTECTIVE ORDER".

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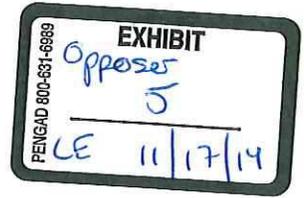


EXHIBIT 5

teenVOGUE



The Top Five Natural Acne Spot Treatments

Our new favorite blemish fighters are gentle yet effective.

by Eden Univer



[view all thumbnails](#)

5 / 6

Tea tree oil mixes with mint in this gel to produce a cooling sensation that instantly calms angry skin while helping to eliminate bacteria. All of the ingredients are vegan and the packaging is 100% biodegradable.

Kiss My Face Potent and Pure Breakout Botanical Gel, \$15. [Drugstore.com](#)

***SUMMER SLIM-DOWN SPECIAL**

WOMEN'S Running



Kate Grace

First place finisher at the USA One Mile Road Championships this year, Grace, a Yale alumna, has her sights set on Rio in 2014.

Favorite Soap...

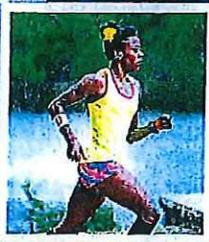
"Dr. Bronner's Pure Castile Soap in lavender smells great and is made with all the good stuff. But truthfully, the reason I am forever loyal is it helps prevent yeast infections. Not a fun topic, but a reality for anyone who is often in sweaty clothes." \$17 for 32 oz., drbronner.com

Favorite Face Wash...

"I have combination skin and GlyMed Plus Mega-Purifying Cleanser is the first face wash I've found that cleans while adding moisture without the gunky residue." \$6, ulta.com

Favorite Exfoliant...

"I add a dollop of St. Ives Fresh Skin Apricot Scrub to my cleanser after runs and at night. It keeps things constantly buffed and brighter." \$34, ulta.com



Alysia Montafio

This middle-distance runner and multiple-time national champ runs every race with a flower in her hair.

Favorite Soap...

"My husband and I have tried so many soaps and our favorite is Kiss My Face Olive Oil Bar Soap. I like bars because they last longer (store them away from the shower head) and the lavender scent is so calming. I feel like Dorothy in the field of popples." \$4, drugstore.com

Favorite Face Wash...

"I use two cleansers. The first is Yes to Cucumbers Daily Gel Cleanser. It's a really gentle cleanser which is important when you wash a billion times a day—the last thing you want to do is walk out with a rasy-looking face! Three times a week, I use St. Ives Naturally Clear Apricot Scrub. It's 100-percent natural and paraben-free." \$10, yestocarrots.com

Favorite Lotion...

"I'm dark-skinned, so I'm used to lotioning after anything that has to do with moisture. I love Nivea Original Moisture. Plus, you can get it in little travel discs, which is awesome." \$40, perler.com



Brenda Martinez

Call girl Martinez clocked the fastest 1,500-meter time in the world in April at the 55th Annual Mt. SAC Relays.

Favorite Soap...

"I use my husband's Old Spice Pure Sport. I love that strong, manly smell on him and I love it on me, too." \$5, drugstore.com

Favorite Face Wash...

"My cleanser of choice is St. Ives Fresh Skin Apricot Scrub because it's really good on sensitive skin and I feel that the micro-beads do a good job of keeping my face clean. I wash after any run or workout." \$6, ulta.com

Favorite Clarifier...

"Once I clean my face, I use Clinique's Clarifying Lotion 1 to keep my skin clean and clear without drying it out. It's an amazing product." \$13, sephora.com





Make Her Up

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- Body
- Eyes
- Face
- Fragrance
- Hair
- Lips
- Nails
- Skincare

Give Mom A Kiss This Mother's Day!

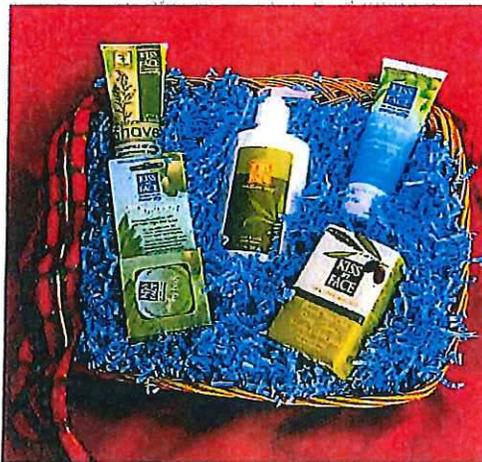
By Erin - Wednesday, May 1st, 2013 at 8:08am

File 2 Post



May 12th will be here before you know it and what better gift to give mom than a kiss! Kiss My Face has created gift baskets that bundle all natural skin love to pamper mom this May. In addition to these gift baskets, Kiss My Face invites you to raise the bar and let mom indulge in the new collection of all natural bar soaps. The traditionally drying properties that once supplied a bar soap have been reformulated into lush, hand made, triple milled offerings that are just perfect for mom.

Check out some great gift ideas from Kiss My Face...



All Olive Collection (\$29)
Nourish mom's skin with the unique benefits of olive oil with this five piece collection of soaps, moisturizers, shaves and balm.

- Pure Olive Oil Bar Soap
- Olive & Aloe Moisturizer
- Green Tea & Bamboo Moisture Shampoo
- Olive & Aloe Liquid Moisture Soap



Kiss My Face Olive Oil Bar Soaps (\$2.99 for 4 oz and \$3.99 for 8 oz)

Olive Oil nourishes skin and fights aging
No foamers, artificial colors, or additives
Suitable for all skin types
Available in Olive, Olive & Aloe, Green Tea, Honey, and Lavender

All Kiss My Face products are available at KissMyFace.com.

tj-maxx **#maxxinista** enter your pic for a chance to win a \$1000 shopping spree [go](#)

No purchase necessary. See official rules at tjmaxx.com/tjfs

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[Body](#) | [Eyes](#) | [Face](#) | [Fragrance](#) | [Hair](#) | [Lips](#) | [Nails](#) | [Skincare](#)

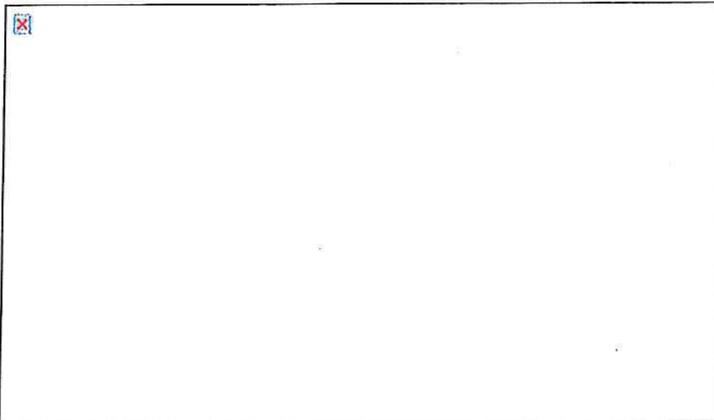
Give Mom A Kiss This Mother's Day!

By Erin - Wednesday, May 1st, 2013 at 8:08am

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- Pure Olive Oil Bar Soap
- Olive & Aloe Moisturizer
- Green Tea & Bamboo Moisture Shave
- Olive & Aloe Liquid Moisture Soap
- Olive My Body Soothing Body Balm



The Spa Collection (\$99)

Bring the spa home for mom with this eight piece spa collection of premium body care products.

- C the Change Ester C Serum
- Pore Shrink Deep Pore Cleansing Mask
- Start Up Exfoliating Face Wash
- Eye Witness Eye Repair Crème
- Clean For A Day Creamy Face Cleanser
- Balancing Act Facial Toner
- Brightening Day Crème
- Lavender Candle



Kiss My Face Olive Oil Bar Soaps (\$2.99 for 4 oz and \$3.99 for 8 oz)

Olive Oil nourishes skin and fights aging
No foamers, artificial colors, or additives
Suitable for all skin types
Available in Olive, Olive & Aloe, Green Tea, Honey, and Lavender

All Kiss My Face products are available at KissMyFace.com.

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TALKING PRETTY HOME

BEAUTY FOR REAL LIP GLOSSES ON-THE-GO

Go All-Natural with Bar Soaps from Kiss My Face

6/16/2013 3:00:00 PM BY KATIE AMEY

PRINT SAVE



We think bar soaps are making a comeback. And for those ladies who prefer an all-natural cleanser, we've got a must-try product for you. We all know that olive oil is a great way to nourish the skin and **Kiss My Face** has harnessed the ingredient's pure benefits for their Kiss My Face Olive Oil Bar Soaps.

Available in several flavors, including Olive & Aloe and Olive & Honey, you can guarantee that there's a bar soap for every taste. The lush soaps are available at Whole Foods nationwide and online at kissmyface.com.

Will you try these all-natural soaps?

Women's Health

Beauty Buzz

Soap Smackdown

Every woman has her type once her clothes come off—but whether you're strictly a body-wash girl or a loyal bar-ista, new advances in both may make you consider cheating. *By Karina Giglio*

Bar

Wash

Moisture

"Bar soaps are more drying than liquids because the chemical sodium hydroxide is required to create the cleansing system," says cosmetic chemist N'Kita Wilson. The upside is that most of today's bars contain synthetic detergents (they're easier to manipulate than natural ones, which can be unpredictable), making them more skin-softening than they used to be. Look for formulas that contain hydrating oils such as sunflower seed oil and olive oil. *Try Bliss My Face Olive Oil Bar Soaps (\$3 each, at drugstores).*

Newer formulations do two jobs, says Rolanda Johnson-Wilkerson, Ph.D., a senior scientist at Procter & Gamble: After whisking away dirt, they deposit rich moisturizers like petrolatum and shea butter that actually stick to your bod. *Try Olay Ultra Moisture Body Wash (\$4, at drugstores).* As long as your skin isn't super-lizardy, these washes will soften it well enough to skip post-shower lotion. For sensitive skin, choose a liquid with electrolyte-rich coconut water, which gently hydrates and doesn't leave a filmy residue. *Try Dial Coconut Water Body Wash, shown at left (\$5, at drugstores).*

Exfoliation

Those with exfoliating beads—such as *Dove Gentle Exfoliating Bar (\$3.59 for two bars, at drugstores)*—provide the most intense scrub. The types that have built-in nubs slough more lightly but help increase circulation... not to mention they make you feel as if someone is kneading your muscles. *Try Bliss Lemon + Sage Body Bar, shown at right (\$15, blissworld.com).*

You'll need a washcloth or a loofah sponge to get the same skin stimulation you'd get from an exfoliating bar, even when using a sudser that contains microbeads or other sloughing particles. Where liquids beat bars in the exfoliating wars?

Long-term brightening. A wash with a chemical exfoliant such as glycolic or salicylic acid will rejuvenate skin without any gritty feel. *Try Murad Acne Body Wash (\$39.50, murad.com).*

Fragrance

Some soaps scented with essential oils—like *Lush Cosmetics' jasmine-y Lust soap (\$8 for 0.25 lb, lushusa.com)*—have so much staying power, you can skip perfume. ("Fragrances are like oils, so water doesn't wash them off," explains Wilson.) That said, if your skin is sensitive, look for easy-to-find fragrance-free bars. The chemical base of soap isn't as smelly as that of body wash—meaning there's no need to cover it up with scents.

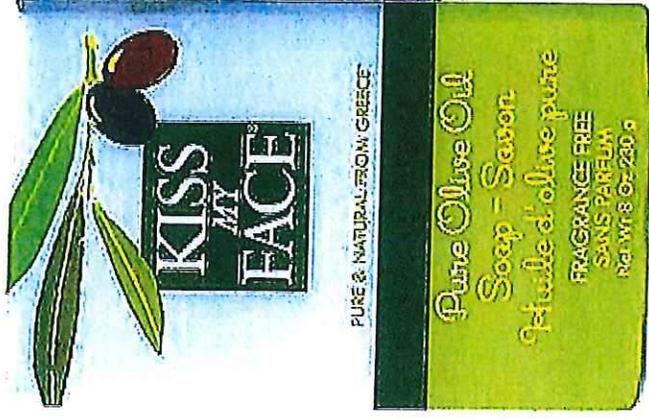
Watch out for "fragrance-free" washes: "It doesn't always mean no fragrance," says Wilson. Even when masking agents are added, the product "can still claim to be fragrance-free because no additional, prominent fragrance was added." When you *do* want scent, body washes offer more luxe options: Because of their neutral pH, they're easier to formulate with fragrance than high-pH bars are.

ONE BAR, TWO PEOPLE?

No worries: Sharing your bar with your shower partner is safe; the ingredients make soap a "hostile environment" for any bacterial growth, says Wilson.

What We're Sweet On: Simple, Pure Olive Oil Soap

JULY 23, 2013



You cook with it, and you clean with it; you even slather your dry heels in it. We already know olive oil is a kitchen and bathroom staple, and luckily Kiss My Face makes it even easier to use with its much-loved **Pure Olive Oil Bar Soap** (\$3). Ultragentle and softening, this no-scent bar works up into a moderate lather on skin. And because it's so pure — no artificial colors or harsh chemicals here — skin is left moisturized and supple, not dry, taut, or greasy. It's as simple as that. Kiss that irritated skin goodbye.

Your Face, Timeless Beauty, Fab Beauty Brands You Gotta Have!

Report By Lela Christine | 0 comments

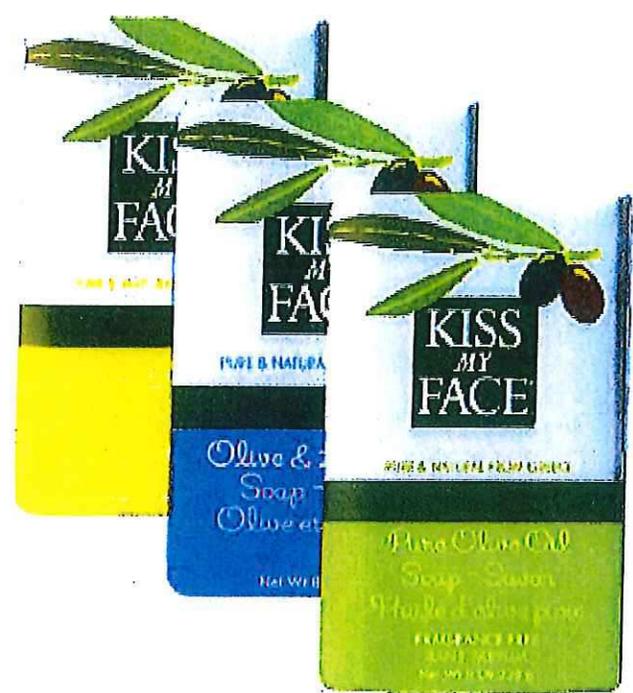
Let's face it (pardon the pun): When it comes to our complexion, most people are in a constant state of over-analysis. There are a plethora of beauty products for your face, your eyes, your lips, your lashes, ad infinitum. Women in particular can never get enough of what hot in the industry and what brand may remove a blemish, blemish or aging dark spot. The key is to connect with the right beauty brands that are right for you.

As a little girl, I learned a lot from my two grandmothers. Both were into skin and body care essentials that each held in guarded secret on their private bathroom counters. As a result, my good skin is indeed a blessing. And what I've gained on how to take care of my skin comes from years of observing what to put on my skin and what to avoid.

One key point to always remember: Less is best. Strive to place natural product brands on your face as much as possible. Listed below are some of my "Fab Five Favorites" I use daily that actually work to keep my face flawless and ageless.

Kiss My Face Pure Olive Oil Soap

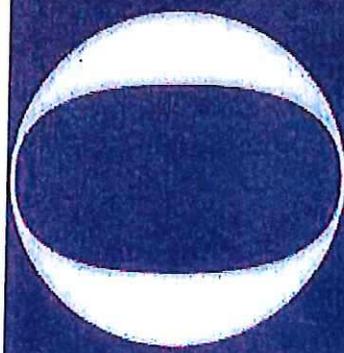
I have used this natural soap brand for more than 16 years. Kiss My Face is made with olive oil and is crafted traditionally into this superbly moisturizing soap that is perfect for all skin types. Cleanse and moisturize naturally with this 86 percent pure olive oil soap. Harvested from sun-drenched orchards, the olive oil in this traditionally crafted soap is superbly



Kiss My Face Soap png.png

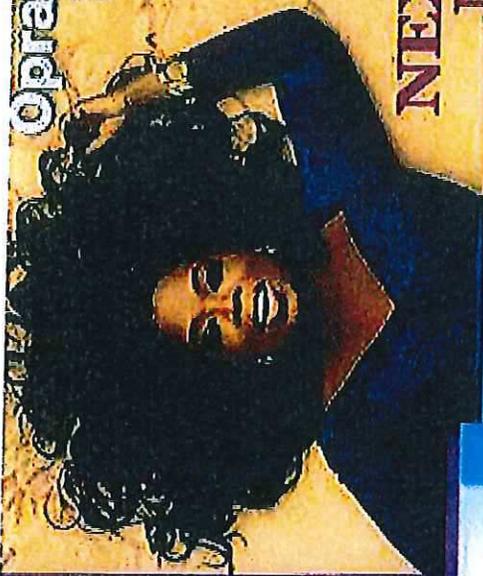


moisturizing and loaded with antioxidants.



THE OPRAH

Oprah's New
Passion
Calling all
Bliss-seekers...



YOUR
NEXT BIG
MOVIE



O, Beautiful!

Kiss My Face Face and Neck
SPF 30 for Face and Neck
(\$14; drugstores) contains
natural peptides and a
blend of antioxidants to
help prevent and soften
fine lines and wrinkles.
Also available in SPF 30.

ON GUARD
May's Melanoma Skin Cancer Detection and Prevention Month—as if you needed a reminder to wear SPF. Try one of these six powerful defenses.

OBAMA MEDICAL Professional-C
This sunscreen is formulated with a broad spectrum of SPF 30+ and contains 10% niacinamide to help reduce the appearance of fine lines and wrinkles.

NOUVEAUM
This sunscreen is formulated with a broad spectrum of SPF 30+ and contains 10% niacinamide to help reduce the appearance of fine lines and wrinkles.

KISS MY FACE
This sunscreen is formulated with a broad spectrum of SPF 30+ and contains 10% niacinamide to help reduce the appearance of fine lines and wrinkles.

OPRAH'S
This sunscreen is formulated with a broad spectrum of SPF 30+ and contains 10% niacinamide to help reduce the appearance of fine lines and wrinkles.

SKIN CARE
This sunscreen is formulated with a broad spectrum of SPF 30+ and contains 10% niacinamide to help reduce the appearance of fine lines and wrinkles.

SPF 30+
This sunscreen is formulated with a broad spectrum of SPF 30+ and contains 10% niacinamide to help reduce the appearance of fine lines and wrinkles.

SPF 30+
This sunscreen is formulated with a broad spectrum of SPF 30+ and contains 10% niacinamide to help reduce the appearance of fine lines and wrinkles.

Which Sunscreen Is Right For You?

Which Sunscreen Is Right For You?

The 10 best sunscreens for every skin type

If you want natural protection

Kiss My Face Sun Screen SPF 30 with Oat Protein Complex uses safflower seed-derived hyaluria to moisturize and titanium dioxide and zinc oxide to reflect the sun's rays (\$12.95; kissmyface.com).



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Slide 4 of 11

We make Nutrition Taste Good.™

One Taste and You'll Love Taking Your Vitamins!



redbook

Fun • Fabulous • Affordable

Body



BEST BODY MOISTURIZER

Vaseline Spray & Go Moisturizer, \$7.99 Spa owner Cindy Barshop, mom to 3-year-old twins, called this creamy spray-on lotion a real game-changer: "I have zero time in the morning, and this took me two seconds to mist on and it absorbed almost instantly."



BEST BODY WASH

Dove Go Fresh Cool Moisture Body Wash with Nutrium Moisture, \$4.49 Thanks to powerhouse skin conditioners, this body wash cut a step out of Ahnert's routine. "It left my skin so soft that I skipped lotion, and I liked the cucumber smell."



BEST SUNSCREEN FOR BODY

Neutrogena Beach Defense Sunscreen Spray, \$9.50 "It goes on clear and dries quickly, plus the aerosol works when you hold it upside down," said dermatologist Doris Day of this oil-free, broad-spectrum sunscreen.



BEST BODY SCRUB

Carol's Daughter Lavender & Vanilla Body Cleansing Scrub, \$28 "This scrub left me feeling baby-soft," said Choi. Elle was grateful for the huge tube, adding, "the scent is so calming."



BEST HAND CREAM

CeraVe Therapeutic Hand Cream, \$10.99 "My clients couldn't stop talking about how soothing this is," said Elle, who loved that it's alcohol- and fragrance-free. For hair colorist Sharon Dorram, whose hands are in rubber gloves all day, "it was a godsend: It kept my skin nourished for hours."



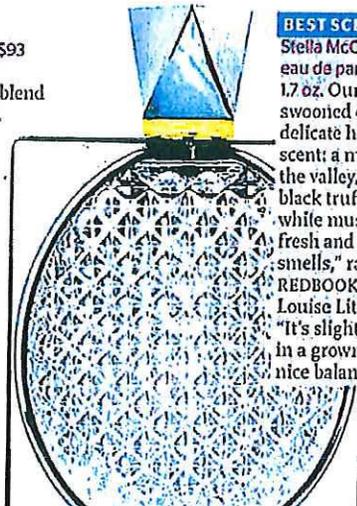
BEST ALL-NATURAL SUNSCREEN

Kiss My Face Natural Mineral Sunscreen SPF 40, \$16.99 "It has great antioxidants," dermatologist Maritza Perez noted. REDBOOK executive editor Meredith Rollins, who slathered it on her kids, liked that "it didn't turn into that weird, milky film once they got wet."

Fragrance

BEST SCENT FOR NIGHT

Desire by Dolce & Gabbana eau de parfum, \$93 for 1.7 oz "It's beautiful, sultry, and my husband loved it," said Thiessen of this blend of mandarin, tuberose, and sandalwood.



BEST SCENT FOR DAY

Stella McCartney L.I.L.Y. eau de parfum, \$80 for 1.7 oz. Our judges swooned over the delicate hint-of-floral scent: a mix of lily of the valley, pink pepper, black truffles, and white musk. "I love how fresh and clean this smells," raved Marmur. REDBOOK reader Judge Louise Litt said, "It's slightly flirty, but in a grown-up way—a nice balance!"



JIN SOON CHOI
Manicurist and owner of Jinsoon Hand & Foot Spas in NYC.

DERMATOLOGISTS:



MACRENE ALEXIADES-ARMENAKAS
Director of Dermatology & Laser Surgery Center in NYC.



DORIS DAY
Clinical associate professor of dermatology at NYU Medical Center.



JEANINE DOWNIE
Director of Image Dermatology in Montclair, NJ.



ELLEN MARMUR
Dermatologist and director of Marmur Medical in NYC.



MARITZA PEREZ
Director of cosmetic dermatology at St. Luke's-Roosevelt Hospital Center in NYC.

MORE JUDGES >

CHOI: COURTESY OF SUBJECT; DOLCE AND GABBANA: JAUQUEL ESTUDIO



EXHIBIT 6

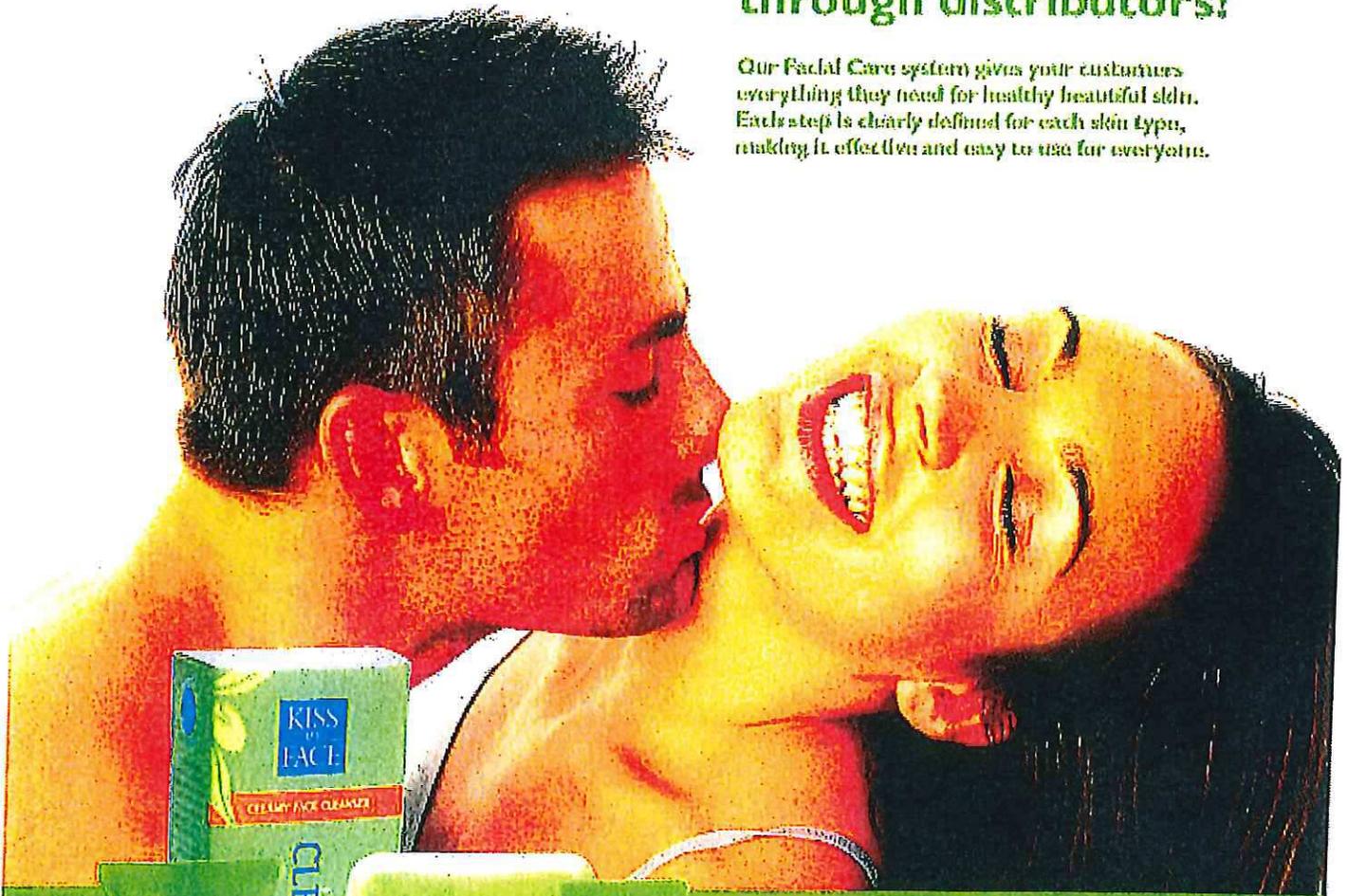
**KISS
MY
FACE[®]**

obsessivelyorganic[®]

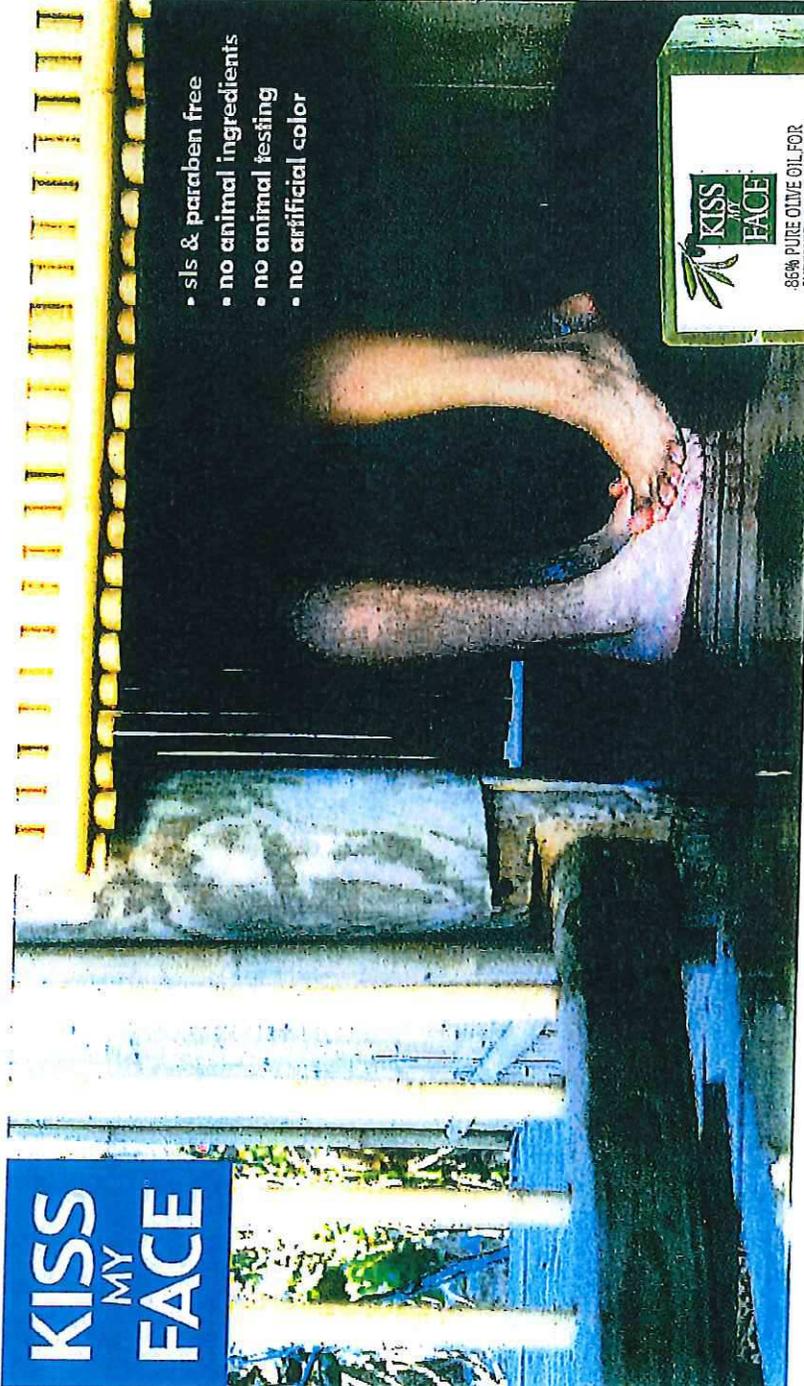
**5 easy steps,
11 great products,
all in 1 effective display!**

**Now available
through distributors!**

Our Facial Care system gives your customers everything they need for healthy beautiful skin. Each step is clearly defined for each skin type, making it effective and easy to use for everyone.



	SKIN TYPE		
	sensitive	normal to oily	normal to dry
STEP 1: CLEANSER	Shea Boy [®]	Burn Up [®]	Clean for a Day [®]
STEP 2: TONE	Balancing Act [®]	Balancing Act [®]	Balancing Act [®]
STEP 3: NOURISH	C the Change [®]	C the Change [®]	C the Change [®]
STEP 4: MOISTURIZE	Cell Mate IS [®]	Cell Mate IS [®]	Under Age [®]
STEP 5: EYES	EyeWitness [®]	EyeWitness [®]	EyeWitness [®]
EXTRA TREATMENT	Break Out [®] (Acne Gel) Pore Shrink [®] (Cleansing Mask) So Refined [®] (Organic Facial)		



**KISS
MY
FACE**

- sls & paraben free
- no animal ingredients
- no animal testing
- no artificial color



86% PURE OLIVE OIL,
100% MOISTURIZING

“WE LOVE TO **KMF** IN THE SHOWER!”

natural effective cruelty-free



Make Her Up

Submit a Review | Contests | Celebrity Makeup | Submit a Product



- Body
- Eyes
- Face
- Fragrance
- Hair
- Lips
- Nails
- Skincare

Give Mom A Kiss This Mother's Day!

By Erin - Wednesday, May 1st, 2013 at 8:08am

1 Like 2 Share



May 12th will be here before you know it and what better gift to give mom than a kiss! Kiss My Face has created gift baskets that bundle all natural skin love to pamper mom this May. In addition to these gift baskets, Kiss My Face invites you to raise the bar and let mom indulge in the new collection of all natural bar soaps. The traditionally drying properties that once supplied a bar soap have been reformulated into lush, hand made, triple rolled offerings that are just perfect for mom.

Check out some great gift ideas from Kiss My Face...



All Olive Collection (\$29)
Nourish mom's skin with the unique benefits of olive oil with this five piece collection of soaps, moisturizers, shaves and balm.

- Pure Olive Oil Bar Soap
- Olive & Aloe Moisturizer
- Green Tea & Bamboo Moisture Shave
- Olive & Aloe Liquid Moisture Soap



Kiss My Face Olive Oil Bar Soaps (\$2.99 for 4 oz. and \$3.99 for 8 oz.)

Olive Oil nourishes skin and fights aging
No foamers, artificial colors, or additives
Suitable for all skin types
Available in Olive, Olive & Aloe, Green Tea, Honey, and Lavender

All Kiss My Face products are available at KissMyFace.com.

JOJOBA & MINT FACIAL SCRUB
EXFOLIANT POUR LE VISAGE JOJOBA ET MENTHE

Exfoliate and cleanse with this gentle Jojoba bead scrub in a creamy, non-oily base of moisturizers. Organic Peppermint, Tea Tree, and Eucalyptus penetrate deep for a radiant, healthy complexion.

Exfoliez et nettoyez avec ce nettoyant doux et granuleux au jojoba dans une base d'hydratants crémeux, non gras/secs. La menthe poivrée organique, le mélaleuca et l'eucalyptus pénètrent profondément et rendent la peau saine et radieuse.

FACIAL CARE SHELF UNIT
PRESENTOIR DE TABLETTE DE SOINS DU VISAGE

Increase your sales six fold with the Obsessively Organic® Facial Care shelf unit. This unit holds the full product line, including testers, while still maximizing shelf space efficiency.

Multipliez vos ventes par six grâce au Présentoir de tablette de Soins du visage Obsessively Organic®. Ce présentoir peut contenir la gamme complète de produits, y compris les échantillons tout en optimisant la capacité de votre espace de rangement.

EXTRA TREATMENT
TRAITEMENT DE RENFORT

SO REFINED™

ALL SKIN TYPES
TOUS LES TYPES DE PEAU



obsessivelyorganic®

Face Care System
Système de soins
du visage

SKIN TYPE / TYPE DE PEAU

	sensitive sensible	normal to oily normale à grasse	normal to dry normale à sèche
STEP 1: CLEANSE ÉTAPE 1: NETTOYER	Shea Soy™	Start Up™	Clean for a Day™
STEP 2: TONE ÉTAPE 2: TONIFIER	Balancing Act™	Balancing Act™	Balancing Act™
STEP 3: NOURISH ÉTAPE 3: NOURIR	C the Change™	C the Change™	C the Change™
STEP 4: MOISTURIZE ÉTAPE 4: HYDRATER	Cell Mate 15™	Cell Mate 15™	Under Age™
STEP 5: EYES ÉTAPE 5: LES YEUX	Eyewitness™	Eyewitness™	Eyewitness™
EXTRA TREATMENT TRAITEMENT DE RENFORT	Break Out™ (Acne Gel / Gel Contre L'Acné) Pore Shrink™ (Cleansing Mask / Masque Désobstruant Intensif) So Refined™ (Organic Facial / Gommage Visage)		

1441100 Street, 200 Box 2201
 Guelph, ON N1E 1S5-0122

1 800 262 KISS

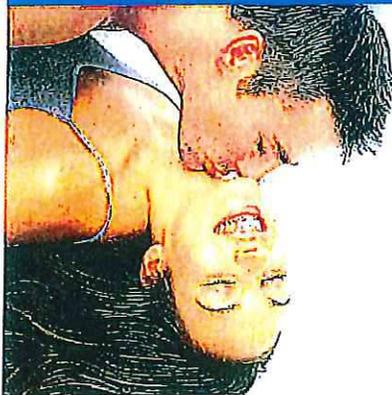
Visit: kissmyface.com

pour voir tous nos produits visités et obtenir plus de renseignements ou contactez le

Visit: kissmyface.com

1 800 262 KISS

for all our unique products and useful information or call



Système de soins du visage

- sans conservateurs
- ingrédients certifiés organiques

Face Care System

- preservative free
- certified organic ingredients

obsessivelyorganic®



Feed your skin the way NATURE Intended...

It is our pleasure to present you with the best ingredients nature has to offer your skin. Organics are the future, and Kiss My Face has innovated green and organic products since the early 1980's. Drawing from our years of experience, we have perfected the art of packaging nature.

Our organic product line was created through the fusion of cutting-edge scientific research and beneficial botanicals, vitamins, oils and minerals. We use only the most potent and pure oils and organic or wildcrafted botanicals in abundant concentrations. Each product is noncomedogenic, free of preservatives, synthetics, chemicals and artificial fragrances.

These are the cleanest products on the market, and we are proud to present them to you.

Why use chemicals on your skin when you can look so good NATURALLY?

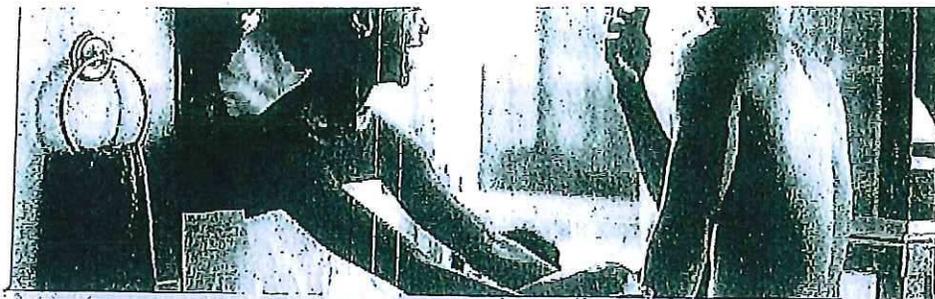
Nourrissez votre épiderme comme l'a prévu la NATURE...

Il nous fait grandement plaisir de vous présenter les meilleurs ingrédients que la nature a à offrir à votre épiderme. L'avenir repose sur les produits organiques et Kiss My Face innove dans le domaine des produits écologiques et organiques depuis le début des années 80. C'est en se basant sur toutes nos années d'expérience que nous sommes parvenus à perfectionner l'art de mettre la nature en bouteille.

Notre gamme de produits organiques a été fondée grâce au fusionnement de recherches scientifiques de pointe et d'extraits de plantes salutaires, de vitamines, d'huiles et de minéraux. Nous ne nous servons que des huiles les plus pures et les plus puissantes ainsi que d'extraits de plantes organiques ou sauvages en haute concentration. Chaque produit est non comédogène, dépourvu d'agent de conservation, de produits synthétiques, chimiques et de fragrances artificielles.

Ce sont les produits les plus sains sur le marché et c'est avec une grande fierté, que nous vous les présentons.

Pourquoi utiliser des produits chimiques sur votre peau si vous pouvez resplendir de beauté NATURELLEMENT?



AFTER WE **KMF** WE LOOK AS GOOD AS WE FEEL!

THE BIG DEAL

Get the smoothest, cleanest shave Mother Nature has to offer! Kiss My Face Moisture Shaves are infused with natural ingredients like fresh botanicals and aloe vera. Just one dab of our formula is enough to keep your skin kissable hours after you finish shaving. And, with scents like Pomegranate Grapefruit and Cool Mint, you'll leave your bathroom feeling like you just finished a session at the spa!



DEAR KMF,

Dear KMF,

I've got a sunburn on my back that is seriously killing my summer, but I don't want to give up my weekends on the beach. How do I protect my skin without shutting myself indoors?

-Heather L.



Shop Now

15% OFF
MOISTURE
SHAVES

Shop Now

Save yourself a season of watching reruns on the couch with a few of our summer products! First off, if that sunburn is still cramping your style, try our Natural Moisturizers. Olive oil, aloe vera, and other natural ingredients will give your skin a sigh of relief as it stays soft and hydrated all day. Next time you go to the shore, a healthy layer of Oat Protein Sunscreen SPF 30 will protect you from another nasty sunburn. Enhanced with hyaluron and beta glucans, it'll stick to your body, whether you're on the sand or in the water. With Kiss My Face sunscreens, the only reminders you'll have of your day at the beach are sand in your shoe and a sunny smile.

Xoxo,
Your Friends at Kiss My Face

TOP FIVE

Dry lips are a hummer, so replace those flakes with something more fun! Try one of our top five best-sellers...

1. Sport Lip Balm SPF 30
2. Cranberry Orange Lip Balm SPF 15
3. Strawberry Lip Balm SPF 15
4. Treat Mint Lip Balm SPF 15
5. Sliced Peach Lip Balm SPF 15



Get out ... and
stay out!

**KISS
MY
FACE®**

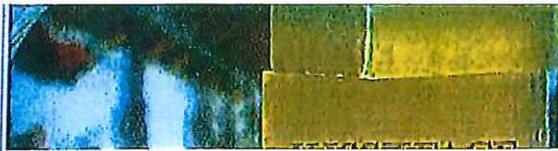
do what comes
naturally

With our
**Wildly Effective
Sun Care Products.**

Sun Care Program 2010

**in the natural channel*
#2 selling brand
24.8% growth!**





Like • Comment • Share

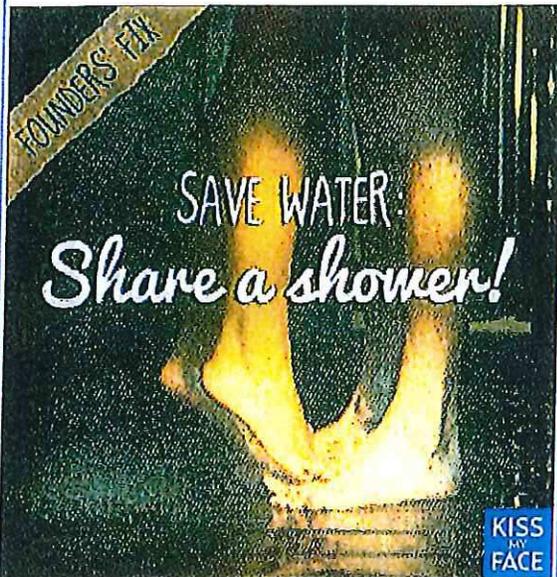
Tricia Sauer, Edges Salon and Spa, VÉGAN Québec and 42 others like this.

Sara Powell I've been using the plain olive oil soap for about 20 years: no dye, no perfumes. Don't ever change it, please.
1 • October 13 at 12:26pm

Tricia Sauer My mom got me hooked on the olive oil soap and facial moisturizer when she lived in Maine. She has moved, and I haven't found it in Baton Rouge, La yet. I'm thrilled to find the website so I can order more--my skin is missing feeling so good!!!
1 • October 19 at 9:02pm



Do what you can to help conserve water! Our advice...



Like • Comment • Share

11

Kiss My Face, Irenë Koomans, Dalibor Zlata Třobradovic and 34 others like this.



Did you get your hair care coupon yet? We're giving you \$5 off any two Kiss My Face hair care products, now with argan oil! Hurry, deal ends October 10th! <http://on.fb.me/1cRIISX>



Kiss My Face
Kiss My Face all-natural body care company is no newcomer to the recent explosion of green product marketers. The brainchild of two long-time vegetarians searching for healthy body care products, Kiss My



Those steamy island getaways wouldn't be the same without one of our favorite flavors: coconut! Take 25% off all our coconut products this week for a mini-tropical vacation.
www.kissmyface.com



Like • Comment • Share

Veronica Anglero Rudy, LaTecla Wood, Marina Ogneva and 13 others like this.



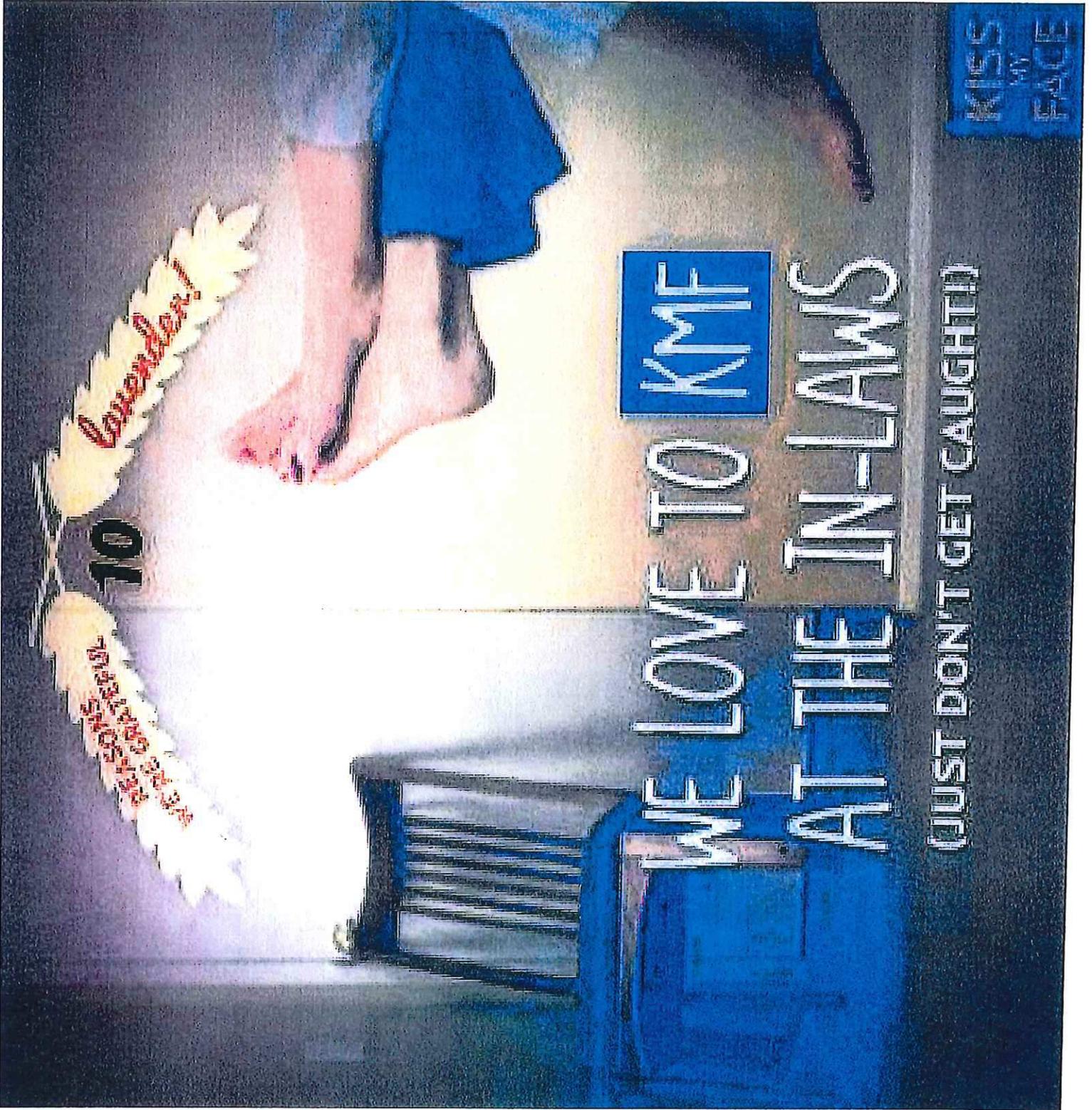
It's Tuesdays with KMF! Let's Play: WHERE IN THE WORLD ARE BOB & STEVE????!!!!!! Our Founders are traveling the Globe...Yes...they do go to Greece for our Olive Oil Soap but not today KISSERS...oh no! Name the Country they are in, where Cav... See More

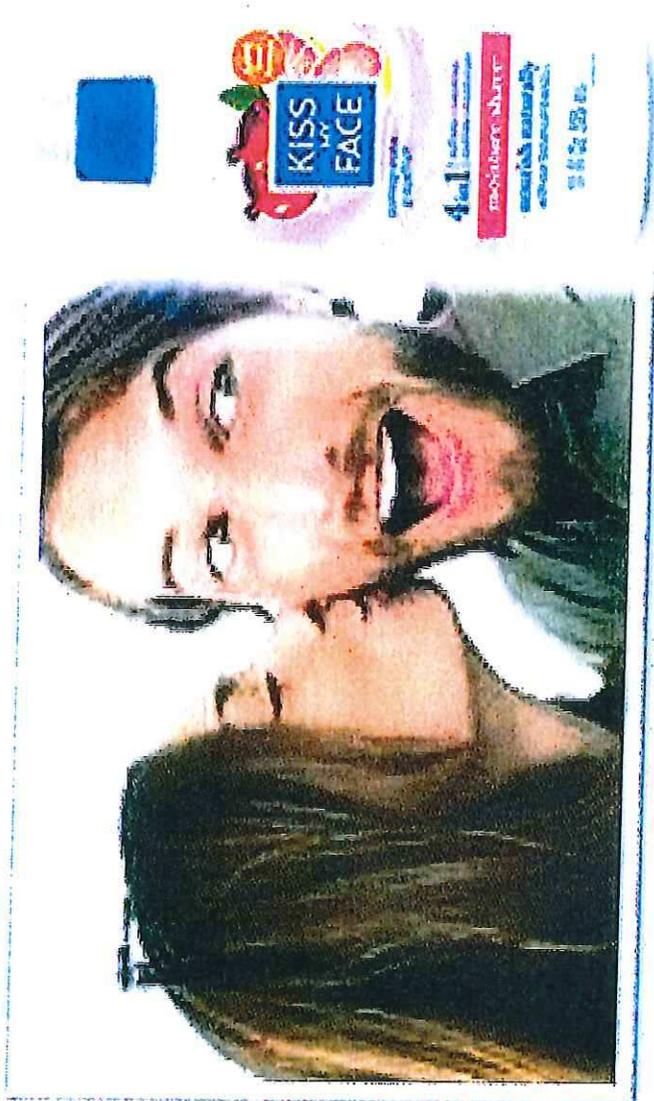


Head out for a hike

KISS MY FACE
SUNSCREEN
50
SPORT
CLEAR SPRAY
WATER RESISTANT (UP TO 80 MIN.)
SPF 50 UVA/UVB PROTECTION
• Blocks 97% of UVA rays
• Blocks 98% of UVB rays
• Broad Spectrum Protection
• Long Lasting & Refreshing
4 FL OZ (118 mL)

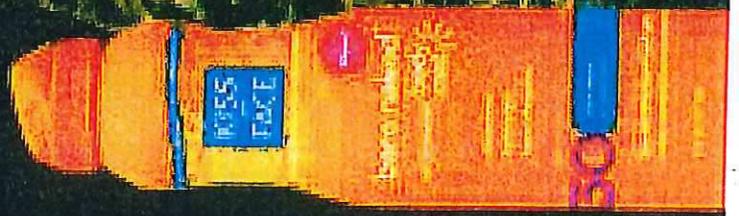
Splash in the surf

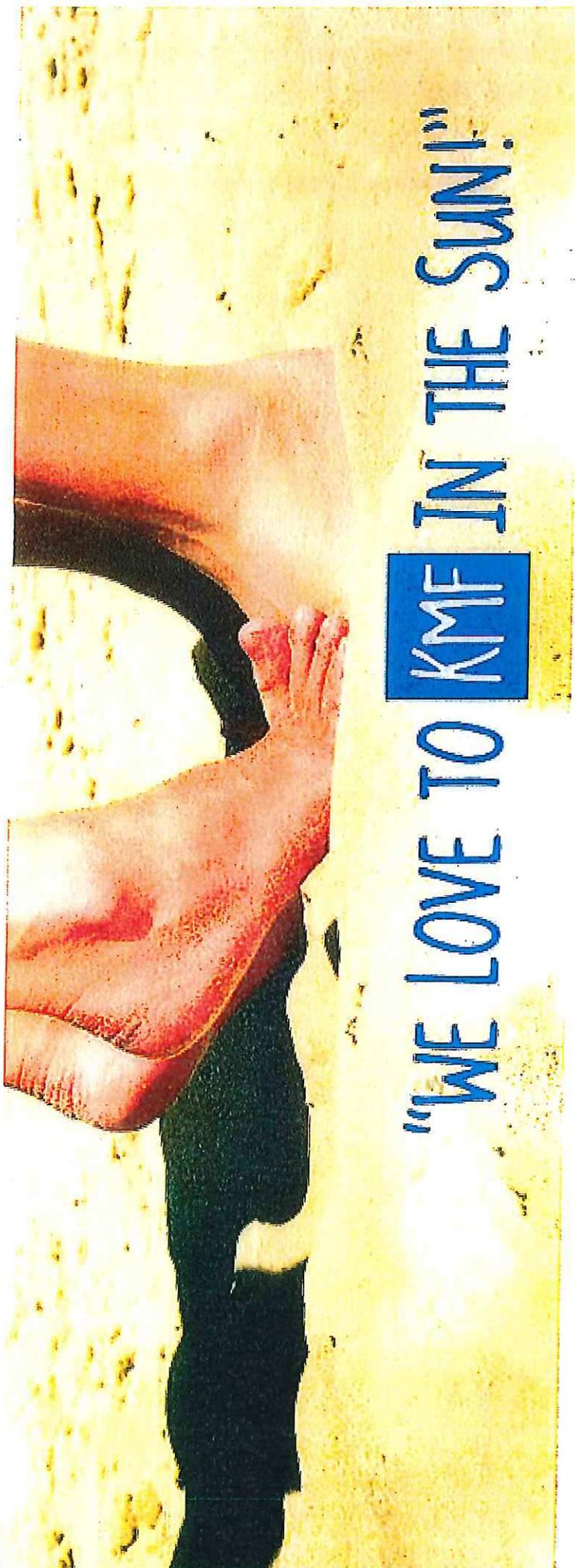




HAPPY NATIONAL NUDE DAY

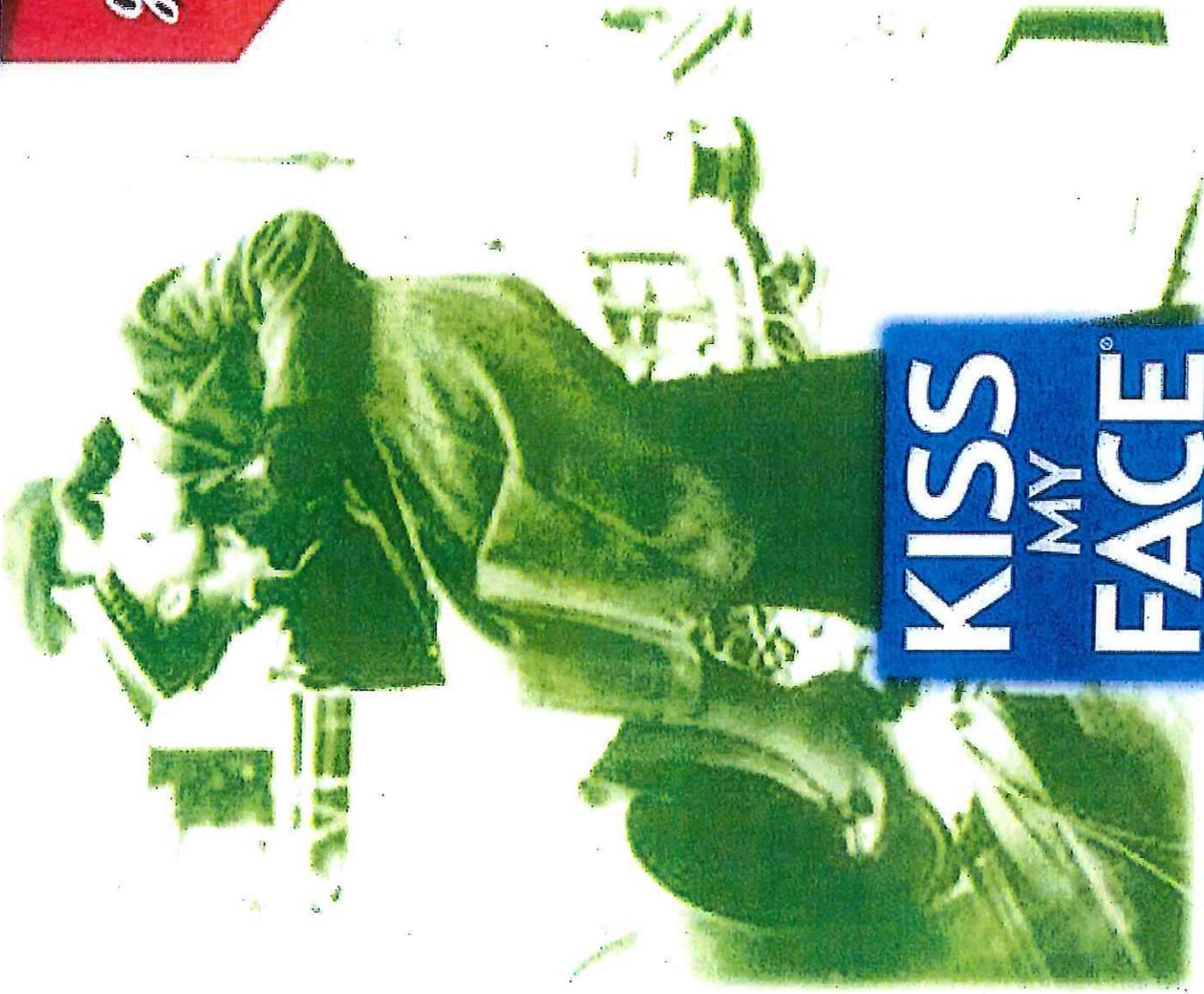
from Kiss My Face!





“WE LOVE TO **KMF** IN THE SUN!”

*goodbye
kisses*



**KISS
MY
FACE[®]**

*goodbye
kisses*

**KISS
MY
FACE**

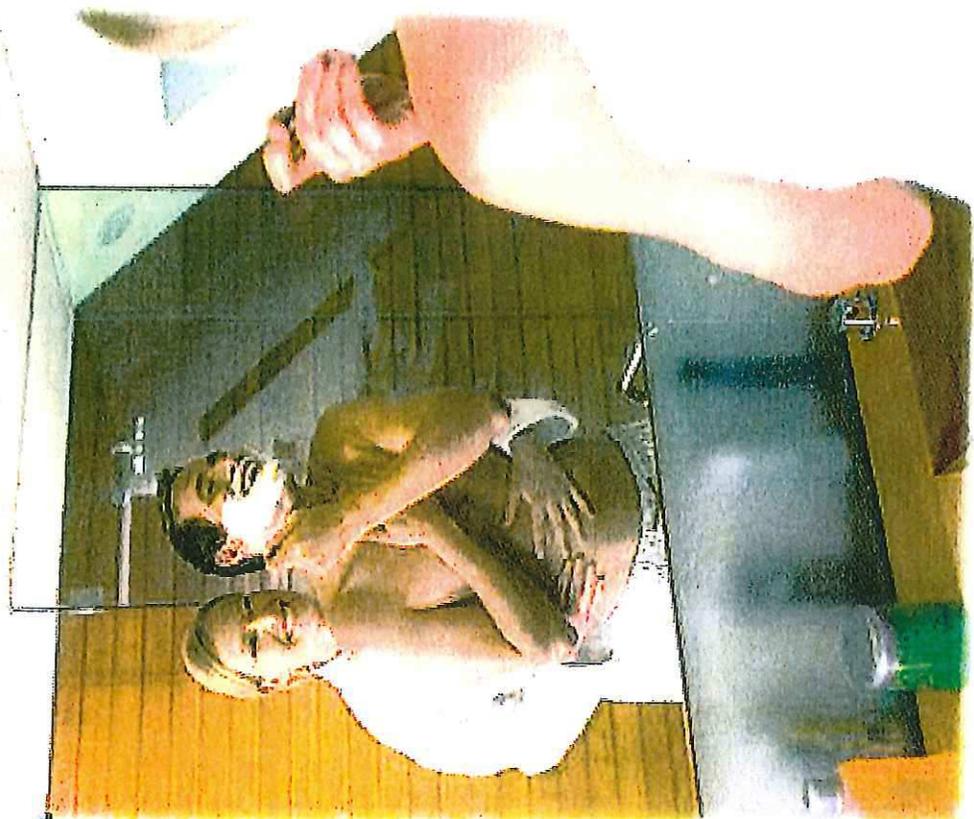
WHAT'S IN



4oz
moisture shave
smooths naturally
with no harsh blades
118 St. 25th St.



4oz
moisture shave
smooths naturally
with no harsh blades
118 St. 25th St.



KISS & Makeup!

Keep It Simple:

a natural solution for cosmetic needs

Get a kiss of natural color with the new Tinted Moisturizers and 3way Color™ for lips, cheek, and eye from Kiss My Face. Natural, condition, and protect your skin and lips with natural ingredients so you can look good on the outside and feel good on the inside!

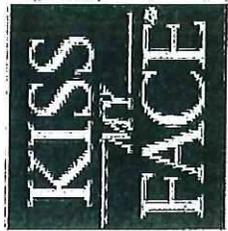
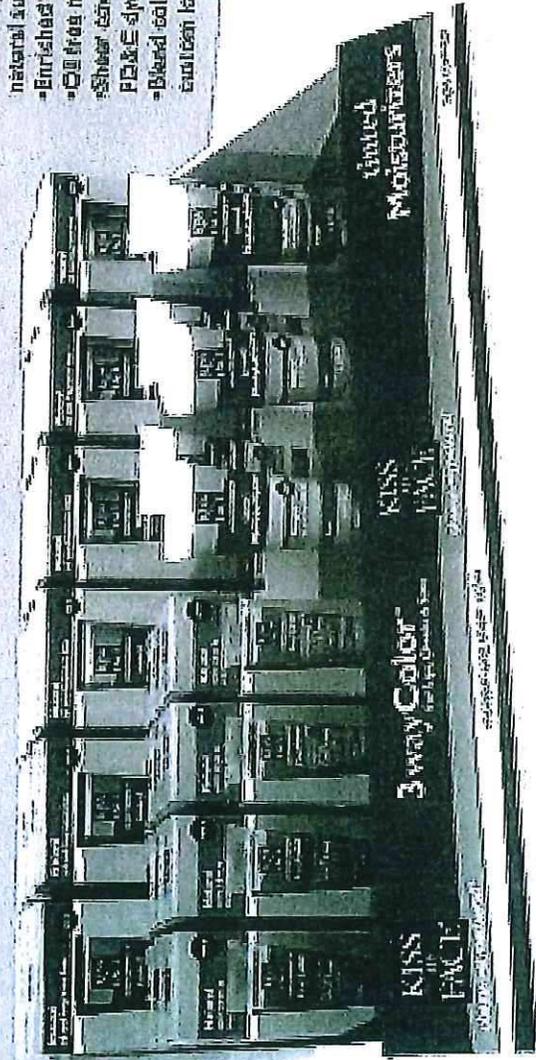
tinted

Moisturizers

- Protects against UVA & UVB rays with natural sun block SPF 8
- Enriched with Ester C
- Oil free moisture
- Sheer coverage without PORE clogs
- Blend colors for a custom look

3wayColor™

- For Lips, Cheeks & Eyes
- Protects against UVA & UVB rays with natural sun block SPF 8
- Moisturizes with creamy Olive & Mango Butter
- Adds richness and depth to any skin tone
- Blend colors for a custom look



obsessivelynatural®

800.552.5477 www.kissmyface.com

EXHIBIT
Applicant
A
LE 11/7/14

PENGAD 800-691-6989

EXHIBIT
 Applicat
 B
 LE 11/17/14
 PENGAD 800-631-6989



800-262-KISS or
www.kissmyface.com



The Kiss Story

KISS MY FACE, an all-natural body care company, is no newcomer to the recent explosion of green products. The brainchild of two longtime vegetarians searching for healthy body care products, KISS MY FACE was founded on a 200 acre organic farm in New York's beautiful Hudson River Valley and has been operating out of a converted barn and feed store ever since. From moisturizers to liquid soaps, shave cremes to facial care, KISS MY FACE has something for you.

KISS MY FACE utilizes the latest scientific research, combining it with the most effective ingredients nature offers, which leaves no room in our bottles for artificial colors, animal testing, animal ingredients, or unnecessary chemical additives. Vitamins, minerals and botanicals are utilized to the max proving that glamour does not have to be sacrificed for healthy, cruelty-free skin care! Everybody wins: your beautiful body, the farmers and the planet.

KISS MY FACE products are the most effective you'll encounter anywhere...just ask anyone who uses them! Want to know more?

Picture This!

Scene 1: It's the dawn of the 1980's. A couple of (very) young vegetarians are blithely living on an organic farm in an ancient house, once used as a hospital during the revolutionary war.

Scene 2: One night, in front of a crackling fire, a "light" goes on and they modestly decide to revolutionize the cosmetic industry. Lofty plans, loads of creativity, plenty of style, an abundance of knowledge, but absolutely no money. The stage is now set for a business disaster.



Scene 3: They load up the aging VW with organic squash from the garden, some big ugly green bars of soap from Greece and head to New York City with grand hopes and a strange name-"KISS MY FACE"-all the way hoping the proverbial door won't be slammed in their idealistic faces.



Scene 4: It isn't! Retailers offer overwhelming support, think the soaps are beautiful, buy the squash and even occasionally buy them lunch. The boys are smiling.

Scene 5: The company launches KISS ORGANICS, the planet's first facial care made with wild crafted & organic ingredients and no artificial ANYTHING!

Scene 6: "The Big Barbecue." Disaster strikes on the windy night of May 11, 1997: the warehouse/distribution center burns to the ground. The entire KISS MY FACE team pulls together, bustin' their ashes to be up and running in no time. Better than ever.

Scene 7: Fast forward to 2001. It's a new Millennium and KISS MY FACE introduces toothpaste, a "wild" new line of organic hair care and, if that isn't enough, Soy Wax candles. The products are available in 19 countries and the company is a respected leader in the natural foods industry.

The VW was traded in; and the boys are A LOT older. To be continued...

The Corporate Mission

Just about anybody with a few simple ingredients can make a bar of soap. Any well-stocked natural foods store can provide the ingredients required to make most of our other products. So who needs KISS MY FACE? Fortunately, a lot of people. Every single day, we've got at least a dozen new products brewing. Most never see the light of day; the most effective and innovative do. Our growing number of followers count on it. We really do try to guide the company in the manner we aspire to run our lives—with honesty, humor and style. Naturally, at the end of the day we'd like a profit, but never at the expense of our products, planet, employees or values. While we take our products seriously, we try to keep it fun. A Retailer once said, "KISS MY FACE puts a smile in the aisle." We're proud of the compliment.

The Product Line

KISS MY FACE products cover you from head to toe, with a few stops in between! Bars of olive oil soap that serve all skin types; liquid pump soaps primed to save your skin; facial care; scrubs; masques; moisturizers for everyone; shaves that offer no dull moments; deodorants; a sun care line that's the best in the solar system. Baths for the blahs; the most natural and extraordinarily effective facial care, and by the time you read this, we'll have a few new creations.



A-10 0514100

EXHIBIT
 Application
 C
 LE 11/17/14



Big Kiss Organic Bar Soaps

"Get Ready for the Biggest KISS Ever"

- ◆ 10 oz. Certified Organic Palm Oil Bar Soaps
- ◆ 85% Organic
- ◆ Preservative Free
- ◆ Naturally Aromatherapeutic®
- ◆ Available in four sensuous scents:
 - * Eucalyptus + Grapefruit
 - * Peppermint, Rosemary + Wintergreen
 - * Lavender + Tangerine
 - * Sweet Orange + Lime



***Big & Beautiful but
 don't drop it on your toes!***

**800-262-KISS or
 www.kissmyface.com**

A-35 121703



Log In form with fields for Email or Phone, Password, and checkboxes for 'Keep me logged in' and 'Forgot your password?'

Main Facebook post area featuring a photo of Bob and Steve, the Kiss My Face logo, and text: 'Kiss My Face is on Facebook. To connect with Kiss My Face, sign up for Facebook today. Sign Up Log In' and '#GetKissed! Free balms (with Sun C Kiss My Face is travé the nation as the Of' with a like count of 72,811.

Highlights

Kiss My Face 14 hours ago
It's Tuesdays with KMF! ok Kissers our KMF Pumpkin (Is'nt he something?! Courtesy Carving by our CEO's daughter!) Has a BOO BOO! awwwww! What ingredient does he need to fix it!?

- Recent Posts by Others on Kiss My Face
Barbara Mayes: I received a wonderful package full of goodies from you tod...
DB Johnson: What a nice surprise! I picked up my mail on Saturday a...
Brian Hollenbacher: - just discovered these products. Really happy with them a...
Jessica Lee: going off the oil of olay SPF 30 and gonna try Kiss My Face...

- Likes
Electra Bicycle Company
Tops Friendly Markets
AKA Mom Magazine

Like · Comment · Share 1

Yael Yerucham, John Drake, Dyan Gaunt Damron and 25 others like this.

 **Danny Weinstein** E-mail sent!
1 · 14 hours ago

KISS MY FACE Kiss My Face
October 27

Looking for ways to reduce your effect on the planet? A bigger package really is better! Try our 32 oz. Shampoo or Conditioner today! <http://bit.ly/17Jec5>



Like · Comment · Share 1

Maria Gvedashvili, Ctris Marvel, Sabrina Jones and 22 others like this. Top Comments

 **Heather Brown Reynolds** Haven't tried your shampoo yet! Good to know you have family size for my family of 7!!!
2 · October 27 at 11:50am via mobile

 **Jessica Shaw** Wish you wouldn't have changed the formula.
1 · October 27 at 10:35am

[View 2 more comments](#)

KISS MY FACE Kiss My Face
October 25

It's FUN FACT FRIDAY at KMF! Did you know??? Halloween is right around the corner? YES!...Eating Candy Is not good for your Smile? YES! ...Did you know KISSERS, that you can STOP plaque-formation and strengthen teeth by adding olive oil to sa... [See More](#)

 **Mohonk Mountain House**
Resort · Spa · Landmark

 **CommonKindness**
Company

KISS MY FACE Kiss My Face
October 28

All of our moisture shaves help keep skin soft, but did you know patchouli is a natural aphrodisiac? Well, I guess that explains why...



Like · Comment · Share 1

Maria Gvedashvili, Becky Keir, Marrietta Naranjo and 25 others like this.

 **Lyn Kells** Love KMF patchouli
1 · October 28 at 4:12pm via mobile

KISS MY FACE Kiss My Face
October 26

Today Is Make a Difference Day! Our partners at **Seeds of Peace** make a difference through their work with teens in areas of conflict.

Learn more about their most recent project, Seas of Peace, where Israeli, Palestinian, and American teens got together to learn how to sail. <http://cnn.it/1cgIRMu>

Like · Comment

[Jaime Samuel](#), [True Colors](#), [Dacia Dale](#) and 4 others like this.

KISS MY FACE Kiss My Face
October 24



Like · Comment · Share

3

Yolonda Tapp, Jaimie Samuel, Kiss My Face and 13 others like this.



Shelly Thacker-vandyne wow sounds wonderful
1 · October 25 at 8:55am



Kiss My Face
October 23

We know all about the importance of getting rest, but sometimes, you just have to do an early morning after a late night. Our Early to Rise Shower Gel will help you feel refreshed and rejuvenated.



Like · Comment · Share

1

Abby Nonnemacher, Yolonda Tapp, Sabrina Jones and 44 others like this. [Top Comments](#)



Hopeful Cely Definitely need to try this!
1 · October 23 at 4:08pm via mobile

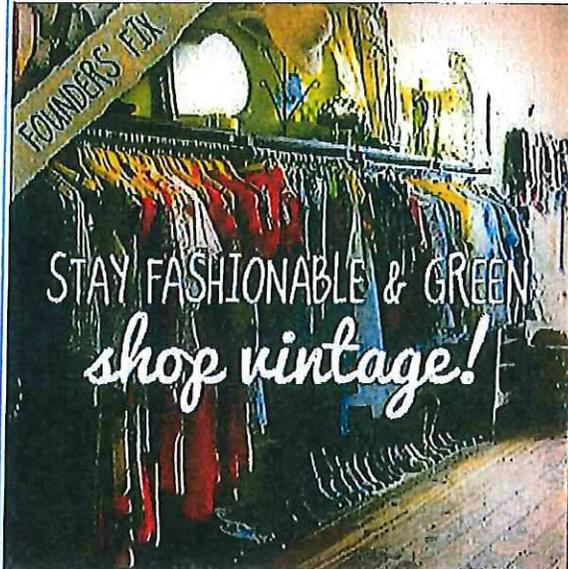


Maddy Steinhart Have to check this out.
October 27 at 10:29am



Kiss My Face

Thousands of pound of clothes end up in landfills every year. Our solution...



Like · Comment · Share

3

Abby Nonnemacher, Yolonda Tapp, Angela Mccray and 47 others like this.



Cathy Goodman Love shopping vintage!
2 · October 24 at 2:19pm via mobile

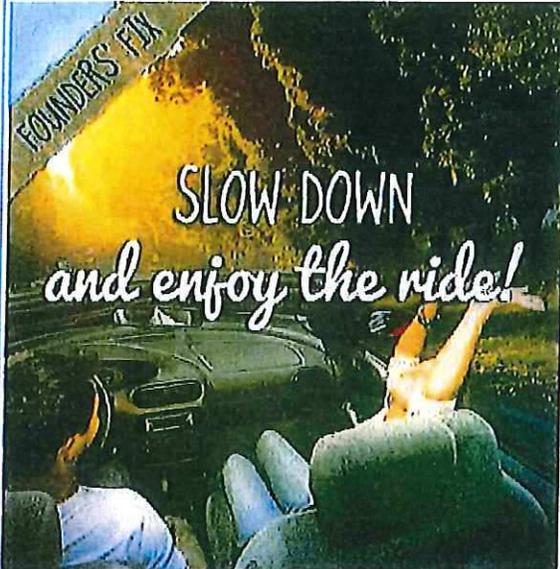


Kiss My Face
October 22

It's Tuesdays with KMF! OK KISSERS! It's one week away, Confections abound, the use of this Paste & not a Sweet sight be found! Kissers 20-40 1st: LIKE this post! 2nd: name the Kiss Paste with all the action, 3rd: the 3 things it does & win some in time for Trick or Treat...wouldn't it be handy after eating all that candy?!!!! email facebook@kissmyface.com, include your address NO Posting here! Muah! XO

KISS MY FACE October 20

Stop rushing! Driving at a slower speed actually helps reduce pollution.



Like · Comment · Share

1

Kiss My Face, Edges Salon and Spa, Marina Ogneva and 28 others like this.

KISS MY FACE Kiss My Face
October 17

Our Peace Soaps are 100% Natural. Try the Lavender Mandarin Castile Soap for a relaxing cleanse! <http://bit.ly/1gNZ17R>



KEEP CALM AND **KMF!**

Like · Comment · Share

Maria Gvedashvili, Sandra Radler Phillips, Lynn Cochran and 20 others like this.

Like · Comment · Share

2

Marwan Chamakh, Judy O'Neill, Melissa K Sparks and 41 others like this.

Ashleigh Mayfield If love to try your product... Do you have any coupons available?
October 22 at 4:38pm via mobile

Melissa K Sparks email sent TY
October 22 at 10:09pm

KISS MY FACE Kiss My Face
October 19

Unplugging your devices helps conserve energy. Unplugging yourself helps you recharge. Post this to your wall for a 24-hour escape!

I'm unplugged!

I MIGHT BE AT THE FARMER'S MARKET
OR EATING DINNER WITH A FRIEND. OR
MAYBE I'M AT THE PARK, WHO KNOWS.

Be back tomorrow!

KISS MY FACE

Like · Comment · Share

1

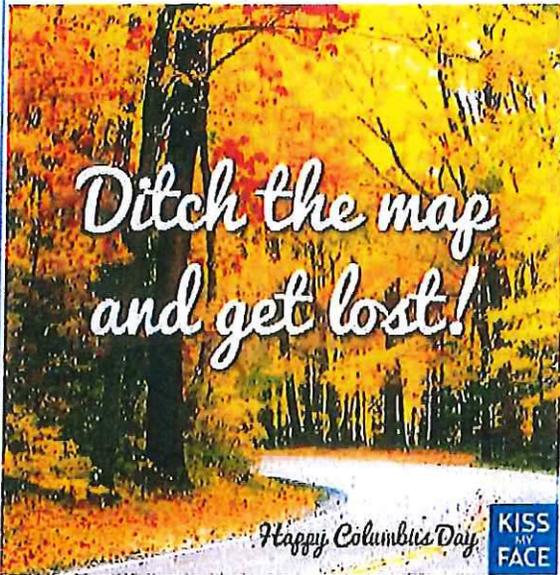
Beth Lambert, Megan Youngblood, Kat Hell and 14 others like this.

KISS MY FACE Kiss My Face
October 15

It's Tuesday with KMF Kissers & It's all about creating partnerships with people in a positive place! KMF loves to Pose and Play in recycled Poly, with Horny Toad, sustainable clothing...Wear More...Wash less...Compliments of Bob & Steve's Farm... See More



When Columbus got lost, he discovered a whole new continent. Share with someone you want to explore with!



Like · Comment · Share 20

Yeronica Anglero Rudy, Toni Hood-Flaten, Julie Plutowski and 48 others like this. **Top Comments**

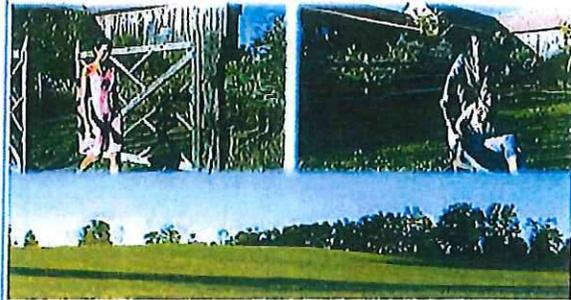
Keely Erin Shaw And then he enslaved and declimated the population already there! Let's celebrate!
4 · October 14 at 9:00am via mobile

Jen Equality Hilliard Columbus was evil.
2 · October 14 at 9:00am via mobile

[View 2 more comments](#)



Back when we were just getting started out, Bob & Steve used to sell squash and these big, green bars of olive oil soap out of their van.



Like · Comment · Share 2

Kiss My Face, Brandi LeAnn Sparks, John Drake and 52 others like this. **Top Comments**

Dana Devlin Sent! You need to post the answers to your weekly trivia contests so we can see what the final answer was, even if we didn't get picked to win!
October 15 at 1:20pm

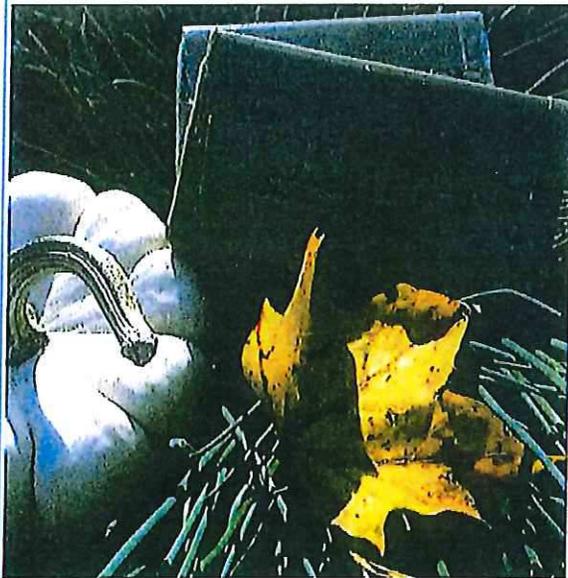
Kiss My Face YOU are Right!!! We will do DI XO
2 · October 15 at 1:25pm

Kris Bell Sent! Thanks for the chance!
1 · October 15 at 2:17pm

[View 9 more comments](#)



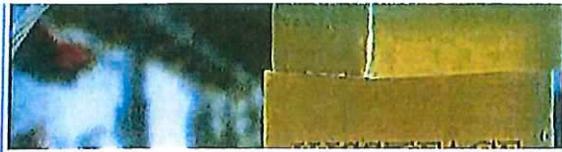
The falling leaves drift by the window
The autumn leaves of red and gold
I see your lips, the summer kisses
The sun-burned hands I used to hold...Autumn Leaves, J. Mercer.
Happy Sunday Kissers! It's the kind of Fall day for a trip down Memory... [See More](#)



Like · Comment · Share

Tricha Sauer, Bincoy Puno-Rombaua, Jen Karvan and 23 others like this.





Like • Comment • Share

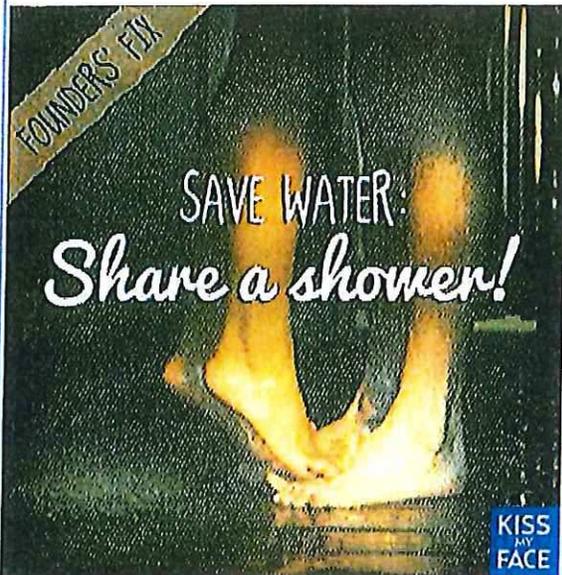
Tricia Sauer, Edges Salon and Spa, VÉGAN Québec and 42 others like this.

Sara Powell I've been using the plain olive oil soap for about 20 years: no dye, no perfumes. Don't ever change it, please.
1 • October 13 at 12:26pm

Tricia Sauer My mom got me hooked on the olive oil soap and facial moisturizer when she lived in Maine. She has moved, and I haven't found it in Baton Rouge, La yet. I'm thrilled to find the website so I can order more--my skin is missing feeling so good!!!
1 • October 19 at 9:02pm

KISS MY FACE Kiss My Face October 9

Do what you can to help conserve water! Our advice...



Like • Comment • Share

11

Kiss My Face, Irene Koomans, Dalibor Zlata Trobradovic and 34 others like this.

KISS MY FACE Kiss My Face October 6

Did you get your hair care coupon yet? We're giving you \$5 off any two Kiss My Face hair care products, now with argan oil! Hurry, deal ends October 10th! <http://on.fb.me/1cRIISX>

KISS MY FACE Kiss My Face
Kiss My Face all-natural body care company is no newcomer to the recent explosion of green product marketers. The brainchild of two long-time vegetarians searching for healthy body care products, Kiss My

KISS MY FACE October 11

Those steamy Island getaways wouldn't be the same without one of our favorite flavors: coconut! Take 25% off all our coconut products this week for a mini-tropical vacation.
www.kissmyface.com



Like • Comment • Share

Veronica Anglero Rudy, LaTecla Wood, Marina Ogneva and 13 others like this.

KISS MY FACE Kiss My Face October 8

It's Tuesdays with KMF! Let's Play: WHERE IN THE WORLD ARE BOB & STEVE????!!!!!! Our Founders are traveling the Globe...Yes...they do go to Greece for our Olive Oil Soap but not today KISSERS...oh no! Name the Country they are in, where Cav... See More

Face was founded on a 200-acre organic farm in New York's beautiful Hudson River Valley. From mo...
Healthy/Beauty: 72,811 like this

Like · Comment · Share

Alessandra Maria LoBiondo, Laura Stavro, Mary Cottage and 7 others like this.



Mary Cottage Should I be able to print a coupon by clicking on the link above? I liked the KMF page and clicked on the link but the page just reloads. No sign of a coupon.
1 · October 7 at 8:43pm

Like · Comment · Share

Joleen Marl, Kiss My Face, Jenny Baldwin and 33 others like this.

Top Comments



Debbie Binder MUAH!
1 · October 8 at 1:05pm



Kiss My Face MUAH Back at ya!!!
1 · October 8 at 1:10pm



Darlene Holley love your products!!!! :)
October 8 at 12:44pm



Kiss My Face We Love you Back!! xo
1 · October 8 at 12:52pm

View 2 more comments

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Choosing Natural | Our Ingredients | Olive Oil | Our Story | Give a Kiss | Store Locator | ⁰ Shopping Basket

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SHOWER GELS

Keep Your Shower All-Natural

Try It!

MOISTURIZERS

For Soft and Smooth Skin!

Get Some!

HAND SOAPS

Moisture Soap for Soft Hands!

Snag Yours!

Do you love kisses? So does our CEO! That's why he's giving you 25% off all Kiss My Face products online with the code CEO25; so you can get all the kisses you need for a little less.

Shop now!

Get Naked with our Bar Soaps

You don't wear anything in the shower, so why should we? Our Naked Bar Soaps are stripped of all artificial ingredients—even the wrapper is biodegradable!

Try one today!



Seeds of Peace

Seeds of Peace is an organization that unites teens from areas of conflict together to discuss politics and leadership. We donate 10% of the profits from our Peace Soaps to their organization.



Learn more!

Free Shipping on orders over \$50.

Here's something to make you smile. Get all the Kiss My Face Goodness shipped free when you order \$50 or more.

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EXHIBIT
F
LE 11/17/14

TOUCH MY FACE

Facial Masque

Developed by Dr. Roby Mitchell, MD (D)

Apply to your face and rub in after washing your face.
Amount should cover about a quarter of your face.
Leave on overnight. Wash off using a mild soap. Skin should
be moisturized with organic coconut oil or extra virgin olive oil. The mask
can be determined by desired results. For wrinkles, use
for rosacea. For even better results pretreat skin with

2 oz. (60gm)

Ingredients: Lecithin, Raw Organic Cocoa, Resoreinol, Bovine Glucosar, Vitamin
E, Ascorbyl Palmitate, Calcium Panthenotate, Xanthan, Glutathione, Hyaluronic
Acid, Rosemary Oil, Resvital, Zinc Oxide, Folic Acid, Melatonin, etc.

